VOLUME 13

Gazetteer & Settlements 1910 – 1932

Feudatory States of Orissa Gazetteer, 1910 · Khondmals Settlement Report, 1921–25 · Dalziel's Revision Settlement Report, 1922–32

13

COMPILED BY

Upendra Luha, OAS

odisharevenuelaws.com

Edition · November 2026

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 431 Odisha

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

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

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

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

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

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

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

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

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

---

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 432 Odisha

CHAPTER II.

Population and material condition.

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

	1901.		1911.		1921.		1931.	
	Total.	Per sq. mile.	Total.	Per sq. mile.	Total.	Per sq. mile.	Total.	Per sq. mile.
1	2	3	4	5	6	7	8	9
Cuttack ...	2,060.313	564	2,109,139	577	2,064,678	565	2,176,707	596
Balasore ...	1,073,642	515	1,055,568	506	980,504	470	990,600	475
Puri	1,017,284	407	1,023,402	410	951,651	381	1,035,154	415

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

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

7. *Increase in cultivation.*—On the other hand the increase in area under cultivation has been observed to be by 5½ per cent in Cuttack, 9 per cent in Balasore and 4½ per cent in puri.

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 433 Odisha

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

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

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

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

Year,	Railway borne, Mds.	Maritime trade. Mds.	Total Mds.
1926-27	1,837,453	146,061	1,983,514
1927-28	2,155,048	148,288	2,303,336
1928-29	2,830,779	142,755	2,982,534

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 434 Government of Odisha

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 435 Odisha

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

14. *Rural indebtedness.*—The indebtedness of the rural population of Orissa came within the scope of the investigations of the Provincial Banking Enquiry Committee presided over by Mr. J. A. Hubback, I.C.S. in 1929-30. On the subject of rates of interest charged by the ordinary village money-lender the Committee reported "In the Orissa coast districts much of the annual borrowing for seed and maintenance is in kind. The general rate is 25 per cent payable soon after the harvest, the loan running for a period of 4 to 8 months only. For seed grain, however, 50 per cent is frequently demanded. On the other hand an occasional rate of 20 per cent is met with. For cash loans the rate of 18¾ per cent for the full year is not infrequent but the general rate is either 25 or 37½ per cent. . . . . The village co-operative societies lend to their members at 15⅝ per cent as a rule though a few have managed to get the rate down to 12½ per cent".

The Committee's investigators observed an average indebtedness per household of Rs. 73 but the figures calculated by members of the Committee themselves gave an average of Rs. 130. From the Committee's figures it would appear that about one-fifth or more of the households are free from debt, while about one-half are lightly in debt from Re. 1 to Rs. 105. 16⅔ per cent were found by the Committee to be heavily in debt over Rs. 211. Comparison with the figures for other parts of the province shows that the burden of indebtedness is, on the whole, considerably lighter in Orissa than in Bihar and slightly lighter than in chota Nagpur.

15. *Landlords' indebtedness.*—As regards indebtedness of landlords, the analysis made by the Provincial Banking Enquiry Committee shows this to be lighter in Orissa than in the other divisions of the province. Fifty per cent of the Orissa landlords are found to be free from debt, as compared with 40 per cent in Chota Nagpur and 34½ per cent in Bihar. Among those indebtded, the proportion of those lightly indebted (from Re. 1 to Rs. 945). is 70 per cent in Orissa, 31 per cent in Chota Nagpur and 28 per cent in Bihar. The average indebtedness in Orissa is calculated to be Rs. 800, in Chota Nagpur Rs. 11,000, and in Bihar Rs 4.000. These figures are not of course, claimed to be scientifically accurate, and it has to be remembered that in general the Oriya landlords are men of much smaller means than those of Chota Nagpur or Bihar. But it is reasonable to conclude that the landlords of Orissa, as a class, are not heavily burdened with debt.

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 436 n, Odisha

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 437 Odisha

CHAPTER 111.

Agriculture, Floods and theCanal system.

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 438 n, Odisha

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

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

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

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

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

24. *Agricultural stock*—The number of draught cattle in the area under settlement, as it appears from figures prepared at *khanapuri* is 687,949 or 1 in 4 cultivated acres. The number of ploughs is 326,936 or 1 in 7½ cultivated acres. The proportion is larger in Cuttack and smaller in Puri. The cattle census of 1930 indeed gave higher figures. For purposes of comparison it may be stated that in Palamau the proportion of ploughs to cultivated acres is 1 to 10, in Ranchi 1 to 8 and in Hazaribagh and Manbhum 1 to 6½. The general impression among the people is that one plough in necessary for every 6 acres.

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 439 Odisha

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 440 Odisha

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 441 n, Odisha

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 442 n, Odisha

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

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

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

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

Name of canal.	Length in miles.	Area irrigated in acres.
Taldanda Canal and its branches ...	52	73,371
Kendrapara Canal	75	100,260
High Level Canal, Range I	33	23,6.2
High Level Canal, Range II	12	1,053
High Level Canal, Range III ...	19	23,822
Jajpur Canal	6	22,057
Dudhai Canal	46	903
Total	243	245,069

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

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

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

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

Triennium	Acres irrigated in average annually.			Remarks.
	Kharif.	*Rabi.*	Total	
1	2	3	4	5
1911-12 to 1913-14	272,140	6,105	278,245	
1914 15 to 1916-17	272,982	6,162	279,144	
1917-18 to 1919 20	275,755	6,448	282,203	
1920-21 to 1922-23	276,182	8,031	284,213	
1923-24 to 1925 26	243,331	3,892	247,224	
1926-27 to 1928-29	241,343	3,726	245,069	

Digitized by Odisha Revenue Laws – Volume 13 · Page 443 n, Odisha

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

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

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

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

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

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

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

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

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

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

(1) Paddy lands, 244, 136 acres.

(2) Jute lands, 55,905 acres.

(3) Sugarcane lands, 339 acres.

(4) Cereals and pulses, 54,843 acres,

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 444 Odisha

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

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

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

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

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

——	Boats.	Estimated value of cargo.			Passengers	Total tollage (receipts)
		up.	down.	——		
		Rs.	Rs.	Rs.		Rs.
1913-14 ...	41,020	60,41,848	79,70,880	1,40,12,728	71,236	73,991
1918-19 ...	40,811	55,43,428	59,70,474	1,15,13,902	68,413	71,392
1926-27 ...	30,926	36,24,332	47,80,575	84,04,907	78,292	89,076
1927-28 ...	31,365	48,98,458	61,13,140	1,10,11,598	33,588	85,031
1928-29 ...	36,051	90,56,932	64.66,881	1,55,23,813	31,518	90,168
Total ...	180,173	2,91,64,998	3,13.01,950	6,04,66,948	278,047	4,09,658
Average of 5 years ...	36,035	58,33,000	62,60,390	1,20,93,390	55,609	81,932

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 445 Odisha

CHAPTER IV.

The Record of Rights.

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

(*a*) the name of each tenant or occupant;

(*b*) the class to which each tenant belongs, that is to say, whether he is a tenure-holder, *bajyaftidar, raiyat,* occupancy *raiyat,* non-occupancy *raiyat,* under-*raiyat or chandnadar:* and if he is a tenure-holder, whether he is a permanent tenure-holder or not and whether his rent is liable to enhancement during the continuance of his tenure;

(*c*) the situation and quantity of the land held by each tenant or occupier;

(*d*) the name of each tenant's landlord;

(*e*) the name of each proprietor in the local area or estate;

(*f*) the rent payable at the time the record-of-rights is being prepared;

(*g*) in permanently-settled estates for which no record-of-rights has been framed before, the mode by which that rent has been fixed whether by contract, by order of a court or otherwise;

(*h*) if the rent is a gradually increasing rent the time at which, and the steps by which it increases;

(*i*) the special conditions and incidents (if any) of the tenancy;

(*j*) any right of way or other easement attaching to the land for which a record-of-rights is being prepared;

(*k*) if the land is claimed to be held rent-free, whether or not rent is actually paid, and if not paid, whether or not the occupant is entitled to hold the land without payment of rent, and, if so entitled, under what authority.*

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 446 Odisha

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 447 n, Odisha

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 448 Odisha

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 449 Odisha

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

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

(*a*) *Chirasthayi jama, raiyats* at fixed rents (in P.S, estates)

(*b*) *Sthitiban,* settled *raiyats.*

(*c*) *Dakhal satwa bisishta,* occupancy *raiyats* who are not settled *raiyats.*

(*d*) *Dakhal satwa sunya,* non-occupancy *raiyats.*

(*e*) *Bajyafti sthitiban* or *bajyafti dakhal satwa bisishta.*"

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 450 Odisha

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 451 n, Odisha

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 452 Odisha

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 453 Odisha

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 454 Odisha

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

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

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

(1) The column for *abadi* area in the *Khewats*, Parts I and III, is used for entry of all areas included in holdings, and does not correspond exactly to the cultivated area.

(2) When a holding had been transferred and the landlord had not recognized the transferee, the name of the original *raiyat* is entered first in the *khatian* and the transferee's name is then entered after the words *kharid sutre dakhal*, meaning that the latter is in possession as a purchaser.

(3) The status of *mafi kharidadar*, which Mr. Maddox describes in paragraph 289 of his report, has again been recorded at this settlement.

(4) The column in *Khewat*, Part III, for extent of interest is only used when the tenure is in respect of a specific share in the estate, and not in respect of specific lands.

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 455 n, Odisha

CHAPTER V.

Preparation of the Record.

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 456 n, Odisha

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

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

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

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

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

* Reduced to Rs. 25 by the High Court.

Digitized by Odisha Revenue Laws – Volume 13 · Page 457 n, Odisha

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 458 Odisha

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

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 459 Odisha

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

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 460 Odisha

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 461 n, Odisha

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

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

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

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

(1) Inspectors' check—2·45 linear miles per square mile.

(2) Assistant Settlement Officers' and *kanungoes*, check—.76 linear miles per square mile.

(3) Independent or final *partal*—.70 linear miles per square mile.

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 462 Odisha

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 463 n, Odisha

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

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

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

[illegible]	Season.	No. of Plots.	No. of disputes.	Percentage of disputes to plots.
1	2	3	4	5
A	1922-23	1,495,057	8,803	0·6
B	1923-24	2,158,426	8,767	0·4
C	1924-25	2,002,011	12,653	0·6
D	1925-26	1,559,952	9,562	0·6
E	1926-27	1,783,710	9,785	0·5
F	1927-28	2,036,554	13,074	0·6
G	1928-29	174,420	1,574	0·9
Cuttack town ...	1927-28	25,326	618	2·4

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 464 n, Odisha

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 465 n, Odisha

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 466 n, Odisha

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 467 Odisha

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 468 Odisha

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

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 469 Odisha

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 470 Odisha

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 471 n, Odisha

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 472 n, Odisha

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 473 Odisha

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 474 n, Odisha

CHAPTER VI.

Rent Settlement.

122. *Rents at Provincial Settlement.*—The history of rents in Orissa up to the Provincial Settlement is set forth in the interesting account of Mr. Maddox in his Chapter XXII, Part I. At that time no rent settlement had been done since the Revenue Settlement of 1837, 60 years before. Mr. Maddox found that the average incidence per acre of rents of settled and occupancy *raiyats* had been at the previous settlement Re, 1-9-0, and that in the pendency of the settlement it had risen to Rs. 2-3-0, an increase amply justified by a rise in the price of rice by about 140 per cent. The result of the Provincial Settlement was to enhance the incidence very slightly to Rs. 2-5-0, per acre. The rents assessed at Provincial Settlement therefore represent a considerably smaller proportion of the value of the produce than those of the 1837 settlement. At Provincial Settlement the price of rice was 18 seers to the rupee so that the average rent incidence, expressed in terms of produce, amounted to 41⅛ seers. Mr. Maddox calculated the average produce of paddy per acre to be 13½ maunds in irrigated lands and 12 maunds in unirrigated lands. Assuming the proportion of rice to paddy to be ⅝, an area of irrigated land produced 337 seers of rice and an area of unirrigated land 300 seers. The rent assessment was therefore rather light.

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 475 Odisha

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

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

——	1921.	1911.	1901.	189[illegible]
1	2	3	4	5
Cuttack	565	577	564	530
Balasore	470	506	515	478
Puri	381	410	407	378

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

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

"It may now be considered what the pitch of those rents really is. The average produce of unirrigated land in Balasore according to Mr. James's report (paragraph 62) was 13¾ maunds of paddy per acre. Some 800 experiments have been made this year in the attestation area, and although they have not been fully tabulated and examined, we were able, from an examination of the registers of a number of camps, to judge that the average of this year, which is about a normal year, is not very far from

Digitized by Odisha Revenue Laws – Volume 13 · Page 476 n, Odisha

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

" The equivalent in rice (⅔ of the paddy) is 344 seers. The average incidence of rent for settled and occupancy *raiyats* in Balasore is about Re. 1-12-0 an acre. On the basis of the average prices of 1887—96 of 17.9 seers per rupee, a *raiyat* would have to sell 33·3 seers of rice to pay his rent. For the decennial period 1903—12 the average price was 12.6 seers per rupee, and the *raiyat* would have to sell 22.1 seers. For the ten years 1913—22 the average is 9.3 seers per rupee and the *raiyat* would have to sell only 16,2 seers. Even if the rents are enhanced by 25 per cent to Rs. 2-3-0 only 20.3 seers will have to be sold or less than two-thirds of the amount required to pay the rent at the time of the Provincial Settlement. Such a rent is scarcely more than one sixteenth of the yield in grain, leaving aside by-products. It cannot be characterized as oppressive."

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 477 n, Odisha

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

"The formula of section 38 of the Orissa Tenancy Act permits an enhancement of $16 \times \frac{3}{8} \frac{O-N}{N}$ annas in the rupee, where O is rate in seers per rupee for the first decennial period and N is the rate for the second decennial period. According to the statement on page 664, Volume II of Maddox's report the average for the period 1888—1897 for Balasore was 18 seers 7 chataks. But Mr. James found reason to doubt this and took insetad the rate of 17 seers 14 chataks (paragraph 38 of his report). I adopt this figure. The figures for the periods 1903 to 1912 and 1913—1922 have now been compiled and are to the nearest chatack, 12 seers 9 chataks and 9 seers 4 chataks, respectively. The enhancement strictly due on a rent which has not been enhanced since the Provincial Settlement would thus be very nearly 10 annas in the rupee, while for the comparatively few rents enhanced at the Revision Settlement an enhancement of 3¾ annas would be admissible. Mr. James enhanced by 2 to 2½ annas in the rupee."

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

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

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

Government orders were communicated at the end of March 1924. As regards rents of ordinary *raiyats* Government considered " that it will ordinarily be sufficient to impose an enhancement of 25 per cent on the rents fixed at the last revenue settlement and of 12½ per cent on those fixed in the revision operations. These enhancements, of course, will be independent of any alterations of area under section 60 of the Orissa Tenancy Act. They will also be liable to modification in the areas subject to injurious inundation".*

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 478 n, Odisha

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

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

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

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

---

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 479 Odisha

ground. The average price in the decennial period of 1901—1910 was 13 seers per rupee. The rise since then rendered admissible an enhancement of the rents settled at Revision Settlement by 4½ annas, After considering all the circumstances affecting the question of rents in Puri Government ordered the same general enhancement of rents in that district as in Balasore. Factors appearing to justify a higher enhancement in Puri were, that the rise in prices had been greater in that district, that crop-cutting experiments had shown a rather better outturn of paddy, that the double-cropped area is proportionately greater and that the average sale price of *raiyati* land was higher. On the other hand, it was pointed out that in Puri district cultivation had well-nigh reached its limit, that the existing rate of rent was slightly higher than in Balasore. and that a much larger proportion of the rice land grows *beali*, which is less valuable than *saradh*.

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 480 n, Odisha

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 481 n, Odisha

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 482 Odisha

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 483 n, Odisha

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 484 Odisha

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 485 n, Odisha

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 486 Odisha

CHAPTER VII.

Revenue Settlement.

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 487 n, Odisha

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

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

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

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 488 n, Odisha

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 489 Odisha

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 490 n, Odisha

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

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

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

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

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

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

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

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

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

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

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

---

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

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

W.W.D.

Digitized by Odisha Revenue Laws – Volume 13 · Page 491 Odisha

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

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

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

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

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

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

Digitized by Odisha Revenue Laws – Volume 13 · Page 492 Odisha

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

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

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

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

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

*Letter no. 11729-R|S 105, dated the 23rd December, 1930.

Digitized by Odisha Revenue Laws – Volume 13 · Page 493 Odisha

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

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

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

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

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

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

*See Page 20.

Digitized by Odisha Revenue Laws – Volume 13 · Page 494 n, Odisha

The revenue of the estate at last settlement was Rs. 30,064. This, however, did not include the amounts of the assignments. If these had been added the revenue payable by the proprietor would have been Rs. 35,842, which is 63.9 per cent of the total assets of the estate at that time. At this settlement a revenue of Rs. 44,284 has been settled, representing 59.3 per cent of the total assets. The amount to be retained by Government, after paying the assignment to the temple, is Rs, 38,506. The advance in revenue is by 30 per cent. The proprietor's income is about 58.2 per cent more than at last settlement.

162. *Procedure of sairat investigations.*—For the purpose of ascertaining the *sairat* incomes of temporarily-settled estates enquiries were made by the Attestation Officers in each village. In the first two blocks these enquiries were made quite summarily without formal notice to the parties. In January 1926 an order was passed by Mr. Tuckey as Director of Land Records and Surveys that regular proceedings should be drawn up for ascrertaining *sairat* income. Such proceedings were actually held in the remaining blocks. But it cannot be said that as a general rule the enquiries were made with any thoroughness. This was partly due to the remissness of the landlords and their agents, who were reluctant to produce evidence, and partly to the tendency of Attestation Officers, who are very often overworked, not to give their best attention to such subsidiary duties. Objections at land revenue settlement to the *sairat* valuation made at attestation were fairly frequent, and it was in many cases found necessary to revise the valuation after proper enquiry. They were given the benefit of any doubt especially when the assessment was much in excess of that of last settlement.

163. *Distribution of assets of sub-proprietary tenures.*—The principles followed at last settlement in the distribution of the assets of sub-proprietary tenures are described in paragraphs 303 and 558 of Mr. Maddox's Report, Volume I. Care was chiefly taken to see that the income which the sub-proprietor was found to be receiving at the time of the settlement was not too severely reduced as a result of the new settlement. "The general rule has been first to give to the tenure-holder the benefit of any increase in the rate of allowances on the estate; secondly, to allow some further reduction in his payment so as to prevent a loss of more than 20 per cent of his income in the first two years and after that 36 per cent." The Provincial Settlement was taken up after an interval of 60 years since the last previous settlement. The incomes of the sub-proprietors had very often increased to a very large extent in the course of those 60 years. Consequently in such cases abnormally high allowances were given to the sub-proprietors to save their incomes from reduction beyond the prescribed limits, At the same time, however, standard percentages were generally laid down for the different classes of sub-proprietors, even when in the actual assessment these were departed from. The normal percentages to be awarded to sub-proprietors of the different classes were as shown below; the actual shares allowed are also shown :—

	Normal per cent.	Actual per cent.		
		Cuttack.	Balasore.	Puri.
1	2	3	4	5
Mahaddam	20 to 25	34	29	26
Padhan	20	43	...	20
Shikmi zamindar, I class	35	39	45	34
Ditto II ,, ...	25 to 30	...	...	...
Purishethis and *shikmi kharida*, I class ...	30	30	32	...
Shikmi kharidars, II class	20	31	30	...
Sarbarakars	10 to 15	28	28	21

Digitized by Odisha Revenue Laws – Volume 13 · Page 495 Odisha

The standard percentage payable to Government was 65 per cent, the remainder being retained by the proprietor (in the case of *shikmi zamindars* there would generally be no remainder).

In this settlement also the principle was adopted that the income of the sub-proprietor should not be unduly reduced, and the same maximum limits were prescribed, viz. 20 per cent for the first two years and 36 per cent thereafter. It was further provided that the assessment should generally result in the sub-proprietor retaining an income greater by at least 15 per cent than that which he obtained at last settlement. At the Provincial Settlement it was placed on record by the Settlement Officer that in future settlements it would not be necessary to give *makaddams* more than 25 per cent or *sarbarakars* more than 20 per cent. But by applying the principles described above it has been found necessary again to grant abnormally large shares to the sub-proprietors. The *makaddams* have received 27 per cent on the average in Puri, and 28 per cent in Balasore, while the *sarbarakars* have received 22 per cent in Puri and 26 per cent in Balasore. The Cuttack figures are not yet available.

164. *Temporarily-settled killajat estates.*—There are a few estates in districts Balasore and Cuttack which although originally part of the Rajwara have since the time of the Marhattas been treated as temporarily-settled estates. An account of these is given by Mr. Maddox in paragraph 610 of his report. Of the 8 estates of this description Dompara was in 1829 restored to permanently-settled status, although liable to be resumed in the event of alienation and two others, namely Kanthajhar and Patna, have been alientated by the orginal *zamindars*. The remaining 5, Balarampur Rugree and Chousathipara in Cuttack district and Ambo and Mangalpur in Balasore district, are still held by the descendants of the original *zamindars*. At Provincial Settlement those landlords protested against being treated as ordinary temporarily-settled proprietors. According to the order of Government then passed the estates were treated as temporarily-settled, but were very leniently assessed to revenue. In this settlement the question of their treatment was again referred to Government, who accepted the proposals of the local officers, and ordered lenient assessment, laying down that in future settlements the rate of assessment should not be more than half that fixed for the ordinary temporarily-settled estates in Orissa, but that these privilged terms should be subject to the condition that the estates shall not be alienated or partitioned and that succession shall be governed by the law of primogeniture. The percentages of the assets actully fixed with the approval of the Government at this settlement were as follows :—

(1)	Managalpur	25 per cent
(2)	Ambo	20 „ „
(3)	Balarampur	15 „ „
(4)	Rugree	15 „ „
(5)	Chousathipara	15 „ „

A notable feature of these estates, especially Balarampur and Rugree, is the large proportion of land held by the proprietors' relatives and retainers rent-free for their maintenance.

165. *Confusion caused by sub-proprietary partitions.*—In attestation of Block F great difficulty was found in preparing *khewats* of partitioned tauzis containing sub-proprietary tenures under them, as in most such cases the relationship between the proprietors and sub-proprietors had become chaotic. In the tauzi partitions effected by the revenue courts it was usual to find that the areas under sub-proprietors had not been divided up by metes and bounds between the estates, but the rent payable by the sub-proprietors had been apportioned and a purely theoretical area allotted to each estate. Theeafter it frequently happened that the sub-proprietors themselves entered into a partition either by amicable arrangement or through the civil court. with or without the landlord's consent. Those partitions generally, although

Digitized by Odisha Revenue Laws – Volume 13 · Page 496 Odisha

not always, involved division of the area by metes and bounds between the sub-proprietors, and those divisions were made without any attention to the previous tauzi parrition, so that in some cases they resulted in a sub-proprietor paying rent to a proprietor whose tauzi according to the revenue court partition had no interest in the village now held by the sub-proprietor. In cases of this sort the ordinary rules of *khewat*-writing were of little avail, and generally it was necessary to elucidate the situation in complicated notes in the margin of the *khewat*. The subdivided rents of the sub-proprietors were not entered in the rent column of the *khewat* but were noted in the remarks column, on the principle that the sub-proprietors are payers of revenue to Government and it is not proper to recognize their right to split up the amounts payable without sanction of Government,

The sub-proprietary partitions of the kind described above caused further difficulty in revenue settlement, where it had to be considered whether the divisions should be recognized and the sub-proprietors permitted to execute separate *kabuliats*. The rule adopted in this matter was that separate *kabuliats* should only be allowed provided that the Revenue Officer is satisfied that the division is a reasonable one, that the different parcels of land are absolutely under different tauzis, and that the Government revenue is not endangered by being split up into too small amounts.

166. *Extent of partition.*—The lengths to which partitions of estates have gone are apparent from the fact that whereas Stirling in 1822 remarked that there were 2,390 estates in the three coastal districts, the number at Provincial Settlement was 6,346 and at the beginning of the present settle ment was 11,293. In Cuttack the number rose between the settlements from 4,449 to 8,347 and in Balasore from 1,412 to 2,397,

The restictions of section 11 of the Partition Act (V of 1899) do not appear to be strictly observed. Tauzi no. 289 of cuttack district was partitioned into 21 estates, 14 of which had revenue less than Rs. 5 and 4 less than Re, 1, the smallest having an area of 19 decimals and a revenue of 5 annas. As the proprietors of these *mahals* were not willing to redeem them they still remain revenue-paying estates. Two hundreb and sixty-seven estates of those formed by partition since the last settlement in Cuttack district have revenue less than Rs. 10.

Besides the inconvenience from the point of view of revenue collection these petty-partitioned estates create difficulties at the time of preparing the record-of-rights owing to the habit of leaving small areas common. There are many instances in which an area of a fraction of an acre is divided among a number of tauzis, some of which possess shares which in terms of area would represent less then one decimal.

167. *Revenue settlement procedure.*—The work of calculating the assets of each tauzi for purposes of revenue settlement was taken up in recess office as soon as the records of the temporarily-settled area of each block were available from the *moina* section. Some preliminary information had already been obtained from the Collectorates regarding partitions, abate-ments of revenue, transferred and amalgamated tauzis and lands in one district pertaining to estates in the revenue roll of another. Mauzawar statements were first prepared showing the assets under detailed heads by referring to the *goswara* and *terij*, and then the figures of each tauzi were collected, village by village, in a "detailed asset register", This register was in the vernacular. Draft assessment statement were then prepared in English showing the total areas and assets of each estate under certain broad heads. The areas and assets of last settlement were shown alongside of those of this settlement, and the assets found existing at this

Digitized by Odisha Revenue Laws – Volume 13 · Page 497 Odisha

rates to the areas so held, as ordered by Government. The draft assessment statements also showed the last settlement revenue and the revenue arrived at by taking 55 per cent of the total settled assets (85 per cent in case of *chaukidari jagir* resumed lands) or the last settlement percentage whichever was greater. They also contained a list of proprietors' names and addresses and of the villages in which the estates lay. When there were sub-proprietary tenures under the estate the distribution of the assets of these between proprietor, sub-proprietor and Government was shown in a separate statement.

After preparation of these draft assessment statements in office, camps were started at the district headquarters for revenue settlement and at the same time for rewriting of the A—D Registers. The work was taken up as far as possible by *parganas*. A proclamation was published in each estate under section 10 of regulation VII of 1822, and simultaneously a notice in a combined form both for revenue settlement and rewriting was served on every proprietor recorded either in the *khewat* or in the existing Collectorate Register D. After the proprietors had been given an opportunity of examining the asset statements and submitting objections to the assessment the Land Revenue Officers made their final proposals for revenue settlement. At this stage they frequently cut out or reduced the valuation of *nijchas* and *nijjote* lands which were shown to be unproductive, and frequently also reduced the *sairat* assessment when it appeared that the Attestation Officer might have over-estimated it. Also they varied the percentage to be taken as revenue, after considering the effect of the new assessment on the proprietor's income, the extent to which the security of the assets was likely to be affected by floods and other causes, the proportion of privileged tenants and of *nijchas* lands, and other relevant points. (Privileged tenants are notoriously bad rent-payers, and a large area of *nijchas* is of course an advantage, especially when lightly valued at the village rate.) The Land Revenue Officer wrote a report on each tauzi describing its main features and giving reasons for the proposed assessment of revenue. Under the rules passed by Government the Assistant Settlement Officers confirmed the revenue when it did not exceed Rs. 50. The assessment reports of other tauzis were put up to the Settlement Officer, who confirmed revenue up to Rs. 1,500, and submitted those above Rs. 1,500, to the Commissioner. The latter had power to confirm up to Rs. 10,000 and those above Rs. 10,000 went to the Board of Revenue. On making the final proposals the Land Revenue Officer called upon the proprietors to sign the *kabuliats*. If *kabuliats* were signed at this stage and subsequently the revenue was altered by the confirming authority the *kabuliats* were amended after notice to the proprietors, who had an opportunity of expressing disagreement if the revenue had been increased. Where all or the majority of the proprietors who appeared, signed the *kabuliats*, the settlement was completed with them, and those who definitely refused were declared recusant. When the majority expressed non-agreement the Settlement Officer could either complete the settlement with those who agreed, and declare the others recusant, or, if he thought fit, revise the revenue or propose its revision to the authority who had confirmed it.

168. *Revenue appeals.*—The revenue settlement work went very smoothly. Proprietors nearly always signed the *kabuliats* on being called upon to do so, or at least on the confirmation of the revenue. The proprietors who were dissatisfied with the order of confirmation could apply for revision to the authority immediately superior to the confirming authority, but no application was allowed for revision of an order passed in revision (rule 23) The appeal from the order of the Board was to the local Government. Such applications for reveision were exceedingly rare, although they became more common in the later stages, when there was financial depression. There were 9 in Balasore, 5 in Puri and 40 in Cuttack, *54 in all. In 9 cases the petitions resulted in some reduction of the revenue.

The *kabuliats* were bound in serial order before being made over to the Collectors.

*The Cuttrack figure is up to the middle of April 1932.

Digitized by Odisha Revenue Laws – Volume 13 · Page 498 n, Odisha

169. *Treatment of estates affected by the Janardan and Routra ghais.*—In two parts of Cuttack district, widespread damage was done to the lands of several estates in 1927 by the breaches in the Brahmini left bank and the Kharsua right bank known as the Janardan *ghai* and the Routra *ghai* respectively. The former affected pargana Olas and the latter parts of parganas Tisania, Kalamatia and Hatimunda. This damage was done after rent settlement, but before revenue settlement. In order to avoid hardship to landlords and tenants alike a resurvey was done to ascertain how badly each holding was affected and the rents of the lands were reduced according to a scale varying with the depth of sand deposit and other relevant considerations. As the present condition of these areas is not likely to be permanent, and action to have the rents revised under section 125 (2) was time-barred, an arrangement was entered into by which the landlords agreed in writing to realize the reduced rents for ten years and the mean between the reduced and the full rents for another five years while the revenue is assessed at proportionately reduced amounts for these periods. At the end of the fifteen years the full rents and revenue come into effect. It is hoped that these areas will have recovered their normal fertility by then.

170. *Assessment of tauzi no.* 119 *of district Puri.*—Tauzi no. 119 of district Puri presented a difficult problem in revenue assessment. The estate contains valuable lands on the sea shore in Puri town, adjoining the Balukhand *khas mahal.* These lands were the subject of a decision of the Settlement Officer under section 125, by which the tenants of these lands were held to be *pattadars.* Hence their rents could not be enhanced by the Settlement Department. The existing rents were absurdly low for this area (an average of Rs. 8 per acre), as the proprietor had adopted the expedient of charging enormous *salamis,* amounting to between two and three thousand rupees per acre, and taking a very low rental. There is, however, a stipulation in the leases that the rents would be liable to be enhanced in proportion to the enhancement of revenue. It was clearly necessary to value these lands at fair rates for the purpose of revenue settlement. For this purpose the rates fixed varied between Rs, 125 and Rs. 60 according to class. These were the rates actually assessed on the lands at rent settlement while the holdings stood recorded as *chandna* before the section 125, case in which the status was altered to *pattadari,* The rates are much lower than those prevalent in the adjoining *khas mahal.* This method of assessment resulted in enhancement of revenue from Rs. 263 to Rs, 4,042. It was considered that the proprietors would require some time to get the tenants' rents enhanced by suit proportionately to the revenue, and so the revenue for the first two years was assessed at only Rs. 736 ignoring the new valuation of these lands for that period. On the proprietors' refusal to sign the *kabuliat* on these terms it was conceded to them that the revenue of Rs. 736 should hold good for another year, to the end of 1931, and thereafter the full revenue would come into effect. The proprietors accepted this and signed the *kabuliat,*

171. *The Duttapur resumption case.*—In village Duttapur, thana Jajpur no. 392, a large area of land reserved for grazing had been encroached upon, and some landlords had themselves assisted this by bringing the land under cultivation and by collusively allowing the trespassers to obtain decrees in the civil court declaring their *raiyati* right. Under section 3 of Regulation 7 of 1822 it was open to Government to refuse to renew the engagement with these landlords and to take the *mahal* into *khas* possession. The matter was referred to Government, who decided that this was a case in which such severe measures were justified, and the Collector was accordingly ordered to start resumption proceedings. Seven estates, bearing tauzi no. 3936 and 6180 to 6185 were affected by this order as the land encroached upon was *samilat* of these estates.

172. *Closing of separate accounts.*—It was decided on the proposal of Mr. Mansfield as Settlement Officer in 1926-27 that no attempt should be made at thise settlement to apportion the total revenue of a tauzi among the co-sharer proprietors. It was also suggested that the existing separate

Digitized by Odisha Revenue Laws – Volume 13 · Page 499 Odisha

accounts were inconsistent with the *mahalwar* record and should therefore be closed. Mr. Hubback, as Commissioner, recommended that all separate accounts should be closed automatically when the estates were taken up for revenue settlement. The Legal Remembrancer also supported the view that as soon as revenue was revised the separate accounts became inconsistent, and without applications from the proprietors it was not legal for Government to apportion the revenue payable by different groups of co-sharer proprietors. Government also on the recommendation of the Settlement Officer sanctioned remission of court and process-fees on applications for reopening separate accounts, provided that they were filed within six months from the date of publication of a general notice inviting such applications". Government, however. did not find it possible to remit the fee of Rs 2 leviable under section 70 of the Land Registration Act on all applications for the opening of a separate account as this is mandatory and such remission would not be legal. The exemption from fees only referred to applications for reopening separate accounts that had been automatically closed.

As regards the publication of a general notice inviting such applications it was pointed out by Mr. Scotland as Settlement Officer that as revenue settlement of all estates was not done at the same time it would be unfair to proprietors to issue a general notice fixing a specific date for filing their applications free of process and court-fees and on his proposal it was decided to make the six months' period of limitation run from the date of service of the special combined notice in Form A (which gave information to the proprietors of the rewriting of the Register A—D and the revision of revenue). This noticc already informed the proprietors of the closing of separate accounts and invited them to reopen them but a paragraph was now added informing them of the exemption from court and process-fees on applications filed within six months.

173. *Reopening of separate accounts:*—Applications for reopening separate accounts were received in the land revenue camps and disposed of. There were 294 such applications in Balasore district and 113 in Puri district. In Cuttack district there have been 414 applications dealt with by this department. After closing of the land revenue camps the applications are received and dealt with in the. Collectorate. The numbers of separate accounts in each district prior to this settlement were 1, 296 in Cuttack, 561 in Balasore and 202 in Puri. Every assistance was given to the co-sharer proprietors in determining the proper shares of revenue. In this respect the new *mauzawar* system of registration was found to be much more convenient and clear.

In the course of the rewriting of A—D register of the permanently-settled estates of North Balasore it was found that the existing separate accounts in most of the estates were inconsistent with the actual facts. The Board of revenue ordered that the Collector of Balasore should take up the work of closing separate accounts that were found to be inconsistent with the interests shown in the new A—D registers.

In respect of applicacions for opening new separate accounts that had not existed before, the ordinary rules were followed in realizing court and process-fess.

Digitized I Odisha Revenue Laws – Volume 13 · Page 500 n, Odisha

CHAPTER VIII

Preparation of the new A—D Registers.

174. *Defects in the old system of mahalwar registration*—In the course of this settlement the whole question of the system of land registration and the recordiong of the part interests of co-sharers in an estate was thoroughly sifted and important changes were introduced. The embarrassment caused by this problem in previous settlements can be gathered from paragraphs 411 and 494 of Mr. Maddox's report and from paragraphs 96 to 99 of Mr. James's report. At the Provincial Settlement the principle followed in *khewat* writing was to prepare for each revenue-paying estate a *khewat* based on the entries in the Collector's Regisrers A and D, and from this *mahalwar khewat* to extract the *mauzawar* or village *khewat*. The Collectorate Registers showed the co-sharers as having certain fractional interests in an estate, but made no attempt to record *pattidari* possession where it existed, or to describe the co-sharers' actual interests in particular villages where those differed fron their interests in the estates as a whole. The Provincial Settlement *khewat* seems to have anchored itself to the presumed correctness of the *mahalwar* shares found in the Collectorate Rogisters. Mr. James in paragraphs 96 to 97 of his report has dealt very clearly with this matter of the specification of shares in the Collectorate Registers, and the confusion which results from an attempt to reconcile these with the actual facts of possession. The *mahalwar* shares are regarded as immutable, whereas in actual fact their value must inevitably change with the lapse of time.

The unfairness of the old system can be illustrated by the case of tanzi no. 236 in the district of Puri; where a proprietor having a separate account based on a *mahalwar* share of 11 pies paid revenue of Rs. 59-5-0 although he only received Rs 53 from his share in the estate. This share was repeatedly sold for arrears of revenue.

175. *Proposals for amendment*—Mr. James's suggestion for future settlements was that the settlement record should be made the authority for extent of interest and that this should be omitted altogether from the Collectors' Registers; further that the village *khewat* should show the revenue assessed on the village as well as that on the whole *mahal*, thus rendering it easy to determine the revenue which each sharer is liable to pay, without the necessity of working out each share in terms of the whole *mahal*.

In this settlement Mr. Mansfield, as Settlement Officer in February 1926, raised the questions whether any attempt should be made at revenue settlement to apportion the liability to revenue among the co-sharer proprietors; and whether the *mahalwar* system of recording shares in the Collectorate Registers should be continued. He pointed out the unfairness as well as the practical difficulties resulting from the registration of *mahalwar* shares which have long ceased to represent the real interests of the co-sharers. The friction which results from this in partition proceedings was particularly stressed. Mr, Mansfield proposed to abolish the recording of the co-sharer's interests as a fraction of the whole estate, and merely to show the interest held by each co-sharer proprietor in each of the *mauzas* separately. In this way a clear account would be given of the interest actually held by each co-sharer in the various lands of the estate, instead of a mere symbolic share in the estate as a whole. It will still be possible to calculate the proportion which each co-sharer's interest bears to the whole of the estate, and this proportion will represent his real share as it existed at the time of preparing the record. In order to effect this change of system Mr. Mansfield recommended the introduction of the combined form of Registers A and D as shown in the Board of Revenue's circular no. 8, dated the 20th June 1915, and proposed that the rewriting of th Collectorate Registers in this new form shoud be done by the Assistant Settlement Officers simultaneously with revenue settlement,

Digitized by Odisha Revenue Laws – Volume 13 · Page 501 n, Odisha

those officers being specially empowered by the Collector under section 84 of the Land Registration Act, and the settlement *khewat* being treated as "authentic information", under section 22 of the Act with the sanction of the Board. It was not proposed to show the revenue as apportioned among the different co-sharers. Mr. Hubback, as Commissioner, supported the Settlement Officer's proposals, which were accepted by the Board of Revenue and given effect to in March 1927 as regards the temporarily-settled estates and later extended to the permanently-settled estates of the three districts by Government order.

The proprietary *khewats* have been written at this settlement *mauzawar* and strictly according to possession, to avoid the reproach levelled against the Provincial Settlement *khewats* that they merely repeated the incorrect theoretical shares found in the Collectorate Registers.

176. *Procedure in rewriting the registers.*—The procedure in rewriting the new Register A—D was as follows:—

The new registers were prepared in draft on the basis of the settlement *khewats*. An examination was at the same time made of the existing Collectorate Registers, and a list prepared of all the discrepancies, particularly of the new entries made in the D Registers after the preparation of the settlement *khewats*. As rewriting work was taken up along with revenue settlement a combined form of notice was devised, calling upon the proprietors to attend for both purposes, and was served in the manner prescribed in section 28 read with section 50 of the Land Registration Act both on those parties who were entered in the settlement *khewats* and on others whose names were found in Register D. The notice set forth that the parties' presence was necessary for explaining the discrepancies between the present D Regitters and the settlement *khewat* and also for making necessary entries in the new D Register, and they were warned of their liability to penalty under section 31 of the Act if they did not attend. The attendance was in general very satisfactory, as the proprietors naturally took an interest in the revenue settlement and rewriting of the A—D Register When the work was hampered by non-attendance of parties, the power to fine under section 31 was used. On the dates fixed the draft registers were read out to the Parties and the discrepancies with the existing D Registers reconciled after enquiry. When objections arose regular hearings were given and orders Passed. After completion of the enquiry and disposal of disputes, if any such corrections as were necessary were made in the draft registers, which was thereafter fair-copied. After preparation the fair copies were checked with the drafts. When these rewriting proceedings had been completed, the existing A—D Registers in the Collectorate Record Room were cancelled. The points in which the new A—D Registers differed from the pre-existing D Register were notified under section 77 of the Land Registration Act.

In the new A—D Register the *mauzas* are arranged in English alphabetical order. As Register C was not rewritten, the *mauzas* number according to this register were not entered, but against each *mauza* was entered the name of the revenue thana and its serial number in the thana. In those areas of Blocks A and B (districts Balasore and Puri) in which the villages had been numbered according to police-stations, the police-station names and numbers were entered and the revenue thana names were also added.

In the temporarily-settled estates the areas were entered in three columns, viz. assessed unassessed and total. The figures for these different colnmns were taken from the revenue assessment reports.

In the column for " Land revenue orginal" the revenue of last settlement was entered, and in the column for "Land revenue subsequently altered" the revenue as finally settled at this sattlement was entered, without any mention of progressive stages of enhancement where such were allowed.

In dealing with lands that are *samilat* of several estates, the details were shown under the tauzi bearing the lowest number, the shares of all the

Digitized by Odisha Revenue Laws – Volume 13 · Page 502 n, Odisha

tauzis being there specified. Under each of the individual tauzis the area entered was a fraction of the total *samilat* area proportionate to that tauzi's share.

177. The number of objections raised and the number of discrepancies between the *khewats* and the existing Collectorate Registers were as follows:—

District.	No. of estates.	No. of discrepancies.	No. of objections	Remarks.
1	2	3	4	5
Cuttack	8,405	29,661	364	Including 21 permanently-settled estates.
Puri	559	2,737	82	Including one permanently-settled estate.
Balasore	2,575	12,959	521	Including 171 permanently-settled estates.
Total ...	11,539	45,357	967	

The proportion of mistakes is larger than at last settlement when it was only 3.2 per estate. The most common mistake found is the retention of a proprietor's name long after his death, which in some cases occurred 30 years ago.

171. The system of notation used to express the proportionate shares was that laid down by the Board in 1892, viz. :—

4 beds = 1 kara.

4 karas = 1 ganda.

20 gandas = 1 biswa.

16 biswas = 1 krant.

20 krants = 1 pie.

12 pies = 1 anna.

16 annas = 1 rupee.

Different systems of notation were found to be in use in some localities and in a few instances had been inadvertently adopted in the *khewats*. But the shares were converted into standard notation in the land revenue section.

179. *Rewriting work in permanently-settled estates.*—The rewriting work of the permanently-settled estates was more difficult, the existing registers being very inaccurate, and the proprietors not showing so much interest as in the temporarily-settled estates. The small estates of North Balasore were the most difficult. The entries were largely out of date, and there were often many co-sharer proprietors, In some cases also the land entered under a tauzi in the old registers was hard to identify. The other permanently-settled estates are for the most part large ones in which the law of prmogeniture prevails, so that the registers are less complicated. For those estates which had never come under any authoritative settlement, the old registers only showed the total area without any mention of the

Digitized by Odisha Revenue Laws – Volume 13 · Page 503 n, Odisha

villages contained in the estates. In the new A—D Register the village names and areas have been entered. The rewriting was also done of those estates, like Madhupur and Darpan, which were excluded from this settlement. the particulars of villages and their areas being taken from the records of the last settlement. In a very few cases where partitions had been confirmed on the basis of the Revisional Settlement records, after the preparation of the record-of-rights at this settlement. the details of village areas were taken from the existing registers.

180. *Working of the new system of registration.*—In order that the workings of the new A—D Register might not be incomprehensible to the Collectorate staff, a clerk was deputed from each record room to work in the rewriting section of the settlement.

Some inquiries have been made into the experience of the Collectorates with the new form of register, and some criticisms have been made.

In Separate Account cases it is clearly an advantage that the real shares of the individual proprietors should be known, and not merely their theoretical shares. It has been objected by a Collectorate officer that in cases under section 11 of Act XI of 1859 or section 70 of Act VII of 1876 the record-keeper cannot easily check the shares stated by the applicants, and that the Collector has no authority to enquire into the question of assets (note 7 at page 32 of the Sale Laws Manual). Under the old system of registration the share could only be checked theoretically. Under the new system it can, if necessary, be checked by actual computation of the assets, with some additional labour. But generally the parties will agree about the shares. The Collector cannot adjudicate about the shares if these are disputed, but such disputes are very rare. The advantage of the *mauzawar* system is that it enables the proprietors themselves to know more clearly their real shares. A further advantage is that when applications are made under section 10 which should have been brought under another section, this can at once be detected.

Difficulty is experienced in applying section 49 of the Cess Act, 1880. which cannot be done without working out the *mahalwar* shares. I understand, however, that the section is rarely used.

The new system of registration admittedly makes for more work in giving effect to mutations. In making the corrections it has to be seen whether the *mauzawar* arrangement is altered, e.g. whether the possession of a group of proprietors which was previously the same in several *mauzas,* becomes different in different *mauzas.* It will facilitate this work if the parties are instructed to state clearly on their mutation application of what the shares under transfer consist.

Mutation fees have in a few cases to be calculated. It will be possible to work them out from the Asset Registers but this should not be necessary if the parties themselves are asked to state the revenue actually paid on the mutated share. This will generally be known.

The work of calculating costs in partition cases becomes a little more complicated, but no serious difficulty has been encountered. In Cuttack there is a standard scale according to area and for this purpose the areas are calculated to the nearest acre or tenth of an acre according as the cost per acre is above Rs. 2 or not. In Puri, on the suggestion of the Director of Land Records, in calculating costs divisions of less than a *karant* are ignored. It has also been suggested that a ready reckoner would be useful

There is some greater arithmetical labour involved in preparing partition *goswaras* and tauzi slips but no special difficulties.

In partition cases *mauzawar* registration should enable the courts to arrive at a fair distribution. Under the *mahalwar* system this was sometimes difficult. In one case a co-sharer was rerorded for a theoretical *mahalwar* share of 7 annas but actually he was in possession of a specific area the value of which represented only 6 annas of the whole estate. He wanted to receive a 7-anna share on partition but the Board of Revenue held that he only held a 6-anna share, Under the new system of registration

Digitized by Odisha Revenue Laws – Volume 13 · Page 504 Odisha

such discrepancies will not arise. It will admittedly involve more trouble in many cases to calculate the *mahalwar* shares for purposes of partition, but under any system it would require more labour to attain greater accuracy. Some difficulty arises in calculating assets for apportioning the revenue. In the settlement asset registeres *nijchas* and *nijjote* are valued at village rate, which is generally very lenient. There will be discontent among the co-shares, if some get a larger share of these lands than others, for it is not always possible to divide them equally. In such cases I understand that the court generally resorts to fixing a higher valuation on these lands, although this is not strictly in accordance with section 3 (*xv*)(*b*) of the Partition Act. *Anabadi* lands are also sometimes valued, as is indeed provided in section 3 (*xv*)(*b*), although this is not done at revenue settlement. These difficulties cannot, of course, be attributed to the new *mauzawar* system of registration, as they are due to the methods of revenue settlement.

There is some demand in the Collectorates for a more convenient record of assets than the detailed asset registrers. It will be possible to prepare more compact registers, if necessary, from these detailed registers. It might also be convenient to show in the C Registers the total assets instead of the rental in the column for that purpose. I think it is to be regretted that the *mauzawar* revenue, or else assets, were not entered in the new A—D Registers, at this settlement, as this would have helped the Collectorate staff.*

Another occasion on which the absence of registered *mahalwar* shares is found inconvenient is when it is desired to allot surplus revenue sale-proceeds to individual co-sharer proprietors. Of course, it is always possible to make these payments jointly and this can generally be arranged through a pleader representative, even when the co-sharers belong to different localities.

Critics of the new form of registration should bear in mind that the extra labour which it will create is neceasary to secure that fair distribution of shares, which was impossible under the *mahalwar* system, which was simple to work only because it was inaccurate. It is hoped that the proprietors themselves will find it easier to know what their real shares are, and I think that, when the proprietors have become accustomed to the new system, they themselves will generally be able to agree as to the extent of their shares and there will be few occasions when the Collectorate staff will have to work them out.

*The objection to this was that it might lead to the wrong impression that the mauza was separately liable for that revenue.

P. T. M.

Digitized by Odisha Revenue Laws – Volume 13 · Page 505 Odisha

CHAPTER IX.

Statistical Account of Cuttack District.

181. *Situation and area* = The district of Cuttack is bounded on the north by Balasore, on the south by the district of Puri, on the east by the Bay of Bangal and on the west by the Tributary States of Athgarh, Dhenkanal and Keonjhar.

There are three subdivisons, Cuttack Sadr, Kendra para and Jajpur, with 10 revenue thanas in the district, and the area is covered by 25 police-stations jurisdictions

As regards village administration, there are 268 *chaukidari* unions. There are 268 *daffadars* and 3,023 *chaukidars*

Of the total number of 5 609 *mauzas* only 5,394 came under the present settlement.

The total area of the Cuttack district is 3, 659 square miles. The areas excluded from settlement cover 597 square miles. Thus an area of 3,062 square miles have come under the present settlement. This area is classified as follows;---

permanently-settled	...	...	974	square miles
Temporarily-settled	...	...	1,783	ditto.
Revenue-free	...	...	244	ditto.
Government Iands	...	...	61	ditto.

The district is for the most part a flat alluvial plain. There is a belt of low jungle on the sea coast in Killas Kanika, Kujang, Bishunpur and Harishpur, while along the western border there is a line of hilly estates:— Sukinda, Kalkala, Madhupur, Darpan, Dalijora, Patia, Dompara and Banki.

182. *Communications*—The following roads are maintained—

	Metalled.	Unmetalled.
1. Provincial roads in charge of the Public works Department	66	...
2. District board roads .., ...	180	365
3. village roads in charge of union boards ...	...	416

Among the provincial roads, the most important is the Orissa Trunk Road which traverses the district from north to south. It bifurcates south of Cuttack town, one branch going to Puri and the other to Ganjam.

The principal district board roads are—(1) Cuttack-Taldanda road, (2) Cuttack-Machgaon road, (3) Cuttack-Chandbali road. and (4) Fulnakhara-Madhab road.

The large rivers such as the Mahanadi and the Brahmini carry traffic during the rains. In other seasons the waters are very shallow except in the tidal reaches.

The Taldanda, the Kendrapara. and the Gobri canals are also available for navigation.

The Calcutta-Madras-Puri line of the Bengal Nagpur Railway traverses the district, and a branch line has recently been opened from Nirgundi, a few miles north of Cuttack, to Talcher. The opening of a light railway from Jagatpur, near Cuttack, to Kendrapara has been contemplated.

183. *Fair-wether road across Kathjori*—The river Kathjori to the south of Cuttack town is an impassable barrier to traffic from the commencement of the monsoon until the middle of the cold weather. Thereafter it

Digitized by Odisha Revenue Laws – Volume 13 · Page 506 n, Odisha

is possible to make a *kutcha* road across the dry sand. and to construct a temporary bridge across the narrow stream of water that still remains, thus opening the Puri road to traffic. The river bed lies within the estate of a private landlord. The municipality used to construct the fair weather road and levy tolls until 1895, when the proprietor also put up a rival road. There was then a breach of the peace and the proprietor was prosecuted and convicted in the criminal court. But on appeal the High Court acquitted him and held that he was acting within his rights as proprietor of the land. The landlords have constructed roads and levied tolls on wheeled traffic ever since. They have not, however, attempted to set any restriction on the passage of pedestrians, which would indeed be impracticable. The public would, therefore, appear to have a general right to cross these river beds on foot But the landlords claim that they retain the right to fence any particular part of the river bed, provided hat they leave a convenient route open to the public for crossing. In this they appear to be justified. as there is no permanent or well-defined track across these river beds and the route taken by the temporary roads varies from year to year,

An informal conference on this subject was called by Mr. N. F. Peck, I. C. S., as Collector in 1928, at which a certain scale of tolls was laid down and it was agreed by the proprietors that public servants travelling on duty should be exempted from any payment.

184, *Population*.—The following table shows the population figures of thanas at the last three censuses:—

District, subdivision and thana.	Area in square mile	Population.			Percentage of variation		Number of persons per square mile		
		1931.	1921.	1911.	1921 to 1931	1911 to 1931.	1931.	1921.	1911.
1	2	3	4	5	6	7	8	9	10
Cuttack district.	3,654	2,176,707	2,064,678	2,109,139	+5.11	—2·11	396	565	577
Sadr subdivision.	1,562	1,087,991	1,043,301	1,068,772	+4.28	—2·38	697	688	684
Cuttack thana.	298	237,148	2,14,872	228,193	+10.37	—5·84	796	721	766
Banki „ ...	193	84,406	70,110	78,604	+20.39	—10·81	426	354	397
Salepur „...	303	266,449	289,245	291,852	—8.54	—0·89	879	955	963
Tirtol „ ...	391	193,491	181,549	183,739	+6.58	—1·19	498	464	470
Jagatsingpur Thana.	372	336,497	287,525	286,384	+6.60	+0·40	824	773	770
Kendrapara subdivision.	977	496,498	478,773	485,918	+3.70	—1·47	508	490	497
Kendrapara Thana.	301	248,069	249,369	250,406	—0.52	—0·41	824	828	832
Patamundai Thana.	302	127,112	120,707	120,352	+5.31	+0·29	422	400	399
Aul „ ...	374	121,317	108,697	115,160	+11.61	—5·61	324	291	308
Jajpur sub division.	1,115	592,218	542,604	554,449	+9.14	—2·14	531	487	497
Jajpur Thana	320	281,789	259,877	270,080	+8.64	—3·96	881	811	844
Dharamsala „	795	310,429	283,227	284,369	+9.60	—0·40	353	856	358

The fall in population betweeen 1911 and 1921 is attributable to the various epidemics of cholera and influenza in 1919 and 1920, as well as to the spread of malaria in that decade. This fall reduced the total population of the district in 1921 almost to the same figure as in 1901. The decade 1921 to 1931 has seen an advance by 5.43 per cent on the whole. This advance has been most marked in those thanas where the drop in the previous decade had been greatest, viz. Cuttack, Banki, Aul and Jajpur. In

Digitized by Odisha Revenue Laws – Volume 13 · Page 507 n, Odisha

Dharamsala, however, there was also a large advance although the drop had been comparatively slight. The incidence of population, however, is comparatively low in Dharamsala. The increase of population in Jajpur and Jagatsingpur is rather striking in view of the large proportion of population to the square mile already existing in those thanas. On the other hand, Salepur thana the enormous population of which was commented upon by Mr. James, has suffered a large decrease in the last decade and indeed has a smaller population now than in 1901. Jajpur thana now has a slightly heavier incidence of population than Salepur, Kendrapara thana, in which there was an advance by 8 per cent between 1901 and 1911, has since then remained almost stationary suffering a slight decrease in both decades

185. *caste*—The castes which have the largest numbers in the 1931 census are as follows, the 1921 figures being given for comparison—

	1931	1921
Khandait	548,664	482,542
Brahman	186,021	191,476
Chasa	153,663	178,688
Gour	145,132	134,192
Pan	116,105	98,986
Kandra	97,356	88,325
Bauri	78,553	70,188
Keut	78,498	48,471

The fluctuations are rather remarkable, particularly, the large increase of Keuts. The Khandaits form a large part of the population of the district.

There are 66,093 Muhammadans and 2,873 Christians.

Some interesting castes are found. The Chatras attribute their origin to the great famine of 1865 when many people were outcasted because they had taken food from the various relief kitchens. Those who did not succeed in gaining readmission to caste formed themselves in to this new caste. The Maharas, found in village Kundal of police-station Barchana are said to be descendants of the Marhattas. Inter-marriage is permitted among them within close degrees of relationship. They speak a mixed *patois* of Maharathi, Hindustani, and Oriya.

186. *Education*—The figures for 1899 are not available but there can be no doubt that literacy has greatly advanced since the last settlement The following table shows the number of of schools and the pupils in the district—

standard.	schools	pupils
High English	8	1,899
Middle English ... ... —	33	3,377
Middle Vernacular	4	499
Upper Primary	148	8,110
Lower Primary	2,837	76,595
Elementary Training	7	117

Cuttack is an important educational centre and contains many schools and colleges. Chief among them is Ravenshaw College, which is affiliatd to Patna University. The standard of literacy, however. among the village population remains low. According to the census of 1931, only 162 945 persons are literate. i, e. 7½ per cent of the entire population. There are 12,867 persons literate in English.

187. *Trade and industries*—The main exports are rice and other agricultural products, hides, and brassware. The main imports are cotton piece-goods, metal articles, spices, tobacco, kerosene oil, sugar and salt. There are no industries which flourish on any large scale. The bell-metal industry, has its chief centre in Bhatimunda, near Kapilas Road Station

Digitized by Odisha Revenue Laws – Volume 13 · Page 508 n, Odisha

in thana Cuttack. Ropes are made from cocoanut fibre or jute and sold. Low-caste people, such as the Pans weave baskets and do cane-work. The area in the neighbourhood of the large town of Cuttack has more opportunities for trade, for instance the sale of bena-grass for thatching of houses in the town. In village Bidyadharpur, a few miles east of Cuttack, there are reported to be 200 families of goldsmiths who earn their livelihood by working in the shops in Cuttack. people in this region, in the villages along the Mahanadi, find it profitable to grow potatoes and other vegetables and hawk them in the town.

In Prathamkhandi village of Jajpur subdivision the weaving of *tassar* silk is carried on by Bengali settlers. An attempt is being made to stimulate this industry in Orissa in general.

Cloth manufacture attains some importance in villages Kisnagar, and Kendupatna of the Sadr subdivision and Haripur and Narsingpur of the Jajpur subdivision. The weaving of cotton cloths in the villages is reported to be reviving.

In Cuttack town the manufactures of silver filigree and horn work still flourish. There are several tanneries The larger Utkal Tannery does not appear to be prospering. A rice-mill, ice factory and match factory have been started since last settlement, But the last-named has recently suspended work. The cuttack Electric Supply Company has come into existence within the last few years, There has been much evidence of increased building activity in recent years, and in village Tulsipur and Biranasi within the Cuttack municipality many brick-kilns are now to be seen. In the same region there is now a large godown at Chahata *ghat*, to which bamboos are floated down the Mahanadi from Angul. to be transported to Calcutta for the manufacture of paper. This concern belongs to the Calcutta firm of Messrs Heilgers & Co, Agents for the Titagarh Paper Mills.

A peculiar profession has quite recently grown up in thana Aul and some parts of Jajpur. In these areas a considerable proportion of the male population work in calcutta. In order to provide a cheap and convenient means of sending articles from Calcutta to their native villages these people employ carriers, locally known as *Hundiwalas*, who go from the villages twice or thrice in each month by steamer from Chandbali to Calcutta, and bring from there the various commodities which the emigrants desire to send home, The *Hundiwala* brings these articles as his personal luggage.

188. *Drinking water*—In some areas, particularly near the coast there is difficulty in obtaining an adequate supply of drinking water in the dry weather. In the fifteen years from 1913 the district board excavated 15 tanks and 57 wells to improve the supply.

189, *soils*—In the plains ordinarily the soil called *dorasa matal* is predominant. Near the hills there are varieties of *gorimati*, a soil containing particles of rock, and *genguti* composed of clay and small particles of laterite stones. In the villages near the sea, the soils are saline in varying degree.

190. *Agriculturat stock*—According to the figures prepared at *khanapuri* the number of draught cattle in the area under survey is 349,388, or one in 3½ cultivated acres, and the number of ploughs 164,686 or one in 7 cultivated acres. The proportion of ploughs is rather higher than in the other districts (one in 8½ in Balosore and one in 9 in Puri) The number of carts is 14,605.

191. *Agriculture*—The area of land under rice is 1,00,531 acres and the proportion of such land to the cultivated area is 91.6 per cent.* This is less than the average of th three districts (93 per cent) but shows a large advance on the district's proportion at Provincial Settlement (85.1 per cent) In Kendrapara thana it is as high as 97 per cent while in other thanas it varies from 90 to 93 per cent.

* The figures are for the area under settlement.

Digitized by Odisha Revenue Laws – Volume 13 · Page 509 Odisha

Beali rice is grown on 149,908 acres of 12½ per cent of the cultivated lands. The proportion is considerably higher than the average of the three districts (8.1 per cent) but shows a slight decrease from the the Provincial Settlement figure (13.1 per cent). *Sarad* is less widely grown in this district than in the others, viz. on 78.3 per cent of the cropped area as compared with an average of 84 per cent. There is, however, a considerable advance on the Provincial Settlement percentage of 70.2. The present area under this crop is 940, 271 acres. The area under *dalua* is now 10,352 acres. The proportion is only half what it was at Provincial Settlement. It is greater than in Balasore but less than in Puri Sadar subdivision.

The decline in cultivation of *mandia* is most pronounced in this district. The proportion has fallen from 30 to 12 acres in every thousand. The area is 14,209 acres.

Cereals and pulses such as *mung*, *biri*, *kulthi* and *harar* cover 207,519 acres or 17 per cent of the cropped area. The proportion is the same as in Provincial Settlement and is higher than in Puri and Balasore (11 per cent and 1 per cent respectively). *Harar* alone accounts for 98,341 acres.

Oilseeds are grown on 15,595 acres. Here also the proportion is higher than in the other districts and shows a considerable advance over that of Provincial Settlement from 9 to 13 acres in every thousand.

The decline in cotton is most marked in this district, as 1,782 acres were found under this crop at Provincial Settlement and only 99 acres now.

Jute, on the other hand, has advanced most strikingly from 6 acres to 40 acres in every 10,000. The present area is 4,940 acres in this district, the total area in the three districts being 5,862 acres.

Sugarcane has advanced slightly but is still insignificant, the area being 1,282 acres, or about 1 in every thousand cultivated acres.

Pan cultivation has extended to 370 acres as compared with 174 acres at Provincial Settlement.

Most of the tobacco-growing area is in this district,—1,321 acres out of a total of 1,460 acres.

The proportion of twice-cropped area shows a slight advance from 14.3 per cent to 15.9 per cent and the area is now 190,352 acres. There has been a much greater advance in Puri Sadr subdivision, while in Balasore the twice-cropped area remains insignificant.

192. *Outturn of paddy.*—In paragraph 51 of Mr. James's report the figures of crop-cutting experiments by the Public Works Department in irrigated and unirrigated areas between 1899 and 1911 are given. The averages were 23 maunds and 18 seers of paddy on irrigated land and 17 maunds 36 seers on unirrigated land. The figures of such experiments from 1917 to 1929, which are given in detail elsewhere in this report, are not widely different. viz. on irrigated lands 23 maunds 33 seers and on unirrigated land 17 maunds. 16 seers. The result of 2,014 experiments done by officers of the settlement was on average of 16 maunds 19 seers per acre.* This is exclusive of the experiments done in the seasons 1928-29, 1929-30 and 1930-31 by Mr. Hubback's method of random sampling, which showed an average yield in the irrigated area of Cuttack Sadr subdivision of 23 maunds 16 seers and in the non-irrigated area of the same subdivision of 23 maunds 3 seers, and in the non-irrigated area of Kendrapara subdivision of 19 maunds 3 seers.† These experiments were done in good years in which rainfall was adequate but there were no serious floods. The high figures of 1930-31 are partly explained by the fact that the experiments were only made in the latter half of the harvesting season, which of course means that they do not give a correct indication of the average yield. The high figure of outturn in the non-irrigated area of Cuttack Sadr subdivision illustrates the fact that in such areas the crop obtained in a year of adequate and well-distributed

* After making allowance for ridges and dryage.
† See table in Appendix.

Digitized by Odisha Revenue Laws – Volume 13 · Page 510 n, Odisha

rainfall may be as goods as in the irrigated area. Many flood-affected areas also attained good crops in the seasons from 1928 to 1930 as a result of the silt deposited in the flood years 1926 and 1927. On the other hand, the unprotected areas are not secure from an occasional disastrous flood or from failure of the crops through drought.

The mean figures of random sampling experiments in the Sadr-subdivision in the years 1928-29, 1929-30 and 1930-31 were 21.03 maunds, 22.47 maunds and 25.10 maunds, respectively. It was noticed that experiments done by random sampling generally gave higher figures than those done by the ordinary chain method even in the same season.

An analysis of the figures obtained by crop-cutting experiments by the ordinary chain method by Attestation Officers appears to me to give a fairly accurate idea of the difference in outturn between the irrigated and unirrigated areas. The following are the figures :—

Irrigated area.		Non-irrigated area.	
Number of experiments.	Average outturn.	Number of experiments.	Average outturn.
	Mds. srs. ch,		Mds. srs. ch.
441	19 21 7	1,020	15 28 11

The difference is about 4 maunds.

The experiments in some of the principal flooded areas of the district produced the following results :—

Season.	Thana.	Number of experiments.	Average outturn. Mds. srs ch.
1925-26	Jajpur ...	62	13 34 15
1926-27	Dharamsala ...	58	12 24 10
1927-28	Kendrapara ...	33	14 17 10

193. *Extension of cultivation.*—In the temporarily-settled area of district Cuttack there is general increase of 5.9 per cent in cultivated area, the percentage of the assessed area to the total area being 75 per cent as compared with 70 per cent at the Provincial Settlement. The following table shows the increase in the different blocks in this settlement :—

Block.	Thanas.	Last settlement.		Present settlement.		Percentage of increase in assessed area,	Percentage of assessed area to total area.	
		Assessed area.	Total area.	Assessed area,	Total area,		Last settlement.	Present settlement.
1	2	3	4	5	6	7	8	9
C ...	Jajpur	Acres.	Acres.	Acrea.	Acrea.			
	Aul (portion).	169,247	215,266	177,370	214,466	+ 4·8	78	83
D ...	Dharamsala salepur.	192,944	284,129	206,696	281,206	+ 7·1	68	74
E ...	Portions of Jagatsingpur.	204,469	267,322	214,267	266,523	+ 4·8	76	80
	Tirtol. Kendrapara.							
F ...	Pattamundai.	253,325	402,553	270,429	393768	+ 6·8	63	69
	Ditto and Cuttack.							
	Total ...	819,985	1,169,970	868,762	1,155,923*	+ 5·9	70	75

*The decrease of about 0·9 per cent. is only apparent, and due to shrinkage of the maps.

P. T. M.

Digitized by Odisha Revenue Laws – Volume 13 · Page 511 Odisha

The increase of cultivation has been largest in Blocks D and F. Considerable areas have been reclaimed in the thanas of Dharamsala and Cuttack, where the temporarily-settled estates contain a part of the jungle country on the western fringe of the district. In the centre of the district, especially in the irrigated parts, culitvation has practically reached its limit.

194. *Embankments.*—An area of 420 square miles is protected from inundation by embankments (apart from the area protected by canal embankments). Since the last Provincial Settlement most of the class IV and of the class III embankments have been abandoned. Originally embankments extending for a length of 510 miles were maintained, but this had been reduced to 382 miles at the last Provincial Settlement. The existing length of embankments in Cuttack is only 212 miles, excluding canal embankments.

195, *Flood problems.*—An elaborate net-work of rivers is spread over Cuttack district, and a large part of the district as affected by floods in a greater or less degree.

The Baitarani river forms the northern boundary of the district. For about 10 miles above the Trunk Road it is not embanked on the Cuttack side and the villages on the bank of the river in pargana Sargara suffer from floods although the damage is not usually severe. Below this the Baitarani is embanked on the Cuttack side. and the Bura-Kharsua is embanked on the left, so that the triangle of land in thana Jajpur lying between those rivers is protected.

Pargana Jodh, lying in the angle between the Burha and Kharsua is rather badly flood-affected, especially in the south-west. There are several *ghais* in this area which scour the villages and doposit sand.

The Brahmini enters the district a few miles above the head of its delta, and flows between Killa Sukinda on the left and Killas Balaram pur and Chousathipara on the right. The right bank is protected by the Pingua embankment, but the left is unprotected. The southern part of Killa Sukinda has suffered much from floods of the Brahmini, which is eroding its left bank and depositing sand.

The head of the Brahmini delta presents one of the most difficult problems in Orissa. The Patia-Kharsua which goes off on the left is very uncertain in its course, and its vagaries have caused a good deal of damage. The Brahmini itself has developed a tendency to break away to the left into the Patia-Kharsua channel, and has made four gaps in its left bank, the greatest of which is known as the Janardan *ghai.* An escape had been constructed here by Government in 1903. It was outflanked in 1926, and repaired, but was again outflanked in the extraordinary flood of 1927, which also caused the other three *ghais*, known as Sahara, Manika and Bisai. These *ghais* have remained open since 1927, and the damage done to pargana Olas by scouring and sand deposit from these *ghais* is very great. It is estimated that about 18,000 acres are flooded from them. A project is under preparation for closing the *ghais* by a strong embankment and making a high level spill just below the Brahmini anicut on the left bank.

The Flood Committee of 1928 attributed the present condition of the head of the Brahmini delta in part to the existence of the two anicuts, in the Brahmini and Patia respectively, and also observed that serious deterioration had taken place in the Brahmini by the deposit of a vast quantity of sand at the head of the delta in the flood of 1920. The dismantling of the Brahmini weir and the remodelling of the Patia weir were advocated.

The situation in this area is aggravated by the fact that the embankments on the Burha-Kharsua left and on the Birupa and Brahmini right converge to a sort of funnel-mouth only about 5 miles wide, through which the discharges of five major streams, the Burha, Kharsua, Brahmini, Genguti and Birupa, have to pass out. Hence the whole of this area is annually flooded, but the effects vary greatly from one part to another. The western portion of pargana Beruan is badly affected, and further south, in the centre of pargana Alti, where the Genguti joins the Kimiria.

Digitized by Odisha Revenue Laws – Volume 13 · Page 512 Odisha

a *ghai* of recent formation has done much harm, depositing a thick layer of sand in Alikana and other villages. The Routra *ghai* in the Kharsua right near Binjharpur has caused damage to a large area in parganas Tisania, Kalamatia and Hatimunda. It is not proposed to close this breach as this will endanger other embankments. The unauthorized closing of it in 1931 caused several breaches elsewhere and the embankment closing the *ghai* was also partially washed away. Most of this region between the Kharsua and Brahmini only suffers damage in exceptionally high floods, and in many parts good *rabi* crops are grown when the paddy crop fails.

To the east of this region lie the Aul Ring Bundh and the Utikari, Gajaria and Damarpur embankments, which were condemned by the Flood Committee as holding up the discharge of the Kharsua and Brahmini to the sea. The Aul Ring Bundh breached in 1920, remained open for the next two years, was repaired in 1923, was breached again in 1926, and has remained so since then. The country inside the embankment is below the level of the surrounding country, and the yearly floods are disastrous to the crops. The year 1924 is the only year in the last 12 in which a good crop has been reaped in this area. This embankment, however, when in repair, has a harmful effect in preventing the speedy discharge of floods to the sea, and its abandonment has been recommended. The same applies with greater force to the Gajaria embankment on the Brahmini right. A project is under consideration for removing these embankments and allowing the Brahmini to find a short outlet to the sea through the Hansua creek or through an alternative channel further to the west.

South of the Birupa and Brahmini lies a protected and irrigated area enclosed between the Pattamundai canal embankment and the Kendrapara canal embankment. Some parts are subject to water-logging by the river Gobri, which flows through the middle. In 1925 the area suffered a little from an excess of rain-water, which could only be drained off through the Jambu river at Gandakia. In 1926 the eastern portion suffered severely by the breaching of the Pattamundai flood bank below Indupur. This breach has been repaired in 1927 and such a calamity is not likely to recur. The area was somewhat compensated for the damage of 1926 by bumper crops in the next season due to enriching of the soil by silt deposit.

Between the Kendrapara and Taldanda canals there is a belt of country traversed by the main stream of the Mahanadi and its branches the Nuna, Chitratola and Paika. This region is only protected piecemeal by various minor embankments. One or two parts of this area were found to have suffered rather severely in recent years. For instance the Mardha *ghai* has done demage in the north of pargana Painda. The breaches in the Chitratola left at Baranaiguan cause damage in high floods, and a good deal of sand has been deposited here. The part of pargana Painda south of the Chitratola has suffered by the Nuapara *ghai*. It is not proposed to close this breach, as its effects are considered beneficial on the whole. Except for such isolated cases, the general condition of affairs in this region was not found to be very bad. The people already realize the advantages of *rabi* cultivation, and the tendency to grow *rabi* crops is being encouraged.

South of this there is another protected and irrigated area between Taldanda and Machgaon canals.

To the south-west of the Machgaon canal there is another strip of country covered with a net-work of streams, which are embanked in a partial and haphazard fashion. The long embankment on the Biluakhai and Devi left protects a considerable area in the eastern portion of parganas Saibiri, Deogaon and Kate. The island between the Kathjori and Surua receives a rush of water from the Kathjuri, which is only partially embanked, and there has been a good deal of sand deposit in the central portion of this island. Pargana Sailo is largely protected by the embankment on the Surua and Devi right, but there have been serious breaches at Korkor and Manko, which have caused considerable damage. The remaining part of this region is somewhat similar to the region between the Kendrapara and Taldanda canals. The rice crop is uncertain and it is a suitable area for the encouragement of *rabi* cultivation. The Flood Committee of 1928 recommended the gradual removal of the embankments in both these parts of the district, leaving only those that protect the noses of islands.

Digitized by Odisha Revenue Laws – Volume 13 · Page 513 Odisha

from the onrush of floods. A further suggestion about the southern tract is that the Alanka river, which has been closed by the Machgaon canal embankment, should be reopened and the old Jatadhar estuary revived, This estuary previously took a considerable volume of the discharge from the Kathjori branch.

The Kathjori immediately to the south of Cuttack town has eroded its right bank and rendered a considerable area in Killa Patia unproductive by depositing sand, There have been occasional breaches in the Kuakhai right in pargana Bakhrabad.

196. *Revenue settlement*:—The total revenue of the temporarily-settled estates as assessed at the last settlement was Rs. 10, 99, 165 representing 53 per cent of the gross assets. The present revision has raised the revenue by 33 per cent to Rs. 14, 61,593 * representing 52.7 per cent of the gross assets. The advance in revenue is slightly less than the rate of increase in assets which is 34. 9 per cent.

In some estates, owing to abnormal increase of assets, the revenue demand at this settlement had risen in so high a proportion that to avoid hardship temporary concessions were allowed and the revenue was advanced in short steps spread over periods not exceeding four years. In other estates owing to temporary deterioration of soil by floods, concessions were granted for period of fifteen years. The ultimate revenue demand therefore, does not come into full effect until 1944. The difference of revenue in the intervening period will not exceed Rs. 5,000,

The total revenue demand includes a sum of Rs. 24, 412 payable to the *chaukindari* fund, as compared with Rs. 20, 859 at last settlement.

The incidence of revenue per acre of assessed land is now Rs. 1-10-11, as compared with Re. 1-5-4 at last settlement. Calculated on total area the incidence is now Re. 1-4-2 as compared with Re. 0-15-0 at last settlement.

The total *malikana* allowed to the proprietors at last settlement was Rs. 8, 97, 758. The proprietor's income had increased in the course of the settlement to Rs. 10, 77, 380, The *malikana* now allowed to them is Rs. 12, 02, 176. Their income thus advanced by 20 per cent during the term of the last settlement. This settlement brought an increase of 12 per cent over the existing income and the final result is an advance by 34 per cent over the income of last settlement,

Partitions since last settlement have led to an increse in the number of private estates from 4, 452 to 8, 374.

197. *Sub-proprietary tenures*:—There are 1, 124 sub-proprietary tenures in Cuttack district. Of these 613 are *makaddams*, 265 are *sarbarakars*, 7 are *pursethi kharidars*, 23 are *koth kharida*, 202 are *shikmi zamindars*, 5 are *padhans and* 9 are *tanki*.

Their assets advanced from Rs. 2, 37, 790 to Rs. 2, 66 242 during the currency of the settlement, and to Rs. 3, 15, 936 as a result of this settlement. The settleed assets exceed the per-existing assets by 18. 7 per cent and those of last settlement by 32.9 per cent.

The distribution of the assets at last settlement and at this are shown below:—

	Lastsettlement.		Present settlement.	
	Percentage.	Amount.	Percentage.	Amount
		Rs,		Rs,
Sub-proprietor	32	75,977	31.1	98,109
Proprietor	16.8	40,061	16.4	51,855
Government	51.2	1,21,652	52.5	1,65,972

*This and the succeeding figures are not absolutly exact as this is written before final confirmation of a few tauzis

Digitized by Odisha Revenue Laws – Volume 13 · Page 514 Odisha

The Government revenue advances by 36.4 per cent. The income allowed to the sub-proprietors is 29.1 per cent more than at last settlement, but it is 6 per cent less that that which they possessed immediately before this settlement, The share now allowed to the proprietors has advanced by 29.4 per cent over that allowed at last settlement.

198. *Sairat.*—The total *sairat* assessment on the temporarily-settled estates at last settlement was Rs. 16, 600 and at this settlement Rs. 26.708. The details are as follows:—

	Rs.
Fishery	10,349
Fruit,etc.	8,517
Markets	3,526
Jungle and miscellaneous	4,316
Total ...	26,708

The largest increase is in income from fishery and fruits, In the miscellaneous income is included such items as fees for mooring boats, income from quarries, ferries and jungle produce.

199. *Nijjote and nijchas.*—There are 68,789 acres of *nijjote.* Of these 52,529 acres are recorded in cultivating possession of the proprietors or sub-proprietors* while 12,951 acres are held by tenants on cash rents and 3,309 acres by tenants on produce rents. The *nijchas* area is 34,738, making a total of approximately 87,000 acres nominally in cultivating possession of landlords,

200 *Produce-rented lands*—There are 18,642 acres held on produce-rents directly under the proprietors and sub-proprietors, including the 3,309 acres of *nijjote* mentioned above. There are also 6,788 acres held by *raiyats* under tenure-holders and 6,350 acres held by under-*raiyats* on produce-rents. In all there are 64,006 holdings covering an area of 28,471 acres on produce-rents, the average size of such holdings being 0.44 acres. The area represents 2.5 per cent of the temporarily-settled area. Of the area held by under-*raiyats,* 40 per cent is held on produce-rents.

201. *Rent-free area*—The total area held rent-free, apart from *minha* lands is 17,409 acres, of which 4,898 acres are in ordinary tenures, 5,435 acres in holdings of occupancy *raiyats.* 2,982 acres held as ordinary *jagir* and 4,094 acres as *desheta jagir.*

202. *Cash-rented tenants and rent settlement statistics*—The areas under the different main classes of tenants on cash rents, and the effect of rent settlement, are shown in the following table—

Class of Tenancy.	Number of holdings	Area under present settlement.	Rents.		Percentage of increase over existing rent.	Rental incidence per acre.	
			Existing.	Settled.		Existing.	Settled.
1	2	3	4	5	6	7	8
		Acres.	Rs.	Rs.		Rs. a. p.	Rs. a. p.
Kharida *jamabandi*	34,501	23,077	44,734	61,418	37	1 9 6	2 3 0
Bajyafti tenures and tenancies.	173,114	108,224	1,20,735	1,94,769	61	1 1 10	1 12 10
Settled and occupancy.	854,420	581,501	16,11,347	19,85,718	23	2 12 4	3 6 7
Sthitiban *babat nijjote.*	29,976	12,951	...	45,533	...	...	3 8 3
Non occupancy ..	2,688	2,226	4,036	4,944	21	1 13 5	2 3 6
Chandna ..	22,369	3,552	18,212	22,706	25	5 2 0	6 6 3
Chaukidari resumed *jagir.*	18,643	9,251	23,165	28,683	24	2 8 1	3 1 7
Ordinary tenures ...	5,337	8,117	13,974	18,890	35	1 11 7	2 5 1

* As is explained elsewhere a good deal of this area is actually cultivated by *raiyats* on produce-rents.

Digitized by Odisha Revenue Laws – Volume 13 · Page 515 n, Odisha

Out of 3,975 villages in all, 2,794 received the normal enhancement of 4 annas, 205 received a larger enhancement, 530 received 3 annas, 251,2 annas and 52 one anna. In 54 there was no enhancement and in 89 the rate of enhancement was varied in different portions.

203. *Reserved and communal lands.*—At Provincial Settlement there were 55,300 acres, recorded as reserved, 48,800 acres being for grazing and 6,500 for cremation grounds and other purposes. At Revision Settlement 89,382 acres were recorded as reserved or communal. The figures at this settlement are :—

———	Reserved	Communal.	total.
1	2	3	4
	Acres.	Acres,	Acres.
In temporarily-settled area	63,600	11,526	75,133
In permanently-settled area	4,342	3,458	7,718
Total	67,942	14,984	82,926

The figure of Revision Settlement is swelled by some areas of land recorded as communal which are not strictly of that nature, as also by a large area so recorded in Madhupur and Darpan, which were not included in this settlement.

204. *Revenue-free estates.*—The total area in the district under revenue-free estates (excluding Patia) is 133,703 acres. Of this area no less than 76,232 acres, or 57 per cent are recorded as *nijchas* and *nijdakhal* of the landlords. Of this area, 41,333 acres are under cash-rented holdings and 8,650 acres under produce-rented holdings. The area under produce-rents is greater than in Balasore but much less than in Puri.

The total rental of 41,333 acres under cash-rented holdings was Rs. 1,26,155 at the commencement of this settlement. The average incidence was thus Rs. 3-0-10, which is a little higher than the average in the temporarily-settld estate, Rs. 2-14-0

As a result of cases under section 128, affecting 6,812 tenancies rents amounting to Rs. 18,563 were enhanced to Rs. 22,607, an advance of 22 per cent.

205. *Khas mahals.*—There were nine estates held *khas* by the Government at the advent of the settlement. These are as follows :—

1. Tauzi no. 2844.—This is Banki Government estate which was not included in the settlement.
2. Tauzi no. 2616.—Cuttack town *khas mahal.*
3. Tauzi no. 1458.—Cuttack Cantonment *khas mahal.*
4. Tauzi no. 1970.—Cuttack Cantonment *khas mahal.*
5. Tauzi no. 4018.—Jambu, Hukitola and Light House.
6. Tauzi no. 7113.—This tauzi includes the roadside lands of the Ganjam Trunk Road. The lands were recently identified and put under the tauzi at the instance of the Collector. The Collector is in the position of a trustee, and the revenue is credited to the Public Works Department.
7. Tauzi no. 5842 and 8. Tauzi no. 5844.—These two estates were held by proprietors at the last settlement, but were sold for arrears of revenue and there being no bid, Government purchased the estates under section 58 of the Sale Law in 1912 and 1911 respectively.

Digitized by Odisha Revenue Laws – Volume 13 · Page 516 Odisha

9. Tauzi no. 2602.—The estate is in Cuttack town with an area of 21 decimals only. As the proprietors were recusant at last settlement, the lands were held *khas*. In the present settlement the *mahal* has been restored to the proprietors on their executing *kabuliyat* for a revenue of Re. 1-1-0 based on assets of Rs. 2.

206. *Cuttack town and cantonment khas mahals.*—In the Cuttack town and cantonment *khas mahal* the tenants hold on written leases for a term of years. In the town *khas mahal* the leases granted in 1913 expired in 1923. The existing rents were settled in 1913. It has been decided by Government to renew these leases for a further term up to 1943, without enhancing rents. The leases of tenants in the cantonment *khas mahal* were last granted in 1910 and expired in 1928. Government have ordered a revision of the leases and enhancement of rents for a term ending in 1943, so that in that year the lease in both *khas mahals* may be renewed and rents resettled for a further period of 30 years. It was decided after some discussion that the enhancement of rents in the cantonment *khas mahal* should be done by the agency of the Collector and not by the Settlement Department.*

The leases granted to *khas mahal pattadars* do not allow them to transfer their holdings in whole or in part without taking previous permission of the landlord.

They have no right to the timber of trees standing on their holdings, whether self-grown or planted by them, and they have to take previous permission for cutting them.

The 1910 leases of cantonment *khas mahal* tenants and the 1913 leases of town *khas mahal* tenants contained a clause prohibiting the sub-letting of holdings without the previous permission of the Collector. This, however, is frequently evaded, and many unauthorized sub-lessees were detected at this settlement.

The rents of sub-lessees are restricted to a maximum of 100 per cent above the *pattadar's* rent. In practice this does not really protect the sub-lessees. Rents are kept artificially low and the advantage is reaped by the superior tenants in the shape of large *salamis*.

The transfer or bequest of holdings without the Previous permission of the Collector was also prohibited by the leases of 1910 and 1913. A rule is observed of not allowing transfers to persons who are already tenants, This is frequently evaded by means of *benami* transactions.

207. *Sale of occupancy rights.*—The statistics prepared for the last 12 years by the Attestation Officers show that in rural areas settled and occupancy rights covering an area of 71,331 acres were transferred for an aggregate valu of Rs. 73,29,156, i.e. at the rate of Rs. 103 an acre. The selling rate reported by Mr. James for the decade preceding his settlement was Rs. 58 an acre. Thus the value of occupancy rights has greatly advanced since the last Revisional Settlement.

The sale rate in thana Salepur is Rs. 178 an acre, in Jagatsingpur Rs. 134 and Cuttack Rs. 121. Lands in the irrigated areas command a higher price than land in the unirrigated thanas. This can be explained by their greater security as well as by the greater pressure of population and the scarcity of new lands open to reclamation. In thana Aul the rate is as low as Rs. 48. In the remote areas near the coast land is very cheap, due to its poorer quality, its inaccessibility and the presence of extensive waste lands still open to reclamation.

208. *Mortgage of holdings.*—In the district of Cuttack an area of 5,389 acres is found to have been mortgaged for a sum of Rs. 4,19,955 during the last twelve years. Mr. James reported an area of 4,288 acres to have

* It was not strictly an enhancement, but a taking of fresh leases. One of the Assistant Settlement Officers was appointed as a Special Sub-registrar for the purpose.

P. T. M.

Digitized by Odisha Revenue Laws – Volume 13 · Page 517 Odisha

been pledged during the ten years prior to his settlement. Regarded proportionately there is not much difference between the figures. The following statement shows the percentages of areas mortgaged to different classes:—

	Revisional Settlement	Present Settlement
Landlord	... 8	4
Raiyat	... 54	78
Money-lender	... 38	17
Lawyer	... ...	1

The proportion of mortgages to money-lenders shows a decline.

The amount advanced per acre in the rural area is Rs. 78 against the sale rate of Rs. 103 in the district.

209, *Sales of proprietary rights.*—The statistics of the Revision Settlement showed the value of proprietary rights as obtained on sale to be twelve times the amount of the revenue demand on the property transferred. The figures of voluntary sales collected at this settlement show the proportion to be 24 times, while in thana Salepur it is 50 times, in thana Jagatsingpur 31 times and in thana Cuttack 35 times. Of the 1,259 voluntary transfers, 943 were to *zamindars*, 163 to *raiyats*, 137 to money lenders, and 16 to lawyers.

During a period of fifteen years (1914—1928) there were 481 sales of estates or shares of estates for arrears of revenue. The aggregate revenue of the estates sold was Rs, 35,173 and the sale price Rs. 4,08,387 or twelve times the revenue.

The avérage annual amount of arrears of revenue for which estates were sold is Rs. 882 in a revenue roll of about 12 lakhs of rupees.

210. *Redemption of estates.*—Twenty—six estates were found in this district paying revenue of Re. 1 or less. These were redeemed for a total payment of Rs. 670-5-0.

211. *Utikan estate:*—The Utikan estate, the largest temporarily-settled estate in the district, covering 37, 500 acres, belongs to Rai Bahadur Manmatha Nath Mitra of Calcutta. Although surrounded by rivers it is well protected by embankments, some of which are maintained by Government and some by the estate. The lands are fairly fertile. The assets as calculated at this settlement are Rs. 98,688 and the revenue has been settled at Rs. 54, 169. Suppression of tenants on *nijchas* and *nijjote* lands took place on a large scale at this settlement and 2,644 acres were recorded as in cultivating possession of the proprietor, who is an absentee, and gets these lands cultivated by *raiyats*, generally on produce-rents.

The estate is in its origin akin to the adjoining Killajat estates, but was not granted permanent settlement. In many respects the management resembles that of a Killajat estate, for instance in the yearly conferring of titles on leading tenants. The managements is left to the local officials, who are oppressive.

212. *Mandal estate.*—Tauzi no. 1449 is the largest of the estates formed by partition of the original Killa Dalijora, It is generally known as the Mandal estate as it belongs to the Mandals of Hughli district. Killa Dalijora is a temporarily-settled area inspite of its name and its situation in the hilly tract adjoining the Feudatory States of Dhenkanal and Athgarh. The Mandal estate contains extensive jungles. The cultivated area increased from 5, 100 to 8,220 acres in the course of the last settlement, and there is still an unassessed area of 21,000 acres. The jungle also yields a considerable *sairat* income. Thus the revenue, as now assessed (Rs. 10,211) shows an advance by 57 per cent over that of last settlement in spite of very lenient treatment in the *sairat* valuation and a deduction of Rs. 1,734 from the assets in consideration of recurring expenditure of improvements. Subsequent to rent settlement the proprietors have given a lease of 4,000 acres of jungle to the Raja of Pachkote (Manbhum district) at a rent of Rs. 855-9-0. This was not included in the assets for purpose of revenue settlement.

Digitized by Odisha Revenue Laws – Volume 13 · Page 518 n, Odisha

No village notes were prepared in this area as it is temporarily-settled. But the Attestation Officer reported that in the Mandal estate the tenants are allowed to take wood for their own purposes free of cost from the estate jungles, while outsiders are charged fees at varying rates. My own observations while touring in this area bore this out. The Mandal proprietors appear to have allowed their tenants too free a hand in cutting jungle, so that there is danger of its disappearance. The Raja of Pachkote has now moved for the application of some sections of the Forest Act to the area held by him.

213. *Rattan estate.*—The name of Rattan estate is given to a group of tauzis owned by Mr. S.M. Bose of Calcutta. The largest is tauzi no. 147-, which lies in Kendrapara subdivision. The lands are for the most part protected and to a great extent also irrigated. Assets had increased substantially and the revenue has advanced from Rs. 12,038 to Rs. 16,733. The *nijchas* and *nijjote* lands were reported to be cultivated by *raiyats* on produce-rents, but the estate succeeded in suppressing these tenants.

The estate is organized in circles with a manager in each and a head manager in the Cuttack office, The landlord is an absentee but makes periodical visits to the property.

Immediately after the Revision Settlement the estate brought a civil suit to obtain a declaration that the lands recorded as *sarbasadharan* and *rakhit* were ordinary landlord's *anabadi* and this was decreed *ex parte.* In this settlement the rights of the public have again been recorded.

Mutation fees were found to be charged at rates varying between 5 annas and 13 annas per rupee of the sale price according to the decision of the landlord's agents, after taking into consideration the suspected understatement of the price and delay in applying for mutation. A marriage fee of Rs. 2 is realized in the estate. Some cases of failure to grant proper rent receipts were reported to the Collector. In general the management is oppressive, as is usual in large estates with absentee proprietors.

214. *Pandua estate.*—The Pandua estate, tauzi no. 2484, covering 18, 400 acres in thana Tirtol, belongs to the well-known Tagore family of Calcutta. Lying near the coast it is liable to saline inundation, The cultivated area increased by 7 per cent in the course of the settlement and revenue has been advanced from Rs. 18,601 to Rs. 25,408 although the per centage of assets taken is only 50. Rents of ordinary tenants are rather high, the average being Rs. 3-14-0 per acre. Only a very small area is recorded as in cultivating possession of the proprietors.

The estate is owned in three equal shares and the co-sharers have been at loggerheads for the last four or five years. Two managers were found installed at Pandua and their disagreements caused some difficulty in the settlement operations. The management of the estate is left to the local agents, who were reported to be somewhat rigorous in their rent collections to adopt arbitrary methods of charging mutation fees when they consider the sale price to have been understated, and to realize at the same time *amla kharcha* of Rs. 3 per *kabala*, but in other respects not to be oppressive.

215. *Resumption cases*—As a result of boundary disputes between villages Talpada and Termanpur, thana Tirtol nos, 331 and 328, in the temporarily-settled area and the adjoining villages of Killa Kujang it was found that an area of 107 acres was at present held by the proprietor of Kujang although not included in the Killa. and were liable to be assessed to revenue. After proceedings the Board of Revenue ordered their resumption The lands have been made into a separate estate with tauzi no. 8728, and revenue of Rs. 12 has been assessed.

A small area of 18 decimals in mauza Baharnal of Cuttack town was resumed, as it appeared from the General Register of revenue-free claims of 1837 that it was then found to be resumable on the death of the incumbent and it had been recorded as *hinhayati* at last settlement. The land was annexed to a contiguous estate and assessed to rent.

A resumption proceeding was held in 1929 regarding a strip of land on the north border of Killa Patia. An order had been passed by Mr. Mills,

Digitized by Odisha Revenue Laws – Volume 13 · Page 519 n, Odisha

as Collector in 1836, on the award of arbitrators that the boundary between Patia and Cuttack Haveli should run parallel to the stone embankment and the north bank of the Kathjori at a distance of 150 *dasti padikas*. As a fact however. the revenue-free proprietors of the Patia villages hold the whole area up to the river bank (except for a small portion) Neither the Revenue Settlement nor the Provincial Settlement maps gave effect to Mr. Mill's order and the proprietors succeeded in casting some doubt on its validity. Resumption was therefore not recommended.

216 *Relations between landlords and tenants*—In the temporarily-settled area the relations between landlord and tenant ra rely become seriously strained. The state of affairs is not at all uniform. In the large estates. such as Utikan, Rattan and pandua. where the landlords are residents of Calcutta, the local officials are oppressive, and the tenants are unable to contend against the superior strength of the management. The reverse is the position in the very small estates, in which the landlords are scarcely better off than the *raiyats*, and the latter can defy any attempt at oppression. Some of the resident landlords, however. obtain a powerful hold over the tenants by combining the functions of landlord and *mahajan*, and several instances were reported of the evil effects of this system. The more powerful landlords eject their tenants arbitrarily without recourse to law. The tenants were found to be still remarkably ignorant of their rights under the law. An effort was made to educate them in these matters at this settlement, and a printed booklet, the *Hal Bandobast Katha*, explaining the rights of various classes of tenants, was sold in the camps.

In the Pachikote estate the relationship is reputed to be satisfactory on the whole but the *jagirdars* complain of the exactions of the landlord in respect of manual labour.

In the Killadari estates of Kantajhar where the landlord is the Raja of Keonjhar and Balarampur. the relationship is good.

In the properties of Babu Ganesh Lal pandit some discontent is reported at the long periods for which mutations are kept pending after transfer.

The Bhinjarpur estate was well managed and contented while under common management. It has now been released. The landlords are still unable to agree among themselves and are not popular with their tenants. The estate is under partition proceedings.

The tenants of Chaudhuri Ismail Khan were repoarted to be suffering oppressson by the local agents of the proprietor, who is an absentee.

217. *Transfer and subdivision of estates*—The figures of estates transferred from Cuttack to the other two districts and vice versa, of those subdivided, and of lands still remaining on the tauzi roll of a district other than that in which they are situated, can be gathered from the chapters on Puri and Balasore.

218. *Cuttack town municipality*—In 1901 the Cuttack municipality extended over $6\frac{3}{4}$ square miles and had an estimated income of Rs. 56,000. It now contains $18\frac{1}{2}$ square miles and its estimated income is 2 lakhs of rupees. Nearly 12 square miles of the municipal area consist of river bed and open lands. In 1901 the municipality had $19\frac{1}{2}$ miles of *pukka* road, $21\frac{1}{2}$ miles of *kutcha* road, and 10 miles of drains. There are now 40 miles of *pukka* roads (exclusive of about $1\frac{1}{2}$ miles maintained by the Public Works Department), and 26 miles of *kutcha* roads and 17 miles of drains. It was declared to be a second-class municipality in 1897 and still retains that status.

The population of Cuttack town according to the census of 1931 is 66, 253, whereas in 1901 it was 51,364, in 1911, 52,523 and 1921,51,007. The decline between 1911 and 1921 is attributed to the cholera and influenza epidemics of 1920. The area included in the town at the 1931 census was greater than on previous occasions. The 1931 population over the area covered by the previous censuses was 58,419. This represents an increase between 1921 and 1931 by 14.5 per cent, a much higher rate of increase than in the average rural area.

Digitized by Odisha Revenue Laws – Volume 13 · Page 520 Odisha

CHAPTER X.

Statistical account of Balasore district.

219. *Situation and area.*—Balasore district extends over 2,085 square miles and is bounded on the north by Midnapore district of the Bengal Presidency, on the south by Cuttack district, on the west by the Feudatory States of Mayurbhanj, Nilgiri and Keonjhar, and on the east by the Bay of Bengal. The district is 90 miles long from north to south but at its narrowest part it is only 10 miles broad. It is mainly an alluvial plain with a strip of land along the coast covered partly by scrub jungle and partly by grassy ridges and sand hills.

The district is divided into two subdivisions, Balasore Sadar in the north and Bhadrak in the south. There are 9 revenue thanas and 16 police-stations.

The area included in the present settlement operations covered 2,056 square miles, i.e. the whole of the district that is contained in villages, some coastal jungle and river bed only being excluded. It is made up as follows :—

permanently-settled	...	...	336	square miles
Temporarily-settled	...	...	1,512	ditto.
Revenue-free	...	...	172	ditto.
Government lands	...	...	36	ditto.
Total	...	...	2,056	ditto.

220. *Communications.*—The main road of the district is the Orissa Trunk Road which is metalled throughout. It passes through the whole length of the district. There is a ferry over the Subarnarekha river, which is not bridged. A bridge is now being provided for the crossing of the Burabalang river. This has already been done for the Salandi river in 1917. The crossing of the Baitarani, where the road passes into Cuttack district is also unbridged. There is a metalled road connecting Balasore with Chandipur, the site of the proof range on the coast. A bridge has been constructed on this road to cross the Coast canal. An important road more than half of which is unmetalled is that connecting Bhadrak and Chandbali, but owing to floods it is impassable for several months in the year. The Flood Committee of 1928 recommended that it should be lowered and metalled throughout with vented causeways for passage of flood water. Other unmetalled roads run between Bhadrak and Dhamnagar, between Bhadrak and Kupari, between Kupari and Brahmapur, between Kupari and Soro, between Basudebpur and Balasore via Soro, and between Bahanaga Bazar and Talpada. The Keonjhar-Bhadrak road is metalled, and the Bhadrak-Basudebpur road is metalled for 5 miles out of 20.

The following table shows the mileage of roads under the different authorities :—

	Metalled.	Unmetalled.
Government Public Works Department	104 miles.	2 miles.
District board	76 „	260 „
Village roads under union boards	...	198 „

Motor buses run along the main roads from Bhadrak and Balasore, but the bullock cart is still the most common means of transport. In North Balasore pack bullocks are largely used for transport of goods.

The Bengal-Nagpur Railway traverses the district parallel to the Trunk Road. There is a light railway from Rupsa to Baripada in Mayurbhanj State. Another light railway was constructed to connect Balasore town and Nilgiri State but this has been abandoned.

Digitized by Odisha Revenue Laws – Volume 13 · Page 521 n, Odisha

221. *Population*—The following table shows the population figures of the last three censuses—

Population of Balasore.

Name of district, subdivision and thana	Area in square miles.	Population.			Percentage of variation.		No. of persons per square mile.		
		1931.	1921.	1911.	1921 to 1931.	1911 to 1921.	1931.	1921.	1911.
1	2	3	4	5	6	7	8	9	10
Balasore District	2,085	990,600	980,504	1,055,568	+1.03	—7.11	475	470	506
Bhadrak subdivision.	930	446,771	438,601	460,632	+1.86	—4.78	480	472	495
Bhadrak Thana	292	171,884	181,841	186,353	—5.48	—2.42	589	623	638
Basudebpur „	192	78,757	71,026	78,222	+10.88	—9.20	410	370	407
Dhamnagar „	233	133,711	129,056	134,623	+3.61	—4.14	574	554	578
Chandbali „	213	62,419	56,678	61,434	+10.13	—7.74	293	266	288
Sadar subdivision	1,155	543,829	541,903	594,936	+·36	—8.91	471	469	515
Soro Thana	402	191,755	218,633	226,614	—12.29	—3·52	477	544	564
Balasore „	227	111,759	102,364	121,636	+9.18	—15·84	492	451	536
Jalleswar „	134	56,599	53,027	61,866	+7.32	—14·29	425	396	462
Baliapal „	207	108,107	100,106	104,522	+7.99	—4·22	522	484	505
Basta „	185	75,309	67,773	80,298	+11.12	—15·60	407	366	434

There has actually been a decrease by 6 per cent since 1911. The fall in the decade 1911—1921 was due to the epidemic of influenza and the spread of malaria. The decrease in thana Soro between 1921 and 1931 by 12.3 per cent is very striking and difficult to explain. In Bhadrak also there has been a decrease of 5½ per cent. In all the other thanas, except Dhamnagar, the increase since 1921 is substantial.

222. *Caste*—The following castes number more than half a lakh in the district, according to the 1931 census—

	1931	1921
Khandait	199,750	194,273
Brahman	110,658	107,664
Gour	69,157	66,546
Pan	59,545	55,333

There are 31,735 Muhammadans, 1,375 Christians and 12,272 Santhals.

The Khandaits are the most numerous caste in the district. Their main profession is agriculture. A certain number among them are proprietors. Babu Ratnakar Das of Tihari and Babu Bhaskar Chandra Mohapatra in Ertal in the Phadrak subdivision, who are engaged in business in Calcutta, are purchasing big *zamindaries* in this district.

Next to Khandaits in numerical strength are the Brahmans. The old Brahman *zamindar* families are decaying, for instance the Paharaj family. The only Brahman *zamindar*, of importance who retains some prosperity is Babu Radha Kanta Pardhi of Iram in thana Basudebpur.

The Karans though only 22,354 in number are an influential class. There are some Karan *zamindars*, of whom the wealthiest, Babu Radha Prasan Das of Sunhat, is now under the Court of Wards.

The Tamil community occupies a position of some influence in Balasore town. Although their original occupation was growing betel leaf, many of them have become educated and have taken service under Government. Rai Bahadur Manmatha Nath. De, one of the premier *zamindars* of the district, belongs to this race.

Digitized by Odisha Revenue Laws – Volume 13 · Page 522 n, Odisha

The Telis chiefly employ themselves in trading by means of pack bullocks. They are generally well-off and many of them have purchased *zamindaries*. The designation Teli does not satisfy them and some of them have got themselves recorded as "Kubera", a mythological term signifying the lord of wealth. The leading man among them is Babu Bhagban Chandra Das of Balasore, who has, however, adopted Brahmoism.

There is a peculiar caste, practically confined to this district, known as the Rajus. They are found in thanas Baliapal and Bhograi as well as in the neighbouring part of Midnapore district. Tradition associates their origin with the expedition of Raja Mukund Deb of Orissa to these parts in the 12th century to meet the Muhammadan invasion. The Rajus are said to be the offspring of this king and of two women, one of *dhobi* caste and one of *bania* caste. Another account is that this caste is the result of inter-marriage betwen some Marhatta settlers and Baisya and Sudra women. They live by cultivation. The Custom of remarriage of widows prevails among them.

There are some Muhammadan *zamindars* in Bhadrak town and Dhamnagar. but they are declining in wealth.

The Bhuians of Gurpara were formerly Brahmans, and are said to have embraced Muhammadanism to gain the support of the Emperor Aurangzeb against the Chief of Mayurbhanj who had occupied some of their lands. The are still *marfatdars* of some Hindu deities, and they do not inter-marry with other Muhammadans, but only among themselves.

The Muhammadans are generally cultivators. They also trade in hides and cattle.

A peculiar community known as Sualgiris is found in villages Sugo and Dhansimali of thana Jalasore. They speak a peculiar languages and eat the flesh of jackals.

In North Balasore there are a large number of Santhals. They generally live on the outskirts of the jungle and earn a livelihood by day labour and by selling jungle produce. Some however, have settled down and reclaimed the jungle for cultivation.

223. *Education.*—According to the census of 1931, the number of literate persons is 81,404, i. e. 8 per cent of the total population. The number of literates in English is only 4,593.

The following accounts is given of the number of schools existing in 1929-30:—

Standard.	Schools.	Pupils.
High Schools	4 ...	762
Middle English school	20 ...	1,445
Middle vernacular school	... ...	...
Upper primary school	118 ...	6,409
Lower primary schools	1,164 ...	33,203

There is only one High English school managed by the Government and the other three are aided by Government. These high school have been in existence since the last settlement.

There are one upper primary school and 370 lower primary schools with a total strenght of 8,457 pupils which are maintaind by private persons or bodies entirely at their expense.

224. *Industries.*—Not many articles are manufactured in the district. The Industrial school in Balasore town, conducted by American missionaries, turns out furniture and ironware. The rice-mill at Jellasore, started by a Marwari in 1918, was the first of its kind in the district. Others have been started at Basta and Balasore, also by Marwaris. I understand that others are contemplated. A good deal of the rice trade is in the hands of Marwaris, who do business at the railway stations. In this district most of the rice area is easily accessible to the railway stations, the distances being less than in the other two districts.

Digitized by Odisha Revenue Laws – Volume 13 · Page 523 n, Odisha

Bell-metal is manufactured in various parts. That of Remuna is noted for its workmanship and commands a wide market even beyond the district. The business is reported to be declining.

Fine mats manufactured in the villages of Jellasore thana are not only sold locally but also exported.

There are a number of dealers in *pan* in Bhograi thana where the leaf is grown and exported on a fairly large scale.

In Mugunipur, Barikpur and other villages of thana Soro the industry of making stone utensils is said to be making progress.

225. *Chandbali port.*—The Coast line of Balasore at one time contained several ports, but of these Chandbali alone remains and it is dwindling in importance, as the following figures show:—

Value of imports.			Value of exports.		
1909-10.	1927-28.	1928-29.	1909-10.	1927-28.	1928-29.
1	2	3	4	5	6
Rs.	Rs.	Rs.	Rs.	Ri.	Rs.
25,15,246	17,33,754	2,10,828	35,63,696	6,59,851	2,38,245

The sudden drop after 1928 is explained by the fact that the Indian General Navigation Company, Limited, discontinued their service between Calcutta and Chandbali at the end of that year. The number of vessels that entered the port in 1928-29 was 13 with a tonnage of 2,062 as compared with 156 with a tonnage of 33,452 in 1909-10. The bonded warehouse for salt was closed in 1921

226, *Drinking water.*—The district depends largely on tanks for its supply of drinking water, but wells are also found in the southern portion of Bhadrak subdivision. The district board has spent Rs. 11,692 in excavating tanks and sinking wells in the sixteen years up to 1927. In the same period the Public Works Department spent Rs. 18,246 in sinking wells. Insufficient attention seems to have been paid to the villages on the sea coast, where as reported by officers there is water famine in many places in the hot weather.

227, *Soils.*—The predominant soils are *balia matal* and *balia*, while *matal* is also common in the areas that are inundated by rivers.

228. *Agricultural stock.*—The number of draught cattle in the district according to the figures prepared at *khanapuri* is 231,031, or one in four cultivated acres. The number of ploughs is 110,132 or one in 8½ cultivated acres. But in the cattle census of 1930 the figure for ploughs was 143, 325. so that our figure is possibly an under-estimate. The number of carts is 3,924, which is slightly higher than the figure of the 1930 census—3,694. The number of carts is much smaller than in the other two districts. This is mainly due to the greater use of pack bullocks which are the commonest means of transporting goods especially in the northern part of the district.

229. *Agriculture.*—The most striking feature of this district agriculturally is the large extent of rice cultivation, particularly of the *saradh* variety: The area under rice, 886,985 acres, represents 96.2 per cent of the net-cropped area, showing a considerable advance over the proportion at Provincial Settlement—92.5 per cent. In Baliapal thana, where the proportion is lowest, it is 92.5 per cent, while in Basudebpur and Chandbali thanas it is as high as 98.2 per cent.

Digitized by Odisha Revenue Laws – Volume 13 · Page 524 n, Odisha

The rice grown is nearly all *sarad*. The areas are as follows :—

	Acres.
Under *sarad*	862,332
Under *beali*	22,785
Under *dalua*	1,879

Sarad covers 93.6 per cent of the cropped area, as compared with 91.3 per cent at Provincial Settlement. In Basudebpur and Soro thanas the proportions of *sarad* area to total rice area are 98.8 per cent and 99.7 per cent respectively, *Beali's* proportion to cropped area has advanced from 1.1 per cent to 2.5 per cent but is still very small, while *dalua* is quite insignificant.

The areas under *rabi* and other crops are correspondingly small. Eight acres were found under *mandia* at this settlement (there were only 14 at last settlement). There are 10,831 acres under cereals and pulses such as *biri*, *mung*, *kulthi* and *harar*, the proportion of 1 per cent having remained constant.

Oilseeds show a considerable advance but still only cover 4,130 acres. Cotton has fallen to 27 acres. Jute has advanced its proportion from 2 to 9 per 10,000 but still only covers 795 acres Sugarcane has also increased its proportion slightly but covers only 740 acres. The area under tobacco is only 47 acres.

Pan cultivation has extended to 369 acres, as compared with 121 at Provincial Settlement. It is mostly done in the coastal tract in the extreme north of the district and in the area south of Bhadrak town.

230. *Outturn of paddy.*—As a result of 1,225 crop-cutting experiments in the district by officers of the settlement the average outturn of paddy per acre was calculated to be 13 maunds 12 seers per acre, This shows little variation from the figure of experiments at Revision Settlement, which was 13 maunds 30 seers.

Random sampling experiments, however, in the seasons 1928-29, 1929-30 and 1930-31 in the Sadar subdivision, showed mean outturns of 17.49 maunds, 17,06 maunds and 11.17 maunds, respectively.

231. *Extension of cultivtion.*—In the temporarily-settled area a comparison of the assessed areas of the provincial and the present settlement shows an increase by 9.1 per cent in the area under cultivation, the previous assessed area being 678,393 acres, and the present 739,804 acres, covering 79 per cent of the total temporarily-settled area. The increase is by 13 per cent in the Sadar subdivision, and 3.5 per cent in Bhadrak subdivision.

232. *Reclamation on the coast.*—A large area that was previously scrub jungle in the coastal parganas has been opened up for cultivation since last settlement. Until recently this area had never really recovered from the terrible cyclone of 1831, which depopulated the coastal tract. The Oriya cultivator has never ventured to resettle here, and it was left for speculators from Midnapore to bring the land under cultivation by taking settlement of large blocks and getting them reclaimed by the labour of Santhals from Mayurbhanj and Muhammadans from Midnapore. These settlers were known as *chakdars*. At first the *salami* paid was only Rs. 2 to Rs. 4 per acre and the rents Rs. 1-8-0 to Rs. 2. Although small embankments had to be erected the cost of reclamation was not great and that of cultivation was low, the soil being very good. The productivity of the land led to keen competition and the rates of *salami* rose to Rs. 50 and Rs. 100 per acre. The landlords have tried to retain as much of the land as possible under their own control and have ceased to let it out to *chakdars*. The more unscrupulous among them have attempted by litigation and by instigating the under-tenants, to oust the *chakdars*.

Digitized by Odisha Revenue Laws – Volume 13 · Page 525 n, Odisha

The extent to which the spread of cultivation has taken place in the different parganas is as follws :—

Satmalang (Thana Basta)	...	...	...	77 per cent.
Dasmalang (Thana Balasore)	...	...	...	136 „ „
Chanua (Thana Basta) ...	...	...	...	42 „ „
Sahabandar (Thana Baliapal)	...	...	...	33 „ „
Daradachar (Thana Basta)	...	...	...	14 „ „
Bhograi (Tkana Baliapal)	...	...	...	11 „ „
Basta	...	...	...	8 „ „
Routra (Thana Balasore)	...	...	...	40 „ „

In the Bhadrak subdivision the largest increase in cultivation is noticed in parganas Ambahata (16 per cent), Sahebnagar (18 per cent) and Tappamalianch (8 per cent).

233. *Further extension of cultivation.*—The percentage of cropped area to total area in the different thanas is as follows :—

	Present settlement
Soro	77.7
Bhadrak	76.2
Dhamnagar	73
Basta	68.1
Baliapal	67.6
Basudebpur	66
Balasore	65 3
Jellasore	63.2
Chandbali	60

The proportion is very high in Soro, Bhadrak and Dhamnagar, where the population is dense. In the whole district there are 1851,71 acres recorded as culturable waste, including 137,871 acres of old fallow and 28,989 acres of jungle. In the temporarily-settled estates there are 165,083 culturable acres, of which 113,165 acres are old fallow and 22,700 acres are jungle. The additional area available for cultivation is 16 per cent of the total area. The area actually brought under the plough since last settlement is 49,404 acres in the temporarily-settled area of the Sadr subdivision alone, although Mr. Kingsford estimated that only 40,000 acres were open to future cultivation in the whole temporarily-settled area. Restrictions on the erection of embankments in certain areas have come into force from about the time of the last settlement, but cultivation has nevertheless extended substantially. There are still large areas on the sea coast available for reclamation.

234. *Flood problems.*—The parts of Balasore district most severely affected by floods are the extreme north and the extreme south. In the north the lands of the Kamarda and Nayapal area have no protection from the floods of the Subarnarekha, which are held up by the Bhograi and Joki embankments (the latter in Midnapore district). In times of high flood the people of this area generally succumb to the temptation to cut the Bhograi embankment, thereby passing the flood on to the people living further to the east. It has been proposed by the Flood Committee of 1928 to abandon the Joki embankment and the part of the Bhograi embankment north of the Orissa Coast canal, and to construct a new embankment running north or slightly north-east from about the Bhograi Lock. This would protect the larger part of the area now inundated. This project has been taken up, and a survey has been made for it.

Digitized by Odisha Revenue Laws – Volume 13 · Page 526 n, Odisha

On the west of the Subarnarekha mouth lies a flooded area known as the Salsa Pat, where water accumulates from a drain near the Jamkunda Lock and from the Haskura group of streams, and is held up by the line of sand hills on the sea-coast. People of this area have been enterprising enough to excavate a drainage channel through the sand hills, but without a sluice this is useless and allows salt water to enter. A design for a sluice has now been prepared. The situation here has recently been aggravated by the Subarnarekha straightening out a loop at Chormara and causing a spill into the Haskura group.

The district is traversed by a number of minor streams, the Panchpara, Burabulang, Kansbans and Gumai. The first two do not do much damage. Floods are frequent on the Kansbans and Gumai owing to the fact that their estuaries have deteriorated by the construction of the Orissa Coast canal. The area to the south-east of the Bhadrak-Basudebpur road is affected by flood from the Matai and its tributaries. In the south-east corner of pargana Ankura the high river floods are held up by the sea embankment, and the villagers have recourse to cutting this embankment to drain the water off.

It has been proposed by the Flood Committee to abandon the Coast canal so far as it lies in Balasore district. It has long ceased to be worth maintaining for purposes of transport, and it aggravates the flood problem by preventing the drainage of water into the sea.

The southern end of the district is flanked by the Baitarani river and traversed by its tributaries the Salindi and Genguti. The parganas to the east of the High Level canal are more or less affected by floods. The floods of the Salindi are not on the whole harmful except in the lower reaches. Pargana Kaima is damaged by floods from the Salindi and Baitarani, but the south-east corner of that pargana in the vicinity of Chandbali, is a comparatively fertile area. The part of pargana Bayang lying to the east of village Deuldihi is flood-affected. *Dalua* paddy is widely cultivated in this area. A portion of western Bayang, in particular village Nadigan, was reported at attestation to be deteriorated by sand deposit from the Dobandhi *ghai*. Pargana Ahyas and the adjoining part of Dhamnagar suffer considerable damage to the rice crop in high floods but the soil is favourable to *rabi* crops. The villagers in this area are prone to construct unauthorized embankments which have to be discountenanced as they cause danger to the Baitarani embankment of the Jajpur side. The Baitarani is embanked on its right for about 18 miles below the High Level canal. This embankment has closed up three old channels which used to take a part of the river's discharge in floods. The people of Dhamnagar have always felt a grievance on this account and have prayed for the reopening of these channels. On the recommendation of the Flood Committee of 1928 a scheme is under preparation for reopening the Benga and Patpur channels with sluices. It is not expected, however, that the relief thus afforded to thana Dhamnagar will be very great. The flooded part of south Balasore is also liable to drought in years of scanty rainfall.

The coastal area of the district is in danger of flooding by the sea. Protection is afforded by a salt embankment running from village Mandari to the Dhamra estuary. This is a Government embankment except for the portion in Killa Kanika, which was constructed and is maintained by the Raja. It is evident that this embankment obstructs the flow of flood water from the land side, and in 1927 it was actually breached in more than 60 places from that side. The provision of a means of escape by sluices appears to be the best solution of this problem. Survey works have been completed for this purpose.

The area west of the High Level canal is protected by the embankment on the left bank of the Baitarani. This, however, was breached in the great flood of 1927, which destroyed about 11 miles of the railway and inundated thana Dhamnagar and the land round Bhadrak. It was proposed by the Flood Committee to construct an escape in this embankment, to increase the openings in the railway line and to shorten Range III of the High Level canal so as to provide a wider gap between this and the

Digitized by Odisha Revenue Laws – Volume 13 · Page 527 n, Odisha

Salindi at Bhadrak. These measures will provide for the discharge of an exceptionally high flood in the Baitarani and prevent the repetition of the catastrophe of 1927. The scheme is at present under consideration.

235. *Embankments*—The length of the existing embankments under the Public Works Departmeut is 53 miles; these protect an area of 105 square miles. There are 14 embankment sluices which afford irrigational facilities.

The main embankments are (1) the Bhograi embankment on the left bank of the Subarnarekha, (2) the Baitarani left embankment above the High Level canal; (3) the Salindi embankment protecting the Civil Station of Bhadrak; (4) the salt water embankment in thana Basudebpur.

236. *Revenue settlement statistics*—There are 2,394 estates (excluding *khas mahals*) in Balasore district which were assessed to revenue during this settlement.

The following statement shows the area of these estates, assessed and unassessed, as surveyed at this settlement, compared with the figures of the last revenue settlement;—

	Assessed.	Unassessed.	Total
Provincial settlement	679,296	263,267	942,563
Present settlement	741,703	198,199	939,902

the gross assets at last settlement amounted to Rs. 11,19,674. They were found to have increased during the term of the settlement to Rs. 12,54,454, i.e by Rs. 1,34,780.

As a result of the settlement of rents at this settlement the assets rose to Rs.13,45,438. The settled assets show an increase of 23.2 per cent over the existing assets and 38 per cent over the last settlement assets.

The total revenue of the temporarliy-settled estates as assessed at last settlement was Rs. 5,96,737 representing 53.3 per cent of the gross assets. The present revision has raised the revenue by 37.5 per cent to Rs.8,20,404, representing 53.1 per cent of the gross assets. The advance in revenue is practically commensurate with that of the assets. The proportion of assets taken as revenue remains practically unchanged, as the proportion taken at last settlement was already in keeping with the policy laid down at this settlement—that normally the revenue percentage should lie between 50 and 55 per cent.

In Some 50 estates, owing to abnormal increase of assets, the revenue demand at this settlement had risen in so high a proportion that to avoid hardship temporary concessions were allowed and the revenue was advanced in stages spread over periods not exceeding ten years. The ultimate revenue demand of Rs. 8,20,404, therefore, does not come into effect until 1910. The demand in 1928, however, amounted to Rs. 8 10 558.

The total revenue demand includes a sum of Rs. 12,712 payable to the *chaukidari* fund, as compared with Rs. 10,450 at last settlement.

The incidence of revenue per acre of assessed land is now Rs. 1-1-9, as compared with Re 0-14 0 at last settlement. Calculated on total area the incidence is now Re. 0-14-0 as compared with Re. 0-10-1.

The total *malikana* allowed to the proprietors at last settlement was Rs 4 91,366. The proprietors' income had increased in the course of the settlement to Rs 6 12,095. The *malikana* now allowed to them is Rs. 6,81,148. Their income thus advanced by 25 per cent during the term of last settlement. This settlement brought an increase of 11.1 per cent over the existing income and the final result is an advance by 38.6 per cent over the income of last settlement.

237. Partitions since last settlement have led to an increase in the number of private estates from 1,398 to 2394. Mr. Kingsford in his report on Balasore at the Provincial Settlement gives the number of estates as 1,417 including 19 *khas mahals*, as against 803 at the previous settlement.

Digitized by Odisha Revenue Laws – Volume 13 · Page 528 Odisha

238. *Sub-proprietary tenures.*—There are 1,046 sub-proprietary tenures in Balasore. Of these 157 are *makaddams*, 802 are *sarbarakars*, 49 are *pursethi kharidadars*, 36 are *kharida jamabandidars*, and 2 are *shikmi zamindars*.

Their assets advanced from Rs. 1,18,639 to Rs. 1,31,789 during the currency of the settlement, and to Rs. 1,61,791 as a result of this settlement. The settled assets exceed the pre-existing assets by 22.8 per cent and those of last settlement by 38 per cent.

The distribution of the assets at last settlement and at this are shown below :—

	Last settlement.		Present settlement	
	Percentage.	Amount	Percentage.	Amount
1	2	3	4	5
		Rs.		Rs.
Sub-proprietor	26·6	31,571	27·1	43,886
Proprietor	19·3	22,934	18·4	29,739
Government	54·1	64,134	54·5	88,166

The Government revenue advances by 37.5 per cent. The income allowed to the sub-proprietors is 39 per cent more than at last settlement, but is about 2 per cent less than that which they were found to possess at the advent of this settlement (Rs. 44,721). The share allowed to the proprietors has advanced by 29.7 per cent over that allowed at last settlement.

239. *Sairat assessment.*—The total *sairat* assessment on the temporarily-settled estates (including *khas mahal*) at last settlement was Rs. 12,200 and at this settlement Rs. 21,909. The details are as follows :—

	Last settlement Rs.	Present settlement Rs.
Fishery	6,580	12,555
Fruits, etc.	1,050	1,583
Markets	760	5,577
Grazing fees	1,810	930
Jungle and miscellaneous	2,000	1,259
Total	12,200	21,909

The largest increase is in income from fishery and markets, while grazing fees and income from jungle have fallen considerably.

The number of local markets has increased, and those near the railway centres have grown in importance.

The falling-off in income from jungle and grazing is mainly due to the reclamation of much of the land on the sea coast. Considerable income is still derived from the jungles on the border of Nilgiri State by the proprietors of Mangalpur and neighbouring estates.

There has been a large development of the sea fisheries since last settlement. The fisheries have been recognized as appertaining to the coastal landlords.*

The opening of the railway has greatly encouraged the trade in fish by providing easy access to the large markets in Kharagpur and Calcutta. Some Bengali middlemen export the fish by rail from Bahanaga Bazar and Balasore to Calcutta

*When the land was acquired for the proof range at Chandipur the fishery rights also had to be purchased. The income of the landlord is presumably derived ultimately from the fact that the fisherman pay for the use of the fisheries for drying and fixing their nets.

P. T. M.

Digitized by Odisha Revenue Laws – Volume 13 · Page 529 n, Odisha

240. *Fishery mahals.*—The two fishery *mahals* referred to in paragraph 94 of Mr. Kingsford's report were reassessed to revenue. The assets of these *mahals*, in the shape of rents paid by the fishermen to whom leases are granted, were found to have fallen considerably. Even after these had been enhanced by a compromise at this settlement they were still, in the case of tauzi no. 764, less than at last settlement, and the revenue of that tauzi has been reduced from Rs. 325 to Rs. 266, while that of tauzi no. 765 remains constant at Rs. 25. The fisheries appear to have declined and to have suffered from the keen competition of sea fisheries.

241. *Statuses and rents.*—The statuses and rents in the temporarily-settled estates are as described below.

242. *Nijjote and nijchas.*—There are 26,642 acres of *nijjote*. Of these 19,058 acres are recorded as in cultivating possession of the proprietors or sub-proprietors, while 6,404 acres are held by tenants on cash rents and 1,180 acres by tenants on produce-rents. The *nijchas* area is 30,857 making a total of approximately 50,000 acres in cultivating possession of landlords.

243. *Produce-rented lands.*—There are 7,050 acres held on produce-rents directly under the proprietors and sub-proprietors, including the 1,180 acres of *nijjote* mentioned above. There are also 4,323 acres held by *raiyats* under tenure-holders and 3,966 acres held by under-*raiyats* on produce-rents. In all there are 22,582 holdings covering an area of 15,337 acres on produce-rents, the average size of such holdings being 0.68 acres. The area represents 1.6 per cent of the total temporarily-settled area. Of the area held by under-*raiyats*, 32 per cent is held on produce-rents.

244. *Rent-free area.*—The total area held rent-free, apart from *minha* lands, is 8,489 acres, of which 269 acres are in ordinary tenures, 4,206 acres in holdings of occupancy *raiyats*, 1,615 acres held as ordinary *jagir* and 2,399 acres as *desheta jagir*.

245. *Cash-rented tenancies and rent settlements statistics.*—The areas under different classes of cash-rented tenants, the level of cash rents and the enhancements made at rent settlement are shown in the following statement :—

Class of Tenancy,	Number of holdings	Area under present settlement.	Rents.		Percentage of increase over existing rent.	Rental incidence per acre.	
			Existing.	Settled.		Existing.	Settled.
1	2	3	4	5	6	7	8
		Acres.	Rs.	Rs.		Rs. a. p.	Rs. a. p.
Kharida *jamabandi*	4,493	11,330	13,920	18,216	31	1 3 8	1 9 9
Bajyafti tenures and tenancies.	71,999	97,495	86,501	1,26,239	46	0 14 2	1 4 9
Settled and occupancy.	373,108	542,575	9,62,259	12,05,349	25	1 12 5	2 3 7
Sthitiban *babat nijjote.*	9,323	6,404	...	15,778	...	...	2 7 6
Non occupancy ..	2,864	5,816	8,524	10,925	28	1 7 5	1 14 1
Chandna ..	8,453	1,738	7,515	9,402	25	4 2 10	5 3 8
Chaukidari resumed *jagir.*	4,207	7,026	12,127	15,118	25	1 11 7	2 2 5
Ordinary tenures ...	4,183	18,404	25,223	31,298	24	1 5 11	1 11 3

In 2,826 of the total of 3,400 villages the normal enhancement of four annas in the rupee was applied to the rents of ordinary *raiyats*. In 129 villages a larger enhancement was made while in 247 three annas was given, in 112 two annas, in 37 one anna and in 32 no enhancement. In 17 villages the rate of enhancement was varied according to the quality of different areas.

Digitized by Odisha Revenue Laws – Volume 13 · Page 530 n, Odisha

246, *Communal and reserved lands.*—The reserved area shows an increase of 54 per cent over that of the Provincial Settlement. The proportion is 4.6 per cent of the temporarily-settled area. Communal and reserved lands together have increased by 23 per cent since the Revision Settlement. At Provincial Settlement there were 37,500 acres recorded as reserved, 36,000 for grazing and 1,500 for cremation grounds and other purposes. At Revision Settlement the total was 55,665 acres. At this settlement the total of reserved and communal lands is 65,044 acres. Of this 55,665 are *rakhit* and 9,379 are *sarbasadharan.*

247. *Revenue-free estates.*—There are 34,627 revenue-free estates and the total area under them is 109,841 acres. The average area of a revenue-free property is 3 acres. The area recorded as *nijchas* or *nij-dakhal* of the proprietors is 50,471 acres.

An area of 49,378 acres is under cash-rented holdings and 3,604 acres under produce-rented holdings. The proportionate area under produce-rents is much smaller than in other districts.

The total rental of the 49,378 acres under cash-rented holdings was Rs. 90,304 at the commencement of this settlement. The average incidence was, therefore, Rs. 1-13-3 per acre, which was slightly higher than the level of rents in temporarily-settled estates—Rs. 1-11-0,

There were 922 cases in the revenue-free area for settlement of fair rent under section 128, and these resulted in an enhancement of rent from Rs. 18,460 to Rs. 22,892 by 23 per cent. The proportion of rents for which cases were filed was only one-fifth of the total. In general the rents are too insignificant to make it worth the *baheldar's* while applying for enhancement.

248. *Khas mahals.*—Mr. Maddox gives a list of 19 *khas mahals* in district Balasore at page 505 of Volume II of his report. Since the Provincial Settlement seven of those estates, namely Mahapada, Nalkul, Rasalpur, Gandhina, Padanpur, Panichhatra and Kanheigalpur, have been sold. These were very petty estates covering less than 5 acres in all. The Motto *khas mahal*, which covered 2 acres within the bounds of the Kanika estate, has been made over to the Raja of that estate under orders of the Board. The other estates remain, but Birso has been amalgamated with the Noanand estates. To the Shortt's Island estate has now been added another group of four islands which were recently found to have been formed in the sea and which have been named Wheeler Islands after the then Governor of the Province. These islands were at first claimed under section 116 by the Raja of Kanika as reformation *in situ* of a part of his estate, but his claim was disallowed, and the islands have been treated as Government property and placed in *khas mahal* tauzi no. 1676.

Three new *khas mahals* have come into existence in the course of the settlement, but two of them, which had been the sites of Haldipada and Baghmira police out-posts, have since been sold to private parties. The third, Kantia, originated in a separate account (part of tauzi no. 987) which was purchased by Government in a revenue sale. It was formed into a separate *khas mahal* tauzi, but was later amalgamated with the Noanand *khas mahal.*

There are now 11 *khas mahals* in the district. Their total assets before the settlement amounted to Rs. 40,918, and as a result of the settlement they advanced to Rs. 50,412.

The largest of them is that of Noanand bearing tauzi no. 1316. It has a total area of 17,975 acres in 104 villages, and was purchased by Government for Re. 1 at a sale for arrears of revenue in 1818. The area under assessment has increased since last settlement from 12,756 acres to 14,920 acres. The assets advanced during the term of the last settlement from Rs. 31,457 to Rs. 38,387, and after this settlement they amounted to Rs. 47,229. The estate contains the important market at Mirzapur.

Digitized by Odisha Revenue Laws – Volume 13 · Page 531 n, Odisha

The Chandbali *khas mahal* covers a non-agricultural area at the port of that name. The holdings, 135 in number, are of *pattadari* status, and cover an assessed area of 72 acres.

The Bichitrapur *khas mahal* is really a permanent lease taken by Government from the proprietors of *mahal* Berapal for the purpose of salt manufacture, for which it was never actually used. Government has paid the rent of Rs. 799 from 1809, but derived no income from the estate until 1872, when it was sub-let to Babu Kaliash Chandra Ray Mahasaya as an *ijaradar*.

249. *Sale of occupancy rights.*—As regards the sale of occupancy holdings, in order to compare the ten years' figures of the Revision Settlement report with our figures of the last twelve years, the former figures have been proportionately increased and the result is given below:—

	Number of sales	Area sold	Price paid	Rate per acre
1	2	3	4	5
			Rs.	Rs.
Revision settlement	61,478	58,977	26,37,088	44
Present settlement	60,999	48,286	30,95,899	64

This shows an advance of about 10 annas in the rupee in the last 30 years. The rise in prices in the same period has been by 15 annas in the rupee. The area sold is about 5 per cent of the area held by *raiyats*.

A very large proportions of the purchasers are themselves *raiyats*. The proportions are as follows:—

Landlords	3.3 per cent
Lawyers	0.6 „ „
Money-lenders	4.4 „ „
Raiyats	91.7 „ „

The sale price of lands in the irrigated area, which is not extensive, is Rs. 150 to Rs. 200 an acre, very much above the average of the district. In the area irrigated by the Salandi river, a few miles to the south-east of Bhadrak town, it was found to be as high as Rs. 250 per acre. On the other hand in the flooded tracts of thanas Basudebpur and Chandbali, where salt water inundation also affects the soil, the average sale rates are Rs. 32 and Rs.25 respectively.

In the Balasore portion of Killa Kanika the sale value of lands is as low as Rs.23 but this is partly accounted for by the proprietor's policy of discouraging sale to people from outside the estate.

In the flooded tracts of North Balasore, however, the sale rates are found to be slightly above the average of the district. In thana Baliapal it is Rs. 72, in Bhograi Rs. 77 and in Singha Rs, 78.

250, *Mortgage of holdings*:—Statistics on this subject are given in the Appendix. The figures are taken from the registers at attestation of usufructuary mortgages of the last twelve years. A certain proportion of cases have probably escaped detection. The total sum involved is Rs. 3,81,649 on an average of Rs, 55 per acre as compared with an average sale price of Rs. 64. The number of transactions is 6,452 and the number of acres mortgaged is 6,952, only 0.7 per cent of the total cultivated area. The figures at the Revisional Settlement, which were for ten years only were 6.736 mortgages affecting 10,152 acres. This indicates some slight decrease in mortgages of land since the introduction of the Orissa Tenancy Act,

Digitized by Odisha Revenue Laws – Volume 13 · Page 532 n, Odisha

In the great majority of cases the mortgagees are themselves *raiyats*. The following table shows the numbers as compared with those of the Revisional Settlement :—

Classes of mortgages.	Settlement of 1911.		Present settlement.	
	Mortgages.	Percentage.	Mortgages.	Percentage.
1	2	3	4	5
Landlord	626	9·3	211	3·2
Money-lender	1,928	28·6	771	11·9
lawyer	19	·3	49	0·8
Raiyat	4,163	61·8	5,421	84·1

The percentage of mortgages to landlords and money-lenders has dropped from 38 to 15.

251. *Sales of proprietary rights.*—During the last twelve years before settlement estates or shares of estates with a revenue of Rs. 35,823 were sold for an aggregate price of Rs. 7,62,890. The price is 21 times the revenue transferred. Of the number of transfers 76 per cent were to men of the landlord class, 12 per cent to men of the money-lending class and 9 per cent to *raiyats*.

As regards involuntary sales, i.e., sales of proprietary rights on account of arrears of revenue, the following are the statistics for a period of fifteen years from 1914 to 1928 :—

Number of sales	257
	Rs.
Government revenue of estates sold	40,162
Arrears of revenue for which sold	15,236
Sale price	4,87,370

The purchase money is twelve times the revenue of the estates transferred. The average amount of arrears of revenue for the year is Rs. 1,000 in a revenue roll of 7 lakhs of rupees.

252. *Amalgamation and redemption of estates,*—In this district 11 tauzis were reduced to 5 by amalgamating very small estates with their larger neighbours. The separate existence of these small estates was inconvenient. Later the policy was introduced of allowing the proprietors of such insignificant estates to redeem them and have them recognized as revenue-free.

Six estates were found paying revenue of Re. 1 or less. These were redeemed for a total payment of Rs, 90-10-0.

253. *Transfer and subdivision of estates.*—There were 96 entire estates with an area of 7,699 acres and revenue of Rs. 9,734 transferred from Cuttack to Balasore. Similarly 33 estates with an area of 2,054 acres and revenue of Rs. 1,611 were transferred from Balasore to Cuttack.

There were also several estates which had lands in two districts. By subdivision, portions of 62 estates were transferred from Cuttack to Balasore tauzi roll and portions of 11 estates were transferred from Balasore to Cuttack. As a result an area of 4,028 acres with revenue of Rs. 5,534 was transferred from Cuttack to Balasore and an area of 834 acres with revenue Rs. 1,153 from Balasore to Cuttack.

There are still some estates on the tauzi roll of Balasore, and others on the tauzi roll of Cuttack, which have lands partly in Cuttack

Digitized by Odisha Revenue Laws – Volume 13 · Page 533 Odisha

and partly in Balasore. As the proprietors objected no subdivision of the estates was made so as to transfer the lands to their respective districts. A statement is given below showing area and assets of such lands:—

(a) Lands situated in the district of Cuttack but still included in the tauzis of Balasore:—		
Number of estates	... ...	109
		Acres.
Area		5241-02
		Rs. a. p.
Assets (valued at revenue settlement)	... ...	10,267 7 1
(b) Lands situated in the district of Balasore but still included in the tauzis of Cuttack:—		
Number of estates	... ...	158
		Acres
Area		5496-34
		Rs. a. p.
Assets (valued for revenue settlement)	... ...	11,726 4 6

254. *B. L. Mukherjee Trust Estate.*—The B, L, Mukherjee Trust Estate was created by the will of the gentleman of that name in 1870, by which he left some lands in Hughly, Midnapore and Balasore to his widow, the surplus proceeds to be devoted to charitable purposes, such as the establishment of schools and dispensaries. The widow died without issue and the estate was then taken over by the Secretary of State. The whole estate was managed by the Collecter of Hughly until 1910, when it was decided that the Collector of Balasore should look after the lands in that district, but should pay Rs. 7,000 out of the surplus income to the Collector of Hughly. This contribution was raised in 1922 to Rs. 8,000. The existing *mufassal* assets of the estate in Balasore amount to nearly Rs. 21,000. The revenue and cess payable are Rs. 5,400. Several dispensaries and schools are maintained out of the surplus income.

255. *Resumption case of Becher's estate.*—Becher's estate was a *mahal* covering 91 acres in villages Baghmara, Bahanaga, Mulida and Markona of Balasore district. The lands were granted to Mr. George Becher, Superintendent of the Trunk Road, in 1823 for the purpose of establishing bazars along the road. Mr. Becher transferred the land by a deed of gift in 1888 to his cousin, Frederic Marsac. who in the next year on his return to England sold the estate to his agent, Babu B.N. Das Gupta, although his departure was so hurried that no formal deed of conveyance was executed. The estate had remained in the hands of Babu B.N. Das Gupta and his heirs. At the present settlement it was resumed and assessed to revenue as it was found that it was not being used for the purpose for which it had been granted to Mr. George Becher. It bears tauzi no. 4373. It was assessed to revenue at the low rate of 25 per cent of the assets, in order to avoid hardship to the proprietor.

256. *Mobarakpur estate.*—The Mobarakpur estate, tauzi no. 924, is the largest estate in the temporarily-settled area and covers 59 aquare miles. The lands lie in nine parganas, the bulk of them in thana Soro. They suffer from no serious physical disadvantages.

Babu Tara Charan Deb Mandal and his brother and cousins are the 10 annas shareholders of the estate. They are residents of Chinsura They however, spend about six months in the year at Balasore. They are well-to-do. The remaining 6 annas belonged to Babu Bhagaban Charan Das and others of his family, who were big local merchants controlling the trade of the port of Balasore but are now in reduced circumstances. They have now begun to sell away their interest. Samanta Radhaprasana Das is a co-sharer, He is a minor, now under the Court of Wards. A suit for partition of the estate was instituted before *khanapuri* but the proceedings were stayed at the commencement of the settlement operations. The case is now in progress again.

Digitized by Odisha Revenue Laws – Volume 13 · Page 534 Odisha

The management of the estate is slack rather than oppressive but there was some suppression of tenants on *nijjote* land.

In the *hastabud* portion collection is made by the *gumastas* or *tahasildars* of the proprietors. In villages in direct possession of sub-proprietors the collection is made under their direct supervision.

The *sairat* assets have advanced from Rs. 109 at last settlement to Rs. 1,115 now. The sea fishery alone accounts for Rs. 1,100, having increased greatly in value since the last settlement.

The net result of revenue assessment in this estate has been an increase of revenue from Rs. 23,941 to Rs,31,897.

257. *Kasba estate*—The Kasba estate, tauzi no, 1373, is the second largest of the temporarily-settled estates of district Balasore.

The river Subarnarekha is silting up at its mouth, and consequently there has been alluvial accretions of about 850 acres to the estate. The *pal* lands on the river-side are very fertile. There are two distinct divisions in the estate. About two-thirds of the estate is protected by the Bhuan embankment, and about one-third is open to the floods of the Subarnarekha. Some lands were formerly acquired by Government for the manufacture of salt along the left bank of the Subarnarekha. The tract was, however found unsuitable for the purpose and was transferred to the original estate before last settlement.

The proprietors belong to a family of four brothers who are landed magnates of Panchetgarh in the Midnapore district. The management is efficient and well organized after the manner of the Court of Wards from which the estate was released about thirteen years ago. The landlords are not oppressive but somewhat exacting in the realization of their dues. They take a personal interest in the estate. The management is divided into collection circles with an agent to collect about Rs. 6,000 to Rs. 8,000 There is an important *hat* at Bhograi which yields about Rs. 350 and the ferries have been greatly improved since the last settlement and yield about Rs. 1,,228. The *sairat* assets amout to Rs. 1,600 against about Rs. 315 at last settlement. The revenue has been advanced from Rs. 14,908 to Rs. 21,969.

258. *Dograi Dolsahi estate*—The Dograi Dolsahi estate, tauzi no. 124, originally covered an area of 8,256 acres, of which 7,779 acres were in Balasore and 477 acres are in Cuttack. The estate is now subdivided so as to transfer the lands of Cuttack to the revenue roll of that district. Nearly 50 per cent of the estate is under sub-proprietors, The lands of the estate are very scattered.

"The history of the estate is rather peculiar. "The lands were originally held as *jagirs* by the *dogras* (i,e. messengers or spies) of the Moghal Government but were subsequently resumed and assessed to rent. "The rents were collected by a *sardar* who was permitted to enter into agreement for payment of revenue at the time of the British annexation. Certain *dogras* were constituted *sarbarakars* and assisted the *sardar* in collection of rents, The *sarbarakars* appear to have been in existence at the time of annexation, but in 1807 the estate was managed *khas* by the *zamindar* for a few years and the *sarbarakars* were ousted. They were called in about 1812 to execute agreement for collection by the *zamindar*. The *sarbarakars* having been found out of possession for a few years were definitely held to have no *maurasi* title" * At time of the last settlement. however, the *sarbarakars* were found to have attained a right not inferior to that of *maurasidars*. The tenures passed freely by inheritance and purchase and *kabuliats* were accordingly taken from them in that settlement. At present also no distinction is observed between these *sarbarakars* and the *maurasi sarbarakars* in other estates of the district. In the last settlement there were 453 *sarbarakari* tenures comprised in the estate; but at present these number 467. Many of the present tenuces are

*From last settlement assessment report; *see* also Mr. Maddox's report, Volume I. paragraph 291

Digitized by Odisha Revenue Laws – Volume 13 · Page 535 n, Odisha

very small, paying revenue of a few annas only. These are mostly in the hands of purchasers of the *raiyat* class, who held them in *khas* possession. The sub-proprietary tenures all lie in the district of Balasore and mostly in pargana Senaut.

The chief proprietor of the estate is Chaudhuri Mrutunjay Narayan Paharaj Mandhata, of Irda in North Balasore, a minor.

The existing revenue of the estate was Rs. 9,887. It has been enhanced to Rs. 11.926, of which sum Rs. 672 is borne by the Cuttack tauzi and Rs. 12,254 by the Balasore tauzi.

259. *Other estates.*—Babu Radha Kanta Parhi and his co-sharers have got *zamindaries* in Basudebpur and other parts of the district. These wealthy and powerful landlords are regarded with fear by their tenants, whom they treat oppressively.

The Paharajas of Daradachour belong to an ancient hereditary *zamindari* family of the district. The largest co-sharer is at present a minor and the estate is under the Court of Wards. The other co-sharers are not in prosperous circumstances and their relationship with the tenants is not very satisfactory.

The *kanungoe* of Nadigan belongs to an old family. He lives at Dhamnagar away from his estate, which is badly managed.

The Kothar estate is at present managed by Susilabala Dasi, widow of the late proprietor, Ramkrishna Bose. She is an executrix and her three sons-in-law are executors to the estate. The trustees live in Calcutta and are not in direct touch with the affairs of the estate which is looked after by a manager assisted by *tahsildars* and *sarbarakars*. The *zamindari* staff are highly oppressive. They realize a very high rate of mutation fee, collect more than the actual rent of *raiyati* holdings, foment disputes among the *raiyats*. realize forced labour from the low-class *raiyats*, and generally disregard the law. The *raiyats* are highly dissatisfied with the present officers of the estate. The undesirable state of things in this estate was reported to the Collector. Some improvement is expected since a retired Sub-Deputy Collector has recently taken over management,

260. *French territory.*—The area once occupied by the French factory in Balasore still remains as French territory. Some account of it is given by Mr. D. H. Kingsford in the Final Report of the Provincial Settlement Volume II. page 397. At last settlement the area was in dispute and Government on the recommendation of Mr. Maddox held it to be 38 acres.

In 1907 the area was privately demarcated, A map was prepared and cylinders put down to mark the boundary, In 1917 a proceeding was held to determine the title to certain accretions. As the French were already found to be in possession of these accretions their claim to hold them was admitted on the analogy of the law of alluvion. At the new survey one newly-formed island two uncultivated accretions were found on the north side of the French loge. The Government of India ordered that one of these accretions, which was contiguous to the loge, should be assigned to the French, but that the other two should be treated as British possessions. The French were also found to be in possession, according to the demarcation of 1907, of a small area at the south-west corner of the loge, in excess of that assigned to them at Provincial Settlement. The Government of India ordered their possession to be left undisturbed. The area of the loge is now 45 acres,

Digitized by Odisha Revenue Laws – Volume 13 · Page 536 Odisha

CHAPTER XI.

Statistical Account of Puri District.

261. *Situation and area*—The district of Puri is the southernmost district of the province of Bihar and Orissa and extends over an area of 2,444 square miles. It is bounded on the north and north-east by Cuttack district, on the south and south-east by the Bay of Bengal, on the west by the district of Ganjam in the Madras Presidency and on the north-west by the Tributary States of Nayagarh, Ranpur and Khandpara.

Of the total area of the district, about three-fifths is contained in the Sadar subdivision, which is a deltaic alluvial plain lying between the hills and the Bay of Bengal. The remaining two-fifths forms the Khurda subdivision, a hilly tract covering the north-western part of the district. The Chilka Lake, the greater part of which lies in this district, takes up 282 square miles of the Sadar subdivision and 28 square milea of the Khurda subdivision. There are 6 revenue thanas and 19 police-stations.

An area of 1,142 square miles was included in this settlement, made up as follows :—

Permanently-settled	...	...	...	45 square	miles.
Temporarily-settled	...	...	...	823 „	„
Revenue-free ...	...	...	...	253 „	„
Government lands...	...	...	...	21 „	„
	Total	...	...	1,142 „	„

262. *Communications.*—The two most important roads in the district are the Cuttack-Puri road and the Ganjam road. The former is the last stretch of the ancient Jagannath road, which was for centuries, until the opening of the railway, the common pathway for pilgrims on their way to the Puri Temple. It is a metalled road, maintained by the Public Works Department, and is much used by motorists in the dry season but owing to three unbridged rivers it provides no through communication between Cuttack and Puri for about six months in the year. The Ganjam road branches off from the Jagannath road just south of Cuttack town and traverses the Khurda subdivision, touching Khurda itself. In dry weather it affords communication through to Ganjam, but in the rainy season the Monaguni river prevents the passage of vehicles for more than 12 miles south of Khurda. A metalled road between Khurda and Pipli and another between Khurda and Patnaika, form links between the Jagannath and Ganjam roads, but in both cases the Daya river prevents through communication except in the dry season. Another metalled road runs west from Khurda into the Feudatory States.

In the Sadr subdivision unmetalled roads connect Gop with Nimapara, Puri, Kakatpur, Konarak and Niali (Cuttack district), while others go from Nimapara to Astarang to Pipli and to Sakhigopal, from Delang to Pipli and to Kanas, and from Krushnaprasad to Jharkata. These roads are. however, generally rough and very sandy and soon become impassable in the rains. In the Khurda subdivision this difficulty is not felt and serviceable cart roads are fairly numerous.

The mileage of roads under the different authorities is shown in the following table :—

	Metalled.	Unmetalled.
Government Public Works Department ...	111 miles	...
District board	127 „	225 miles.
Village roads under district and union boards ...	...	186 „

Digitized by Odisha Revenue Laws – Volume 13 · Page 537 n, Odisha

The Bengal-Nagpur Railway traverses the district. The Calcutta-Madras line passes through the whole length of the Khurda subdivision. At Khurda road the Puri line branches off. For several months of the year water transport is possible on the Bhargovi, Kusbbhadra, Daya and Devi rivers.

263. *Population.*—The figures of population according to the censuses of 1911—1921 and 1931 are given below :—

Thana and sub-division	Population.			Percentage of variation.		Number of persons per square mile.		
	1931.	1921.	1911.	1921 to 1931.	1911 to 1921.	1931.	1921.	1911.
1	2	3	4	5	6	7	8	9
Puri Sadar	657,625	614,754	655,798	+6.97	—6.26	432	404	431
Puri	255,821	242,190	262,653	+5.63	—7.79	137	282	306
Gop	128,914	110,337	114,981	+16.83	—4.04	448	383	399
Pipli	272,890	362,227	278,164	+4.07	—5.72	728	699	742
Khurda subdivision	377,529	336,897	367,604	+12.06	—8.35	389	347	379
Khurda ...	262,560	237,727	261,181	+10.45	—8.98	434	393	432
Banpur ...	114,969	99,170	106,423	+15.93	—6.82	314	271	291
Total for district Puri	1,035,154	951,651	1,023,402	+8.77	—7.01	415	382	411

There is a slight advance, the large reduction between 1911 and 1921 having been more than made up in the next decade. The rate of increase between 1921 and 1931 in thanas Gop and Banpur is strikingly high. The population of Pipli thana shows a decrease since 1911 but the density remains much greater than in any other thana.

264. *Caste* :—The following are the figures of the principal castes in the district —

	1921	1931.
Chasa	231,021	268,853
Khandait	112,571	34,051
Brahman	91,832	93,364
Bauri	86,796	74,677
Gour	49,981	44,640

Here the Chasas predominate and not the Khandaits as in the other districts, but the enormous advance in the numbers of the latter is very striking. Many of the Chasas of 1921 are probably Khandaits in 1931.

There are 22,518 Muhammadans and 1,536 Christians.

265. *Education.*—Literacy is low in this district, the nnmber of literates being 67,367 only—6 per cent of the total population. The number of persons literate in English is only 4,756.

The following statement shows the number of schools in 1929-30 :—

Stndard.	Schools.	Pupils.
High Schools	3	836
Middle English schools	19	1,792
Middle vernacular schools	2	216
Upper primary schools	91	4,754
Lower primary schools	1,242	18,871

The private enterprise shown in starting schools is commendable. There are 498 lower primary schools with 8,728 pupils conducted by private persons or bodies unaided by Government. A college has been established at Puri a few years ago to promote studies in Sanskrit.

Digitized by Odisha Revenue Laws – Volume 13 · Page 538 n, Odisha

266. *Trade and industry.*—The district depends almost entirely on the cultivation of paddy. Cocoanuts, however, are an important item of export. Sakhigopal is the main centre of this trade. The Provincial Banking Enquiry Committee in 1929 found that 30,000 maunds are exported annually, mainly to confectioners in the Central Provinces. The trade is in the hands of one Marwari and three Oriya Brahmins. They have agents in the interior who make advances to the cultivators.

Coir ropes are manufactured from cocoanuts in certain parts, and are exported to the principal towns of Orissa. The industry is not organized.

Polang trees, grown on the sandy tracts of the delta, are a source of income, through the oil extracted from the nuts. This oil is used for lighting as well as for making soap. It is exported in large quantities from Puri by railway. The demand rose during the War and a Marwari took lease of large areas in mauzas Sunharpur and Sipasurubali for growing the trees. Polang seeds are an important item of sale in the village markets in the coastal area.

The main product of the district is, of course rice. At the Provincial Settlement it was remarked that large quantities of rice were shipped to the Madras ports Ceylon and Mauritius. The opening of the railway has opened up other routes for export. Rice is still exported by sea, however. The amount thus exported in 1928-29 came to 173,368 maunds. The amount exported by rail in the same year came to 769,067 maunds. Some rice is also exported to Ganjam and other Madras districts through the Chilka Lake. Khajuria used to be an important centre of trade before the railway was opened, and people still come from Madras side to purchase rice and to sell *gur*, molasses and other commodities.

Other exports are pulses, molasses, and brass. The chief imports are salt, spices, kerosene oil, cotton piece-goods, and refined sugar. The export and import trade is largely carried by on rail, but a small traffic in the rainy season passes along the rivers between the district and the neighbouring district of Cuttack, and bamboos and timber are floated down from the Feudatory States. Some trade also passes up and down the creeks of the Chilka Lake to and from Madras side.

The trade of the district is largely in the hands of foreigners, the cloth business being carried on mainly by Marwaris, and the rice trade by Kachhis from Bombay Presidency.

Brass and bell-metal industry flourishes in some villages, such as Balkati and Bhainchua, A market is found not only in Orissa but also outside, in Calcutta, the Feudatory states and elsewhere. The trade has been somewhat affected by the competition of cheap aluminium products. Co-operative societies have been organized in Balkati to help the industry.

Gold and silver ornaments are manufactured in some villages, of which Radhas is the most important.

Laterite and sandstone are quarried in many places, particularly in the Khurda subdivision. Ballast is supplied to the Bengal-Nagpur Railway Company from the quarries in Gharsanput and other villages near Khurda Road Station. Laterite stones are also commonly used for pillars and for paving in constructing houses, and provide a livelihood to a large number of masons. Stone-carving, an art for which in ancient days Orissa was famous, is still carried on round Bhubaneswar, and has received an impetus owing to the repairs to the Bhubaneswar Temple.

In the coastal villages lime is manufactured, both the *chunam* used for betel and the fine lime used for whitewash. It used to be extracted from oyster shells. The supply of shells has fallen low in some parts.

Weaving, as a village industry, has declined but is still carried on in the larger villages. Pipli used to be a great centre of the textile industry and still contains a community of tailors who make embroidered cloths of a good quality.

Digitized by Odisha Revenue Laws – Volume 13 · Page 539 Odisha

The principal local markets in the Puri subdivision are found at Sakhigopal, Pipli, Balkati, Balianta, Balipatna, Banmalipur. Nimapara. Khajuria and Bhinjarpur.

267. *Drinking water.*—The villages depend on wells and tanks for their drinking water. The district board excavated 28 tanks and sunk 88 wells during the years 1919 to 1927, and a sum of Rs. 58, 797 was spent on construction and repairs of these works.

268. *Soils.*—At the Provincial Settlement an elaborate classification of soils was made for purposes of rent settlement, and an interesting account of the soils of the district is given in the report of Mr. McPherson (now Sir Hugh McPherson) at page 532 of the Final Report, Volume II. Of the Sadr subdivision he wrote that "save in the west, where the subdivision encroaches on the laterite uplands of Khurda and on the south and east where the shore sand forms a belt of varying width, the soil of the subdivision is of the normal alluvial type found in the deltaic country. There is every variety of admixture from almost pure sand to almost pure mud. Generally speaking the lighter soils, the sandy loams are most abundant in the north of the district where there is much diversity of level. The black soils are found more widely in the lower levels of the southern parganas".

The most common soil is *balia matal*, a sandy loam. Another variety known as *chaulia matal*, is also very frequently found, and is peculiar to this district. It is described by Mr. McPherson as "brownish, very friable—and fairly fertile"

In the Ekhrajat *mahal* the soil is for the most part typical of the Khurda upland. It is a laterite soil.

269. *Agricultural stock.*—According to the figures prepared at *khanapuri* the number of draught cattle in the area under survey was 107, 530, or one in 4½ cultivated areas, and the number of ploughs 52,118 or one in 9 cultivated areas. The proportion of ploughs is smaller than in Cuttack, where it is one in 7. The number of carts was 14,234 which is a very high figure for the area covered. The census of 1930 found, 41,000 carts in the whole district, as compared with 3,694 in Balasore. The pack bullock is not found in Puri. Many carts are employed for the transport of pilgrims and the *maths* also keep large numbers for their own purposes. In and around Puri town itself the number of carts is very large.

270. *Agriculture.*—The figures given in the following paragraphs refer to the Sadr subdivision only.

The total area under rice is now 395,528 acres. This represents 90.4 per cent of the cropped area, as compared with 88.3 per cent at Provincial Settlement. It is most widely grown in Puri and Pipli thanas, where the proportions are 92 per cent and 90 per cent, respectively. The area under *beali* is 37,647 acres, that under *dalua* 11,112 acres, and that under *sarad* 345,774 acres, *Sarad*'s proportion to the net-cropped area has advanced slightly from 78.7 per cent to 79.3 per cent, that of *beali* more markedly from 6.2 per cent to 8.6 per cent,while *dalua* has declined from 3.5 to 2.5 per cent.

The decline in *mandia* cultivation is not nearly so marked as in Cuttack district, its proportion only falling from 19 to 17per thousand acres. The area is now 7,628 acres. On the other hand, cereals and pulses such as *mung*, *biri*, *kulthi* and *harar* show a large advance from 11 per cent to 20 per cent of the cropped area. The total area uuder these crops is 85,350 acres, of which 44,929 acres are under *mung* and *biri* and 33,822 acres under *harar*.

The area under oilseeds is 4,968 acres. There is a striking increase in the proportion of these crops from 2.3 to 11.4 per thousand acres.

The area under cotton has dwindled to 128 acres. Jute is still quite insignificant, covering only 99 acres.

Sugarcane has advanced and now covers 2,447 acres, the proportion having increased from 1.2 to 5.6 per thousand acres.

Digitized by Odisha Revenue Laws – Volume 13 · Page 540 Odisha

The most important development of all is in the twice-cropped area. It is now 83,437 acres and represents 19. 1 per cent of the cropped area as compared with 9.3 per cent at the Provincial Settlement. The proportion is now higher than in Cuttack district, where it is 15.9 per cent.

Pan cultivation has extended in this district more than in any other. The area at the Provincial Settlement was 174 acres, and it is now 440 acres,

271. *Outturn of crops.* As a result of 1,043 crop-cutting experiments in the Sadr subdivision the average outturn of paddy was found to be 13 maunds 31 seers. Random sampling experiments, however, in this subdivision in the seasons 1928-29, 1929-30 and 1930-31 gave mean outturn of 23.62 maunds, 20.81 maunds and 21.86 maunds, respectively.

Forty-four experiments done in the Ekhrajat *mahal* in the season 1928-29 gave an average of 19 maunds 6 seers, while 20 experiments by random sampling in the same area in the same season gave the surprisingly high average of 28 maunds 22 seers. This was, of course, an exceptionally good year. The productivity of the lands in Khurda subdivision in general is rather higher than in the Sadr subdivision.

Some experiments on *mung* gave an average outturn of 3 maunds 5 seers.

272. *Extension of cultivation.*—The extension of cultivation in the temporarily-settled area can be adduced from a comparision of the figures of assessed area at the provincial and the present settlements, These show an advance from 373,300 acres to 390,842 acres, or by 4.7 per cent The cultivated area is 74.5 per cent of the total area.

The extension has taken place for the most part in the southern parganas near the coast of the Chilka Lake. such as Chaubiskud, East Athais and Damarkhand, Banchas and Serai. The increase in the central parganas such as Kotdesh, Lembai and Kotrahang is very slight. In the central part of the district cultivation had almost reached its limit at the last settlement.

The area recorded as available for cultivation in the temporarily-settled estates is 103,348 acres, of whlch 9,033 acres are new fallow, 69,052 acres old fallow and 9,161 acres jungle.

273. *Embankments.*—The Sadr subdivision of the district has an elaborate system of protective embankments. In 1866, the mileage of embankments maintainied by the Government was 317 miles but the mileage was reduced to 257 by the time of the last Provincial Settlement The total length of the existing embankments is 253 miles, and an area of 499 square miles is protected. There are 133 sluices in these embankments. The main rivers of the district are for the most part heavily embanked with some escapes for passing off high floods,

274. *Flood problems.*—The Flood Committee remarked that the flood problem of Puri district was the most difficult with which they had been confronted. Deltaic action is here more backward. A glance at the map will show that there is no large estuary in this district. Of the various branches of the Mahanadi which spread over this district, the Kushbhadra has a small estuary 18 miles east of Puri town, the Daya takes a fairly straight course into the Chilka Lake, while the Bhargovi makes as if to reach the sea near Puri town and then turns sharply to the right and eventually flows into the Chilka Lake in a common estuary with the Daya. The country between the Devi and the Kushbhadra is drained by the Prachi river, that between the Kushbhadra and Bhargovi by the Dhanua, and that between the Bhargovi and the Daya by the Ratanchira and Nuna.

The most. serious flooding takes place in the southern parganas near the coast. The northern and central parganas are comparatively

Digitized by Odisha Revenue Laws – Volume 13 · Page 541 n, Odisha

immune from injury. The large Kotdesh estate, covering 110,000 acres between the Kushbhadra and Bhargovi, sustained some local damage in the abnormal floods of 1920, owing to breaches at Achhutpur on the Bhargovi left and Athantar on the Kushbhadra right. Ten villages were affected with sand deposit and revenue of Rs. 1,356 was remitted. At this settlement it was found that most of the lands affected had already recovered and the tenants expected the rest to recover soon. The river Dhanua flows through the middle of the estate and does some harm by water-logging, but also deposits silt. The Flood Committee remarked that the drainage of the Dhanua basin was obstructed by private embankments, and by the district board road from Bipli to Nimapara. Water is discharged into this basin through the Jogisahi and Achhutpur escapes, but it would be dangerous to raise the level of these escapes until the Kushbhadra and Bhargovi mouths are improved. The latter is already being done by providing a cut through the Sur Lake into the sea. At the Kushbhadra mouth a cut was made by Government in 1925-26. It was practically filled up in 1927 but the floods of that year reopened it. In 1930 it was again partially closed but in the flood of 1931 the local villagers cut it again with *koris* and the action of the water opened it still further. The mouth shows a tendency to shift towards the left.

The Kushbhadra itself does not do much harm in its lower reaches but the Kadua which drains the country between the Kushbhadra and the Prachi, has a harmful effect on a part of pargana Athaisi and the south-eastern end of Banchas. Its mouth also tends to become closed and the villagers at times of flood go and open it.

The temporarily-settled parganas in the south-east corner of the district are badly flood affected, particularly pargana Kodhar, which suffers from the Olai *ghai* in the Devi right bank. There was serious flood of the Devi and Bindhan in August 1931, affecting mainly the villages Osian and Khandasahi.

To the east and north of Puri town lie two streches of water-logged land, known as the Sur Pat and the Samang Pat, respectively. *Dalua* paddy is grown in these areas. They will be affected by the new cut from the Sur Lake to the sea. The flood Committee in recommending this cut suggested that the weir wall should be constructed at such a height as to hold up water sufficiently for the cultivation of *dalua* to be continued in these parts. The Attestation Officer in the Sur Pat area himself observed that owing to silt deposit some lands were becoming too high for *dalua* and not high enough for *sarad*.

The country to the west of the Trunk Road through which the Ratanchira and Bhargovi flow was remarked by the Flood Committee to be excessively congested by private embankments. The basin of the Ratanchira, where it runs through the centre of the large Rahang estate, is a fertile area. Further to the west in pargna Chaubiskud the Chilka Lake causes salt inundation and the outturn of paddy is comparatively low. This area is not normally injured by river floods, which in fact do good by depositing silt and so counter acting the saline impregnation of the soil. In 1925 and 1926 there were abnormal floods, and revenue of Rs. 1,288 was remitted in the Krishnachandra estate. The salt embankment was reconstructed in 1926-27.

The Daya is embanked on its left, but its right bank, after the first few miles, is open to floods. These floods affect pargana Serai, which contains the large estate of Krishnanagar. Injurious floods are expected once in seven years but this area suffered damage consecutively in 1925 and 1926. In the latter year there was a breach in the Daya left at Gadisagada. Revenue of Rs. 920 was remitted in the Krishnanagar estate. The canal excavated by the landlords and tenants of Paikpara on the Monaguni right bank from village Bargarh is reported to benefit greatly the surrounding villages. The Flood Committee deprecated the double embankmemt of the Monaguni up to its confluence with the Daya, and recommended that the embankments should be cut short at least two miles from the Daya. They also observed that the Daya left embankment was becoming unstable owing to the raising of the level of the right bank by silt deposit.

Digitized by Odisha Revenue Laws – Volume 13 · Page 542 n, Odisha

The flood-affected areas described above are all in the Sadr subdivision. Khurda subdivision is a higher tract, practically unaffected by floods except for the low-lying area on the shores of the Chilka Lake.

275. *Area under settlement.*—The area under settlement consisted of (1) the temporarily-settled estates which cover the greater part of the Sadr subdivision, (2) the small revenue-free estates lying inside this temporarily-settled area, (3) the permanently-settled estates of Marichpur at the extreme south-east corner of the district, (4) the Ekhrajat *mahal* in Khurda subdivision, (5) scattered lands of religious endowments (about 3,848 acres) lying in the area of Ekhrajat *mahal*, and (6) the Balukhand *khas mahal* in Puri town.

The remaining area of the district is covered by the Khurda *khas mahal* and the jagir mahals (including Parikud) on the southern side of the Chilka Lake, the revenue-free area in Puri town and the Chilka Lake.

276. *Revenue settlement.* The total revenue of the temporarily-settled estates as assessed at last settlement was Rs. 3,71,222 representing 58.3 per cent of the gross assets. The present revision has raised the revenue by 26.8 per cent to Rs. 4,70,710, representing 56.8 per cent of the gross assets. The advance in revenue is less than the advance in the assets which is by 30 per cent. The proportion of assets taken as revenue has been reduced towards normal limits, as the proportion taken at last settlement was already high. In some few estates, owing to abnormal increase of assets the revenue demand at this settlement had risen in so high a proportion that to avoid hardship temporary concessions were allowed and the revenue was advanced in stages spread over periods not exceeding four years. The ultimate revenue demand of Rs. 4,70.710, therefore, does not come into effect until 1933. The revenue demands of the intervening years between 1928 and 1932 show a difference of only Rs. 3,467.

The total revenue demand includes a sum of Rs. 4,907 payable to the *chaukidari* fund, as compared with Rs. 4,389 at last settlement.

The incidence of revenue per acre of assessed land is now Re. 1-3-10, as compared with Re. 1-0-4 at last settlement. Calculated on total area the incidence is now Re. 0-14-9 as compared with Re. 0-11-8.

The total *malikana* allowed to the proprietors at last settlement was Rs. 1,94,615. The proprietor's income had increased in the course of the settlement to Rs. 2,15,207. The *malikana* now allowed to them is Rs. 2,63,148. Their income thus advanced by 11 per cent during the term of the last settlement. This settlement brought an increase of 22.3 per cent over the existing income and the final result is an advance by 35.2 per cent over their income of last settlement.

277. Partitions since last settlement have led to an increase in the number of private estates from 485 to 560. In addition there are three *khas mahal* estates in Puri Sadr subdivision as at last settlement.

278. *Sub-proprietors.*—The *tanki baheldars* are those sub-proprietors, referred to in section 3 (21) (1) of the Orissa Tenancy Act, who hold lands for a payment fixed in perpetuity. They are found in parganas Lembai, Rahang, Chaubiskud and Serai. They hold 28,143 acres on a rent of Rs. 14,380, so the rent incidence is about 8 annas per cent. These tenures are described elsewhere. The remaining sub-proprietors have had their revenue payments revised at this settlement.

There are 1,382 other sub-proprietary tenures in Puri, of these 687 are *makaddams*, 211 are *sarbarakars*, 451 are *padhans*, 9 are *shikmi zamindars*, 18 are *dalais*, and 6 are *dalbeheras*.

Their assets advanced from Rs. 2,91,046 to Rs. 3,14,153 during the currency of the settlement, and to Rs. 3,71,303 as a result of this settlement. The settled assets exceed the pre-existing assets by 18.2 per cent and those of last settlement by 27.6 per cent.

Digitized by Odisha Revenue Laws – Volume 13 · Page 543 Odisha

The distributions of the assets at last settlement and at this are shown below—

	Last settlement		Present settlement	
	Percentage.	Amount	Percentage.	Amount
1	2	3	4	5
		Rs.		Rs.
Sub-proprietor	24·4	71,091	25·4	94,250
Proprietor	17·6	51,325	17·7	65,665
Government	58	1,68,650	56·9	2,11,388

The Government revenue advances by 25.3 per cent. The income allowed to the sub-proprietors is 32.6 per cent more than at last settlement, but is almost the same as that which they were found to possess at the advent of this settlement. The share allowed to the proprietors has advanced by 27.9 per cent over that allowed at last settlement.

279. *Sairat*—The total *sairat* assessment on the temporarily-settled estates at last settlement was Rs. 5,538 and at this settlement Rs. 10,747. The details are as follws—

	Last settlement.	Present settlement.
	Rs.	Rs.
Fishery	2,630	3,347
Fruits, etc.	2,435	4,343
Markets	...	1,129
Jungle and miscellaneous	464	1,928
Total	5,538	10,747

There has been an increase in all items of *sairat*, due mainly to the greater care with which these sources of revenues were investigated.

280. The following account of status and rents refers to the temporarily-settled estates of the district.

Nijjot and nijchas—19,586 acres have been recorded as *nijjote*. Of this area, 4,113 acres are held by cash-rented *raiyats* and 741 acres by produce-rented *raiyats*. The remaining 14,732 acres are recorded as in possession of the proprietors or sub-proprietors. The *nijchas* area is 42,240 acres, making a total of 56,972 acres in cultivating possession of these landlords. The area so recorded at last settlement was 40,100 acres.

281. *Tenancies on produce-rents*—There are 9,148 acres held on produce-rents directly under the proprietors or sub-proprietors, including these 741 acres of *nijjote* There are in addition 6,574 acres held by *raiyats* under tenure-holders. and 4,883 acres held by under-raiyats on produce-rents. The total number of produce-rented holdings (including those of under *raiyats*) is 26,497 and the total area 20,605. The average size of a produce-rented holding is 78 acres. The area under produce-rents is 3.9 per cent of the total temporarily-settled area. Of the area held by under-*raiyats* 62 per cent is held on produce-rents.

282. *Rent-free holdings*—The total area held rent-free is 3,827 acres of which 1,268 acres in 4,889 holdings are so held by occupancy *raiyats*, and

Digitized by Odisha Revenue Laws – Volume 13 · Page 544 n, Odisha

14 acres are held in 10 rent-free tenures. There are 956 acres under ordinary *jagirs* and 1,589 acres under *desheta jagirs*. This does not include the area recorded as *minha* which is 625 acres.

283. *Cash-rented tenancies and rent settlement.*—Passing to the cash rented areas and the results of rent settlement, the following table gives the main statistics:—

Class of Tenancy.	Number of holdings	Area under present settlement.	Rents.		Percentage of increase over existing rent.	Rental incidence per acre.	
			Existing.	Settled.		Existing.	Settled.
1	2	3	4	5	6	7	8
		Acres.	Rs.	Rs.		Rs. a. p.	Rs. a. p.
Kharida *jamabandi*	1,299	2,305	3,419	4,174	22	1 7 9	1 13 0
Bajyafti tenures and tenancies.	48,198	63,184	71,443	1,00,867	41	1 3 1	1 9 7
Settled and occupancy.	198,766	230,661	4,58,529	5,67,469	24	1 15 10	2 7 4
Sthitiban *babat nijjote.*	6,263	4,113	...	11,740	...	...	2 13 8
Non occupancy ..	540	399	551	766	39	1 6 1	1 14 9
Chandna ..	3,190	308	2,965	3,841	30	9 10 0	12 7 6
Chaukidari resumed *jagir.*	4,033	2,346	4,546	5,623	24	1 15 0	2 6 4
Ordinary tenures ...	1,415	6,894	6,719	9,364	39	0 15 7	1 5 9

There are also 83 *pattadari* holdings with an existing rent of Rs. 506. These were valued at Rs. 6,515 for purposes of revenue settlement. The large enhancement of non occupancy rents is due to the greater proportion of lands newly assessed. The rate is still very low.

In rent settlement out of the 1,651 villages, 1,173 were given the normal four annas enhancement. In 87 a larger enhancement was imposed, in 178 it was three annas, in 138 two annas, in 29 one anna and in 46 no enhancement.

The average size of the holdings of cash-rented settled and occupancy *raiyats* at the Provincial-Settlement was 1.73 acres. It is now 1.16 acres.* The average of *bajyafti* tenancies has similarly decreased from 1.58 to 1.31 acres.

284. *Rakhit and sarbasadharan.*—The areas recorded in the Sadr subdivision as reserved or communal lands, as compared with last settlement areas, are shown in the following statement :—

——	Area of grazing and other land reserved.	Area of cremation and other communal lands.	Total.
1	2	3	4
Provincial Settlement, 1897 ...	21,400	800	22,200
Revisional Settlement, 1911 ...	...	...	27,120
Present Settlement	26,709	5,581	32,290

* This does not mean that this amount of land is held by the average family, as one family may have several holdings.

Digitized by Odisha Revenue Laws – Volume 13 · Page 545 Odisha

In the Sadr subdivision the area reserved has increased by 25 per cent and now represents 5 per cent of the total temporarily-settled area.

285. *Revenue-free estates*,—There are 14,572 revenue-free estates in the Sadr subdivision, with a total area of 93,443 acres. The average area of an estate is 6½ acres. 31,810 acres are recorded as *nijchas* and *nijdakhal* of the proprietors. There are 31,590 acres included in cash-rented holdings and 15,100 acres included in produce-rented holdings.

The area under produce-rents is much larger than in other districts. Applications for commutation are rare in the religious properties as the *mahants* are powerful while pious feelings deter the tenants from going against the interests of the deity.

The total rental of the 31,590 acres under cash-rented tenants was Rs. 74,080 at the commencement of this settlement. The average incidence was thus Rs. 2-5-5 per acre, which was much higher than the average in the temporarily-settled estates—Rs. 1-15-10.

There were 1,143 applications filed for settling fair rents under section 128 and as a result of these rents amounting to Rs. 53,876 were enhanced to Rs. 65,424. Five-sevenths of the total rents were affected by these applications. In this district the powerful *mahants* took a keen interest in the rents and generally applied for enhancement.

286. *Sale of occupancy rights*—The statistics prepared in course of the settlement proceedings for the last twelve years show that settled and occupancy rights covering an area of 31,001 acres in Puri Sadr subdivision were sold for a sum of Rs. 30,32,290, i.e, at the rate of Rs. 93 an acre. The selling rate reported by Mr. James for the decade preceding his settlement was Rs. 69.

The land commands the highest price in P.S. Delang and P. S. Satyabadi, the rate per acre being Rs. 140 and Rs, 124 respectively. This can be explained by the greater pressure of population in those regions and by the fact that the valuable cocoanut and polang trees are extensively grown there. The sale rates in P. S, Balipatna, Balianta and Pipli are still high, i,e. Rs. 120, Rs. 116 and Rs. 115, respectively, there being very little scope for extension of cultivation, and consequently a keen demand for lands. The sale rate is lowest in Kakatpur, the area being open to injurious flood.

287. *Mortgages of holdings*.—In the Sadr subdivision an area of 536 acres is found to have been mortgaged for a sum of Rs. 34,347 during the last twelve years. Regarded proportionately for the same period Mr. James's figure would be 770 acres. There is a decline in the mortgages since the last Revision Settlement owing to the fact that section 96, Orissa Tenancy Act, has discouraged usufructuary mortgages for any longer period than nine years. The average loan per acre mortgaged is Rs. 64.

The following is a comparative statement showing the percentage of area mortgaged to men of different professions:—

——	Landlord.	Raiyat.	Money-lender.	Lawyer.
Settlement of 1911 ...	24	44	32	...
Present settlement ...	9	75	15	1

288. *Khas mahals*.—The following is a list of the *khas mahals* in district Puri;—

Name of mahal.			Total area.	
Kodhar, tauzi no. 251	...	...	12,022	acres.
Balukhand, tauzi no. 459	...	...	590	,,
Pattunayanadi, tauzi no. 426	...	...	55	,,
Khurda tauzi no. 267	...	...	575,059	,,

Digitized by Odisha Revenue Laws – Volume 13 · Page 546 Odisha

Pattunayanadi is a small estate leased out on a twelve years' term. The Collector has settled the estate with Rai Sahib Srish Chandra Ghose of Puri. It was included in this settlement.

289. *Settlement of rent by agreement in Khurda khas mahal.*—The Khurda Government estate with an area of 883 square miles was originally included in the programme of the present settlement operations and it was intended that it should be taken up along with Block G. In view, however, of the fact that there have been many settlements in Khurda and that a continuous record is maintained there it was felt that it would be a waste of time and money to have another settlement including the preparation of maps and records if the tenants could be induced to compromise with their landlord for a fair enhancement of rent.

Mr. Mansfield, therefore, after consulting the Collecter and Subdivisional Officer, submitted to Government a proposal that an attempt should be made by the *khas mahal* authorities to compromise with their tenants on the basis of a rent enhancement of two annas in the rupee under section 34 of the Orissa Tenancy Act. He further proposed that such compromises should be in writing and registered by officers of the settlement department specially empowered as joint sub-registrars. This operation, if successful, would obviate any necessity of a regular survey and settlement. In order to test whether the scheme was likely to be successful or not an experimental joint sub-registration office was started at Pichkuli in December 1927. Unfortunately the scheme attracted the attention of one or two irresponsible local politicians who started an agitation against it. This agitation at first met with some success, but after Government had issued a public notice giving time to the tenants till the 31 st March 1928 to decide whether they would take advantage of the offer of a compromise on rents, and some of the more intelligent tenants round Khurda had set the example of coming forward to execute *kabuliats*, the opposition quickly evaporated, and by the middle of June seven camps were working. Progress was at first delayed by inadequacy of *khas mahal* staff and by some friction between that staff and the settlement employees. These defects were, however, remedied Rsi Bahadur Radha Charan Das, who became Subdivisional Officer in October, took a keen interest in the work, and in the cold weather the outturn of the camps improved greatly. On some days as many as 300 *kabuliats* were registered in one camp. Nine officers were engaged in the work of registration and the whole area was divided into 35 centres, It was completed by the middle of February 1929. A very few tenants who had failed to execute their agreements in the camps came later to execute them in the ordinary registration offices at Khurda, Banpur and Puri.

The total number of agreements registered was 158,980. They were executed for all the holdings in the *mahal* except two. Those two belonged to a disgruntled agitator, who was thereupon sued for enhancement of rent under section 35. He executed the agreement for one holding in court and for the other he contested the suit, but on the court's ordering enhancement by two annas in the rupee, no appeal was filed.

There are 1,378 villages in the *mahal* of which 28 consist of jungle. Of the remaining 1,350 villages 1,310 had their rents enhanced by two annas in the rupee, 10 by one anna and 30 were exempted. The village Jatni was exempted because the holdings there (at Khurda Road Railway Station) are held on periodical leases. of which the terms had not expired. The other exemption and enhancements at the lighter rate were made in order to prevent any hardship to villages liable to damage from flood. Such villges are few in the *mahal*. but some of those lying close to the Chilka Lake are subject to inundation. The general enhancement by two annas in the rupee was amply justified. A much higher enhancement, viz. by four annas six pies would have been legally admissible on the ground of rise in prices since the last settlement of rents. The existing average rate of rent in Khurda was Rs. 1-12-8 whereas in Puri Sadr after the Provincial Settlement it was Rs. 1-15-5 and in the adjoining district of Cuttack it is much higher. After the present enhancement the rate in Khurda is Rs. 2 as compared with Rs. 2-8-0 in Puri sadr. The average outturn of paddy was estimated

Digitized by Odisha Revenue Laws – Volume 13 · Page 547 n, Odisha

in 1915 to be 15 maunds per acre. Crop-cutting experiments in Puri Sadr in 1924-25 showed an average of 14 maunds 26 seers.

The subdivision was described by Babu Sudarsan Das in 1915 as "an undulating country with rich fertile villages and uncultivable uplands in alternate succession. It is free from inundation and protected from drought by means of water reservoirs and tanks". The sale price of land in the subdivision according to figures of sales between 1923 and 1926 was Rs. 241 per acre.

After the completion of the registration of *kabuliats* the work of entering the new rents in the maintenance records and of preparing new *pattas* for distribution to the tenants was done by the *khas mahal* staff.

The whole operation cost Rs. 59,620, of which Rs. 32,407 was expended by the settlement department and Rs. 27,213 by the *khas mahal*. The budget estimate for the regular survey and settlement of the *khas mahal* had been Rs. 5,35,000. The saving to Government was thus Rs. 4,75,380.

The settlement of 1913-14 brought the total rental of the *mahal* to Rs. 4,33,512, By the 31st March 1929 this had risen to Rs. 4,38,838 owing to assessment of newly reclaimed land. The present operation has added Rs. 52,489, bringing the total to Rs. 4,91,327. Out of this sum the *sadar jama* due to Government on account of the land revenue of the *mahal* is Rs. 3,97,956.

The tenants themselves in the end fully appreciated that their acceptance of the enhancement of rent by voluntary agreement had been immeasurably to their advantage.

290. *Balukhand khas mahal.*—The Balukhand *khas mahal* covers nearly 600 acres in Puri town, containing the Government offices and other important buildings. It was at first excluded from this settlement but it was eventually decided to include it.

The land was at first acquired by the Collector, Mr. Armstrong, in 1876 on behalf of the Town Improvement Fund. which in 1881 became the Puri municipality. In 1885 Government took direct control over the land by refunding the purchase money to the municipality. Mr. Garrett, as Collector in 1901, defined a policy for the laying out of the estate for building purposes, the recent opening of the railway having brought the town into prominence as a seaside resort. The lands on the seafront were divided into three classes according to their site value. The rate of rent was at that time about Rs. 30 per acre. In 1902 the Board of Revenue decided that the rate in the three blocks should nowhere be less than Rs. 100 per acre. Since then it has been progressively raised and in 1924 Government approved of rates of rent of Rs. 250 for Block, I. Rs. 200 for Block II and Rs. 150 for Block III.

The estate was cadastrally surveyed in 1897 and a record-of-rights prepared. There were then very few private houses and the rent roll was only Rs. 662. There was a survey on the 64-inch scale in 1918-19 under the Municipal Survey Act. At the present settlement the area was again surveyed on the scale of 64 inches to a mile and a record-of-rights was prepared. Rent settlement was not done by the settlement department. The rent roll at the time of preparing the record was Rs. 17,812, and it has since then been enhanced by the Collector to Rs. 19,432.

According to the terms of the leases the previous written permission of the Collector is required for transfers of holdings by sale or gift. A mutation fee is charged, This was fixed at six times the annual rental by order of Government in 1925. The Legal Remembrancer has held that the Collector can refuse his consent to a transfer during the continuance of an existing lease, but if he gives his consent he cannot at the same time demand an enhanced rent.

The tenants have the right to the fruit only of fruit-bearing trees on their holdings. The fruit and timber of all trees on road-side lands belong to the *khas mahal*.

Digitized by Odisha Revenue Laws – Volume 13 · Page 548 Odisha

At this settlement the lease-holders were recorded as *pattadars*. There are also a number of old established tenants (mostly *Nolias* and *Haris*) without lease, who had never had their rents enhanced. These have been recorded as tenants at will.

291. *Kodhar khas mahal.*—The Kodhar *khas mahal* lies in 40 villages of thana Kakatpur. Seven villages with an area of 2,261 acres are under the direct control of the Collector. There are 3,007 acres in 13 villages under sub-propritors, and 6,754 acres in 20 villages under the Uttarparswa *math* and the Jagannath Ballav Committee as tenure-holders on a quit rent of Rs. 97.

At the British conquest the whole estate was found to be in possession of the *mahant* of the Uttarparswa *math*, but in 1834 the investigation into his right to hold the land free of revenue disclosed that the *math* had received no proprietary right but merely an assignment of revenue from the Mahratta Government. In 1843 it was let in farm for Rs. 6,739 out of which a sum of Rs. 3,467 was paid to the *math* annually. But in 1865 this money payment was commuted to a grant of certain villages. A payment of Rs. 2,667 to the Jagannath Ballav endowment was similarly commuted. It was noticed; however, that the income from the transferred villages, after allowing 5 per cent for cost of collection, slightly exceeded the amounts of the annual payments, and the Board therefore ordered that the difference, Rs. 97, should be paid annually by the assignees to Government.

In the course of the present settlement the point was raised whether the arrangement made in 1865 was intended to be permanent and whether Government could now settle fair rents in the transferred villages and appropriate the increase. The original documents did not make this matter clear. At the last revenue settlement it was held that the quit rent payable for these villages was fixed in perpetuity. This view has been again taken at this settlement on a reference to Government. The Uttarparswa *math* and the Jagannath Ballav Charitable Endowment have been recorded as permanent tenure-holders on rents fixed in perpetuity. Rent settlement under section 119 was not applied to the tenants under these tenures.

The revenue of the *hastabud* portion is now Rs. 3,141 and that of the sub-proprietary portion, Rs. 2,931. The total revenue of the estate is Rs. 6,072.

292. *Sales of proprietary rights.*—From the statistics prepared at attestation it appears that estates or shares of estates with an aggregate revenue of Rs. 20,791 were sold by voluntary rules for a consideration of Rs. 2,77,711 during a period of twelve years. The purchase money is thirteen times the revenue transferred, Of the transfers, 92 per cent were to the landlord class, 5 per cent to money-lenders and 3 per cent to *riayats*.

Of the involuntary sales, i. e. sales of estates for arrears of land revenue, the following are the statistics for a period of fifteen years from 1914 to 1928 :—

Number of sales	17
	Rs.
Dues for which sold	505
Aggregate revenue of the estates or shares of estates sold ...	2,418
Sale price	26,924

The sale price is about eleven times the revenue of the estates sold.

It is, however, significant that the amount of arrears of revenue for a year is only Rs. 34 in a revenue roll of Rs. 4 lakhs.

293. *Kotdesh estate.*—The Kotdesh estate, tauzi no. 44, is the largest temporarily-settled estate of Orissa, covering an area of 172 square miles, It was given to one Trilochan Patnaik, a *tahsildar*, by the Raja of Berar in 1775, and remained in the hands of the same family until the Provincial Settlement when it was sold for arrears of revenue. A 7-annas share was then purchased by the *Bhagats* of Cuttack town, a 4-annas share by the *mahant* of Emar *math* and a 5-annas share by the *Chaudhuries* of Bhinjarpur. The estate was under the management of the Collector for

Digitized by Odisha Revenue Laws – Volume 13 · Page 549 Odisha

ten years from 1899, and was then restored to the Common Manager appointed by the District Judge. A condition of the restoration was that a sum of Rs. 4,000 should be paid annually to the Collector for improvements and for the maintenance of roads and embankments in the estate.

The estate occupies a large triangle of land between the Bhargovi and Kushbhadra rivers, and the Dhanua river runs through the middle of it. Normally it does not suffer much from floods, but in the exceptional floods of 1920 a part of it suffered severe damage and revenue was remitted for the remaining seven years of the settlement to an amount of Rs. 1,381.

The revenue at last settlement was Rs. 1,04,338, and it has been assessed at this settlement at Rs. 1,29,758. In revenue settlement the sum of Rs. 4,000 annually payable to the Collector has been excluded from the assets assessable to revenue by the order of the Board.

294. *Rahang estate.*—The Rahang estate, tauzi no. 268, was purchased in 1809, along with the Krishnachandra and Krishnanagar estates by Radha Krishna Chandra Singh, a Bengalee Dewan of Orissa. This estate was recusant from 1813 to 1898, but at the Provincial Settlement the proprietors entered into engagement. The estate covers 96 square miles, lying immediately to the north of Puri town. The river Nuna runs on the north-west flank, the Ratanchira in the middle, and the Bhargovi towards the south and west. It contains the area known as the Samang Pat and a portion of the Sur Pat. It is not badly affected by floods and the basin of the Ratanchira is fertile. A detached portion near the Kushbhadra on the east is sandy and inferior.

The revenue at last settlement was Rs. 35,627, and has now been settled at Rs. 44,284. The money assignments payable to the Puri Temple from this estate are described elsewhere. The proprietors are minors, and the management is in the hands of their grand-mother, Rani Harshamukhi as trustee.

295. *Krishnachandra estate.*—The Krishnachandra estate, tauzi no. 269, which belongs to the same proprietors as Rahang, covers an area of 51 square miles in pargana Chaubiskud. More than half the estate is held by sub-proprietors of the class of *padhans* and *sarbarakars*. The estate lies on the lower reaches of the river Bhargovi near the Chilka Lake. The area near the Chilka Lake suffers from salt inundation and is not very productive. The estate suffered rather severely in two successive floods in 1925 and 1926, and in the latter year revenue was remitted up to Rs. 1,288. On account of the damage by floods the rent settlement in this estate was rather lenient, and 69 villages out of 93 received enhancements at less than normal rates.

296. *Krishnanagar estate.*—The Krishnanagar estate, tauzi no. 270, also belongs to the same proprietors as Rahang. It covers an area of 58 square miles in pargana Serai. About two-thirds of it is held by sub-proprietors. The Daya river runs through the estate, and the villages to the west of that river are flooded. This area suffered severely from flood in 1925 and 1926, and revenue was remitted to an amount of Rs. 920. Rent settlement in this estate was rather lenient after the floods, and in 43 out of 94 villages low enhancement was given.

297. *Delang estate.*—Delang estate is situated in pargana Lembai covering an area of 81 square miles. An area of 23,042 acres is in direct control of the proprietor, and over the remaining 29,027 acres sub-proprietors intervene. Of these 214 are *padhans*, 55 *makaddamas*, 21 *sarbarakars*, 17 *dalais* and 6 *dalbeheras*. The estate does not suffer from any physical disadvantage, and the lands are mostly fertile.

At the last settlement the Raja of Puri, who owned the proprietary right, was heavily in debt to the Raja of Parlakimedi. In 1903 the estate was sold for arrears of revenue and purchased by the latter. Soon after the purchase the proprietor died, and the present Raja being a minor at the time, the estate was managed by the Court of Wards till 1913. The management is well organized after the manner of the Court of Wards.

Digitized by Odisha Revenue Laws – Volume 13 · Page 550 n, Odisha

The question arose as to whether certain sub-proprietors, who were described in the *kabuliats* of the last settlement as *padhani sarbarakars* are really *sarbarakars* or *padhans*. Rai Bahadur Nandkishore Das in his report on land tenures in Puri (1875 Edition) writes as follows in paragraph 44:—

"In the villages held by a large number of *padhans*, one or more of them have been selected and recorded as managers. They collect rents from *raiyats*, pay the *jama*, and distribute the profits among themselves. The managers are called *padhani sarbarakars*, and the others are called *bhyalli padhans*." This being the origin of the tenures, the sub-proprietors have been recorded as *padhans* at this settlement.

The revenue of the estate has been increased from Rs. 43,560 to Rs. 53,246

The proprietor appealed to the Government against this assessment, but his objection was rejected. He has filed a suit in the civil court against the revenue assessed on various grounds, but has provisionally executed the *kabuliat**.

298. *Relation between landlord and tenants*—The relations between the landlord and tenants are apparently cordial. Most of the larger estates are well managed.

In Kotdesh the management of the Common Manager appointed by the District Judge is reported to be efficient and popular.

In Krishnanagar the late proprietor did much good and was held in esteem by his tenants. In particular he had the Rajkhama canal constructed.

In Delang the relationship between landlord and tenants is good.

The several estates held by the *chaudhuris* of Bhinjarpur were placed under a Common Manager appointed by the District Judge, but most of them have been released. The co-sharers are many and there are dissensions among them. The collecting agents are influential and exacting.

The *Mahant* of *Emar math* is a powerful landlord and his collecting agents are arbitrary in their methods. In the lands held by him in Harishpur estate it was observed at attestation that the *Mahant* never had to sue a tenant for rent and entirely prevented all transfers.

In the sub-proprietary tenures where there are many co-sharers faction is generally rife. Many of these petty sub-proprietors are no better off than their tenants and the latter have the upper hand unless the former are united.

299. *Transfer and subdivision of estates.*—Fourteen estates with an area of 607 acres and assets of Rs. 1,406 were entirely transferred from Cuttack to Puri. Further, as a result of subdivision of estates, portions of two estates with area 32 acres and assets Rs. 62 were transferred from Cuttack to Puri and portions of seven estates with area 1,596 acres and assets Rs. 3,208 were transferred from Puri to Cuttack.

There are still some estates on the tauzi roll of Puri, and others on that of Cuttack which have lands partly in Cuttack and partly in Puri. On account of the objection of the proprietors they were not subdivided. The details of these lands are as follows :—

(*a*)	Lands lying in Puri but borne on the tauzi roll of Cuttack :—		
	Number of estates		32
	Area	Acres.	2632.48
	Assets (valued for revenue settlement)	Rs. a. p.	5,433 12 0
(*b*)	Lands lying in Cuttack but borne on the tauzi roll of Puri :—		
	Number of estates		10
	Area	Acres.	772-09
	Assets (valued for revenue settlement)	Rs. a. p.	1,470 4 0

* I understand the suit failed.

P. T. M.

Digitized by Odisha Revenue Laws – Volume 13 · Page 551 Odisha

CHAPTER XII.

The permanently-settled estates.

300. *Killa Kanika.*—Killa Kanika, the largest estate on the revenue roll of the Cuttack Collectorate, covers an area of 440 square miles, out of which 275 square miles are in Cuttack district and 165 square miles in Balasore. The estate lies on the sea-coast on both sides of the Dhamra estuary. There is a belt of jungle along the sea shore. Further inland are arable plains. The parts adjoining the coastal jungle are partially protected from salt water inundation by that jungle and by the embankments constructed for the purpose by the estate. Owing to encroachment by the sea the jungle is at many points an inadequate protection. The embankments in the Cuttack area were badly breached by a cyclone a few years ago, but have since been repaired. The cultivated lands lying further inland are subject to floods of the Baitarani and Brahmini rivers.

301. *Previous settlements.*—The estate was under the Court of Wards from 1844 to 1849 and again from 1862 to 1902. There were three private settlement while the estate was under the Court of Wards. The last of these, that of 1889-94, was preceded by a cadastral survey carried out by a professional survey party. uuder Act V of 1875. During the present settlement all the old villages were resurveyed, and an original survey was done of the newly-formed villages. An area of 4,350 acres of jungle, not contained in any village, was excluded. An authoritative record-of-rights was prepared for the first time.

302. *Classification of areas.*—The total area of the Killa surveyed in the present settlement was 202,933 acres, of which 127,634 acres, or 63 per cent are cultivated and 11, 512 acres, or 6 per cent are current fallow. Since the settlement of 1889-94 about 10,000 acres have been brought under cultivation. There is still a large area of jungle capable of being reclaimed. Within the boundaries of the estate there are 816 acres of Government lands 51,253 acres were recorded as *anabadi* of the proprietor. No *sarbasadharan* or *rakhit khatas* were prepared. Public rights and easements were noted in the remarks column of the plots affected. There are 855 acres of *nijjote.* including 227 acres in which occupancy rights have accrued.* Only 11 decimals of this area is held on produce-rent and the rest on cash-rents. The total area in the estate recorded as under produce-rents is only 129 acres. There are 463 acres of ordinary *jagir* and 78 acres of *desheta jagir.*

303. *Rent roll.*—The cash rent roll at the commencement of the operations amounted to Rs. 1, 98.347 of which Rs. 1,71,351 was for an area of 120,330 acres held by settled and occupancy *raiyats*, at an average rate of Rs. 1-7-0 per acre. The rent roll after the proceedings under section 128 and sections 136 and 137 has risen to Rs. 2,20,989.

304. *Minha.*—The custom of allowing resident *raiyats* to hold homestead lands up to one-sixteenth of their rice lands in a village rent-free prevails in this estate.

305. *Fisheries.*—The estuary and sea fisheries in the Killa are very valuable. The income is estimated to be about Rs.20,000 a year.

306. *History of rents.*—Mr. Sakhawat Hossein in his report of the settlement of 1889-94 shows the area of *raiyati* holdings under the proprietor as 107,966 acres, and the rental as Rs. 127,917-8-0. Since then the Raja had affected various enhancements of the existing rents. Rents were enhanced in 1909 in the part of the estate east of the Matai river in Balasore. The enhancement was by four annas per rupee of rent, of which two annas was said to be on the ground of rise of prices and two annas for an improvement—the recoustruction of the Nuna Bundh. There was also a general enhancement in the Cuttack portion in 1916, which in some cases was within the legal limit of two annas in the rupee and in some cases beyond this limit. There were also several local enhancements on account of various

*Actually a great deal of the remainder is held on produce rents.

Digitized by Odisha Revenue Laws – Volume 13 · Page 552 Odisha

embankments. constructed or repaired (the Satbhaya embankments, the coastal embankment near Kaintha, one further inland between Tiari and Mangarajpur and the embankment and canal near Chandibansmul). These enhancements varied from four annas to eight annas in the rupee, They, were in many cases within fifteen years of a previous enhancement, so that they were *ipso facto illegal.* The others could be regarded as legal if it were proved that there had been a genuine contract between landlord and tenant and that the embankment was in effect an improvement. They had clearly, however, been quite arbitrarily imposed. and it was doubtful whether there had been any real improvement. although undoubtedly the landlord had incurred a good deal of expense in keeping embankments in order. Generally these enhancements were treated as illegal at attestation but later under section 137 were restored and settled by compromise.

307. *Rent settlement in Balasore under section* 128—In the Balasore portion an attempt was made in 1925 by the landlord to effect a general settlement of fair rents by compromise under section 137. But as the relationship between landlord and tenants was strained only about 1, 000 rents were settled in this way. Thereafter acute differences arose between the parties and the landlord filed cases under section 128 throughout the Balasore area of the Killa.

An attempt was made to compromise them, and the terms of compromise were actually drawn up and agreed to, but the agreement was later retracted Two test cases were then taken out, in order to decide the general principles at issue. The landlord appealed to the Special Judge against the orders passed by the settlement courts in those cases, and was partially successful. The tenants went up to the High Court, but their appeals failed. One of those cases concerned a village to the east of the Matai river and it was contended by the tenants that the enhancement of rent in 1909 was illegal, because (1) there had been no " improvement", and (2) there had been no contract. On those points it was held by the Special Judge, disagreeing with the Settlement Officer, that there had been reconstruction of the embankment amounting to an improvement, and that although there had been no written contract, the fact of continuous payment of the enhanced rents for seventeen years was sufficient to prove that the enhancement was agreed to In his judgment on appeal Ross J, observed that "just as in the case of the statute of frauds part performance is allowed to take the place of writing, so in the case of contracts for enhancement of rent proof of continuous payment of the enhanced rent may take the place of writing and registration".

The other test case concerned a village to the west of the Matai where there had been no enhancement in 1889—94. The main contest in this case turned upon the question of fixity of rent. The High Court made some interesting observations on the question of onus. The landlord had stated in his plaint that the rents fixed in the settlement of the year 1301 were not enhanced thereafter, The tenants pointed to this as an admission that the rent had not been enhanced for twenty years, so that the presumption of fixity arose under section 58 of the Orissa Tenancy Act. The landlord urged that the statement should be taken as a whole, i.e. as impiying also that the rents were enhanced in the settlement of 1301. Kulwant Sahay, J. held that there was an admission of the same rent existing for a period of twenty years, and that the landlord would have to prove by evidence that there had in fact been an enhancement in the year 1301.

308. *Rent settlement in Cuttack under sections* 136 *and* 137—The disposal of section 128 cases in the Balasore portion of the estate was greatly retarded by those contests. The Cuttack portion was taken up in a later block, and in order to avoid a repetition of this trouble the parties were induced to effect a settlement of rent by agreement under the provisions of sections 136 and 137. The rates of enhancement agreed upon were 3 annas on those rents which had been current since the last settlement and 1 anna on those which had been current since the enhancements of 1916. (Where the 1916 enhancements were illegal, they were ignored,

Digitized by Odisha Revenue Laws – Volume 13 · Page 553 Odisha