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The Ramadhyani Report

R. K. Ramadhyani, I.C.S. — Report on Land Tenures & the Revenue System of the Orissa and Chhattisgarh States: General Report, Draft Revenue Law, Individual States

15

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patta says that the produce rent has to be deposited in the store-room of the Darbar. In addition to the produce rent, the *patta* prescribes in a schedule in which a manuscript entry is made other commodities to be supplied; in one such *patta* examined by me "broom grass" is prescibed to be deposited at the palace. Failure to supply articles prescribed or the produce rent entails attachment of movable property and sale. As in the Bhuiyan pir, 1¼ *pahi* of any kind of crop is realised from each house for Baldeoji (of the headquarters town), ¼ *pahi* being the collection charge of the headman. The following *bethi* is prescribed for Ruler: (a) thatching of a pig house and building of a *pachari* or wall, (b) supply of coolies, fuel, straw, leaf plates (coolies will get food), and (c) supply of coolies for visits outside the State on food only. For the deity at headquarters two ropes have to be supplied and the car constructed and other articles supplied for another deity, thatching of house, making of fence with material brought by themselves. Supply of coolis on food only, fuel, etc., have to be made for British officers but *rasad* is on payment. The *naiks*, *padhans* and others have to offer presents to the Raja, Rani, Tikait and the Dewan in *Chaitra* (March-April) for which they receive food. No cesses seem to be levied.

In the Juang pir I was told that the distribution of the land for cultivation as well as the produce rent was made by the headman and there were no disputes. The distribution of rent was made on tho plough and was roughly 15 pais (pai=2 seers approximately) for one plough and 25 pais for two ploughs. The ryots said that they preferred to pay the rent in kind.

THE RYOTI TENURE

13. There is no revenue law in the State and matters of procedure as well as other matters like *salami*, and policy generally, are governed by *rubkaris* (circulars) issued from time to time (mostly issued when the State was under a Superintendent). The *rubkaris* are far from comprehensive or able to replace a revenue law, and of course they can be changed at will and their contents to a large extent depend upon the personal equation. There are *rubkaris* regarding the transfer of rent free grants and reclamation of land.

14. The record of rights lays down to some extent the rights and liabilities of ryots. The 'right of occupancy' exists in all lands entered as ryoti at the settlement and in practice rights of occupancy seem to accrue also in newly reclaimed lands. The ryot cannot be ejected except by an order of the court for failure to pay rent or to render such service in the shape of *begar*, etc., as he is required to render on payment of *khoraki* (food or diet charges). Transfer of land by sale, mortgage, gift, etc., is not permitted without the sanction of the State and the practice of putting lands to auction on grant of permission to sell seems to be followed in some cases; it is said that the object of this is to obtain a better value for the person who wishes to sell it but it is clear that if there is any weakness in the executive this practice is susceptible of abuse and corruption. A proclamation inviting objections is issued in the first instance. The procedure involves considerable delay and may not be effective in fetching a good price except occasionally. Mutation fees of 12½ per cent. of the consideration are charged in cases of sale, gift, will or dowry. A standard price is fixed on which the fee is charged, apparently as a minimum rate. The fee is charged even in cases where land which has been abandoned or surrendered is disposed of by auction and on exchanges, the fee is charged from both parties. No fee is charged in cases of succession. Aboriginals pay only 6¼ per cent. If tranfer without sanction is effected the State, according to the record of rights, can confiscate all the lands transferred; such transfers may be condoned on payment of a *salami* in addition to the mutation fees.

15. A ryot may not abandon a portion of his holding "except for sufficient reasons, the onus of establishment which will be on the ryot; he is liable to pay rent till it is settled with another ryot." New lands broken with the sanction of the State are held rent free for five years; dry lands may be converted without enhancement for a period of five years. Receipts are to be given free on payment of land revenue; land revenue is payable in two instalments of 12 annas and 4 annas in the rupee on 15th January and 15th April, but in the Bhuiyan and Juang areas the date is different. There are no complaints of unsuitability of these but payments in practice often seem to be made rather later.

16. In dealing with petitions for reclamation of land the forest officer is consulted and a proclamation (fee 8 annas) is issued to elicit objections. The

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forest officer has to say if the grant may be made and to report the royalty on the trees. The charge payable for the land if sanctioned, is the royalty on the trees and *salami* if the area is large or valuable or there is competition for it. The *salami* is not prescribed in the rules and is discretional. It is generally charged for homesteads and other valuable land. If several people want the same land it is auctioned and the proceeds are credited under the head 'miscellaneous.'

17. In cases of surrender the land is put to auction for resettlement. If abandoned land has been taken possession of by an unauthorised person, a *salami* is taken if the possession has been for long, say 10 or 12 years, the *salami* depending on the area and probably other factors. If possession has been for a short time only, the land is auctioned. Abandoned land is said to be settled sometimes temporarily by the *pradhan* to recover rents but this is irregular and he can be punished. According to the rules however he is bound to settle abandoned lands with the ryots (rule 16).

18. Lands formed by alluvion are settled by auction; in cases of diluvion the rent is remitted. If tanks are made on holdings the rent will be abated if the tank is entered as a State tank; otherwise the rent will be recovered as usual but the water can be enjoyed in either case by all ryots.

19. Ryots have now rights to all trees growing on their holdings whether self-sown or otherwise except *sal* trees whose girth exceeds 35 in ; for such trees he has to pay half the royalty rates if he wishes to appropriate the trees. 'Excisable" trees are the property of the State.

20. The record of rights prescribes the liability to carry luggage or supply labour for this purpose on payment of diet charges at 2 annas per diem. The ryot is also liable to construct leaf sheds, supply firewood, straw and leaf plates free of charge to officials, the Ruler and members of his family. He is bound to supply logs for deities on payment of diet charges but for "small *sal* and *simli* logs of inferior description" he is not entitled to any payment within a radius of ten miles; for large logs he will get *khoraki* (diet charges). He has to drag *rath* (cars of deities) free of charge. On the occasion of the marriage, death or investiture of thread in the Raj family ryots are required to construct leaf huts, provide fire-wood, leaf plates at the *garh* (*e.i.*, the headquarters town) on payment of 2 annas per diem as *khoraki* (actually they get only some food). That in matters such as *bethi* the record of rights confers little protection is shown by the fact that 'shikar *bethi*' which is not prescribed in the record of rights was abolished in 1938.

21. In the absence of a revenue law cases of encroachment are dealt with under the Indian Penal Code, an expedient of very doubtful legality, if not definitely illegal If the encroachments are condoned they are settled on full rents and 5 years' rents as penalty.

22. The land acquisition act is said to be followed "in spirit"; it is clear that the Act is not followed substantially as there is a schedule of fixed rates each kind of land prepared as long ago as 1917 which is still in force.

VILLAGE HEADMEN

23. In the open tracts no *patta* or lease is issued to the village *pradhan* and he is appointed by a *parwana* of appointment. In the villages of the open tract the *pradhan* (headman) system is prevalent except in the Anandapur sub-division where collection is made through 21 kanungoes. The *bhogra* land of the *pradhan* is rent-paying 'service' land and not ryoti land. In each *dandpat* which corresponds to *pargana* there are *garhnaiks* similar to the *berapradhans* of Talcher State. (The *garhnaik* or *sardar* system was formerly one of responsibility for the revenue of the whole '*dandpat*'). The responsibility of the sardars resulted in oppression of the ryots and arrears began to accumulate also. It was then decided to alter the system into one of Tahsildars. 'The Tahsildars, which was the name given to such *sardars* as did not want to lease for the *jama* (revenue of the *dandpats* under them were now to file a list of the defaulters if any and their responsibility with regard to the arrears has ended." The *padhan* was similar. "He farmed for the rents of the village and distributed the village lands amongst the individual husbandmen, generally giving to each as much as he could cultivate. When a cultivator abandoned his holding** he made over the holding to any other and realised the arrears if any from him or*** the arrears would be distributed among the villagers and the lands made over to the tenant at the annual *jama* only." The *grahnaiks* are expected to supervise the work of the other *pradhans* in

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their circles and they hold *jagir* lands which do not pay rent but pay *nistar* cess. The *garhnaiks* are supposed to take charge of a dead *bradhan's* place till his successor is appointed but otherwise their main duty is, as far as I could ascertain, to collect the *paiks* for the purpose of rendering services to the officers on tour and other occasions as well as producing the villagers and others for *bethi* wherever these are required. The *pradhans* are appointed in consultation with the villagers and votes are said to be recorded. The practice of consulting villagers seems to be an old system. When *garhnaiks* are appointed, all *pradhans* and leading ryots are consulted. Ordinarily appointment of *pradhans* as well as *grahnaiks* follows the laws of primogeniture. In the Bhuiyan pir there are *pradhans* and *sirdars* in place of *garhnaiks* but in the Juang pir, though there are self-styled *sardars*, it is said that these are not officially recognised by the State. The *pradhan* in the open areas gets 20 per cent. of the collections and in the Bhuiyan pirs he gets 3⅓ per cent. and the *sardar* 6¼ per cent. In the Juang pir the headman gets his remuneration in kind; his remuneration does not appear to have been fixed in the *patta*.

24. The *pradhan* holds *pradhani* lands on which rent is paid but without any permanent rights. The land cannot be alienated and any arrangements like partition, etc., made by the *pradhan* with members of his family will terminate on his ejectment. The *pradhan* holds office for the period of the settlement. He is required to furnish security for an amount larger than the demand of the village. The record of rights does not mention any hereditary succession to the office. When a *pradhan* is appointed he has to pay a "*barakarari*" of Rs. 1/12/- to Rs. 17/8/- depending on the land revenue, for a piece of silk (*siropa*) touched by the Ruler. The fee is credited to the treasury under the head 'miscellaneous'. A fee of Rs. 20 is levied from *grahnaiks* and a fee of Rs. 10 from Bhuiyan *sardars*. The *pradhan* is liable to the same *bethi* as ryots. The *pardhani* system in the Anandpur sub-division is said to have been found defective and inoperative but reasons are not given in the settlement report.

RECOVERY OF LAND REVENUE

25. The *pradhans* and other village headmen are responsible for the revenue of the village and can be proceeded against in case of default. In tenure villages which generally do not pay rent the tenure-holders are themselves considered to be *pradhans* for the purpose of collection of cesses and any headman appointed by them is purely a private not recognised by the State. *Pradhans* have to pay land revenue and cesses in the instalments on the 15th February and 15th May; the dates for ryots are one month earlier. The Bihar and Orissa Public Demands Recovery Act is reported to be followed 'in spirit' in the State. Village headman and tenure-holders generally proceed against ryots by rent-suits.

In the Bhuiyan and Juang pirs the *patta* of the headman contains a clause that the movable property of the headman can be proceeded against in case of default. Movable property is proceeded against even in the case of dafault by the individual ryots in these pirs. The produce rent collected in the Juang pir is dealt with in the first instance by the "Domestic Department"; it is sold at a rate fixed by the Dewan and is partly purchased by the domestic and religious department and the rest, if any, is sold to traders also. The sale proceeds are credited under the head 'land revenue'. The goats also seem to be sold at fixed rates which are mentioned in the *pattas* (Rs. 2 for a one year old goat and Re. 1 for a half year old goat). Neither the produce nor the animals are auctioned.

CESSES

26. In addition to the land revenue there are two cesses, the school cess and the dispensary cess, at half anna per rupee of land revenue each. These cesses were imposed at the time of the 1915 settlement. The *nistar* cess which was imposed at the previous settlement is levied at 2 annas per acre of wet land and 1 anna per acre of *gora* lands. It is also levied at 4 annas per house, on nonagriculturists. In 22 villages of lower Keonjhar the cess is not levied as there are no forests close by but I think there are other villages which get nothing in return for this cess. A "fluctuating cess" is shown as having been imposed in 1914, *i.e.*, after the settlement. This cess is a rate of Re. 1 to Rs. 2 per year on "foreigners" who enter the State for service or trade. The rate imposed depends on the size of the family. "Foreigners" are persons with less than four to five acres of land.

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VILLAGE SERVANTS

27. There are village servants like chowkidars, blacksmiths, barbers, priests, and so on. At the first settlement the rent free jagir holdings of many of these were assessed to quit rent but at the 1914-15 settlement they were again made rent free for some reasons. At present, except the chowkidar, most of the others render services without payment only to officials.

FORESTS

28. Forests in the State are divided into A class reserved and class B protected forests. It is in the B class forest that people are allowed to have *nistar*. A forest cess at the rate of one anna per acre of *bhogra* land and two annas per acre of wet land is levied; it is not a rate based upon each rupee of land revenue. It is uniform throughout the State except in the Bhuiyan and Juang pirs where no cess is levied on Bhuyanas and Juangs but on other residents of the pirs there is a cess of 4 annas per house. In addition to B class forest there are village forests called *khesra* forests which are neither surveyed nor demarcated but are managed by the forest department. The forest officer estimates that the area of these forests may be about 700 square miles. In B class and *khesra* forests wood for agricultural implements and fuel are taken free according to a scale depending on the amount of cess paid. Above 35 in. girth, the timber is not free. The village headman keeps a list showing the free allowance of each person and it is said that this system is working satisfactorily without any abuse as permits are not required. Grazing is not free but all plough cattle are allowed free in B class and in addition to plough cattle a certain number of other cattle are also allowed free grazing. In A class reserves a maximum of 10 plough cattle only is allowed free. In *khesra* forest there is no restriction on grazing except on foreigners, *i.e.*, people with no land in the State and non-agriculturists. There are 13 classes of protected trees of which two are fruit trees.

There is no liability on the villagers for the maintenance of forest boundary lines.

CROP PROTECTION

29. The shooting of animals, except bison and elephant which do the greatest damage, is permitted while actually on crop but even this is purely nominal as there are only seven gun licences for crop protection and 31 for self-protection which can also be used for crop protection. The issue fee for crop protection licences was reduced from Rs. 3 to Re. 1 in 1940. Guns are required to be deposited from 15th January to 15th July. The depredation of wild elephants in the Juang and Bhuiyan pirs, which was noticed by me is appalling.

MONOPOLIES

30. The monopolies are *kendu* leaf, lac, and hides. The *kendu* leaves and hides of dead animals are leased out to a contractor. The *kendu* leaf contract extends to village forest and cultivated holdings as well. The hides of dead cattle are collected in the villages by the Kols who sell them to the contractor who pays them what may be regarded as labour charges for skinning, the owner of the animals getting nothing. For lac there are licensed purchasers who pay Rs. 5 per licence and they also pay royalty on the lac purchased. The licencees are entitled to purchase the lac from the producers. A similar system prevails in respect of cocoons. The zamindars are bound by the State forest rules and State monopolies.

REVENUE ORGANISATION

31. The Dewan hears the appeals against the orders of the Sub-divisional Officers and Tahsildars and the Rular is the final authority and hears appeals against the Dewan's orders The State was under a court of wards administration for about 25 years and to some extent this administration has had a good influence on the actual handling of cases. The State has been divided into three revenue sub-divisions, Sadar, Anandpur and Champa. The Tahsildars are mainly collecting officers Apart from the Tahsildars there are Kanungoes (21) in the Anandpur subdivision for collection. For land records work there are 5 amins who are paid servants. The total cost of the revenue and land records establishment is shown as about Rs. 30,000 apart from commission paid to *pradhans*, the land revenue being Rs. 5 lakhs and the total revenue Rs. 12 lakhs. The sub-divisional officers perform magisterial and civil duties as well.

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MISCELLANEOUS

32. In respect of stamp duties on documents the Indian Stamp Act is said to be followed. Registration fees are charged at a scale of 4 annas up to Rs. 30, 8 annas up to Rs. 50, 12 annas up to Rs. 100 and 8 annas for every additional Rs. 100 or part. Proclamation fees are Re. 1 and amin fees Re. 1.

KHAIRAGARH

REVENUE HISTORY AND SETTLEMENTS

This State, the territory of which is interlaced with that of Nandgaon, Chhuikhadan and districts of the Central Provinces, was for long under the suzerainty of the Bhonsla Raja of Nagpur and the system of village management is similar to the system which prevailed in Maratha times in the Central Provinces. The basis of assessment of lands however is not known and there is no mention of the *ain* system prevalent in territories directly under Maratha control in the literature available. According to a report quoted in 1909 Gazetteer, the original unit of assessment in Khairagarh was the plough, that is, an area of land which could be kept in cultivation with four bullocks. The *jama* of each village was fixed at so much per plough. The *gaontia* or village headman held his *sir* lands or home-farm rent-free and was responsible for the payment of ryoti rents to the Raja. In addition to his *sir* land he also held a small area of land rent-free in return for which he was supposed to supply *rasad* to officials visiting the States. The settlements were formerly for periods of three years. For every 8 or 10 villages a *budhikar* was appointed whose function it was to estimate the paying capacity of the area. At each settlement, rents were enhanced by raising the plough rate at the instance of one of the principal *gaontias* in each *pargana* (*parganta*) chosen by the Raja. The enhancements were actually fixed by a *panchayat* of neighbouring *gaontias*. When the villages changed hands a large sum was paid as *nazarana*. In the period between 1872 and 1883 when the State was under administration due to the incompetence of the then Chief, two summary settlements were made for 5 years each. Two of the settlements were based simply upon and asessment of ploughs without any reference to the seed capacity of the fields. The *gaontia's* remuneration was fixed at from 20 to 30 per cent. of the village assets.

A settlement for 9 years was carried out in 1884. This settlement was based on a rough calculation of the ryot's holding in acres. The seed capacity of each field was worked out and from the seed capacity of each holding its acreage was roughly arrived at. Though the plough is frequently mentioned in connection with the early settlements I think this was not the system commonly used by the agriculturists and it was by the seed capacity always that they used to estimate the area and do so to some extent even now, in the districts where they are quite used to acreage figures and, to a large extent, in the unsettled States. A capacity of 20 *kandhis* was taken as equivalent to the old plough area. About 25 to 30 per cent. of the assets was left to the *gaontia* besides his *sir* and other holdings. 'Protected status' was for the first time granted to some *gaontias* at this settlement, the implication of this being that the *gaontias* were entitled to a renewal of the lease on its expiry; this obviously followed the principle introduced in the Central Provinces of protecting headmen from arbitrary eviction for the sake of premium of *nazarana*.

2. The first regular settlement was commenced in 1892. The cultivated area in all the villages was surveyed and the State was divided into 7 *parganas*, the settlement of each *pargana* being enforced as it was completed. The settlement which was finished in 1896 was for ten years, and the procedure followed was that of a settlement in adjoining British territory. The remuneration of the *gaontia* was about 25 per cent. All cesses were abolished and in their place a cess of 5 per cent. on the village *jama* was imposed; *kotwars'* (village watchmen) dues were maintained. The land held rent-free in return for *rasad* was amalgamated with the *sir* land.

In 1903 a summary settlement was made by which Khamaria *pargana* was resettled for a period of 10 years and other *parganas* was summarily settled for four years. The revision of this settlement was taken up in 1910 and finished in 1915; this settlement was also for a period of 10 years. A few years before 1894 the State had asserted a right to the hides of dead animals and issued a lease. As a result of this there was poisoning of cattle by *chamars* interested in the business and in 1912 it was decided to commute the rights of

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the State to a payment of eight annas per plough and to allow the owners to dispose of the skins as they pleased. This payment was included in the rental and village assets. The State also claimed the *mahua* crop and in lieu of this a fee of one anna per tree had been imposed.

In 1925 a settlement for 15 years was taken up and the term of this settlement expired on the 31st May 1941 in the Khamara *pargana*; for the rest of the State the settlement ends on the 31st May 1942. At the 1925 settlement the assessment followed entirely the lines of the settlement of *malguzari* villages in the C. P. The assets of a village included the rentals of ryots' holdings, the rental value of the *gaontia's* home-farm and *siwai* or miscellaneous income. the principal components of which were the hide commutation fee at eight annas per plough, the *mahua* tax at one anna per tree (if there were more than 50 trees. ¾ anna per tree was charged) and income from land in the beds of rivers. The *siwai* income represented an addition of about 4 per cent. of the rentals and rental value of the home-farm. The application of the Central Provinces system has resulted in a gradual creeping towards the *malguzari* usage of that province and in the settlement records may be found mention of State lands (*malkiyat sarkar*) as distinguished from the *gaontias'* lands though the *gaontias* have no proprietary status in the State.

3. The whole area of the State has been covered by survey and traverse and cadastral surveys have both been made. The maps and records seem to be satisfactory. Boundary marks have been planted on the actual boundary line and not on the traverse lines. The settlement records prepared are the *khasra, jamabandi* and subsidiary papers which are in use in the C. P.

4. The re-settlement of the State has been postponed. The general impression I received in the villages is that the land revenue assessment does not bear lightly on them. Many of the ryots are extremely poor and their physical condition is not satisfactory. Lands leased out fetch very little more than the assessment and in some cases I was told that it actually fetches less than the assessment. The State as a whole compares quite well in development with neighbouring British districts and there is no justification for short term settlements.

ZAMINDARI AND OTHER TENURES

5. There is no zamindari in the State but there are rent or revenue free grants, and grants paying quit rent. Some of these are in favour of charitables institutions and some for subsistence to relations of the Ruler or for meritorious services rendered to the State by them.

6. There are 15 villages granted from time to time as *muafi* by the previous Rulers for upkeep and maintenance of religious institutions in the State and outside. Out of these villages there are *gaontias* for 10 villages who pay the land revenue of their villages to the temples for which dedication has been made.

There is a temple committee since 1937 consisting of non-official members with the Assistant Dewan as President. Eight villages are under this committee of which five have *gaontias*; the remaining three are directly under the Committee which arrange for cultivation. The committee looks after the management of these grants and it is also seen that the grants are put to the use for which they were originally meant. The other seven villages are managed by the agents of the grantees directly.

In addition to these there are also three plots of lands in different villages in this State dedicated to temples and these are managed by the agents of the grantees. The status, liabilities and privileges of the ryots and cultivators are the same as in other portions of the State.

7. There are certain villages held by the Ruler and ladies of the Ruling Family. At the settlement of 1925 there were 17 villages held by the Rani Saheba, 8 of which were, however, in the Raja's name, and of these 5 were *muafi* villages. Other members and relatives of the Ruling Family held 84 villages of which 18 were *muafi*. Apart from these there were 61 villages mostly held by members of the family on quit rents. In 19 of the various *muafi* and quit-rent villages the settlement report records that there were *gaontias* of long standing who were entiled to the same privileges as *gaontias* of the State. [Three other *muafi* villages are also shown as having separate leases (for *gaontias*) by private arrangement].

Since the Settlement of 1925 two villages of a *gaontia* who died without heirs were appropriated by the Ruler for some time and later mutated in the names of the Rani Saheba and Ruler's brother respectively in *gaontiahi* right. Two

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other villages recorded in the name of the Ruler after ejectment of the old *gaontias* for breaches of the *wajib-ul-arz*, were subsequently re-settled with private persons, some villages were surrendered by the Dowager and re-settled with the Ruler or Rani Saheba and others, on the death of Rani Pandadahir Bai, were transferred to the Ruler's brother. One village recorded in the name of the Ruler was transferred to the Rani Saheba. This shows how villages may be transferred by the Ruler at will and the case of the two villages which fell vacant and were re-settled after being recorded in the name of the Ruler may be regarded as a case of private sale not permitted by the *wajib-ul-arz*.

It is reported that where villages are held by members of the Ruler's family in *gaontiahi* right, they have executed *kabuliyats* like ordinary *gaontias*.

Sanads or orders exist governing the grant of the villages. These villages are recorded in the ordinary *gaontiahi* or *muafi* registers of the State along with entries of other villages and no separate record is kept. The villages are shown as held on *muafi* ordinary *gaontiahi* or *gaontiahi* at a special rate as the case may be. There are no entries regarding resumption in the case of *gaontia* villages and those held on quit rent. As regards *muafi* villages conditions exist that they are either for life-time or in perpetuity. The cultivators of these villages enjoy the same rights as those of other villages.

8. A register of *muafi* grants is maintained. Sanads for many grants are not available but in the *muafi* register an entry of the investigation and report made at the settlement and subsequent orders have been made. Mutations are entered in the same register.

In *muafi* villages there are sometimes *thekedars* (*gaontias*) if the village has been given intact, *i.e.*, *thekedar* and all belong to the *muafidar*; otherwise there may be no *thekedar*. It is said that there is one case of a *muafidar* being allowed to create a lease of a village for a certain period under the orders of the Political Agent. A *muafidar* may file a suit against the *thekedar* if he does not pay his dues. Rent suits will have to be filed if the tenants in such villages fail to pay.

In a *muafi* village of the Rajmata visited by me there was a *thekedar* or *gaontia* holding like ordinary *gaontias* and his name was mutated in the registers by the State; he paid a *nazarana* of Rs. 300 to the State (12 years ago) but nothing to the Rajmata. The cesses of the village are credited to the treasury by the *muafidar*. The Dusserah *salami* was, however, paid to the Rajmata (Rs. 5).

The sanad of a village granted in "*gaontiahi* right" to the brother of the Ruler shows that the whole revenue is not creditable like an ordinary *gaontia* but a special rate has been prescribed and only a portion of the cesses too is payable to the State.

9. Apart from grants held by the Ruler and members of the family and the temple grants which constitute the bulk of the grants, there are some grants; mostly of lands, made to Brahmins as charity on occasions such as funerals. There are also certain lands, shown as held by privileged holders at favourable rates.

10. The area of service holdings seems to be small and at the settlement only 493 acres were recorded under '*khidmoti*'; details are not available.

11. The total number of villages at present held rent-free is 44 of which six were granted between 1937 and 1941 by the present Ruler, five being for the "private expense" of himself, the Rani Saheba or family members and one to the Rajguru for the period he serves the family. 62 villages are held on quit rent or as assignment of revenue and, of these, two are recent grants to the Rani Saheba and the Ruler's brother. The revenue represented by these last mentioned grants comes to about Rs. 4,000 roughly, and the total revenue alienated under all grants is between Rs. 30,000 and 40,000.

THE RYOTI TENURE

12. The *wajib-ul-arz* is the only document which gives in the form of rules the rights and liabilities of ryots and *gaontias*. Formerly it was probably nothing more than the terms of the *gaontia's* lease as in the case of Bastar and even now the *gaontia* is required to sign it and also an agreement or *kabuliyat* accepting its terms. The English version of the *wajib-ul-arz*, differs somewhat from the Hindi version and conflicting decisions are given by courts According to the *wajib-ul-arz*, a ryots is liable to be ejected by courts from his land for non-payment of rent or for a breach of the terms of the *wajib-ul-arz*. (Some of these terms are quite trivial such as defecating or skinning cattle only in specified

Digitized Odisha Revenue Laws – Volume 15 · Page 301 Odisha

places, etc.); otherwise he cannot be ejected from his holding. The right to continued possession subject to payment of rent accrues immediately the ryot is admitted to the occupation of land by the *gaontia*. Succession to the holding is restricted to male heirs and in default of such the widow may get it for her life-time, after which the land passes to the *gaontia*. There is no right of transfer by sale, gift, mortgage or otherwise and leases for more than one year too are not permitted except with the sanction of the *gaontia*.

Ryots can dig wells are make other improvements which do not damage the holding of others. Rents on new lands are at a rate agreed upon with the *gaontias* and rent payable by ryots is liable to enhancement at settlement.

Surrender of land may be made to the *gaontia* 30 days before the commencement of the agricultural year; leaving the village and not paying rents for two years constitutes abandonment. The prohibition against transfer is evaded by surrender and re-allotment by the *gaontia* who is believed to levy a a *nazarana*. Surrenders can be made only through a registered document and during the years from 1932 to 1941 there were 1682 cases of surrender. This large number may indicate partly surrenders by way of transfer and partly surrenders on account of economic depression and the incubus of land revenue.

13. Land required for State purposes or for inclusion in forest or for public or industrial purposes may be acquired on payment of reasonable compensation according to the *wajib-ul-arz*. There are no other rules or procedure prescribed. Land acquisition case are not properly recorded and compensation seems to be given at a fixed multiple of seven times the rental; no procedure is followed and enquiries do not appear to be made. It is not possible to say if the compensation is "reasonable". The report made in 1941 that acquisition is made according to the Land Acquisition Act is not correct.

14. "Every ryot has a right to a site for a house in the *basti* and for a threshing floor. Field labourers and other residents of the village also are entitled to a house site free of rent". This provision does not make it clear whether ryots are entitled to house sites free of rent or not as is the custom in these parts.

If a tenant leaves the village he can cess his house to another ryot by which is meant only the sale of the materials of the house. House sites in the *basti* are in the gift of the *gaontia*.

15. *Begar* for the *gaontia* and State officials is recorded as abolished from 1936. In 1938 the supply of fuel to the Rajmahal was abolished but grass is still supplied (*khondi*), the cart hire payable being prescribed at eight annas for distances within ten miles and Rs. 2 beyond 30 miles, with intermediate rates, the cartload being a quantity of 3,000 poolas. The payment prescribed seems to be low even for cart hire for the longer distances, apart from the question of where the grass may come from. Payment for the carts is made through the local police stations. In a village I visited I was told that payment for the previous year had not yet been made. Payment for the grass was also said to be made, the amount mentioned being Rs. 1/8/- for 4,500 poolas, a low rate : the villagers said they had to work for four or five days at a time when they had to do field work. The *gaontia* does not render *khandi* unless he has ryoti land. The clause regarding *begar* for the Chief has not been cancelled and only a note has been added that for persons engaged while the Chief is out in camp for shikar rations are supplied and cash payment is also made.

The villagers and *gaontias* are required to maintained a *garhi* or camp house for officials and travellers. They are required to plant trees on the road-side and are entitled to the fruits and flowers of trees planted by them as well as dead wood.

16. The fruits of trees of spontaneous growth on holdings and the tree itself belongs to the ryot unless it is claimed as reserved. Planted trees may be appropriated but may not be sold except when a ryot is ejected, when he may sell it to the *gaontia* or to the person into whose possession the land passes. Ryots pay a tax of one anna per *mahua* tree on their holdings found during settlement and this payment is not altered during settlement even if a tree dies.

Ryots have no right in trees on State (groves), except that they are "open" to the public, as the *gaontia* gets the produce according to the *wajib-ul-arz* and the income is included in *siwai*, but actually the State auctions the trees according to the Dewan. On other waste land the *gaontia* seems to take the produce according to information obtained in the villages. Trees on home-

Digitized Odisha Revenue Laws – Volume 15 · Page 302 Odisha

stead lands are recorded as the property of the person in whose compound they stand but it is also said that the rights are the same as on trees on ryoti holdings.

17. Ryots are entitled to irrigation from State tanks as lands near them have been assessed to a special rate. Ownerless tanks are the property of the State. The *wajib-ul-arz* does not mention anything about fishing rights. Some State tanks are auctioned but no rivers or streams are auctioned for this right.

18. Ryots have receipt books of the C. P. type and get receipts, the patwari writing up the demand side and the *gaontia* the payments. Some of the patwaris make a charge of one pice per receipt which is not an authorised charge. The *wajib-ul-arz* does not contain any clause penalising the *gaontia* for failure to grant receipts. *Rasidbahis* cost 4 annas.

19. Interest on defaulted *kists* is charged by some *thekedars* and in Pandrikela village, the villagers said that ½ anna per rupee per month was charged. The *thekedar* said that he himself had to borrow at interest but he was unwilling to say whether the Rajmata (the *muafidarin*) charged interest.

20. No sub-tenants were given 'occupancy right' at the last settlement and there is no provision in the *wajib-ul-arz* regarding the accrual of such rights.

VILLAGE HEADMEN

21. The *gaontia* or village headman had been briefly mentioned in connection with the revenue settlements of the State. Before the policy of long term settlements began, the *gaontia* was a short term lessee of the village but in the remote past he was probably just a headman or leader of the villagers. The system of leases introduced a large number of outsiders whose tenure was insecure. The leases were either auctioned or a large sum was recovered as *nazarana* without an auction. The evil effect of this system was recognised early in the Central Provinces and following the policy there 'protected status' was granted to *gaontias* at the 1884 settlement. The system of sale of villages which were without a *gaontia* however continued whenever they could fetch money and there seems to have been some experimentation also. After the settlement of 1912, five villages belonging to the relatives of the Ruler were "transferred" to sub-lessees in discharge of heavy debts with the sanction of the State. In respect of four villages a system introduced by the Political Agent was tried, that is, instead of auctioning the villages for *nazarana*, the villages were given to persons who offered the highest annual land revenue on them; the amounts offered varied from over 100 per cent. in excess of the settlement *jama* in one case to about 60 per cent. extra in another. In one case the lessee absconded after two years without paying the land revenue and in the remaining three villages the lessees carried on till settlements when the revenue was reduced.

In all these cases the ryots' rentals were fortunately fixed and the extra payment thus came mostly out of the *gaontia's sir* lands.

22. At present the position in respect of *gaontias* as given in the *wajib-ul-arz* is as follows and deviations will be mentioned later. There are 'protected' and ordinary *gaontias* the difference between the two being that a protected *thekedar* (*gaontia*) has the right to a fresh *theka* on the expiry of the current one. There are 328 protected *thekedars* and 178 ordinary *thekedars*. The *theka* is impartible and co-sharers are not recognised when the *theka* expired but otherwise claims will be enforced. The *gaontia* or *thekedar* may be ejected for disloyalty to the Ruling Chief, for non-payment of revenue or for breach of any of the conditions of the *wajib-ul-arz*. A *gaoutia's theka* may be inherited by a male heir, whether direct or a joint collateral. A widow may hold the *theka* in the absence of male heirs but daughters cannot inherit. A *theka* cannot be transferred, nor any right in the village, by sale, mortgage, gift, lease or sub-lease in any form. *Sir* land of the village is limited to one-fifth of the total occupied area of the village; the *gaontia* can cultivate other lands as *khudkasht* which is separately recorded and assessed; a *gaontia* may, by private arrangement, allot *sir* lands to his relatives, but they have no rights when the *gaontia's* right expires, *sir* land may be leased out to ryots.

23. No person can settle in a village without the *gaontia's* consent and the *gaontia* has the right to allot new lands, to accept surrenders or to take possession of and reallot the land of persons ejected or dying intestate, the rent in such cases being as may be fixed by agreement but not less than the settlement rent; the *gaontia* appropriates this for the period of the settlement. There is an extaordinary rule about *nazarana*; the rule prohibits its levy but removes all limits on annual payments; if a tenant can prove the payment of *nazarana*, the *nazarana* will be remitted and an enhanced demand fixed upon the *gaontia*; if

Digitized Odisha Revenue Laws – Volume 15 · Page 303 Odisha

the *gaontia* himself reports to the State that he has received *nazarana*, the *nazarana* will be returned but the ryot's annual payment to the *gaontia* will be increased. It is significant that the *gaantia* is not punishable with ejectment for a breach of this rule; and the rule is framed in such a way as to connive at a levy of *nazarana* in a way. Actually it is known that a rule of this kind is futile and in Nandgaon this has been recognised. The 1925 settlement report records that *gaontias* used to levy *nazarana* although it was illegal and formerly it used to be actually included in the *siwai* income. Neither the ryot nor the *gaontia* will come forward to admit payment of *nazarana* except very exceptionally and the only effect of the rule, if followed at all, is to commute a lump sum payment into a number of heavy annual ones, which can in no sense be regarded as a fair assessment on the land. The settlement report mentions the levy of heavy *nazarana* for the reallotment of land.

23(a). Ryoti rights accrue over new lands or *khudkashi* land let or sub-let by the *gaontia* whatever the terms of the lease. This is obviously an ineffective clause at least as far as leases of *khudkasht* land are concerned; enquiry in the villages showed that it is evaded by recording the land in the names of relatives.

24. No separate *patta* or lease is given to the *gaontia* at each settlement but he is required to sign a copy of the State *wajib-ul-arz* and *kabuliyat* which is incorporated in the settlement *jamabandi* register. When a *gaontia* succeeds another a mutation fee of 25 per cent. used to be charged but now no fee is said to be levied.

25. There is no village with more than one *gaontia* but some *gaontias* hold more than one village; if a *gaontia* holds more than one village, at his death villages may be bequeathed separately to his sons. There are certain villages in the forest area on the western portion of the State known as forest villages, for, which no *thekedars* are appointed by the State.

No village is said to have been sub-leased by a *gaontia*; the villages sub-leased by *muafidars* have already been mentioned; there are no rules in the *wajib-ul-arz* regarding these sub-lessees and presumably the sub-lessees more or less regard themselves as holding from the *muafidar* and subject to his influence.

In one case, sale of a village was specially permitted (1916 or 1917); another case of mortgage of a *muafi* or *thekedari* village is said to have occurred; the sale or transfer by the Ruler of certain villages held by him or members of his family has already been mentioned (para. 7), it is likely that in the case of numerous relatives special transfers or alterations may have taken place. Villages other than *muafi* are held by the grantees simply as *gaontias*, but it is clear that cannot be treated as ordinary *gaontias*.

The Ruler is the *gaontia* of Khairagarh revenue village, except the town area or *nazul* (see para. 45).

26. When a *gaontia* is evicted or dies without male heirs or widow, the village is auctioned unless the Ruler does something else with it. The auction proceeds are credited as *nazarana*. No civil court decrees are executed against villages. If a *gaontia* is ejected and the village auctioned for recovery of arrears, the *nazarana* is adjusted towards the arrears including arrears of Dussehra *tika*, and arrears are not separately recovered from the *gaontia* or from the ejected *gaontia*. The *gaontia* or his relatives who may pay arrears within one month of the auction may be put in possession, the auction being set aside. A commission has to be deposited in such cases to be paid to the bidder.

27. A *gaontia* who does not stay in his own village is required to appoint his gumashta for the management of the village. There is no such official as *mukaddam*.

28. The payment of land revenue by *gaontias* into the treasury should be made direct and they are not permitted to send the amount by money order. The road and school cess is realised at the rate of 5 per cent. (3 and 2 per cent. respectively) of the land revenue from the *gaontias*. The calculation of the cesses is made upon the total assets of the village including *muafi* and *siwai* income. The *gaontia* gets a draw-back varying from 25 to 35 per cent.; *siwai* is also included as well as rental of home-farm and *muafi* held by himself; other *muafis* are not included.

29. The *gaontia* has to pay a Dussehra *salami* consisting of cash and goats as entered in his *kabuliyat*. About *rasad* the clause in the *wajib-ul-arz*

Digitized by Odisha Revenue Laws – Volume 15 · Page 304 Odisha

lays down that no official is entitled to free *rasad* but a *gaontia* may choose to treat anyone as his guest; obviously the *gaontia* cannot very well ignore this provision. The *gaontia* is entitled to the produce and dead wood of groves reserved by the State as its property and the income is included in the *siwai*.

RECOVERY OF LAND REVENUE

30. Rents are payable by tenants to the *gaontia* on the 15th of January and the 15th of April. The cesses and *nistar* dues are paid on one or the other of these dates. The main crop of the State is *kodon*, a kharif crop, about 35-40 per cent. of the cultivated area being sown with it; rice comes next with about 25 per cent. and wheat and other spring crops make up the rest, wheat being about 19 per cent. The two instalments are equal. The dates fixed for payment by the tenants do not appear to be inconvenient. *Gaontias* pay a month later.

31. There are no rules regarding the recovery of State dues. For recovery of rent, movable property of the *gaontia* is proceeded against in the first instance and if this is not successful he may be evicted. The procedure here is uncertain and sometimes the defaulter is evicted and the village auctioned; at other times the village is auctioned first. If a ryot is a defaulter the *gaontia* has to proceed against him by rent suit. He cannot proceed by making an application to the revenue officer for recovery. A conditional decree is passed to the effect that if he does not pay within a time fixed he is liable to be evicted. The court which passes the decree executes it also. According to the present rules he is evicted from the whole holding; even if a portion of the arrears is paid up, the normal practice is to evict from the whole holding but the Dewan in a recent case gave time to clear the balance of 5 annas though an order of eviction was passed by the lower court. Movable property of the ryots is not attached. A case of arrest and detention is mentioned to have taken place some 5 or 6 years back. No interest or penalty is recovered from the *gaontia* if he does not pay his revenue on the due date; but in cases against ryots 6-12 per cent. or sometimes more is covered.

32. There were no arrears of revenue in 1931 and 1932 but since then there has been an accumulation which amount to nearly 15 per cent. of the annual demand. The number of cases started against *gaontias* shows a falling off since 1937 and similarly the number of rent suits filed by *gaontias* against ryots also a slight fall. Seventeen *gaontias* were ejected during the last ten years for arrears.

CESSES

33. The only cess recovered from ryots in this State is a patwari cess of one anna per rupee. The road and school cesses recovered from *gaontias* have been mentioned already (para. 28).

REMISSIONS OF LAND REVENUE

34. Suspensions and remissions of land revenue have been granted on four or five occasions during the last ten years on account of partial failure of crop or damage by hail storm. The C. P. rules are taken for guidance in this matter but the scale in force in the C. P. is not necessarily followed.

AGRICULTURISTS' LOANS

35. Taccavi loans are given when there are indications such as scarcity but no regular provision is made in the budget for such loans. Loans are said to be given for land improvement also. Some rules have been framed in 1941; loans are to be paid in two instalments and an advisory board has to examine the application of the first instalment before the second is granted. Interest is at 5 per cent. and the loan is repayable in ten instalments. The rules apply to land improvement loans only.

There are village granaries called *kothis* out of which loans are given. This seems to be a new fangled scheme by which the ryots are required to contribute one *katha* of paddy each out of their produce along with the land revenue and this in course of time will constitute the nucleus of a granary out of which loans are granted to the ryots themselves at 25 per cent. interest.

VILLAGE SERVANTS.

36. The principal village servant is the *kotwar* or village watchman. He is remunerated by a rent free service holding and by payments from the ryots and *gaontia*. In some villages there is no service holding. The payment of

Digitized Odisha Revenue Laws – Volume 15 · Page 305 Odisha

the *kotwar* is in grain and is enforced under the *wajib-ul-arz*. The *kotwar's* post is usually hereditary and the appointment is made by the State. A woman cannot be a *kotwar*. Other village servants like washerman, *baiga*, etc. are appointed by the *gaontia* in consultation with the villagers and they hold rent free holdings. They may be dismissed by the *gaontia*.

FORESTS

37. The State has the advice of the Agency Forest Adviser. There are separate forest rules and a new working plan is being prepared.

38. The *wajib ul-arz* contains some provisions regarding forests. According to these area commonly known as "jungle", whether within or without village boundaries, is "State Forest"; other uncultivated land in the village is waste land or *banjar*. There were 11 reserved species but these were reduced to 8 in 1939 and permission was given to cut non-lac bearing palas in ryoti holdings. Villagers paying commutation rate were allowed free grazing and utilisation of unreserved specis for domestic and agricultural purposes; in 1939 the grazing was reduced to certain specified number of cattle fee, a charge being made for others. In the *banjar* grazing is free but the *gaontia* can allot this for cultivation and can also restrict grazing with the permission of the State.

39. Under the new forest rules which were brought into force in 1940, reservation can be made without previous notification and unlike the Daspalla rules, no consultation with the revenue or settlement department is necessary. The rules are contrary to the *wajib-ul arz* in some respects as pointed out below. Forests have been divided into A class, a few B class reserves, and village forest. These have all been demarcated. According to the forest officer all village waste is regarded as village forest though this is contrary to the *wajib-ul-arx* and the forest rules. There are 8 reserved species reserved throughout the State including the cultivated areas, this again being contrary to the *wajib-ul-arz* which permits reservation only in village forest and village waste.

Everything goes to show that there was no reservation of trees on cultivated holdings and homesteads formerly and this provision in the forest rules is definitely an encroachment. When land is allotted for cultivation by the *gaontia* the forest department is not interested except in respect of reserved species allowed to be taken on payment or is cut and disposed of departmentally. A fee (1/3rd scheduled rate) had to be paid if a cultivator desires to cut a reserved tree on his holding or in the village forest.

40. Certain backward villages situated in the forest area are referred to as forest villages. In these forest villages there is no assessed rate for land but a flat rate of Rs. 2 per house is levied for cultivation. (There is no shifting cultivation). Only external boundaries of these villages have been demarcated and the fields have not been cadastrally surveyed. There is no record in respect of lands in these villages but only a list of houses is maintained. They are mostly inhabited by Gonds who often desert the village and emigrate to Bhandara district or other areas. There is a headman appointed by the forest departament but he is not responsible for the revenue and the forest department recovers revenue individually from the ryots. There are no *kotwars* in these villages but the *kotwars* of other villages also work for them.

In the open tract, commutation is optional and ryots can cut any unreserved species for agricultural implements but the but *gaontia's* permission is necessary. The *gaontia* is entitled to the produce of all trees on his own lands as well as on *banjar* or waste land but ryots can take the produce of trees on their own lands only. The rules seem to contain a prohibition of *mahua* for which however a rate of one anna is being paid. The commutation rate is Rs. 1-4-0 per plough for agriculturists and Re. 1 per house for others. Apart from reserved *speceis* unreserved trees for any purpose are taken for *nistar* free of charge and *saja* only is given at 1/3rd rate.

41. Forest boundary lines which are 20 feet in width are maintained by the villagers who are paid 10 annas per mile for clearing them. It is said that there are only small shrubs growing on them now. demarcation was made two years ago.

42. Lac, harra and tendu and honey are given out to contractors. The cultivators are not allowed at present to propagate lac on their own holdings

Digitized Odisha Revenue Laws – Volume 15 · Page 306 Odisha

or in the village forest. Harra and tendu must be sold to the contractor. Under the *wajib-ul-arz* the fruits and produce of harra, acher, bahera trees and lac, wax, honey, gum, and the bones, horns and hides of wilds as well as tame animals dying in the forest area belong to the State.

The forest officer compounds offences up to Rs. 25 without reference to the Dewan.

CROP PROTECTION

43. No fee is charged for the issue of a crop protection licence nor for its renewal. There are 67 crop protection licences. Cultivators can shoot only pig in the cultivated holdings. (The rules provide for the shooting of such other animals as may be specifically notified while actually doing damage to crops).

REVENUE ORGANISATION

44. There are on rules at present regarding conditions of service and theoretically employees hold at the pleasure of the Ruler. The State has a provident fund for servants drawing up to Rs. 1,000 and it is proposed to apply this to others. The grand-uncle of the Ruler is the "Revenue Minister". He is not regarded as a State servant and gets an honorarium of Rs. 1,200 per annum and fixed travelling allowance of Rs. 30 p.m.

The Ruler is the final revenue appellate authority but he does not hear final civil appeals and the Dewan acts as High Court for this purpose. The Dewan usually hears first appeals against the orders of the Revenue Minister. He has in addition the general administrative and criminal work. The Revenue Minister is under the Dewan and he deals with all original revenue work. He passes orders in miscellaneous and mutation cases.

Other revenue officers consists of a sub-divisional officer at Dongargaon who does mostly civil and criminal work but looks after the collection of revenue and reports on revenue cases sent to him, tahsildars (two) who do similar work and the Assistant Dewan who deals with rent suits and has other duties as well.

In addition to the sbove officers there is a Superintendent of Land Records, an Assistant Superintendent of Land Records, three Revenue Inspectors and 50 patwaris. In land records work the C. P. manuals are taken for guidance.

The total cost of the entire revenue and land records establishment of the State is abont Rs. 16,000 against a land revenue of Rs. 2.81 lakhs excluding cesses and a total revenue of Rs. 5.4 lakhs.

NAZUL

45. Khairagarh is a village held by the Ruler as *thekedar* apart from the area demarcated as *nazul*, in 1918. Similarly in Dongargarh and Khamaria as well there are *thekedari* as well as *nazul* portions. In Khamaria there is no *thekedar*. In the thekedari areas also there is residential area which is disposed of by the *gaontias*; being close to a town area house sites here must be quite lucrative. Agricultural lands in these places are also reported to have been let out for building purposes by the *gaontias*. There are no rules regarding the conversion of agricultural lands to such purposes.
Nazul plots are usually auctioned for house building purposes and an annual rent of four annas per 100 sq. ft is also levied. Buildings, according to the *nazul* rules, cannot be sold without the previous sanction of the State and one-tenth of the consideration is recovered by the State when a sale is effected. Separate records are maintained of *nazul* land.

MISCELLANEOUS

46. There are petition-writers who have to be registered but no licence fee is levied. There are no rules regarding appointment and duties of the petition writers. Two pice per sheet is charged for the paper supplied to them on which only petitions may be written.

New land formed by alluvion is supposed to go to the *gaontia*; I saw a case of disposal of such land by a *goontia* in which *nazarana* appeared to have been taken. If diluvion takes place no change is made till the next settlement. There is no rule about alluvion and diluvion in the *wajib-ul-arz*.

The export of rice and other grains has been stopped for some time. Shifting cultivation has been stopped for the last two years.

Digitized Odisha Revenue Laws – Volume 15 · Page 307 Odisha

There are no rules regarding procedure of revenue officers and precedents are said to be followed. For limitation of suits and petitions, the C. P. Tenancy Act is referred to.

Villagers have the custom of setting apart a portion of land for grazing on which they pay rents.

There is no proper system of filing and indexing of revenue records and order sheets are not to be found in a number of cases. Only rent suits seem to be recorded regularly on C. P. lines.

Registration rules are said to be the same as in C. P. including schedule of rates. For stamps C. P. Stamp Manual is followed in toto. Deed of surrender of ryoti lands are treated like agreements and charged Rs. 8 stamp fee and the registration fee is Re. 1 with an endorsement fee of 4 annas and a copying fee of 2½ annas per 100 words.

KHANDPARA STATE

REVENUE HISTORY AND SETTLEMENTS

This State, like some of the other South Mahanadi States, has been under the 'court of wards' management during the minority of the Ruling Chief till recently. Actually the Ruling Chief assumed control from the end of January 1935. In common with many other States the records of early settlements and assessments of rent are not available and it must be assumed that settlements were being made empirically by the Ruling Chiefs on estimates made by the village officials of the seed capacity or plough capacity. In 1849 the State was under management and an attempt at settlement was made by the Government; fields being measured by means of the usual standard rod measuring 10 ft. 5½ in. Certain records were prepared and lands were divided into six classes apart from homestead lands but there is no report of the settlement and the basis of assessment is not known. Up to 1867 no further settlement was made but new lands seem to have been assessed by amins specially employed for the purpose. In 1910 a settlement was taken up; no report is available but the records show that villages were places in 3 classes according to natural advantages and lands were classified as *sarad*, or *bajefasal* and further sub-divided according to single or double cropping. Certain new rates were proposed and approved as very fair but it was found that the application of these rates would result in an enhancement of 144 per cent. (an example of what proceeding from detail to aggregate in the matter of rents produce), and hence an arbitrary increment of rates by 4 annas and 3 annas and 2 annas per rupee of rental was finally adopted. No maps were prepared and field measurements were done with the standard rod.

2. The current settlement was commenced in 1928 and a traverse survey as well as a cadastral survey was made. The traverse was carried out by sight-vane and compasses; the cadastral survey was made by Gunther's chain. The Bihar and Orissa settlement instructions were followed. The classification of land was again altered; in none of the settlements does it appear that a classification of land was made according to local usage understood by the raiyats but each settlement officer seems to have made a more or less arbitrary classification, so far as I can see, without an actual detailed examination of the matter in the field. These changes of classification are a feature of settlements in the States which have all proceeded upon no definite principles evolved from local circumstances but upon application, often with ill-considered modifications, of exotic systems. In addition to altering the classification of land the settlement officer abandoned the classification of villages. The rates were again more or less arbitrary.

The important change introduced at this settlement was the commutation of all produce rents. Special rates were applied to the lands of kondhs and their homesteads were not assessed. At this time the system existing mainly in the case of the ryots holding under tenure holders was produce-rent, and the rents of such lands were converted into cash rents fifty per cent. in excess of ordinary rates but in the case of the under-raiyats of *khamar* lands double the ordinary rate was imposed. In three villages held as *khamar* the ryots were all holding on the *sanja* system; many of the *sanjas* were holding for generations and there were also others holding on cash rents for a long time. These were rightly recognised as raiyats and given *parchas* but the propriety of fixing double the ordinary rent on them is doubtful and the grant of permanent rights is only a partial mitigation of a grievance.

Digitized by Odisha Revenue Laws – Volume 15 · Page 308 Odisha

3. The term of the settlement which was completed in 1931 was fixed as 10 years only. So far as superficial observation goes the traverse and cadastral survey has resulted in the preparation of satisfactory settlement records and maps but it is reported that 0.53 acre of raiyati land was wrongly recorded as Ruler's private lands and 28.97 acres of the Ruler's lands were recorded wrongly as raiyati and these have now reverted. If these mistakes could be made in respect of Ruler's lands it is likely that there are other mistakes.

For effecting mutations the method of making an entry in the remarks columns of the *khatian* with a separate mutation register in which there is a cross reference is followed. *Sarbarakars* maintain an *ekpathia* and corrections are issued to them.

ZAMINDARI AND OTHER TENURES.

4. Land tenures in Khandpara State are on the whole simple there being no zamindars and no entire villages held by tenure-holders. The tenure-holders are the usual *bramottar, debottar, khanja* and various kind of endowments and *jagir* grants. The general rule about grants is that they cannot be sold, mortgaged or sublet, or otherwise alienated without the sanction of the State but annual sub-leases are permitted without sanction and no lease is valid after the death of the lessor. Another rule says that all lakhiraj (rent free) grants are liable to progressive resumption at the rate of 25 per cent. on the death of each successive grantee. When transfers are permitted the land is said to be resumed and assessed to full raiyati rates but it is not known if occupancy rights accrue immediately. The total loss of rent to the State on account of these grants is about Rs. 43.000.

5. Apart from these there are lands held as State *khamar* which are the Chief's private lands. There lands are partly under direct cultivation and partly have been let-out to share-croppers. Lands held formerly on fixed produce rent or *sanja* or on cash rent were settled in 'occupancy rights' and are no longer classed as *khamar.*

6. The *debottar* grants which are meant for temples or religious institutions are managed by the Ruler or by an officer appointed by him. There are also *debottar* grants which are managed by separately recorded *sevaks*. There are no whole *debottar* villages. Some of the *debottar* lands are held on quit rent; at the 1910 settlement the quit rents were not enhanced but at the current settlement an enhancement seems to have been effected. The grantees pay cesses to the State.

7. *Brahmottar* grants are held by Brahmins and according to the land transfer rules prevalent in the State no service or jagir grants, *mauji, kharposh* or other maintenance grants shall be sold, mortgaged, sub-let or otherwise alienated permanently or temporarily without the written sanction of the State authority. Apparently transfers of these lands are sometime sanctioned. Some of these lands are held free and others are held on quit rent.

8. The *khanja* grants are maintenance grants held by the relatives of the Raja and some concubines and illegimate children of former Rajas. They are liable to revert to the State on failure of male heirs. At the settlement there were nearly 7,500 acres of *khanja* lands. Some of the grants are extensive areas. I visited a village which was formerly held by a *khanjadar*. There was a *sarbarakar* appointed by the State. The raiyats were all formerly holding on *sanja* or produce rents. Now they are recorded raiyats but pay 50 per cent. more rent than other raiyats and cesses in proportion. The *khanjadar* now gets his dues paid by the *sarbarakar* who deducts his commission. It was said that the *khanjadar* had no right to the village waste or trees. The *sarbarakar* held *bhogra* land on which the assessment is at full raiyati rates. The *khanjadar* had rent free lands in the village which he was cultivating on *bhag;* the and as wellas the share had been partitioned and the *sarbarakar* was paying each co-sharer separately; it was said that the shares were recognised and recorded. (All *khanjadars* are paid by *sarbarakars* direct except the Rajmata whose share is credited into the treasury and paid from it.)

9. Other grants made as reward for good services as a mark of favour, etc., may all be regarded as maintenance grants but usually these do not seem to have any conditions regarding resumption.

10. Then there are numerous 'jagir' grants for various kinds of service. The village chowkidars are the most important and will be dealt with later.

Digitized Odisha Revenue Laws – Volume 15 · Page 309 Odisha

Among others there are many such as pipers, drummers, dancing girls, sweepers and so on. Mostly they are expected to perform services at Dusserah. There are also a large number paying a quit rent. Many of these could be assessed to full rents and the services abolished. *Paikali* jagirs have all been converted into ryoti.

THE RYOTI TENURE

11. As far as ryoti rights are concerned, raiyats are referred to as *thani* and *pahi* in the settlement report according as they reside in the village of cultivation or not but actually the terms are of no practical significance and their rights are the same. [Persons occupying homestead lands only are recorded as chandnadars.] The rules mention that a *thani* raiyat is entitled to rent free homestead up to a maximum of 0.15 acre but it is clear that a *pahi* raiyat can become a *thani* raiyat by taking up residence in the village and it is only when he requires a site that the rule applies; the distinction simply means that a *pahi* raiyat is regarded as a non-cultivator in the village of his residence.

12. There are certain rules regarding the rights and liabilities of the raiyats which seem to have been framed in 1939. According to these rules 'occupancy' rights are acquired in respect of new holdings by twelve years continuous possession. The settlement report following a note of Mr. Scott, says that the "spirit of sections 23 and 24 of the Orissa Tenancy Act" is followed. Mr. Scott's exposition of occupancy and non-occupancy rights is based more upon the Orissa Tenancy Act than upon actual custom in Knandpara. There is nothing in the past history of these areasto indicate that there was any such distinction as occupancy and non-occupancy in addition to the *thani* and *pahi*. Formerly there used to be considerable difference between *thani* and *pahi* but now these distinctions are obsolescent. Actual practice in Khandpara in connection with the allotment of new lands shows that such a distinction is quite unjustifiable. New land in this State is given out on payment of a *salami* and becomes rent paying immediately. The *salami* must be regarded as the value of the land and forest growth on it; the rules lay down that all raiyats who are paying rents on lands assessed in their name have occupancy rights. Though the distinction made by Mr. Scott is mentioned in the settlement report no raiyats seem to have been recorded under non-occupancy and only *thani* and *pahi* have been shown. Under the present rule though the ryot reclaims the land and spends labour and money on it, and in spite of the payment of *salami* and purchase of the forest growth, he acquires no permanent transferable right for a period of 12 years. This position seems to be inequitable.

13. Transfer of land is now permitted subject to certain restrictions contained in the land transfer rules; a portion of a plot cannot be sold and rent-free homestead or a portion of it cannot be sold unless the entire ryoti holding is sold with it. Permission of the State is necessary for the transfer of lands by aboriginal (kondhs) and semi aboriginal (not defined) ryots to "higher classes." Homesteads need not be sold when ryoti land is sold. Mutation cases examined by me show that the total cost of a sale transaction apart from stamp duty and registration fees works out to more than 20 per cent. in most cases. 10 per cent. of the consideration is payable to the State apart from the mutation fees (0-4-0 per rupee of rental value; minimum Re. 1-0-0), registration and stamp fees but in the case of aboriginals only 5 per cent. is payable. Mortgages of agricultural land must be usufructuary only. There are rules regarding transfer by gift or will and about sub-leases. Occupancy holdings are heritable and partible.

14. If a ryot fails to cultivate his land for 3 years continuously he is liable to be ejected; he may be ejected for disloyalty, for conversion of his land to non-agricultural purposes and for failure to pay rent. He is not entitled to any remission on account of failure of crop through drought or calamity. A ryot who obtains a lease of wasteland will be ejected if he fails to reclaim it within 5 years; sub-lease is permissible only from year to year but by a registered document it may be for five years. Sale of land by courts, except for recovery of State dues or for execution of decrees with the sanction of the Ruler, is not permitted. A ryot may not cut or appropriate 'reserved' species of trees on ryoti land except on payment of half royalty. He has however a right to fruits and dead wood. Improvements are permitted but with previous permission. Ryots enjoy the fruit of trees on waste lands. In dealing with petitions for the reclamation of waste land the forest officer is consulted if here is forest growth on the land. If the land is to be given the forest growth is sold to the applicant or disposed of by auction. For the land a *salami* is levied; according to

Digitized Odisha Revenue Laws – Volume 15 · Page 310 Odisha

a rule apparently framed during minority it should be five times the rental as assessed by the *amin* but in practice it is more or less according to circumstances. The land becomes rent paying immediately. 0-12-0 are charged as *amin* free but actually the *amin* gets only 0-8-0.

15. In cases of surrendered land, the land is resettled on payment of a *salami*. Sales of land by aboriginals to higher castes are usually sanctioned if no person of the aboriginal caste comes forward to buy the land. There are no rules regarding land acquisition and no cases either. It is said that no land has been acquired.

16. Ryots get receipts free of charge since 1940.

17. *Bethi* and similar levies do not seem to exist in the State at present.

18. One of the important questions which arose at the settlement was the treatment of *sikmi*-ryots. Not only did the tenureholders including holders of service jagirs have under-ryots who cultivated lands for long years under them but even ordinary ryots appear to have had *sikmi*-ryots paying a higher rent. Some confusion seems to have prevailed at previous settlements and at the 1930 settlement, ryots who were recorded as *sikmi* and found to have held land continuously for 12 years under a tenureholder were recorded as occupancy ryots under the tenureholders. If the land was however service jagir, occupancy rights were not conceded as the Political Agent laid down that occupancy rights could not occure in service holdings which were really State lands held temporarily for service. Where it was found that ordinary ryots had *sikmi* ryots cultivating continuously for 12 years under them, the actual cultivating ryots were recorded as State ryots direct under the State and the intermediate rent-collecting ryot was ousted. A number of *jagirs* were resumed "permanently" certain others "temporarily" during the minority of the Chief though there was nothing to show when the resumption was actually effected, that the resumption was temporary. The Ruler now wishes to levy *salami* from these jagirdars whose lands were temporarily resumed. A period of nearly 12 years have elapsed and the Political Agent has advised that a *salami* cannot in equity be levied now. The Ruler desired to levy *salami* even on those who had the lands permanently settled with them, an action which would be clearly improper. This and similar difficulties are caused by the fact that there is no definite law in these matters and the Rulers often do not hesitate to offend propriety for the sake of comparatively small amounts.

In the lands which were resumed and also in those which were continued there are under-ryots. In respect of those who were on lands which still continued as *jagirs* no occupancy rights were to be conceded but in respect of those *jagirs* which were resumed, the under-ryots would become State ryots according to Mr. Scott's instructions. These instructions mean that the *jagirdar* should disappear but actually when the *jagirs* were resumed settlement was made with the *jagirdars* and they remained as holders of the land in ryoti right with under tenants under them who perhaps have not even got occupancy status. It is recorded in the settlement report that many of the under-ryots have not only held the lands "from time immemorial" but have also effected improvement at their expense. Partitions are also said to have taken place and in practice the jagirdars have been unable to evict the under-ryots without the intervention of a civil court. These under-ryots are now left in an insecure position and the jagirdars who continue to serve, as well as these whose jagirs have been resumed, remain as holders of the land. Special provision in the proposed law seems necessary to deal with the situation.

At the settlement, Mr. Scott suggested that in order to prevent this type of trouble occurring, ordinary ryots should not be permitted to sub-lease except for one agricultural year, a restriction which is evaded with the greatest ease. He also suggested that tenure-holders should not sub-lease except with the permission of the State; service tenure-holders should not be permitted to sub-lease and if they do sub-lease it should be treated as a breach of conditions liable to be punished by eviction of the holder.

VILLAGE HEADMEN

19. The *sarbarakari* system prevails and *sarbarakars* including *sarbarakars* in the kondhmal areas are responsible for the payment of the revenue of the village. *Sarbarakars* are expected to be residents of the village or to live at a short distance, and to be literate. Appointment of the *sarbarakar* is subject to the payment of a *salami* of 1/10th of the rental he has to collect plus 5 times the rent of the *bhogra* land; the *salami* is no strictly levied according to the rule; it may be more or less.

Digitized Odisha Revenue Laws – Volume 15 · Page 311 Odisha

There are 307 villages in the State but there are 377 sarbarakars. Thus some villages have more than one sarbarakar. Collection of some 36 villages and portions of two villages is however directly made by the State through a tahsildar. The sarbarakars collect rents of *khanjadars* and other grantee as well and are responsible to the *khanjadars* for payment; the *khanjadars* can file suits against *sarbarakars* for recovery of their shares. If the *sarbarkars* files a list of defaulters after payment of the dues, and within a fortnight of the due date, the State permits him to file certificate cases otherwise he will have to proceed against defaulters by rent suits. The *sarbarakar's* term extends only till the end of next settlement. The villagers seem to be consulted to some extent when a *sarbarakar* is appointed and the system of auctioning the village does not seem to prevail. When an appointment is made preference is usually given to the previous *sarbarakar's* son. It is said that even in the kondhmal villages literate *sarbarakars* are available. There is one woman *sarbarakar* in the State who works through an agent.

Sarbarakars get 10 per cent. commission on the rental which they deduct before payment into the treasury. If proceedings are started against them for recovery they are liable to lose the commission. The *sarbarakars* hold lands regarded as *jagir* which are not alienable. They may be fined suspended or dismissed and arrears may be recovered from movable or immovable property belonging to them or to their heirs or successors. All *sarbarakars* have not got *bhogra* land. They have no power to accept surrender or allot waste land. *Bhogra* lands are assessed lands paying rent.

20. Cultivation in the State is mostly rice and the rent is payable in two equal instalments in the last week of December and the last week of February. The cesses prevalent in the State are all payable in the month of February. Ryots may pay their rents in one instalment if they like.

RECOVERY OF LAND REVENUE

For the recovery of land revenue there are certain rules in force according to which movable and immovable property of the defaulter may be proceeded against or the land may be attached and taken under State management of leased out for a period which may extend to 5 years. Arrest and detention of the defaulter in civil jail is also permissible but the rule says that there must be good reason to believe that the defaulter is concealing his property. Females and minors below 18 years are not liable to this process. The examination of cases however shows that the rules are not strictly followed. Sales do not take place on the date fixed in the proclamation and the *nazir* seems to carry out the sale on any date convenient to him. Delays in executing the sale warrants which usually indicate corrupt practices are noticeable and bid lists are often missing. Immovable property seems to be attached quite commonly without any attemt to attach movables in the first instance. In one case the nazir obtained a bid of Rs. 54 at first but when this was considered too low by the Revenue Officer the same bidder later offered a bid of Rs. 120 ; finally a portion of the land was sold by the Revenue Officer personally for Rs 70. In another case the *nazir* reported there were no bidders but the revenue officer found on enquiry that there was "no lack" of them. Dues of the Debottar Department are recoverable under these rules. Interest is charged on arrears at rates varying from one pice to one anna per rupee according to the period of default.

Collection of land revenue during the last ten years is fair and there were no heavy arrears except of the 'Road and miscellaneous' cess imposed in 1937-38.

CESSES

21. The cesses are forest cess at 0-1-0 per rupee of land revenue, education cess 0-1-0 per rupee, medical cess 0-1-0 per rupee and a road and miscellaneous cess of 0-3 0 per rupee, the total cesses amounting to 0-6-0 per rupee. The road and miscellaneous cess is a commutation of *bethi* and has been imposed since 1937-38 when *bethi* was abolished. The road and miscellaneous cess may be regarded as 0-1-0 for the roads and 0-2-0 'miscellaneous' respectively though there is no such actual division. The income from the road and miscellaneous cess is about Rs. 19,600. The education and medical cess amounts to Rs. 12,300 and the forest cess about Rs. 8,000.

REMISSIONS OF LALD REVENUE AND AGRICULTURISTS' LOANS

22. Remissions of revenue have been granted where there has been failure of crop due to drought or flood and the outturn is reduced below what the ryot

Digitized Odisha Revenue Laws – Volume 15 · Page 312 Odisha

should normally get. Remission may be total or partial. A detailed list dealing with each tenant is prepared and given to the *sarbarakar*. Enquiry on the spot is made by the Revenue Officer. If there is damage by insect pests, etc., no remission is granted. Cesses are not usually remitted. There are no rules or principles regarding the grant of remissons. *Khanjadars* may or may not give remissions.

Provision of about Rs. 5,000 is said to be made for grant of *taccavi* loans Rs. 6¼ per cent. interest is charged. The Ruler carries on a grain lending business out of *khamar* produce. Funds from *debottar* and other funds are made use of for the grant of loans for marriages, house building, purchase of land, etc.

VILLAGE SERVANTS

23. Generally there is a chowkidar for each village but sometimes there is one for several villages. They have usually *jagir* lands but some have no such lands; such chowkidars without *jagirs* are paid by the villagers; no scale of payment is fixed by the State. At headquarters there are two chowkidars for the remuneration of whom a tax of 0-1-0 per house is realised; at Kantilo Rs. 163 are collected from the villagers for the maintenance of four chowkidars; Rs. 12 are paid to the *sarbarakar* as commission and Rs. 7 are utilised for uniform of the chowkidars. Appointment of chowkidars is made by the State, preference being given to the previous chowkidar's son.

No other village servants are recognised and *jagirs* have been resumed. *Khanjadars* sometimes have a '*bhandari*' but this is usually a private arrangement.

FORESTS

24. The State is under the Agency Forest Adviser and there is a forest ranger in charge. There are forest rules dated 1929; according to these rules there are A and B class forests and *khesra* jungle. All reserve forests are demarcated. There are 15 reserved species of trees at present throughout the State including cultivated holdings; actually under the rules the reservation should apply only to *khesra* forest.

Ryots have full rights to unreserved species growing on their holdings; half royalty is charged on reserved species in *khesra* and B class forests and raiyati holdings. A forest cess of one anna per rupee of land revenue is levied. In *khesra* and B class reserve, free grazing is permitted for all plough cattle + 5 heads. A fee is charged for cattle exceeding this limit. No charge for grazing is made in villages which have no *khesra* forest within 3 miles but forest cess is charged.

Forest boundary lines are cleared on contract at Rs. 2 to Rs. 4 per mile. The village *sarbarakar* is responsible to get the lines cleared and payment is made to him.

CROP PROTECTION

25. There are 40 gun licenses for crop protection of which 3 have been issued to officers. The issue and renewal fees where State guns are given are Rs. 2 but if no gun is given by the State the fee is only eight annas for muzzle loaders. It is free for khonds. The rules regarding protection of crops permit the shooting of samber, barking deer and wild boars on crops from 1st August till harvest. The killing of an animal has to be intimated to the forest officer or police officer or failing these to the *sarbarakar*, who has to satisfy himself by enquiry that the animal was killed on crop. The skin and horns have to be made over to the State Forest Officer and fees (pig Rs. 3-8-0, sambar Rs. 5, barking deer 1-8-0, other deer 2-8-0) have to be paid. The rules direct that if the killer is unable to pay the fee the carcass should be auctioned but if the carcass has been disposed of or has decayed the fees will presumably be recovered from the killer.

The ranger compounds forest offences up to Rs. 15 but submits the cases to the Dewan for formal approval; other cases go to the Dewan.

26. During the last two years export of rice and paddy is prohibited. It is said that there is no lac or tusser cultivation in the State. Kendu in khesra forest only is given out as a monopoly. There are no export duties. There is a hide monopoly; the village chowkidar usually takes the hides and sells them to the contractor. The hide monopoly (including bones, horns, skins, etc.), fetches Rs. 2,500.

Digitized Odisha Revenue Laws – Volume 15 · Page 313 Odisha

REVENUE ORGANISATION.

27. The State is not subdivided for revenue administration and the Dewan does revenue work such as *nayabadi*, surrender, *sarbarakari*, etc., in addition to civil and criminal work and other general administrative work. The Ruling Chief is the highest authority and he hears appeals against Dewan's orders ; as he passes orders in sarbarakari and nayabadi, surrendered land and similar important cases, there are no appeals in practice. There is a second officer who does civil and criminal and revenue cases such as certificate cases, rent suits, enquiries and reports on sarbarakari and other cases sent to him. Mutation cases and miscellaneous cases are sent to an honorary magistrate. There is a third officer as well who has been appointed in a newly created post. He does mostly criminal and civil work and enquires into the *nayabadi* cases and miscellaneous work. There are 4 *amins* one of whom only is a permanent servant. He enquires into the *nayabadi* cases and is employed in civil cases and encroachment cases.

He does not keep any register and reports encroachments when he happens to find them. The *nazir* is responsible for the service of process and conduct of sales and the *thouzi navis* maintains the usual demand registers. The total cost of the revenue staff excluding commissions to *sarbarakars* which is not included in the demand is less than Rs. 3,000 against a land revenue of Rs. 96,000 including cesses and a total revenue of 1.76 lakhs.

MISCELLANEOUS

In matters of treasury, copying, etc., Bihar and Orissa rules are said to be followed ; there are special registration rules. Copying is in charge of the record room clerk. No special rules exist. Stamp duty on documents comes to about one half per cent. and registration fees are 2 per cent. *ad valorem*. Petition writers pay a licence fee of Rs. 5 annually. No shifting cultivation exists.

KHARSAWAN

REVENUE HISTORY AND TENURES.

The revenue and political history of the State of Kharsawan is linked up closely with that of Seraikela which it adjoins, formerly it formed a part of the State of Porahat along with Seraikela and was at one time a fief of the Seraikela State. Its previous revenue history may be taken to be the same as that of Seraikela as far as systems of assessments and village management go. It was settled regularly for the first time along with Seraikela by Mr. Connolly in 1904-07. The record of rights drawn up by Mr. Connolly applied to both States. The various kinds of tenures such as *khorposh*, *nokran* etc., were very similar to those of Seraikela and the only notable difference was the so-called *khuntkatti* rights of the Kolhan tract inhabited predominantly by aboriginals. These Khuntkatti rights are quite different from those recognised in Chota Nagpur and simply imply the right to convert uplands into low-lands (this is common to all raiyats) and to make new lands without anyone's consent, right to all fuel and wood for houses or agricultural implements and jungle produce free for their own use though not for purposes of sale, and the right to grow lac and tussore in their own villages free of cost, the right to hold at a fixed rent which cannot be enhanced has not been recognised. (In practice it is said that all raiyats in the Kolhanpir including non-aboriginal enjoy these rights). The position about *Khuntkatti* was finally cleared up at the settlement of 1927 when rents of the Kolhanpir were also enhanced. In Kharsawan also, a uniform rate of rent used to be charged for all kinds of land ; at the Connolly settlement land was divided into different classes and *gora* land (formerly unassessed) was assessed. The Connolly settlement was for a period of 2 years. The next settlement which was completed in 1927 was, like the Seraikela settlement, fixed for 15 years only. At this settlement homestead lands which were not assessed at the Connolly settlement were assessed. They were divided into two classes *bastu* and *udbastu* and assessed at different rates but a uniform rate was adopted for the whole State without any distinction as to the importance of the area. Apparently cultivators and others holding homestead lands which have not been entered in the jamabandi and not subjected to assessment are liable to ejectment at any time without compensation. This state of affairs prevails in Seraikela also. The original record of rights was altered slightly at the time of the 1927 settlement.

Digitized Odisha Revenue Laws – Volume 15 · Page 314 Odisha

2. The State has been fully surveyed by traverse and cadastral survey and traverse marks are maintained in the form of pillars with stones around them. The *thekedars* are responsible for the maintenance of the marks in their villages The field embankments act as boundaries in the case of wet land, in the case of *gora* land there are usually no embankments. It is said that there are no boundary disputes in the State.

The Amin is expected to visit every village in the course of a year (I did not see indications of this being enforced), the State is more particular about recording mutations and keeping its records upto date than Seraikela but it is admitted that the mutation rules are not properly observed in the Kolhanpir and tenure-holders' raiyats are particularly remiss in applying for mutation or record of new lands.

ZAMINDARI AND OTHER TENURES

3. As regards the tenureholders, the ruling of the Government of Bengal in a Seraikela case that lands alienated by one Ruler can be resumed by another, applies here also. In 1905, following the order of the Commissioner of Chota-Nagpur division, a *rubkari* (circular) was issued making it clear to all tenure-holders that they could only alienated their grants by transfer to their heirs according to rules of succession, by the system of granting maintenance grants to their own family members and by the lease of the *khas* lands of a cultivating tenant to another according to the rules of the State. Alienation by sale, gift, will etc. is otherwise prohibited.

The *kabuliat* of one of the *khorposhdars* issued in 1899 shows that the grantee had full enjoyment of jungles and all other valuable minerals. A specimen *brahmottar* grant shows that it is granted in perpetuity and is expected that the grantee will bless the Ruler's family at morning noon and evening prayers; there are no other conditions. *Brahmottardars* can settle raiyats on their lands. The *patta* of a service grant shows that the grantee is liable to do any military or administrative duties he may be required to perform and has no right over minerals and cannot alienate, both maintenance and service grantees are liable to pay cesses.

4. There are 20,370 acres held by 59 *khorposh* grantees, 4,348 acres by 213 *brahmottar* grantees, 478 acres under 5 *lakhraj* grantees, 4,057 under 24 service grantees (ten of these hold whole villages), 9½ acres under one *nokran* jagirdar, 10½ acres under *debattar* grantees, one of whom is a *khewatdar* or proprietor, 201 acres under 4 mahatran, 32 acres under 3 *panpik*, 17 acres under 5 *purohit* and other jagir and 51 under *mukarrara* grantees. The *debottar* grants of this State come to 10.5 acres only and there is no *debattar* department.

Thus nearly 40,000 acres are held free of rent. Most of the service grants are held without any appreciable service now and some of them are so large that the loss of revenue to the State cannot be regarded as other than serious, in practice all those grantees are mere maintenance holders.

While the date of many grants is not given and they are apparently old, numerous grants have been made in the last 20 years and one *brahmottar* grant of about 20 acres is dated 1941. The two *mukarrara* grants are said to have been made by tenureholders. In addition to these grants held by so-called *khewatdars* who enjoy rights which may be described as proprietary, there are numerous other grantees who have no proprietary rights. The area held by grantees amounts to 66 per cent of the area, shown as cultivable and 40 per cent of the total area of the State.

Among the villages which may be regarded as grants is a village, Simudiri which is shown as having become the personal property of the Ruler in 1931; of course the income of such villages and lands which the Rulers grant to themselves cease to figure in the budget though they contribute to his privy purse. A large number of abandoned or surrendered lands are shown as having become *khas* or personal since the last settlement, but some of these are also shown as liable to be resettled.

5. I made enquiries about the whole village grants held for service; in five of them, help during disturbances and attendance upon the Ruler when he goes outside the State (apparently as body-guard) are to be rendered but no occasion for such service has arisen for a long time The service grantee of Hundangda who is expected to perform guard duties at the palace was once called upon to perform the service but failed to comply with the orders and so nothing more seems to have been said about it. Three other grantees perform personal service

Digitized Odisha Revenue Laws – Volume 15 · Page 315 Odisha

to the Ruler (such as clerk or attendant), the grants thus contribute to the privy purse. Reference will be made later to tenureholders in discussing various fees.

Apart from the *khewatdars* tenureholders, there are many non-*khewatdars* whose rent free holdings add up to several hundred acres, they are mostly for various kinds of service such as guard duty, palanquin bearer, washerman, suppling pots, flowers, astrologer etc. The revenue of all these lands must be regarded as a loss to the State.

6. The tenureholders have been assessed to a *'takoli* cess' which is said to be 20 per cent. of the total income including homefarm and forests. The actual amount was fixed on the rental of the first settlement. The rental of the revisional settlement was not taken into account as the cess was imposed in 1926, i.e., shortly before the revisional settlement. Thus the *takoli*-cess appears to be much less than 20 per cent. Part of the *takoli*-cess is payable in kind. The tenureholders pay a police cess which, according to the settlement report, is calculated at 0/1/6 per rupee for rental. It is reported that the police cess is not recovered by the tenureholders from the raiyats but the matter is not free from doubt. There is a small payment of about Rs. 5 made by a tenureholder known as *khandiani* which is supposed to be a contribution to a temple but is credited as land revenue. Tenureholders issue their own *pattas* to their tenants, they can settle raiyats in *prajali* right on waste lands and can reallot surrendered and abandoned lands.

THE RAIYATI TENURE

7. There is no revenue law of the State and the'spirit' of the Chota Nagpur Tenancy Act is said to be followed where it is not inconsistent with State practice or custom. The record of rights states that a raiyat has the right of 'occupancy' in lands entered as such at the settlement, this is because *sikmi* raiyats are also entered as raiyats. The mutation rules of the State provide for the entry of new waste land leases and presumably therefore raiyats do not remain un-recorded for a long time.

8. The 1907 record of rights did not permit transfer and it is recorded that this rule was freely evaded by surrender and resettlement. It is being practised even now to a large extent. The 1927 record of rights permitted transfer with the sanction of the Ruling Chief and the mutation rules issued in 1929 regarding transfer, resettlement, settlement of waste land etc., prescribed that *salami* may be realized according to the discretion of the Ruling Chief. Transfer *salami* is levied by the State according to a schedule the basis of which is not clear but which seems to make it from 20 to 40 per cent. of the value. In the tenureholders estates, while most of them are reported to levy *salami* according to the State schedule, two of them levy a fixed rate of 25 per cent. of the value, while two others treat transfers as surrender and reallotment and levy according to discretion. If an exchange takes place both parties have to pay *salami* It is laid down by rules that the *salami* (not in the case of tenureholders) is to be paid to the *nazir* who will deposit it in the treasury to the personal account of the Ruling Chief. No *salami* is recovered for a lease or a mortgage for a period of five years or less. Under the new transfer rules transfer to persons who are not tenants of the State, and transfer by an aboriginal to a non-aboriginal (Kols, Santals and Bhumijs only) is prohibited; part of a holding measuring 5 acres or less cannot be sold unless it is to form portion of an existing holding, the residue of the holding must not be less than 5 acres, may be sold. Only usufructuary mortgages are allowed.

9. According to the 1927 record of rights, a raiyat cannot be ejected from his homestead lands for failure to pay rents but as in the case of Seraikela ejectment, (theoretically) may take place from other lands for failure to pay rent on the homestead lands though movable property is usually proceeded against. Homestead lands were assessed at the 1927 settlement.

10. The 1927 record of rights was in most other respects similar to the 1904 record of rights but by a later amendment in June 1941, raiyats were given full rights to all trees grown on the raiyati lands including the timber of such trees, but it was provided that they had no right to any *sal* tree even if grown by them when the girth of such a tree exceeded one foot at breast height. If such a tree is cut with the permission of the landlord, the timber will belong to the landlord and not to the raiyat. No *kusum, kuli* or *asan* trees exceeding one foot in girth at breast height may be cut without the sanction in writing of the Ruling Chief. The rule says that when such consent is given no charge would be made for the timber so cut but it does not say to whom the timber belongs.

Digitized Odisha Revenue Laws – Volume 15 · Page 316 Odisha

The raiyat has the full right to cut trees not exceeding one foot in girth at breast height. *Kusum, kali* and *asan* trees not exceeding one foot in girth on homestead and bari-lands may be cut without the sanction of the Ruling Chief but trees exceeding this girth cannot be cut. Normally, the rules of this nature should be meant for the protection of trees till they have reached a certain girth, by this rule the cutting of young trees below one foot girth is encouraged. The idea obviously is to protect existing large trees in the interest of the landlord and the Ruling Chief, who are entitled to the timber.

In the record of rights, the *thekedar*, as in the case of Seraikela, has the right to allot or reallot waste or vacant lands, but here also this right seems to have been in practice taken away by the State. *Salami* in such cases is levied according to discretion and is the personal property of the Chief or landlord. For the lease of waste-lands, in all cases including the State, the salami is levied according to the nature of the lands and the capacity of the applicant. The variation of rates and practices (see paras. 8 and 14) shows to what extent the record of rights and State rules is heeded by the tenureholders.

In respect of such matters as receipts, the making of lands, the relinquishment of lands etc. the raiyats have roughly the same rights or disabilities as in the case of Seraikela.

10. (a) In the case of land acquisition 20 times the rent is awarded as compensation as a fixed rate though it is claimed that the Land Acquisition Act is followed. Examination of the cases shows that the claim cannot be upheld.

11. There seem to be some sub-tenants recorded at settlement on lands such as the 'khamar' lands of the Ruler paying produce-rent. These have no prajali right and permanent rights are said to have been granted in only one case in 1936-37 under a muafidar. Tenants normally do not acquire permanent rights.

12. Regarding the protection of crops an order issued by the Ruler says that if wild pigs are found to be doing depredation the tenants are entitled to destroy them within their cropped land but not outside the boundary of their own land by chasing them. If any pig is killed while destroying the crops the nearest police officer should be informed and the carcase handed over. The State apparently regards the permission to kill these vermin as a concession to the raiyats but the clause about informing the nearest police officer and handing over the carcase should be a sufficient deterrent against the enjoyment of this favour.

13. Nayabadi lands are subject to the same conditions of rent as in Seraikela, viz., no rent for the first year and half rate till next settlement Encroachment cases are dealt with under the Indian Penal Code, an expedient of very doubtful legality. The record of rights is silent about allotment of house sites, the thekdar or landlord seems to allot these and as in some places the land is so valuable that transfer salami is realised, it is certain that sites are not allotted free.

14. According to the record of rights, a cess on the propagation of lac and cocoons can be levied at the rate of annas four for big trees and annas two for small ones on bari or homestead lands; this does not seem to apply to trees on holdings. In respect of lac, no tenureholder is shown as charging a different rate but on cocoons, two tenureholders charge Re. 1 per head, one at -/12/- per head and another at Rs. 2 per head, in flagrant; disregard of the record of rights. An export duty is levied on the export of lac. I am informed that as an experimental measure the tax has been abolished in order to increase the propagation of lac but apparently this has no effect on the tenure areas.

15. There is a contractor who has the monopoly of all hides which fetches about Rs. 800. The village chowkidar appropriates the hides of dead animals and sells them to the monopolist.

16. The Connolly settlement did not record the existence of any *begar* and as far as I could see this practice does not exist.

17. *Rasad* is required to be made on payments. *Salami* at Dusserah is paid by some tenureholders and by thekedars of the Sadantpir (non-aboriginal area).

VILLAGE HEADMEN

18. The system of village headmen is the same as that of Seraikela State. *Thekedars* hold on a *patta* for the term of the settlement and there are no *thekedars* in a large number of villages belonging to tenureholders. The appointment of *thekedars* in tenureholders' villages is subject to the approval of the

Digitized Odisha Revenue Laws – Volume 15 · Page 317 Odisha

Ruling Chief which is given unless there are objection on the ground of loyalty or fitness for the post. The record of rights states that if the thekedar is not appointed within 60 days of the post falling vacant the Ruling Chief will make the necessary appointment himself, as there are no *thekedars* in a number of villages the rule is obviously not strictly followed.

Out of 199 villages only 107 have *thekedars*. It is said that no *salami* is taken by the State when a *thekedar* is appointed or a new *patta* is issued. A *thekedari* succession is recorded as a mutation and mutation fee of Rs. 5 and a *patta* fee of Re. 1 is realised, the mutation rules do not specify this and at least in the case of tenureholders the position is likely to be different as only the formal approval of the Ruler is required. The tenureholders issue their own *pattas* to tenants and *thekedars*.

A Dusserah *salami* is realised from the *thekedars* of the Sadantpir.

19. The *thekedars* is remunerated by commission at 0/2/6 per rupee on the total rental of the village or by '*man*' land held rent free. Almost all the *thekedars* are remunerated in cash; they pay only the net demand of the village and only one village has '*man*' land.

RECOVERY OF LAND REVENUE

20. Land revenue is recovered in two kists of 6 annas and 10 annas in the rupee in the months of November and January except in the Kolhanpir where there is only one instalment paid in January, neither the settlement report nor the record of rights prescribes one instalment only for the Kolhanpir. Some cultivators said that the dates for the kists, particularly the first, were not convenient but in another village they said that no difficulty was caused. In the Kolhanpir the villagers said that one kist in January caused no inconvenience. In practice many cultivators seem to pay the whole land revenue in one instalment in January. The cultivation being chiefly paddy, January seems suitable. The tenureholders pay takoli-cess in cash in two instalments in December and March and any payment in kind is made in December.

The *thekedar* is responsible for the rent and will be proceeded against in case of default, and is liable to pay interest at 25 per cent. on arrears. A tenant in arrears of two kists is liable to ejectment. Recovery of land revenue is usually effected by the attachment of movable property except seed paddy, agricultural bullocks and implements. The defaulter can also be arrested and imprisoned with the Ruler's permission.

The *thekedar* proceeds by rent suit against the tenant; the primary responsibility for the revenue is that of the *thekedar*. If the suit is decreed the raiyat is given a month's notice and if no payment is made the lands may be sold. The *thekedar* is allowed 12½ per cent. interest

21. The statement of demand and collection in the State for the last ten years does not show a satisfactory state of affairs and there are heavy arrears The figures of 1940-41 (demand Rs. 65,637/9/0 and 277 maunds of paddy, collection Rs. 46,488/2/6+277 maunds of paddy), are typical. In the remaining years of the decade the number of cases started for recovery against headmen and tenureholders is very small.

CESSES

22. There are no cesses in the State apart from the police cess and the takoli cess levied from tenureholders.

REMISSIONS OF LAND REVENUE

23. Remissions of land revenue seem to have been granted in recent years (1938-39 and 1939-40) but there is no definite policy or principles regarding it.

VILLAGE SERVANTS

24. The record of right, as in the case of Seraikela, mentions the '*dakua*' and '*chowkidar*' but in the 1927-28 record there is an additional village servant '*pahan*' appointed by the villagers. Only the *chowkidar* is of importance and most of these *chowkidars* have got rent free service holdings. There is a chowkidar cess' in four villages (Porahat) but this is not a general cess. Chowkidars are remunerated in addition to their rent free holdings, by a payment of five to ten seers of paddy costing about eight annas from each household in the village.

No dakuas seem to exist now.

Digitized Odisha Revenue Laws – Volume 15 · Page 318 Odisha

FORESTS

25. There are forest rules dated 1930. According to these, forests are reserved protected and *khesra* or village forests. The protected forests are meant to supply the requirements of local people. Khesra forests include all village waste. The tenureholders exercise full rights over their forests and apparently are not bound by the State rules with any degree of strictness. *Khesra* forests may be declared to be protected. The boundary lines of protected forests are required to be kept clear by the villagers exercising rights therein, free of cost. There are 22 kinds of reserved trees in *khesra* forest which may not be cut without permission or royalty but Kols may cut any tree except the *sal* in the Kolhanpur. There are certain rules regarding the cutting of trees in the forest which are meant to regulate cutting and to preserve forests. The rules requiring the *thekedar* to see that no land is cultivated without State's permission is contrary to the rules in the record of rights.

The right of collection of *kendu* leaves has been given out to a contractor by the State; the tenureholders have also done the same. It is reported however that there are practically no leaves on raiyats' lands.

Raiyats outside the Kolhanpur have no right to free fuel and have to make payment. No fee seem to be charged at present for timber for ploughs and agricultural implements.

Raiyats in the Kolhanpur are entitled to free timber and other concessions for domestic purposes but permits have to be issued and this system, the raiyats in Byang, stated, results in their having to pay bribes to forest officials in addition to other expenses.

Grazing is free in every village and areas other than reserved forest, and coppiced coupes less than five years old have been thrown open for free grazing, but sheep and goats are not allowed to graze in protected forest as their grazing is detrimental to the growth of the forest. No fees are charged even on professional graziers at present. The rules however contain restrictions and have not been amended.

The tenureholders in most cases charge their own rates for fuel and other wood. No shifting cultivation is reported in the State.

CROP PROTECTION

26. No gun licences for crop protection have been issued though the killing of pigs has been allowed as a concession. (See para. 12).

REVENUE ORGANISATION

27. The State forms one revenue division under the charge of the Dewan but for the purpose of collection, division into three circles has been made. The collection of each circle is done by a tahsilder who is really a tauzi-navis (clerk) under the supervision of the magistrates. The revenue staff consists of the Dewan, Assistant Dewan and the third officer and land record staff consists of a moharrir and his assistant and a State amin. The Ruler deals with cases of appointment of *thekedars*, transfers of land, etc. and is the ultimate revenue authority. The Dewan and the other two officers are also the criminal and civil authorities within the State.

Processes are served through a 'nazir' who controls the process serving peons. The total cost of the revenue and the land records establishment including the pay of the Dewan and other officers who perform other duties amounts to about Rs. 8,000 (excluding commission given to *thekedars*) against a total revenue of Rs. 1½ lakhs and a land revenue of about Rs 45,000 (part of the *takoli* cess which is paid by one tenureholder is paid in kind and this is kept in the granary and utilised in the jail and for the feeding of the elephant but it is said that of late, payment is being made in cash). The land revenue of the State would be a great deal more than it is but for the grants and lands held by the Ruler. There is no touring worth mentioning by the revenue officers though the State is small and even a few days annually would suffice.

MISCELLANEOUS

28. There are petition writers attached to the civil and criminal courts and these write revenue petitions also. Water marked papers are issued for writing petitions at half anna per sheet. A register of revenue petitions is maintained. Mutation fee is 2 annas per biga (minimum Re. 1 and maximum Rs. 5). Stamp duty on documents is rupee one per cent. and registration fee is uniformly twelve annas.

Digitized Odisha Revenue Laws – Volume 15 · Page 319 Odisha

KOREA STATE

REVENUE HISTORY AND SETTLEMENTS

KOREA is a particularly interesting State as its revenue system is perhaps the most primitive in the Agency. As yet there has been no survey of the State; a beginning in this direction was made about two years ago but the operations have been discontinued and the maps prepared are probably not reliable. Study of the revenue systems of the States have led me to believe that the old system of estimation of area was by the seed capacity of the land and the idea of a plough was introduced by settlement officers from the Central Provinces, and it is interesting to find that this is the method prevalent in Korea and it is also mentioned in the 1909 Gazetteer. The Gazetteer mentions that there were different rates for the rice lands and nothing was paid on the high lying lands. There was much shifting cultivation practised by the primitive tribes and a rate of one rupee per axe was being levied upon them. It is recorded that in the Patna zamindaris *gaontias* have vague reminiscences of the zamindar fixing the assessment of an area 36 × 36 cubits at Rs. 3/15/–, and on the basis of this standard the *gaontia* made a *nazar paimaish* or eye estimation. In the developed areas the *gaontia* system seems to have been introduced at an early date and they contracted for the village *jama* and were left to settle ryots on rents agreed upon. This system prevails to this day but in 1942 when the State was under management during the minority of the present Ruler, a schedule of rates at Rs. 2 for good and Re. 1 for inferior, rice lands per acre was prepared, apparently to prevent exorbitant demands by *gaontias*; it is significant that at this time rates were drawn up for the high lying lands also; indicating that they had attained a value and *gaontias* had started assessing them (the Gazetteer was written only a few years before). This schedule is still current but rents are still settled between the ryots and *gaontias* and the schedule is applied only when there is a dispute.

ZAMINDARI AND OTHER TENURES

2. There are about 12 zamindaris. Only some of the zamindaris seem to have *sanads*. The zamindari *takoli* is not fixed but is said to be alterable every 20 years. This seems to me doubtful as a cess has been imposed which is larger than the *takoli*. The position seems to be similar to that in Surguja where there is a ruling of the Government of India that the *takoli* is fixed but an administrative cess may be imposed. The *takoli* has actually not been enhanced since the 'court of wards' administration. The *takoli* seems to be an arbitrary amount not bearing any relation to the income of the zamindari. In some cases the cess is said to be merged in the *takoli*. In a recent resumption and regrant, the *takoli* has been made variable. The zamindars manage their own villages without any interference as far as revenue is concerned and only cases of complaint or maladministration are taken notice of by the State.

The zamindars issue their own *pattas* to the *thekedars*. The *patta* of Patna zamindari examined by me shows that it was issued for 12 years for land revenue and a separate cess amounting to about 12 per cent. of the revenue, payable in two equal instalments on 1st February and 1st June. The *patta* seems to have been issued during the minority administration. Under the conditions attached, ryots are not liable to ejectment so long as they are of good behaviour and pay proper rent; the rate prescribed during the administration is mentioned. The land cannot be sub-let or transferred without the consent of the *gaontia* and the zamindar; partition requires the *gaontia's* consent. The *gaontia's theka* is impartible and cannot be transferred; he has the right to lease out waste land or land which is intestate, or from which a ryot has been ejected, or surrendered land. The *gaontia* is entitled to one day's *begar* for sowing his *manwar* land, one day for reaping crop, and one day for thatching his house. He has to supply *rasad*. He is liable to a penalty of 12½ per cent. on arrears. Ringing of trees, *bewar* cultivation, etc., are prohibited. The ryot is entitled to fuel, wood for implements or house-building, etc., free but there are reserved species of trees, (all fruit trees and seven others) which he cannot cut and he had no rights in the zamindari reserve forests. When the *patta* expires tenders will be invited and the village offered at the highest tender to the old *gaontia*; if he does not accept, a new *gaontia* will be appointed. The *patta* does not say who has the authority to eject ryots or punish them, and presumably the zamindar exercises this authority. Sanction is said to be necessary for the creation of *muafi* and other grants in the zamindaris though the basis of this assertion is not clear. Some of the zamindars have full rights

Digitized Odisha Revenue Laws – Volume 15 · Page 320 Odisha.

in the forests, and some have an equal right with the State and some have none. In zamindaris where the rights to forests exist, trees in wasteland as well as forests may be auctioned as the zamindar pleases. In zamindaris with no forest rights, zamindars cannot auction trees in areas regarded as forest but other village waste may be allotted for cultivation by the zamindars. It is said that in zamindaris without forest rights, the zamindar has no right to the trees in the wasteland.

3. No zamindar has any right over minerals.

4. In zamindaris, the *kotwars* are appointed by the State. The same amount in cash is recovered for the *kotwars'* dress and clothing in the zamindaris also as in the *khalsa* portion of the State

5. At headquarters only a register of *takoli* payable and recovered from the zamindars is maintained and there are no details of *gaontiahi* payments to the zamindar. Over zamindari villages the State has no jurisdiction in the matter of levying any cesses from *gaontias* or tenants. The zamindars have the right to impose any levies like *bethi, rasad,* etc., without question by the State as long as there are no complaints and the impost does not amount the maladministration. The zamindars have no rights of levying their own excise, ferry, cattle pound and other dues. There is no interference as regards the period of a *theka.*

In zamindaris the *gaontia* may approach the zamindar for recovery from defaulting ryots and procedure here would depend upon whatever is entered in the zamindari *gaontiahi patta.* In the *patta* of the Patna zamindari examined by me there is nothing about resort to a court and probably, either the *gaontia* or the zamindar, exercises powers of ejectment. The Dewan could not give me any definite information about this and apparently cases from the zamindaris do not come to the State courts usually.

6. Ramindars probably claim the right to make their own settlements and I was informed by ryots of Banjaridhand in the Khargawan zamindari that last year a rough survey by estimation and seed capacity was made and rates enhanced.

7. Under some of the zamindars, there are sub-zamindars who have been granted all rights in their villages in perpetuity on payment of a fixed sum, which is practically a token payment only. In view of the cess imposed upon the zamindars in addition to the *takoli* the sub-zamindars also have to pay a cess. Generally speaking it may be assumed that the zamindar has transferred all his rights in the village to the sub-zamindar.

I visited a village in the Patna zamindari held by a sub-zamindar. Though the sub-zamindar has the right of sub-lease he was holding the village direct. In this village the takoli was said to have been increased. The ryots said their rents had been enhanced several times in the last 15 or 20 years. Land revenue or rent was being paid in two equal instalments (not so in the *khalsa*) and interest at two annas per rupee was being charged on arrears. The sub-zamindar was recovering a rate of one rupee per plough as a *nistar* rate and grazing fees except on plough cattle. The *patta* of a *gaontia* of course was not binding on him and he was levying *nazarana* on the allotment of land. The State had granted a remission of three annas in a rupee owing to bad crops but the zamindar had not followed suit. A decision against the levy of export duties by sub-zamindars was given during the minority administration.

8. In addition to sub-zamindars there are *khorposhdars* or maintenance grantees of the zamindars who practically are the same as sub-zamindars except perhaps that they do not pay any *takoli.* There are also *khorposhdars* of the State (outside the zamindaris). I have seen two agreements executed by the Superintendent of the State during the minority; they were both issued as revised *sanads* after resumption of the maintenance grants for refusal to accept a revised *sanad.* A *takoli* gradually enhanced to 32 per cent. is payable. The State can make settlements and its orders are valid throughout the *tappa.* Forest rights are granted; disputes are to be referred to the Political Agent.

Apart from zamindari and *khorposh* grants no other grants are shown except land of about 10 acres called jagir assessed to a nominal rent. Some lands are held by the Ruler personally as *sir* and no ryots have acquired any rights in them. No detail of these lands are available and they have not been mentioned in the statement of rent-free grants.

THE RYOTI TENURE

9. There is nothing which may be called a revenue law in the State other than a list of terms agreed upon by the *gaontia* or lessee of a village. Under the latest one (most *gaontias* still hold on old *pattas*) issued by the State, the ryot

Digitized Odisha Revenue Laws – Volume 15 · Page 321 Odisha

cannot be ejected except for non-payment of revenue or breach of the conditions of the *gaontias patta* or for "extreme misbehaviour". The *patta* requires the *gaontia* to go to a revenue or civil court to get the ryot ejected. The rent payable by the ryot will be as agreed upon between the *gaontia* and himself. Surrender of land can be made in writing in the month of April; if the *gaontia* does not accept the surrender it can be sent through a court. Transfer of land except by annual lease cannot be effected without the sanction of the court.

Among the cases examined by me was a case of purchase of lands by certain ryots. The *gaontia* complained and ejectment was ordered as purchase was illegal and "against the policy of the State." In a case of sub-lease for a period of ten years both lessor and lessee were ordered to be ejected out, the Ruler ordered the lessee to be reinstated and the lessor was referred to the civil courts. Direct male heirs or the wife, for her life time or till remarriage can inherit a ryot's land but daughters and collaterals cannot inherit unless joint. Partition requires the sanction of *gaontia*. Improvement on land are immune from enhancement of revenue for the period of settlement (presumably the period of the *gaontia's patta*) following the current one. Land is regarded as abandoned if the ryot has left the village and has not paid a year's land revenue. The land revenue of a ryoti holding is not fixed during the term of a *theka* and it is possible for the *gaontia* to make changes anytime during the term if the ryot does not take the matter to court; the *gaontia* could perhaps fix the rent in any manner, such as according to the crop. The schedule fixed in the "court of wards" time would be applied if a case comes to court. In this State development of agriculture is very poor and the position still is such that the ryot is more in demand than the land. One of the matters which is considered to be an improvement is the settlement by a *gaontia* of ryots, from *outside* the State. For new cultivation in a village, a ryot is entitled to hold free of rent, *after* the field is ready, for one to three years according to the condition of the waste and the kind of field prepared. For ryots coming from outside the State, materials for house building are given free. A *gaontia* who brings ryots from outside and improves his village will be considered favourably for a renewal of his *theka*.

Cultivation of waste other than-reserved jungle. grazing grounds, etc., is permitted on application.

All fruit trees and ten other species specifically mentioned are not to be cut without special permission. The free *nistar* allowed is as in the zamindari *patta* already described. Beware cultivation is not permitted.

Ryots are liable to the levy of a *chanda* or contribution for the maintenance of *gudis*, village roads (not main roads maintained by the State), market places, wells, the uniforms of *kotwars* (more will be said about this in describing *kotwars*). Forest boundary lines adjoining villages are required to be kept clear by ryots.

A *gaontia* has to see that his ryots buy *rasid-bahis* and record payments of revenue in them ; apparently a ryot who does not buy a *bahi* may not get a receipt.

According to the old *patta* which must still be current in many villages, ryot may be ejected without reference to a court though he has the right to complain to a court. The *gaontia* is entitled to *begar* for the cultivation of his manwar lands and officials are also entitled to *begar* and there was *begar* for State work also. *Begar* is shown by the State as abolished and clauses regarding it are not to be found in the new *pattas* but enquiry in the villages tells a different story.

Ryots of the Khargawan zamindari said that in their village a fee one anna per receipt had to be paid to the person who wrote out the receipts. They were required to cultivate the *manwar* of the *gaontia*, reap and store the crops at the *gaontia's* place. They also said they had to pay the rent in one instalment only in the month of January. They were required to thatch the house of the *gaontia*, to pay a school cess of 8 annas per plough (not prescribed by the State), to supply fuel to the zamindar at Dusserah and a payment of 2 pailies of pounded rice per plough to the *gaontia*.

A grazing fee is levied in the *nistar* jungles of the zamindari except for plough cattle. (For payments to village servants, see relevant paragraph.)

In the *khalsa* village of Mansuk, the villagers said that the entire cultivation of the *gaontias manwar* was done by them with their ploughs and cattle. *Begar* was taken for the carriage of the luggage of officers (the village is on the road). At Dusserah, fuel is rendered at Baikunthpur and the villagers have to stay

Digitized Odisha Revenue Laws – Volume 15 · Page 322 Odisha

three or four days there, presumably for other work. Rendering of a goat has been stopped since last years. In Salba also *nagar-bethi* is levied.

In the Patna zamindari village visited, interest was being levied at 2 annas per rupee on arrears, and one pice was charged for receipts. Ryots were not allowed to propagate lac on trees in their holdings and this right was reserved by Bhuiyans apparently employed by the lac *thekedar*. They have no right to trees even on their holdings but enjoy the fruits. *Begar* of various kinds is taken and it amounts to 9 days in a year. Fuel, grass and leaves of trees have also to be supplied. A tax of 2 annas per mahua tree is levied. The sub-zamindar appears to levy *nazarana* on lands; a ryot mentioned payment of Re. 1 for allotment of abandoned land (payment admitted). Rent is paid for homestead land.

10. Regarding acquisition of land there are no rules and I was not furnished with any cases either. In August 1941 the Ruler wrote that compensation is paid if the land is acquired for public purposes and the amount depends on the class of the improvement made on it.

11. I saw a number of cases which started as revenue cases, went on for a considerable time and the parties were then directed to go to a civil court. This procedure practically amounts to denial of justice as few people, particularly ryots can afford to go to a civil court after spending money in a revenue court.

In a case of unlawful ejectment by a *gaontia*, the *gaontia* returned the land and no further action was taken against him.

There was a case of complaint of excessive assessment in which survey was ordered and some alterations made after which the case was filed. The Superintendent of Land Record reported that some 'mistakes' were found; it is not stated to what extent, if any, there was rack renting.

THE VILLAGE HEADMAN

12. The *gaontia* of a village is bound by the conditions of the *patta* which he agrees to accept when appointed. By this *patta* the *gaontia* agrees to pay a certain land revenue for the village annually. All *thekas* do not begin and end in the same year though all of them begin and expire on fixed dates in a year. 20 to 30 thekas are said to expire in a year. Usually the period of a *theka* is 3 years but longer periods are also fixed. The Dewan said that short leases are given because it is expected to make a settlement but examination of cases shows that short periods were quite common.

When a *theka* expires sealed tenders are invited for the *annual land revenue* or *thekajama*. The village is offered for the highest amount tendered to the previous *gaontia* as in the zamindari, if he accepts. No *nazarana* is levied and the practice is thus the direct opposite of that in most States where the *thekajama* is fixed and a *nazarana* is levied. When a *theka* expires the patwari visits the village and makes a report regarding the mumimum *thekajama* which may be expected and this is used as a sort of reserve bid. Generally about 20 per cent. more than the ryoti rents of the village is accepted as the *thekajama*. The experiment of leasing on *thekajama* has been mentioned in the case of Khairagarh. I saw a similar case of village Badi where the *thekadar* accepted a *jama* of Rs. 684 and had to leave the village.

13. There are no villages with more than one *thekadar* in the *khalsa* area, and probably not in the zamindaris also. There are 28 villages referred to as *kham* on account of inability to get a *gaontia* or for special reasons.

14. There is no restriction in the *patta* regarding the area of *manwar* land the *thekadar* may cultivate and there is no record of it; *manwar* may be leased out without ryoti rights accruing but may not be alienated in any manner. As however there is no record of *manwar* land the condition is nominal. *Manwar* land in the village, according to the Dewan, is supposed to be held for the purpose of feeding petty officials when they visit the village. This is not mentioned in the *patta* of the *gaontia* even in the zamindari; on the contrary the *patta* prescribes that all *rasad* supplied by the *gaontia* is to be paid for. No mention of this custom is made in the Gazetteer and it seems to be an entirely new conception in this State though the Gazetteer mentions in respect of Khairagarh that besides *sir* (the equivalent of *manwar*) a portion of land called *sirha* used to be held for the purpose of supplying *rasad*.

Manwar posses to the next *gaontia* if a *theka* is not given to the same person but the *ex-goantia* is entitled to retain such lands as he himself has won during the currency of the *theka* without the help of ryots and such land as he formerly possessed in ryoti right.

Digitized Odisha Revenue Laws – Volume 15 · Page 323 Odisha

15. The *theka* of a *gaontia* is impartible and the rights of inheritance (during the currency of a *theka*) are the same as in ryoti land. *Gaontias* can give out for cultivation lands from waste or surrendered lands or lands left intestate or from which the ryot has been ejected in ryoti rights.

A *gaontia* can be ejected for failure to pay revenue on due dates, for breach of the terms of the *patta* or State laws, harassment of ryots or extreme misbehaviour. The *gaontia* is not entitled to levy *nazarana*; there is little scope for this except in a few villages.

The *gaontia* is required to protect the forests and prohibited trees and prevent *bewar* cultivation. He is expected to reside in his village unless he has more than one, in which case he can appoint an agent whose name is simply intimated to the State; the State exercises no control over the agent's appointment

16. Maintenance of *gudi*, village roads, etc., is done by him through the ryots. The *gaontia* can levy subscriptions from the ryots for the dress of the *kotwar*, for the maintenance of *gudi*, wells, etc., and for the sanitation of the village. He is required to keep camping places and rest houses clear and in good condition. The forest boundary lines adjoining the villages have to be kept clear by the *gaontia* and ryots

THE RECOVERY OF LAND REVENUE

17. Rice is the main crop of the State though some other crops are grown and land revenue is payable by the *gaontia* in two instalments, $\frac{3}{4}$ on the 15th March along with cesses, and $\frac{1}{4}$ on the 1st June. In default a penalty of three-fourths anna per rupee is levied for default up to three months, and higher rates after this the maximum being $1\frac{1}{4}$ anna per rupee. The dates should be convenient to the ryots.

In cases of failure to pay the revenue, the *gaontia* may be proceeded against by attachment of movables or immovable property such as a house. In practice there has not been arrest and detention of a *gaontia*. A *gaontia* may be evicted for failure to pay.

18. Against the defaulting ryots the *gaontia* has to go to the civil court. The ryot may be proceeded against by attachment of movables or by attachment of immovable property such as a house or by eviction from the holding. Eviction is the usual procedure.

In a case for recovery of arrears the ryots pointed out that certain lands had been surrendered by them in lieu of arrears on the rest; this was not considered adequate and ejectment was ordered.

19. Movable property attached is left in the village under surety in the first instance and if sale is ordered later the property is usually brought to headquarters but sales may be held at the spot also either by the *jamadar* or the *wasil-baki-navis* or by the Sub-Divisional Officer in important cases. Sale of immovable property such as a house is done by the Sub-Divisional Officer at headquarters.

Tahsil peons, in practice, may collect revenue. Recovery of dues like the dues of a caste headman or claims of maintenance against a zamindar are treated as revenue cases.

20. Collections of land revenue during the last ten years have been poor, less than 50 per cent. of the amount shown as demand in 1936. There seems to have been no record of cases against *gaontias* between 1931 and 1936 as, in spite of heavy arrears, no cases are shown. In the remaining years the number of cases is not heavy but proportionately the number of cases by *gaontias* against ryots seems to be large.

CESSES

21. There is a cess of 2 annas per rupee without any name but meant for administration levied on each rupee of *thekajama* of a village. The *gaontia* recovers the cess from the ryots. This is said to be in vogue since the time of the minority administration and may be taken to be about 30 years old. The zamindari cess has continued since the time the zamindaris were granted. The last revision of the zamindari cess was made in 1920.

REMISSION OF LAND REVENUE AND AGRICULTURISTS LOANS

22 Remission may be granted in individual or general cases on application at the discretion of the Ruler but there is no general policy regarding the grant of remissions for general reasons.

Digitized by Odisha Revenue Laws – Volume 15 · Page 324 Odisha

23. There is no system of granting agriculturists' loans in the usual sense of the word.

The loans for improvement of land may be given to the *gaontia* and he will be responsible for them. The villagers may help in building a tank, etc., and the *gaontia* may levy a rate for fields benefitted by the tank but the tank is recorded in the *gaontia's* name. It is said that the *gaontia* is expected to employ the villagers in constructing the tank. There are no rules or agreement regarding such loans. The application may contain particulars of the *gaontia's* intentions.

VILLAGE SERVANTS

24. Chowkidars or *kotwars* in villages are appointed by the State. All of them hold rent free holdings. Small villages may be grouped together under one *kotwar*. There are no villages with more than one *kotwar*; it is said that he may, in practice, appoint an assistant unofficially. The *kotwar* is entitled to recieve payment in grain from the villagers – 10 chataks of paddy from each house and Rs. 5 from the whole village, which the *gaontia* distributes among the ryots, and Rs. 2 for winter clothes which is also distributed in the same way. In the Khargawan zamindari the *kotwar* is said to get 17 kurois of paddy per plough and 6 pailies of rice from every ryot in addition to two annas per ryot for his dress. In addition to the chowidar known as a *kotwar* there is a *gudiat* whose duties are probably similar to the *kotwar's* but who is mostly made use of for menial services. The *gudiat* gets remuneration similar to that of the *kotwar*. In Salba village, the non-agriculturists were said to be paying 2 annas for the *kotwar* and *gudiats* dresses each, *i.e.*, four annas per house. Though Rs. 5 are prescribed for the dress, in practice, a larger sum seems to be levied. In the zamindari village of Mohara, the *gaontia* levies annas 6 per plough for the dress the total amount levied comes to about Rs. 15 out of which about Rs. 5 or 6 are spent on the dress of the *kotwar* and *gudiat* and the rest is appropriated by the *gaontia*.

Above the *kotwars* there is an official who is a sort of head-*kotwar* known as chowkidar locally. There are usually about 5 *kotwars* under each chowkidar. The chowkidar holds *muafi* land like the *kotwar* and *gudiat* and villagers have to contribute grain in the same way as they contribute to the *kotwar* and gudiat but not on the same scale. He is entitled to Rs. 5 for his dress from the whole 'circle' but the village of Salba alone was said to be paying Rs. 3 for this purpose. On the whole, the maintenance of the chowkidar and others is an enormous burden on the ryots who seem to be subjected to quite improper and excessive levies and the impression the villages gave me was that these servants were awful tyrants. The total payments made to them in grain and cash seem to amount to a surcharge of not less than 33 per cent. on the land revenue. The State exercises little control and the *gaontiahi patta* does not contain any clauses regarding their remuneration except that the *gaontia* can recover it from ryots. It appears also that the trio of chowkidar, *kotwar* and *gudiat* is a much heavier imposition than in most States and certainly heavier than in the Central Provinces where there is usually only a *kotwar* in each village. The *kotwar* and chowkidar are supposed to perform police duties. The *gaontias* do not seem to contribute to the *kotwar's* dress. The service land of the chowkidar is what has been held as service land from previous years and there is no record of such land. There seem to be other village servants.

The ryots of Khargawan zamindari said that in addition to the *kotwar* and *gudiat* there was a *lohar* for services to officials who is paid 5 kurois; he provides water for officials. In the *khalsa* village of Salba however the ryots said the *lohar* sharpens the implements of the agriculturists and he is appointed by them.

FORESTS

25. The State has special forest-rules but there are no working plans prepared yet. The forest rules are similar to the Khairagarh rules and were prepared in 1940. The reservation of forests started in 1936 or 1937 under Mr. Mooney's advice. It does not appear that any careful enquiry regarding the *nistar* of villagers has been made. The demarcation of forests started in 1937 and is yet to be completed.

There are reserved, protected and village forests the last of which includes all village and other waste land not included in the first two classes. Individual trees or groups of trees when not grown by individuals on their own lands are also included in village forest. "Village forest" does not include cultivated land but the clause in the *gaontia's patta* mentions trees which may not be cut so that all lands are covered.

Digitized Odisha Revenue Laws – Volume 15 · Page 325 Odisha

There are 15 species of trees reserved in the village forests which *nistar* payers may not take except on payment of a fee, *Nistar* rate is levied at Re. 1 per plough from cultivators (minimum 8 annas) and 0-4-0 per house from non-cultivators except people like *chamars*, basket makers and others on whom higher rates are levied. *Nistar* payers get timber of unreserved species for implements and house building, bamboos for house building, fuel, leaves, etc.; the list is different from that given in the *gaontia's patta*.

Grazing fees are charged except on three animals per plough.

In the zamindari villages the same charges are supposed to be levied. According to the forest rules the forest boundaries adjoining villages have to be maintained by the villagers.

Forest offences are compounded up to Rs. 20 by the forest officer and for amounts above this the case is sent to the Dewan who compounds up to Rs. 50.

26. The fruits of trees on wasteland of the villages are auctioned every year. Fruit trees standing upon cultivated holdings are not the subject of auction, but there is a tax upon fruit trees; there is a tax upon all mahua trees including those on wasteland. The Forest Adviser has recommended the abolition of this tax in his latest inspection note. In the Patna zamindari, a sub-zamindar was charging two annas per tree.

MONOPOLY

27. Lac, harra, tendu, etc., are monopolies. The zamindars seem to have their own *thekedars*. The lac monopoly has been leased out for four years. The Forest Adviser point out that very low rates are being paid by the *thekedar*; the *thekedar* is entitled to the purchase of lac propagated on cultivated holdings. The State before 1941 was purchasing lac departmentally and was not paying a much better price. Under the lac monopoly the *thekedar* can get lac propagated on trees in the villages by himself or through his agents.

The hide contract is for the sole right to purchase skins sold by ryots and others; the agreement prescribes minimum prices. The harra lease is issued only for forest.

CROP PROTECTION

28. As regards crop protection, animals may de fired at only while actually in the crops and elephants may not be shot or killed. The skins, horns and flesh of deer must be deposited with a forest official in 24 hours; if the flesh is to be retained it has to be paid for Rs. 15 for sambar, Rs. 8 for nilgai and Rs. 4 for other deer. Apparently in these cases rules do not sufficiently defer the would be agriculturist from protecting his crops; there are only 22 licences issued for crop protection. The licence fee is annas eight for issue and annas four for renewal (the forest rules prescribe free licences).

REVENUE ORGANISATION

29. The State is sub-divided into two sub-divisions with headquarters at Baikunthpur ane Manendragarh. These are further sub-divided into tahsils. Khargawan zamindari is a tahsil and the Manager of the zamindari seems to be treated as a person with functions similar to a tahsildar. The revenue organisation of the State consists of the Ruler with all powers, the Dewan, two sub-divisional officers and a tahsildar at Ramgarh. There is no definite distribution of duties or delegation of powers and it is a matter for discretion which cases are to be sent to the Ruler. All important cases like settlement of *gaontias* go to the Ruler. The Sub-Divisional Officers have to look after the collection of revenue and deal with some revenue cases. The Dewan and Sub-Divisional Officers have criminal and civil judicial duties as well. The tahsildar mostly looks after revenue collection.

Apparently in connection with the proposed survey of the State there are some land records staff with revenue inspectors and a few patwaris but there is as yet no regular land records organisation as in some of the other Chhattisgarh States. The tahsil organisation resembles the Central Provinces tahsili. The total expense on the revenue organisation seems to be about Rs. 4,000 against a land revenue of Rs. 47,000 and a total revenue of nearly 10 lakhs.

NAZUL

30. In the towns of Manendragarh, Baikunthpur, Chirmiri, Khurasia and Jhagrakhand, the residential areas are termed *nazul* and excluded from the operation of *thekedari* rights. In Baikunthpur, there is no *thekedari* area but in Manendragarh there is a *thekedari* as well as a *nazul* area. The *nazul* of the

Digitized Odisha Revenue Laws – Volume 15 · Page 326 Odisha

towns of Chirmiri, Khurasia and Jhagrakhund was constituted only last year. In the *nazul* areas land is disposed of by the State on payment of premium and ground rent of one or two annas per rupee of the premium. Premium is said to be foregone when the plots are not attractive. The maximum premium is Rs. 4 per 100 square feet and the minimum annas eight. The *nazul* areas include agricultural lands as well and when agricultural land is set aside for building purposes (apparently under State orders) it is laid out into plots after hearing objections. Usually the previous occupier is said to take the lands for building purposes. It is not clear if a premium is levied in such cases.

MISCELLANEOUS

31. The State reserves the right to all fishery. No fee is charged for clay, sand, etc., which may be used by agriculturists but the State reserves the right to all such minerals. In the case of fishery also actually no lease is given out.

It is said that diluvion and alluvion do not occur in the State.

Petition writers are engaged after paying Rs. 5 for examination. Paper costing 2 pice per sheet is issued to the petition writers

For keeping records and copying, Central Provinces rules are said to be followed.

NANDGAON

REVENUE HISTORY AND SETTLEMENTS

The State consists of four parganas which were originally zamindaris subordinate to the Maratha Rulers of Nagpur. It may be expected therefore that the revenue system of the area has been considerably influenced by the Marathas in the past. According to a note quoted in the Gazetteer there were sub-divisions called *parganas* and one of the principal *gaontias* (lessee or headman of a village) was appointed as *pargania* and acted in all matters as the Raja's intermediary with the gaontias of his *pargana*. The settlement of the 4 parganas was carried out in rotation, the period of the settlement being 3 years. The process by which rents were revised was called *chaukasi*. The Raja was represented at these settlements by a *panch* consisting of the *pargania*, one or two State officials and the same number of respected *gaontias* of the *pargana*. The *gaontia* whose assessment was to be revised was represented by 5 neighbouring *malguzars* nominated by him. A list was prepared of the rents actually paid by the ryots. This, together with the statement of rents at the last settlement, was put before the *panch*; a sort of bidding then took place between the two *panches* and a final decision was then arrived at enhancing or reducing the *gaontia's jama* as the case might be. When the revision was completed for all the villages of the *pargana*, the *gaontias*, formally accepted the settlement before the Raja. The *gaontia* enjoyed his *sir* land free of revenue. He also held a 'plough' of land from which to provide *rasad* for the Raja or official visiting his village. There were various cesses and other levies. It is recorded that a check was imposed upon the amount of *sir* land held by a *gaontia* as there was always a tendency for him to acquire the best lands and a disproportionate share in the lands of the village. To remedy this the State fixed the proportion for every village and it was generally a fifth or a sixth according to the size of the village. The ryot or the *gaontia* had the right to apply to the State for redistribution of the *sir* land if either thought that his rights had been infringed by the other. This was called *lakhabata*; tenants' lands were generally redistributed at the same time. Details of the assessment of the ryoti holdings are not however given. Apart from the description given in the Gazetteer, the settlement reports contain practically nothing of the old revenue system.

2. A regular settlement based on a cadastral survey was completed in 1894 and was in force for a period of 7 years. The *gaontias* were granted 25 per cent. instead of 20 per cent. of the village assets; apparently even in the previous summary settlements the land revenue was a percentage of the village assets. The settlement expired in 1901 but famine delayed revision. The 1894 assessment was regarded as heavy and there was an agitation by *gaontias* and tenants which is attributed in part to the hope that *malguzari* or proprietary rights might be squeezed out of the State. The settlement report shows however that the famine had severe effects and large areas of land had gone out of cultivation. Lower rates had therefore to be fixed and

Digitized Odisha Revenue Laws – Volume 15 · Page 327 Odisha

there was a general reduction of the assessment of the cultivators as well as the *gaontia's* lands. The settlement seems to have been made according to methods used in the C. P.; a uniform rate appears to have been taken for the 'deduced' rent in each group of villages and applied to the *sir* land of the *gaontia* as well which was formerly held at higher rates. The village assets included *siwai* or income from grass, hides and *mahua* and other commodities. The *gaontias* used to lease out the right of taking the hides of dead animals to the village chamars who started poisoning cattle in order to increase their profits. The settlement officer recommended the abolition of this practice. The land revenue of the village was taken as 75 per cent. of the 'assets' in most villages but in some for which new *gaontias* were found willing to accept at a higher percentage, higher rate was applied. The term of the settlement was fixed at four years.

The next settlement took place in 1908 and was made on the same principles. As there had not been sufficient time for recovery the land revenue was not enhanced. The hide monopoly was converted at this settlement into a payment of annas 12 per plough to be paid to the *gaontia*. The period was fixed as 7 years but a revised settlement was not taken up till 1922 on account of the war. At this settlement also there was little change in the classification or grouping of villages and ryoti rates were applied to the *sir* lands of *gaontias* in all but a few villages. The revenue was enhanced by about 20 per cent. The report of this settlement which is the only one which is fairly detailed shows that on account of the prohibition of transfer of lands, ryots were in the habit of surrendering the land and getting it reallotted by the *gaontia* who got about 25 per cent. of the consideration and 11 per cent. of the ryoti land had been transferred in this way; the *gaotias* used to levy *nazarana* when they reallotted surrendered land; ryots used to sublease their lands in discharge of debt; there was a tax of 2 annas per *mahua* tree added to the rental of the holdings except in some jungly villages; the hide tax was continued at annas 12 per 'plough' (25 acres); the total *siwai* or miscellaneous income amounted to about 3 per cent. of the total rental. The period of the settlement was fixed as 12 years but the term has been extended till 1942. In this well developed tract there is no excuse for revising settlements earlier than once in 30 years which is the period in surrounding districts. The State has been surveyed fully by traverse and cadastral survey.

ZAMINDARI AND OTHER TENURES

3. There are no zamindaris in the State. There are grants such as *muafi* grants for temples, maintenance grants and so on. There are 10 *muafi* villages in the State given from time to time for the maintenance and worship of different temples either within the State or in Bindraban. Under an order of 12th June 1895 called a *yad-dashi* these villages are being managed in the *khasgi* or domestic department by the Dowager Rani Surya Mukhi Bai. She has continued to do so till today even after the death of the Raja. The register prepared at the settlement of 1922-23 does not show who managed the *khasgi* department before the late Raja Bahadur transferred the management to his wife. Dowager Rani Surya Mukhi Bai manages and maintains the accounts of these villages but she tenders no annual accounts to the State. There are sublessees in seven out of these ten villages since a very long time ago. These sub-lessees have the same rights and privileges as the ordinary *gaontias* of the State under the State *wajib-ul-arz* and the villages go from father to son. Similarly the tenants enjoy the same rights and privileges as ryots of other villages managed by *gaontias* in khalsa. The land revenue and cesses are collected by the Rani Saheba; the cesses are paid to the State and the remaining amount is supposed to be spent on the temple.

Besides these villages there are 4 *maufi* plots given in charity by Rani Jotkuar Bai in 1869 to a Brahmin during the illness of her son. They are now held by his grandsons in *maufi*, who pay only cesses to the sub-lessee of a *maufi* village of the Dowager Rani Saheba.

In addition to the management of the above 10 villages, the Dowager Rani has 22 other villages as *maufi* grants for maintenance. There are no sanads available. These villages are given to her in perpetuity (according to the memorandum issued by the late Raja Bahadur Balram Das, dated the 12th June 1895). No conditions regarding resumption or liability to assesment or quit rent are shown against them in the *maufi* register prepared in the current settlement of 1922-23 but there is a quit-rent of Rs. 25 in respect of

Digitized by Odisha Revenue Laws – Volume 15 · Page 328 Odisha

village Nandgaon in the *kist-bandi*. In 11 villages there are *gaontia* who have got the ordinary *gaontia's* rights as defined in the *wajib-ul-arz*.

Mutation of these *gaontias* is made by the State as for example in the case of Balbhadra Das. The 11 others are managed by her direct. The *maufidarin* pays the cesses of all the 22 villages to the State. Apart from whole village grants she has *muafi* plots in seven villages with similar rights and records.

In the village of Nandai the Rani has created some rent-free grants of her own.

There are two other life-time grants of four villages given to some members of Ruling family. On one of these there is quit rent of Rs. 25.

One village is held in perpetual *maufi* or *makta* tenure by the Bhonsla Estate, Nagpur. No villages or lands are held as the private property of the Ruler. No case record of *maufi* grants, even of recent ones, is available and in respect of the maintenance grants of the Rajmata there is only a letter or report on which orders have been passed. No mutation cases are available either, though in some cases mutation has occurred, as can be seen by a note in the register.

THE RYOTI TENURE

4. The rights of a ryot in his lands are permanent possession so long as he pays rent and he can be ejected only through a competent State court. The only document prescribing the rights and liabilities of ryots and village headmen and other village servants is the *wajib-ul-arz* of the State (the English version of which differs from the Hindi version which is attached to the agreement of the village headman. The wording is ambiguous as admitted by the Deputy Commissioner of the State. A ryoti holding may be inherited by direct male heirs or by collateral male heirs or in the absence of heirs by the widow for life but daughters are not allowed to inherit and in the absence of male heirs the land is at the disposal of the *gaontia*. (This is a rule in respect of which there is considerable dissatisfaction). Sub-lease for a year or, with the consent of the *gaontia*, for a longer period, is permitted but no rights of transfer exist and if a transfer is made the heirs have a right to obtain possession through a court.

A ryot is entitled to improve his holding by making a well or other work which does not cause damage to others.

Land left uncultivated with rent unpaid for two years is regarded as surrendered and lapses to the *gaontia*. Surrenders, by orders issued in 1931 were required to be made by registered deeds in order to prevent litigation between *gaontias* and ryots.

5. The rule prohibiting transfer is usually evaded by surrendering to the *gaontia* who reallots the land on recovery of a *nazarana* of about 25 per cent. (ten to fifty per cent.); this is not an authorised levy. In the villages visited one of the grievances put forward is the lack of rights of transfer. When surrendered land, or land otherwise coming into the possession of the *gaontia* through intestacy or ejectment is reallotted, the *gaontia* generally levies a *nazarana* and the rent, even though the land may have been assessed at settlement, is as may be agreed upon by the *gaontia*. Cases examined show that though transfer is prohibited, actually there is connivance at the procedure of surrender and reallotment, and pressure was brought to bear on a *gaontia* in a case of refusal. (As the *gaontia* would not agree the Superintendent said the land was required for State purposes; the case was still pending.)

6. Except the fruits and produce of harra, achar and bahera trees, raiyats are entitled to the fruits and flowers of other trees on waste-land. There are 9 species of tree which may not be cut without permission and in the case of certain timbers a special licence is required if they are above 2 ft. girth.

Trees planted on one's own holding or on another's holding with his consent belong to the planter. Trees of spontaneous growth belong to the owner if they are not of the reserved species. For the enjoyment of the produce of *mahua* trees a tax of 2 annas per tree, included in the land revenue at settlement, is payable to the *gaontia*. Some ryots give a portion of the flowers to the *gaontia* in liew of the payment.

7. In respect of the hides of dead animals these are now at the disposal of the owner but a yearly payment of annas 12 per plough has been included in the assets of the village and the amount is payable to the *gaontia*.

Digitized Odisha Revenue Laws – Volume 15 · Page 329 Odisha

8. Raiyats are bound to supply *begar* to the *gaontia* at the rate of one plough and pair and a plough servant for one day each year. Defaulters are liable to pay six annas. Other *begar* rendered to officials has been abolished, but in practice luggage of officials is carried free of charge. The raiyats and *gaontias* are required to maintain a *garhi* or rest house for officials.

9. According to the *wajib-ul-arz*, land required for State purposes or inclusion in forest may be taken up with "reasonable compensation" in the case of occupied land; no procedure is prescribed. In a case of acquisition of lands for police lines some land was given in exchange; the land was occupied before the matter was settled.

10. The *wajib-ul-arz* mentions a custom of joint sugarcane cultivation and the *gaontia* is bound to give land out of his *sir* land for the purpose. The old system of *lakhabanta* or periodical redistribution of lands prevalent in these parts does not appear to be practised now and the *wajib-ul-arz* prohibits it without State sanction.

11. Ryots and other residents of a village are entitled to a house site free of rent but this does not mean free of initial payment, and *gaontias* levy a premium. The ryot is not entitled to the site and if he leaves the village he can dispose of only the materials but not the land or trees. There is a provision which gives proprietary rights in trees in the compound of the person in the village site. (Apparently contradictory to the general rule regarding trees.)

12. Ryots are entitled to the water of tanks and wells for ordinary purposes free of charge but lands irrigated from State tanks are subject to special assessment or a rate. Ownerless tanks are the property of the State.

13. When new land is allotted by the *gaontia* it becomes rent paying immediately; the rent being the amount agreed upon. "Ryoti rights" accrue immediately when the land is occupied for cultivation.

14. Fisheries are at present not leased out and the position regarding them is not clear. The ryots seem to enjoy the fisheries in tanks and streams.

15. The Central Provinces system of *rasidbahis* is in vogue here and raiyats get receipts but there is nothing in the *wajib-ul-arz* requiring the *gaontia* to grant a receipt. A *rasid bahi* costs annas four which seems to be rather more than the cost of production.

16. No subtenants under the various *muafi* holders or others were granted occupancy rights at the last settlement, and sub-tenants do not acquire permanent rights

VILLAGE HEADMEN

17. With the exception of a small number of partially abandoned villages in the jungly tracts of the State, every village is held by a *gaontia* or *thekedar*. The *gaontia* is given a *patta* showing the lease of the village as given to him for the period specified and the duties expected of him as well as penalities. The *gaontia* executes a counterpart in which he, *inter alia*, accepts the conditions of the *wajib ul arz* as binding on him. According to the *waj ib-ul-arz* (in English) the *thekadar* has the right of renewal when a *theka* or lease expires at settlement

18. There is no village with more than one *gaontia* but there are *gaontias* who hold several villages. The villages which are without *gaontias* are placed under the forest department for collection and the revenue is collected by the forest department. Some villages (*e.g.* Chikli) are held by the Rajmata as *thekedar*. (There is no agent in Chikli and the vital statistics, etc., are maintained by any body. Some *charokhar* land was also said to have been leased out by the *thekedar* to the disadvantage of the ryots who have little waste land left.)

19. When a *gaontia* dies, normally his son is appointed. If a *thekedar* dies without heirs the lease of the village is disposed of by auction. If the eldest son is not suitable, or there is no son, the village may be given to the widow (for life) or to joint collateral heirs; daughters and their off-spring have no right to inherit. Recently however a village was given to a *gaontia's* daughter at three-fourths of its price, *i.e.*, for Rs. 3000 instead of Rs. 4,000. (A proclamation issued recently was brought to my notice by the Ruler of Khairagarh in which it is stated that the right of daughters would be recognised in future.) The village from which a *gaontia* is evicted may be disposed of by auction. When a successor to a *gaontia* is appointed, a mutation fee of 2 annas per Rs. 50

Digitized Odisha Revenue Laws – Volume 15 · Page 330 Odisha

of land revenue is levied; no other fee is levied. The auction bid of a village put to auction is credited as *nazarana*.

Partition or transfer of a village or sublease or mortgage cannot be made by the *gaontia*. Maufidars have sublet villages with the permission of the State; the Dowager Rani is an example. The sub-lessees are appointed in the manner of an ordinary *thekedar*.

20. The home farm lands of a *gaontia* recorded at settlement is known as sir land. Formerly it used to be unlimited, but a rule was made that it should not exceed one-fifth of the cultivated area of the village and is now restricted. The *goantia* may have other farm lands known as *khudkasht* which are lands cultivated by the *gaotia* from waste, or land surrendered or abandoned by the ryots, which he is cultivating. There are usually co-sharers in *sir* lands and these are recognised, but if the *gaontia* is ejected all of them are liable to be ejected also. The *khudkasht* land of the *gaontia* remains as his ryoti land if he is ejected. The land is in fact referred to as ryoti land in the *wajib ul-arz* and the term *khudkasht* is not used. Some villages seem to have no *sir* land.

The remuneration a *gaontia* gets amounts to 15 per cent. in jungly villages and to 25 per cent. in the open tracts of the total village assets which consists of the rentals of all lands in the village and miscellaneous income known as *siwai*. The *mahua* cess at 2 annas per tree (levied in the villages in the plains but not in the jungly tracts) the hide cess levied at the rate of 12 annas per plough of 25 acres, and other income from grass, etc., is inculded in the *siwai* income. (*Nazarana* is not included in *siwai* income but sale proceeds of *abadi* land is included in *siwai*.) The *gaontia* holds the village on the amount specified in his lease which is the net revenue after deducting the *gaontia's* drawback.

21. The *gaontia* is entitled to settle new ryots and in fact no person can settle in the village except with the *gaontia's* consent. The rent of new lands is determined by agreement between the *gaontia* and the ryot. The *gaontia* is also entitled to take possession of surrendered lands, or "intestate" lands or lands from which the ryots have been ejected and to resettle them. In such cases also the rent is as may be agreed upon. If the *gaontia* leases or sub-lets his ryoti lands the lessee acquires ryoti rights in it. It is doubtful if this is conceded in practice.

Among the waste lands of the village is the land recorded as *charokhar* which simply means grazing ground; other waste lands are known as *ghas* or grass land. There was presumably some rule in the past that the *charokhar* shonld not be cultivated but the remaining grass land could be let out by the *gaontia*. The State appears however to have developed the idea that the *charokhar* may be leased out by the State, the restriction being thus relaxed, and at present the idea is that *charokhar* is State land while other waste is at disposal of the *gaontia* and is sometimes referred to as belonging to him. The State does not exercise any control over the disposal of waste lands by the *gaontia* except when there is a complaint that there is not enough grazing left. The *gaontia* has no right over land recorded as reserved jungle in the settlement records. The *wajib-ul arz* prohibited levy of *nazarana* when land is newly allotted but this prohibition was found futile and, in 1931, the Tahsildar wrote that the *thekedars* did realise *nazarana* and the ryots never came forward to complain against the breach of the rules. Orders were therefore passed permitting the levy of *nazarana* requiring the *gaontia* to report the matter to the State in the hope that this would prevent exhorbitant levies and concealment of true figures.

Cases examined by me show that there is often friction between *gaontias* and ryots on account of lease of *charokhar* lands or other lands which the villagers consider should be kept open for grazing.

22. 25 per cent. of the *nazarana* levied by the *gaontia* on new lands belongs to the State under these orders issued in 1931. The members of the Ruling Family are not paying this and the Superintendent has held that this must be recorded, in a case which has arisen. In another case the *gaontia* took the plea that the land reallotted was his *khudkasht* land and that no *nazarana* was taken; the S. L. R. however reported a sale deed. This shows how evasions are practised. The practice now is for the State to recover one-fourth of the *nazarana* in all cases such as surrender and reallotment where *nazarana* is levied. The 1931 order however mentions only new lands.

Digitized Odisha Revenue Laws – Volume 15 · Page 331 Odisha

Gaontias are required to pay a Dusserah *salami* not exceeding one per cent. of the land revenue or less than Re. 1 to the Ruler. This was not strictly levied during the minority administration but fresh orders were issued in 1931 requiring *thekedars* to make payment at 1 per cent. of the revenue; if the amonut was not paid it was to be collected along with the revenue.

23. *Gaontias* are liable to be ejected for non-payment of land revenue, for disloyalty, or for breaches of the *wajib-ul-arz* (which might mean breach of any trivial condition theoretically). Free *rasad* formerly paid by *gaontias* and ryot was abolished in 1929. In villages (85) where the *gaontia* does not reside, an agent of his is required to stay; the *gaontia* is required to maintain a house but it is doubtful if this is done in practice. Under the *wajib-ul-arz*, a *gaontia* must stay in his village unless exempted. There are a number of *gaontias* who do not reside in their villages. As already stated transfers are effected through the *gaontia* by surrender and reallotment and the *gaontia* levies a *nazarana*. There is no provision for this in the *wajib-ul-arz* and the practice is an evasion of the rules.

24. Land revenue is payable by ryots in two instalments on the 15th December and in April. Rice is the main crop harvested in November and December.

RECOVERY OF LAND REVENUE

25. Recovery of State dues is governed by an order of 1938 called the "Public Demands Recovery Darbar Order.". This order simply provides that arrears certified to the Dewan may be ordered by him after enquiry to be recovered in the same manner as an arrear of land revenue but there is nothing in the *wajib-ul-arz* or elsewhere to show how arrears of land revenue may be recovered except that there is a clause for eviction. The rules are meant for demands other than land revenue.

26. From *gaontias* recovery of land revenue is effected by attachment and sale of movable property or by eviction. Defaulters are not subjected to arrest and detention. If a *gaontia* is evicted and the village is auctioned, arrears are recovered from the new *gaontia* in addition to the *nazarana* bid at the auction. Coercive measures are not taken against muafidars as most of them are ladies of the Ruling family.

When a *gaontia* fails to recover from a ryot he files an application for recovery, and the Revenue Officer proceeds to evict the tenant after giving him time for payment. The tenant is evicted from the entire holding. Ejectment of a tenant from the whole holding takes place even if part of arrears have been paid; the tenant loses the land as well as the money. The cases are not treated strictly as rent suits.

Attached movable property is generally brought to headquarters. Sales are held by the *maljamedar* (peon) who is also responsible for the work of the process serving peons as in the C.P. The tahsildars sanction sales held by the *maljamedar* and submit the case to the Deputy Commissioner for confirmation.

27. Recovery of land revenue during the last ten years has been satisfactory on the whole but the number of cases against *gaontias* and ejectment of ryots is not small.

CESSES

28. A 'patwari cess' is collected with rent from all tenants and *gaontias* at the rate of anna one per rupee of the rent and the rental valuation of home farms (not on total assets including *siwia*) and the total amount is credited into the treasury with the first *kist* of the village revenue. The cess is also levied in *muafi* villages. The *gaontia* gets no drawback on this collection.

Hadki or hide cess is collected from tenants at the rate of annas twelve per plough along with the rent.

The *gaontia* pays a road cess, a school cess and a post cess from the *siwai* or miscellaneous income of the village. These cesses are not recovered from tenants. The rates are 3 per cent. as road cess, 1½ per cent. as school cess and annas eight per cent. as post office cess on the land revenue.

Digitized Odisha Revenue Laws – Volume 15 · Page 332 Odisha

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS.

29. There is no regular practice of granting *taccavi* loans. Last year some loans were given. Within the last ten years land revenue was suspended only last year on account of general crop failure on principles followed in the Central Provinces.

VILLAGE SERVANTS

30. Village servants are *kotwar* and grazier and others such as *baiga* and blacksmith. The *kotwar* is paid 10 *kottas* of grain in addition to his rent-free service holding by the ryots. The service holding of the *kotwar* in some jungly villages is cultivated for the *kotwar* by the ryots of the village, the seed being supplied by the *kotwar*. The *kotwar* is entitled to a payment on sales of grain held in some villages but he is expected to weigh the grain. A *kotwar* is generally appointed from the family of the previous incumbent, unless he is unfit or the previous incumbent has been dismissed. A woman cannot be appointed a *kotwar*. The *kotwar* is required to report births and deaths, crime and other matters and to keep watch and ward in the village. Annas five is assessed at settlement, in addition to grain, as *kotwar's* dues. In some villages *kotwars* have no rent free land and villagers seem to pay 20 *kattas* of paddy each. Other village servants are appointed and dismissed by the *gaontia* in consultation with the ryots. Some of them hold service-holdings which follow the office.

FORESTS

31. Mr. Mooney is the Forest Adviser. There are no rules or working plans and the India Forests Act is followed. Reservation and demarcation of A class forest has just been finished. There is only A class and village forest and no B class forest. No shifting cultivation is practised in the State.

Reservation of species has been made under a separate order. The number of reserved species has been reduced to five since 1940. In the village forests, the forest department looks after only reserved trees and palas trees on which propagation of lac is to be made. No grazing fee is charged in village forest at present.

Nistar cess is paid by villages which have village forest, for taking *nistar*. The cess is annas twelve per *nagar* (plough) in Pata pargana (jungly tract) and Rs. 1-8-0 in other areas. The cess is recovered by the *gaontias*. The non-*nistar* villages can get *nistar* from A class forests on payment of scheduled rates. *Nistar* cess payers cannot take anything from A class forest free. In villages paying *nistar* cess reserved species can be taken on payment of $\frac{3}{4}$ the ordinary rate.

All waste land in the village is included in village forest. When waste land is cultivated, the forest department is consulted only when there are reserved species of trees. The trees are first offered to the villager at three-fourths of the royalty and if he does not accept, the trees are sold by the department by auction or at scheduled rates according to conditions of trees.

Ryots are not entitled to propogate lac in village forest but they can do it on their own holdings; this right is said to have been given in 1940. The ryot is obliged to sell the lac to the licencees or pattadars. In 1940 the Forest Adviser recorded that the lac contractor was paying less than he should and suggested the announcement of rates.

Honey in village forests is taken by a contractor. Harra and tendu are also contracts and tenants are bound to sell to the monopolist. No export duties are levied on domestic animals or grain.

Boundary lines are maintained by the forest department on daily labour. The forest officer is entitled to compound cases up to Rs. 20; only cases involving larger amounts are referred to the Superintendent.

A ryot, to appropriate a reserved tree on his holding has to pay three-fourths of the normal royalty if the tree is of spontaneous growth. Over a planted tree he has full rights. *Kusum* is not a protected tree but it cannot be felled during lac bearing months.

32. The tendu leaf monopoly extends to cultivated holdings and the contractor is entitled to take leaves from holdings free of charge; there is a complaint by the *thekedar* that tenants prevented this; the tenants seem to have claimed the plants for themselves as they were in the holdings, but the contractor's right has now been allowed.

Digitized Odisha Revenue Laws – Volume 15 · Page 333 Odisha

Grazing on the unmetalled land of the main road used to be leased out till recently but has been abolished for the last two years. In Anjore village the ryots said they had set apart 25 acres of ryoti land for grazing as waste land was inadequate and they paid rent on these lands.

CROP PROTECTION

33. Beats for pig have been permitted in 1941 by the Superintendent, following the practice in C. P.; before this, villagers used to be fined for killing wild pigs.

REVENUE ORGANISATION

34 The Ruling Chief (at present the P.A.) is the final appellate and revisional authority in revenue matters. The Superintendent hears mostly appeals in revenue cases. He passes final orders in appointment and ejectment of *thekedars* (but not mutation cases where the son or relative is appointed) and such other revenue cases as may be referred for final orders by the Deputy Commissioner. The Deputy Commissioner passes orders in all other cases, enquiry being usually made in the first instance by the tahsildar or naib-tahsildar or S.L R. There is no definite distribution of work and all cases are supposed to be disposed of by the D. C. but certain cases of trivial nature are marked by him to the tahsildars. The cases are however registered in the D. C.'s own court and final orders of filing are passed by him. The tahsildars and naib-tahsildars are in charge of different areas. They have pretically the same powers. Both of them are concerned mainly with the recovery of land revenue and miscellaneous dues. Sometimes civil and criminal work is given to them. The Superintendent and the Deputy Commissioner have criminal and civil judicial work as well as numerous other duties to perform. The S. L. R. apart from land revenue work enquires and reports on certain cases and is incharge of record room.

In the tehsili there is a *wasulbakinavis* who prepares various demand and recovery registers. There is a *maljamadar* who is responsible for the service of process.

The land records staff consists of six revenue inspectors and 75 patwaris as in the Central Provinces. They prepare the same records as in the province.

The total annual cost of the land records and revenue staff excluding the Deputy Commissioner and the Superintendent is about Rs. 18,000 against land revenue excluding cesses, of 2½ lakhs and a total revenue of over 5 lakhs.

MISCELLANEOUS

35. There are no rules regarding procedure and the Deputy Commissioner says he follows civil procedure. In such matters as maintenance of records and copying the C. P. rules are said to be followed to some extent.

There are no rules regarding mutation of ryoti lands Mutation is generally recorded where there is no dispute by the patwari without reference to the court. A large number of applications are however said to befiled in the D. C.'s court mentioning the death of the previous holder and requesting mutation of the name.

36. A practice in this State which does not appear to obtain elsewhere is the charge of fees from legal practitioners for appearance in each case. Legal practitioners licensed to practise in the State have to pay a fee of annas twelve before subordinate courts and Rs. 2-8-0 before High Court. For pleaders from outside Rs. 25 is charged (reduced from Rs. 50 in 1939). Petition paper is sold at half anna per sheet. A stamp duty of Re. 1 is charged on a deed of surrender and the same duty on a deed of reallotment. Registration fee is Rs. 2 per document.

In 1938-39 there was agrarian discontent in the State and the main 'plank' of the agitation is said to have been the discontent caused in the interior by the enhancement of grazing rates from annas two to annas four per head of cattle by the then Dewan. After this agitation the area of reserve forest was reduced and grazing fees were abolished outside reserve forest. The number of reserved species were reduced and permission was given to cut trees on holdings. The *nistar* allowance was also increased.

According to the nazul rules framed in 1904 applications for the lease of residential lands in Nandgaon town are first sent to the Secretary, Municipal Committee for report and on receipt of his report the Nazul Officer sends his

Digitized Odisha Revenue Laws – Volume 15 · Page 334 Odisha

recommendations to the Superintendent. If the plot is to be granted a lease is given. Rules regarding premium or rent are not strictly followed in practice; the premium is generally fixed by the Superintendent in accordance with the premium formerly levied for the neighbouring plots and the importance of the site, but some times the land is put to auction. Annual rent is usually fixed at anna one on every rupee of the premium.

The leases are generally for a period of 30 years at the end of which the rent can be revised at the discretion of the State. Pattas are issued to the lessees. The transfer of nazul lands is prohibited in practice though the rules do not make such a provision. The income from the nazul is divided between the Municipality and the State in the ratio of 4 : 1.

Waste and *padao* lands within municipal limits are not leased out. There are no rules regarding the conversion of agricultural lands into building sites. In the village of Chikli which adjoins Raj-Nandgaon, sites are given out even from the *dharsa* land (paths) and there is a complaint about this from the villagers under investigation. There are no rules regarding the conversion of agricultural into non-agricultural land in the *wajib-ul-arz* in respect of rural areas also.

NARSINGHPUR STATE

REVENUE HISTORY AND SETTLEMENTS.

In common with most other States in this area, Narsinghpur till comparatively recent times had no systematic revenue administration. Villages were managed by headmen known as *padhans* who agreed to pay a certain amount for the whole village and this was paid partly in kind and partly in *cowries*. The settlement report of 1918 records that till 1879 there were no records of any kind and the Chief did not know what was the income or expenditure. The amount payable by the village as a whole was distributed over the ryots by the *padhan* who was "all in all" in the village. In 1881, under the instructions of the Superintendent of the Tributary Mahals, a settlement was made on measurement of land with a standard pole and the lands were assessed to an amount of Rs. 41,000 (the previous revenue appears to have been about Rs. 16,000). The cultivators protested and the amount was reduced to Rs. 30,000. A similar settlement was made in 1895-99 and the revenue was increased to Rs. 42,575, partly as a result of increase in cultivated area. The basis of assessment is not clear and it appears that there were numerous rates of land revenue.

The next settlement followed in 1914-18. At this settlement there was a survey by plane table of the boundaries of villages and cadastral survey of fields was also made. The settlement was made according to Orissa practice, villages being divided into six classes and lands also classified and graded.

The thirity five rates proposed included non-agricultural holdings one of which was assessed at Rs. 100 an acre and others at Rs. 50 and various other rates. There was practically no increase of cultivation during the settlement period and the revenue was enhanced by increasing the assessment rate. Some of the heavy enhancements were allowed to take effect gradually during the period of settlement. The net increase was nearly 21 per cent. The report of the settlement does not give any details of crop experiments or prices. The period of the settlement was fixed as twenty years but this has now been extended by another ten years till 1948.

In Nukkapada village which is held under a *debottar* grant for a deity at Puri, the villagers protested that a wrong classification was made and rents had been enhanced on that classification. On examination this was found to be a justifiable grievance and the Superintendent ordered that the village should be placed in a lower class. the *debottar* grantee appealed to the Political Agent who reversed the order of the Superintendent on ground that the village had already been notified as first class and if the tenants were not satisfied they could go to the civil courts. As may be expected the tenants did not find this a practicable proposition.

2. The usual records like *khasra* and *khatian* were prepared. The records do not present an appearance of careful preparation. The rent payable by the *sikmi* ryot (under ryot) in respect of whom statutory provisions now exist is not shown in the *khatian* nor in the *khasra*. The village maps seen show ex-

Digitized by Odisha Revenue Laws – Volume 15 · Page 335 Odisha

treme fragmentation of holdings. There are quite a number of civil suits arising out of the entries made in the settlement records.

No *pattas* are said to have been issued to the *sikmi* ryots and only their names are recorded in the settlement papers. No mutation is made when a *sikmi* ryot dies and the matter is left entirely to the tenant concerned.

ZAMINDARI AND OTHER TENURES

3. There are no zamindaris in the State but there are 8 villages held as *debottar* grants for certain deities, apart from many grants of lands. Some of these grants are held by deities outside the State, others by deities in the State and some are apparently private deities of the Ruler under the "debottar department" under his control The sanads of the grants show that the income from the grant is required to be spent on the *bhog* of the deity; in the case of one grant (Dhanipur and Bughdaria) the grantee is also expected to feed persons visiting the *math* and there is also a clause to the effect that the grantee may realise one *gauni* of paddy and one pice in the areas granted, to be spent on charity. The grants make over practically all rights in the village to the grantees. No control is exercised over the use to which the income is put where the deity is outside the State and I do not think that much control is exercised on other deities. In the case of the debottar department practices established during the minority administration probably continue and it is reported that there are separate budgets and savings in cash are credited to the treasury in the name of each institution. I saw a case in which the *mahants* of the maths of three *debottar* villages died and new *mahants* were not appointed The *moharrirs* of the maths were working as *sarbarakars*. The death of the *mahants* seemed to have occurred a long time before the matter came to notice and proceedings were started. This may be taken as a measure of the control exercised.

The total area of these grants including separate holdings is 4,418 acres. Of this area, 1,729 acres are held rent free, about 1,329 acres pay quit rents varying from one-fourth to one half the normal rent, while others are fully assessed.

Certain *debottar* grantees have the right to settle ryots on waste land on such terms as they please; others are supposed to take State sanction. This is said to depend on previous custom or the terms of the grant usually vague as indicated above) and in fact the position is rather obscure The grantee, where there is a right of settlement of the land, is only expected to inform the State of all settlements of land from time to time but there seems to be no definite obligation in this respect. In the village of Nukkapada I was informed that the grantee takes all the 'intestate' lands for *nijchas* or personal cultivation. The grantee also gets the consent money charged on transfers of land. The *sarbarakar* of this village was appointed by the State but the grantee is said to have the right of nomination. In respect of tenants recorded at settlement, the rights seem to be the same as that of ordinary ryots but in respect of others, the position seems to be totally obscure; rents are fixed as may be agreed upon and the tenure also seems to be as may be agreed upon. In cases of dispute which come to the court the rents may be fixed at a fair and equitable rate.

Debottar lands cannot be transferred permanently though this may be allowed in special cases, but may only be leased out annually for a period not exceeding three years.

Debottar grantees recover rents from tenants by filing rent suits but the debottar department is entitled to institute "certificate cases".

The area of rent-free *debottar* has increased since the last settlement by about 360 acres to 2,099 acres.

4. Lands held by the Ruler or his family personally are recorded as '*khamar*'. The Ruler's personal lands are said to amount to 734 acres now; there were 864 acres at settlement and some of the lands are said to have been settled with tenants Information has not been furnished in respect of other *khamar* lands.

There is no sanad in respect of these lands. The Ruler is the absolute owner and the lands are rent free and cess free. These lands are generally in *khas* possession of the Ruler, and if the lands are settled in ryoti or other right, such right is recognised for the purpose of record.

5. Apart from *debottar* and *khamar* lands, there are grants to Brahmins known as *brahmottar*, *khorakposhak* or maintenance and other grants most

Digitized Odisha Revenue Laws – Volume 15 · Page 336 Odisha

of which are for maintenance of the grantees. Under the rules, maintenance jagirs which are specifically granted for maintenance become liable to pay full assessment but the land may also be settled with persons other than the holders. *Brahmottar* and similar land do not seem to be regarded as main tenance grants; the holders are ryots holding "rent free" lands.

6. There are jagirs or grants for various kinds of service such as door-keeper, *palki* bearer, personal servants, cooks, painters and so on. There are about 50 *paiks* holding 380 acres on quit rent and liable to render services when called upon for four to sixteen days a year.

7. The total area of land under grants either rent free or under quit rent is about 7,500 acres. There has been an appreciable increase under most of them since the last settlement.

There are "service" holdings in every village. These generally pass by inheritance to heirs. There are chowkidari, dakua, nai jagirs, etc.

THE RYOTI TENURE

8. The ryoti tenure of the State has been modified by a revenue law drafted in 1938 by the present Dewan. The settlement reports gives information about the tenure as it existed. According to this report, in common with other areas of Orissa, ryots were known as *thani* or *pahi* according to residence in the village of cultivation or otherwise. There was no difference in the status of these ryots and they had the same rights and obligations. "As long as a person holds any land as a tenant in any village and pays rent, he obtains all the benefit of a settled ryot." Such rights as a ryot was entitled to according to custom seem to have accrued immediately he was admitted to occupation of land. There were no rights of transfer or sub-lease and no rights in trees. Ryots had various liabilities in the shape of *begar, magans*, etc.

According to the law of 1938 which bears a superficial resemblance to the Orissa Tenancy Act, in addition to *thani* and *pahi* ryots (who do not find separate mention in the Orissa Tenancy Act on account of the lack of difference between them) a new definition of a "resident raiyat" is introduced, a resident ryot being one who has held land continuously for a period of 12 years in a village. "Resident raiyat" seems to mean the same thing as *thani* ryot and the sole object of this innovation seems to be connected with the grant of 00.2 acres of homestead lands rent free only to resident ryots whereas, according to the settlement report, this concession was allowed to all tenants and in fact is customary in these parts. According to this custom, a *pahi* ryot taking up residence in the village where his lands lie would automatically get a certain area of homestead free (if he did not reside, he would not want a house site) whereas under the new rule, he would not get this concession unless he has resided 12 years.

There are some additional complications. "A resident raiyat may acquire the *thani* rights in a land with the express sanction of the State, which he held as a pahi raiyat"; a *thani* ryot is also described as a resident ryot and a *pahi* ryot as a non-resident ryot; *thani* and *pahi* raiyats have *thani* or *pahi* rights in their land and these raiyats have the right of "occupancy" in the land which has been defined nowhere. Though a resident ryot may acquire *thani* rights as stated above, if a ryot goes to live permanently in the village where he has cultivation, he cannot become a resident ryot till 12 years have elapsed. The rules do not state what right a person acquires when he is admitted for the first time to occupation of land. There are under-ryots referred to as *chasi* or *shikim chasi*, the implication of which is not mentioned. This complication of a comparatively simple system is aggravated by repetition of provisions and bad drafting except where a section has been transferred in its entirety from the Orissa Tenancy Act. Section 66 of the rules lays down that the rent and cesses of a holding shall continue for twenty years and also that a settlement of land revenue may be postponed when it becomes due, section 147 however lays down that the settlement of land revenue shall "ordinarily continue for twenty years but this period may be reduced or extended". Other features of the ryoti tenure under the rules will now be mentioned.

9. A ryot has no right to claim compensation if his holding is acquired by the State. If a house is acquired he is entitled to compensation to be fixed by the State having regard to the condition of the house, materials and value. The State may acquire the land "for any purpose or cause". In a case of

Digitized Odisha Revenue Laws – Volume 15 · Page 337 Odisha

1940, a ryot applied for abatement of the rent of his land on the ground that it had been acquired for a school in 1924. No record of acquisition was found but it was a fact that the school actually stood there. Rent was abated from 1940 but a refund of rent paid was not allowed on account of the "gross negligence" of the applicant. (This case indicates what a cultivator may put up with before he protests). In another case where land was surrendered the school cess was not abated till 3 years had elapsed.

10. Ryots, in addition to paying rents and cesses fixed for the holding, are liable to obey orders communicated through sarbarakars (nature of orders not specified) and to render such assisfance as may be reasonably required of him in which case he "may be entitled to get some remuneration as may be fixed by the State authority." Ryots may be ejected for putting the holding to a use which renders it unfit for the purpose of the tenancy, for not agreeing to pay rent fixed or for not obeying orders or not rendering service required of him or for transferring the property without the sanction of the State.

11. Succession to a holding is in the same manner as other immovable property but adoption requires special sanction; it is also provided that the "legal next heir" has no right if he has been living separately unless this is specially sanctioned by the State. I saw a case where mutation was not permitted in favour of female heirs and the land was recorded as intestate. A mutation fee of two annas per rupee of rental is charged apart from process fee necessary for publication.

12. Land may not be sold, mortgaged or leased without permission. Aboriginals may be refused permission if they wish to transfer to higher castes. If an application for transfer is made there are various considerations on which it may be refused such as the transferee being a habitual defaulter of rent or a person who for any reason should not be made a tenant of the State, the vendor has less than five acres besides the area proposed to be sold, etc. If no objection is found the transfer is permitted, a transfer fee of ten per cent. of the consideration fixed at a *sanctioned rate* in the case of sale, 5 per cent. on exchanges and 20 per cent. in the case of gifts being charged; in addition to this a mutation fee of four annas per rupee of rental is charged and a separate application for this is necessary (bearing of course a court-fee) and in spite of the fact that the court has already made the necessary enquiry, proclamation, etc., have to be issued and, according to the law, the court may disallow the mutation. (For mutations certified copies of orders were also necessary but this was abolished in 1938). Mutation cases last for two to three months even if the case arises out of a sale sanctioned by the State. I saw a case in which the applicant filed a duly stamped application; after proclamations had been issued and the *sarbarakar* had reported, the applicant was asked to file a new petition simply because the sarbarakar reported that the applicant had brothers and this had not been mentioned in the petition; the petition already filed could easily have been amended. As it happened, a new petition was not filed apparently on account of the expense and the case was filed. In another case in which the petitioner had spent not less than two rupees, the papers were filed and he was asked to present a fresh petition simply because the *sarbarakar* reported that there was a mistake in the area mentioned. In all mutation cases there is a separate mutation form costing an anna.

In cases of sale as well as permission to lease, much expense has to be incurred by parties in filing petitions, copies of various documents and processes and considerable delay occurs before permission is granted. Objections are often filed with private motives.

Transfer fee is levied on civil court sales and sales for recovery of rent also. "On confirmation of sale, a sum equal to ten per cent. of the sale price and the arrears of rent, if any, due in respect of the holding sold, shall be utilised and the balance, if any, shall go to the satisfaction of the decree or certificate and the surplus, if any, be paid to the judgment debtor or certificate debtor." The purchaser has to get his name *separately* mutated.

Rent free homestead may not be sold unless the whole ryoti holding is sold with it

Exchanges also require permission and the usual proclamation and enquiry, and after this, mutation in the same way. In the case of gifts also the same procedure is followed. Mortgages are restricted to five years in the case of

Digitized Odisha Revenue Laws – Volume 15 · Page 338 Odisha

usufructuary, and six years in other, mortgages. In simple mortgages, interest is limited to an amount equal to the principal. No fees are levied for transfers by mortgage except that of processes and registration. Lease on *bhag* (share cropping) does not require sanction. No transfer fee is charged on leases; leases require registration unless they are annual leases on *bhag*.

Ryoti land is not saleable by a civil court except in cases of mortgage. Partitions may be made privately but on application for recognition, the court can enquire whether it is just and proper and whether fertility will be decreased or whether unreasonably small holdings created.

13. A ryot has full ownership to the timber of the trees standing on his homestead lands which he may enjoy without permission of the State, and also he has a similar right to the timber of trees of unreserved species, standing on his other lands. In respect of fruit bearing trees of reserved species, such as mango, tamarind and jack, he may use, without permission, the timber, when the trees naturally become dry or dead, and not otherwise, and of reserved species whether green or dry, he has a prior right to the timber on payment of half royalty; he is entitled to the fruits of such trees.

Ryots have no right to the fruits of trees in the sarkari wasteland but if any trees have been planted by ryots on wasteland with the permission of the State, they can enjoy half of the fruit exclusively, the other half being supplied to the *rajbati*; they have no right to the timber.

All ryots have *parchas*. Grant of receipts is prescribed in the rules, but if the sarbarakar fails to grant a receipt, the ryot has to institute a *suit* to recover from him a penalty not exceeding double the rent, a provision which probably penalises the ryot more than the *sarbarakar*, if it does not deprive him altogether of a remedy. Ryots are charged one pice for each receipt by the sarbarakar.

14. *Bethi* for the maintenance of roads is paid for at the nominal rate of Rs. 10 per mile. Forest boundary lines have also to be cleared by ryots on a nominal payment. The ryots of Nukkapada said that they have to send thirty people to clear the lines six miles away and the payment was 5½ annas. Rasad was abolished in 1938. No other *bethi* seems to exist at present.

15. No charge is made for minor minerals like stones clay, sand or building stone. Fisheries in jhils of the Mahanadi are auctioned.

16. When application for allotment of new land for cultivation is made the *sarbarakar* is consulted, a proclamation is issued and a report called for from the *amin* at the expense of the applicant. If there is forest growth, the forest officer is consulted. If it is considered that the land can be leased out and if it is fit for immediate cultivation assessment according to the usual village rate is made, otherwise a period of 3 to 5 years is allowed to lapse before the land is assessed. According to the rules the lease may be granted "on such terms and payment of prescribed fees (not prescribed in the rules themselves) or such amount as may seem to him just and proper."

Forest growth on the land is required to be disposed of by the forest department Under the rules the rent may be such as is imposed. *Utbathi* lands or State lands given out on temporary leases are assessed according to the crop grown. If the land is fit for immediate cultivation, a *salami* is charged according to the classification; otherwise not.

Homestead lands are allotted on payment of *nazar* (Rs. 200 per acre). Lands are liable to pay rent and in all cases of new land the whole area is assessed and no *minha* is allowed.

Land may be surrendered two months before the end of the agricultural year with the sanction of the State; part of a holding may not be surrendered. Lands in respect of which the ryot has not paid rent or cultivated for a year and has quitted his residence are regarded as abandoned. Lands surrendered or abandoned or left intestate for which there may be more than one applicant are disposed of by auction.

Ryots may improve their holding by the construction of wells tanks embankments and so on; the construction of tanks, ditches, etc, requires the sanction of the State.

17. There are special provisions in the rules for aboriginals who are persons "belonging to any aboriginal caste who observe the custom and tribal laws of the caste." In areas inhabited by kondhs, no person who is not a

Digitized Odisha Revenue Laws – Volume 15 · Page 339 Odisha

kondh may settle down without State sanction. In these areas transfer of land is restricted to aboriginals. Abandoned and surrendered lands in these areas must be resettled with aboriginals. These restrictions do not apply if State dues are to be recovered by sale of lands.

18. The rules in respect of "under-ryots", that is, persons holding from ryots, prescribe that the rent shall be as agreed upon but not less than the assessment of the land, an apparently superfluous provision as sub-leases are hardly likely to be created at a rent below the settlement rent if this is reasonable, and further, an unnecessary concern of the State whose revenue is other wise safeguarded. The under-ryots, recorded as such at settlement, may pay cash rent to the ryot. The rent of the under-ryot is limited to 25 per cent. more than the assessment if he does any work for the State (*bethi*) or 50 per cent. if he does no work. There are various provisions regarding the ejectment, succession, etc., of under-ryots taken more or less from the Orissa Tenancy Act. The explanation to section 27 says that it is the general principle of the State not to allow sub-tenancies and only those—sub-tenancies recorded at settlement are recognised and new "shikmi right" is not recognised in any case.

The number of sub-tenants recorded at last settlement was largest under *brahmottardars*. The total number was 475.

VILLAGE HEADMEN

19. For collection of revenue, each village is in charge of a *sarbarakar*, and where there is no *sarbarakar* available, a collection moharrir has been appointed by the State. Of the 216 villages in the State 46 villages are under *khas* or direct collection, 7 *debottar* villages are managed by the State—there is one *debottar* village under a tenure-holder. The remaining villages are under *sarbarakars*. The 46 villages came under *khas* collection on account of the failure of *sarbarakars* of collect the dues and consequent eviction, failure of fresh candidates on the death of *sarbarakars*, and some cases of surrender with no candidates coming forward.

The *sarbarakars* are paid *malikana* or remuneration at the rate of 10 per cent. of the total rental of the village and 6¼ per cent. of the forest cess, but nothing on the school cess; under the rules they are liable to be paid less for less than full collection. The rules do not lay down that the *sarbarakar* is responsible for the revenue of the village and speak only of collections but in practice he is responsible and the penal clause also provides for his removal if he does not credit the full demand. They enjoy *bhogra* lands for which they pay revenue and cesses like ordinary ryots and this amount is included in the total rental or cess of the village. There are some villages in which there is no *bhogra*. The *bhogra* lands are not the property of the sarbarakar and he may create no right in them. The *tauzi* demand of each village is the net amount after deduction of the commission of the *sarbarakar*.

Each *sarbarakar* maintains a rent roll supplied by the State and *wasul baki* and daily cash books. Receipt books are not sold by the State but the *sarbarakars* are expected to provide themselves with their own books privately. The form is prescribed by the State.

If a *sarbarakar* dies, preference is usually given to his son, but the rule says that the post is not hereditary. At the time of appointment a *nazar* of 10 per cent. of the village *jama* as well as 5 times the rental of the *bhogra* is charged, but sometimes, if the *sarbarakar* is unable to pay, the amount may be reduced. A village is never auctioned.

It is said almost all *sarbarakars* are literate.

There are 3 villages with more than one *sarbarakar*. These are big villages and have been partitioned for convenience in collection. The *sarbarakars* of these villages have separate rent rolls and separate *bhogra* also. They have been issued separate *pattas*. One of these double *sarbarakaris* was created since the last settlement. I noticed a case in which separate *sarbarakars* were appointed in a village because a portion of it (or hamlet of it) was inhabited by Kondhs.

Some *sarbarakars* have more than one village and the maximum number of villages held by a *sarbarakar* is 3.

There are 23 kondh villages towards the forest area and the *sarbarakars* of these villages are appointed in the same manner as other *sarbarakars* with responsibility to pay the revenue but the villagers are exempt from all cesses

Digitized Odisha Revenue Laws – Volume 15 · Page 340 Odisha

and no interest is charged on defaulted arrears. In the kondh villages surrendered or abandoned lands are settled by the *sarbarakars* with the other tenants who report the matter to the State. No *nazar* is levied on such resettlement. There are special rules regarding aboriginals in the tenancy and revenue rules.

20. I saw two cases in which the *sarbarakar* of the village had died but the State did not come to know of this for three years in one case and five years in another; the efficiency of the administration may be gauged from these cases. In one of the cases, the son of the deceased *sarbarakar* said he was too poor to file a petition (this was supported by the villagers). Probably the relatives of deceased *sarbarakars* do not come forward on account of the *salami* levied on appointment while there is a chance of carrying on without formal appointment for years.

RECOVERY OF LAND REVENUE

21. The *kist* dates for money rent and cesses are April 15th, November 15th and January 15th, and the instalments are one fourth, one fourth and one half; the cesses are payable with the first two instalments. Produce rent is payable at the time of the harvest. Payments by a tenant may be appropriated towards arrears unless there are reasons to apply them to the particular instalments which he declares. The *sarbarakars* are allowed to start recovery some time before the due date according to the *sarbarakari patta*. Apparently because the system of payment by *sarbarakars* before they themselves collected from the tenants was not working smoothly, an order was passed in 1939 permitting payment as they collect till one month after the due date. A list of defaulters has to be filed at the end of one month from the due date. The November kist is not convenient as ryots are busy with the harvest. Rice is the main crop. Payment of the November kist is usually made with difficulty by the sarbarakar. Collection of revenue is fair but is not effected without a good number of cases against sarbarakars.

For recovery of arrears movable and immovable property of a ryot may be attached and put to sale. A habitual defaulter from whom rent and cesses have been realised for five years by coercion may be evicted from his holding. Homestead lands, wearing apparel and ornaments and other items as mentioned in the Civil Procedure Code are exempt from attachment and sale. Plough-cattle are, however, liable to attachment and sale. Unoccupied homesteads are also sold. Agricultural implements are not considered worth while attaching. In the case of *sarbarakars* their private lands may be attached and sold if movables are found insufficient. Defaulters can be arrested and imprisoned, according to the rules, but there have been no actual cases for the last ten years. *Sarbarakars* are liable to pay interest at 12½ per cent. interest on arrears of land revenue; a penalty may be imposed in addition. If a *sarbarakar* pays the land revenue on or before the due date he may file a list of defaulters to be proceeded against. Otherwise he will have to file civil suits. Interest at 12½ per cent. in addition to the costs of the case may be realised from defaulting ryots.

When movable property is attached by the peons it is left with a surety and latter brought to court if required for sale. The sale is held by the *nazir* in the court premises. In the case of immovable property the peon is accompanied by an *amin* for the purpose of identification of the land and the sale of immovable property is held by the officer in the court. (A case examined by me showed that the nazir sells immovable property also). In case satisfactory bidders are not available in the court from the *amin* puts the property to sale on the spot. The provisions of the Civil Procedure Code are prescribed to be followed in conducting sales. If an officer having any duty to perform has taken part in the sale of property without the sanction of the State, "he shall be taken to task for breach of official discipline and misconduct in such manner as the State authority may direct".

For collection in the villages without sarbarakars there are *asul moharrirs*. The *asul moharrirs* grant receipts for payments received by them. Personal security is taken from these *moharrirs* for about Rs. 300. Process serving peons who take a distress warrant accept money if payment is made and pay it to the *nazir* who credits into the treasury.

CESSES

22. Cesses in the State are school cess and forest cess. Both were imposed in 1910. The school cess is one anna per rupee of rent. The forest or nistar cess is mentioned under forests.

Digitized Odisha Revenue Laws – Volume 15 · Page 341 Odisha

REMISSIONS AND LOANS

23. Remissions are given in case of drought or flood or deterioration of land. Crops are damaged fairly often in the villages bordering the river. The remission to be given is found by local enquiry. No remission is given if the outturn of the crop is more than 4 annas. If the crop is below 4 annas full or half remission may be given. The remission given during the last *ten years* amounts to Rs. 406, on account of damage by floods and Rs. 77 on account of crop failure due to drought.

Provision is made, for *taccavi* loans, of about Rs. 2,000. 6¼ per cent. interest is charged. Grain is also lent from *debottar* and *khamar* granary. interest charged being up to 25 per cent. Cash loans are granted for the pur, chase of bullocks, seeds, etc.

VILLAGE SERVANTS

24. Village servants are chowkidar, *dakuas*, barbers, etc. Only chowkidars are appointed by the Ruler on the recommendation of the police. In every village there is a chowkidar. All of them have jagir lands. There is no fixed area of land given to the chowkidar. Usually the area held is 4 to 5 acres. The ryots pay something to the chowkidar according to the arrangement between themselves (seems to be a bundle of paddy per ryot but the sarbarakar does not pay) and no amount is fixed by the State. A levy used to be made five or six years ago for the dress of the chowkidar. In succession cases preference is given to the heirs of the previous chowkidars if found with satisfactory antecedents and ability to work. No fee is charged.

No other servants are appointed by the State but *dakuas*, barber, washerman, etc., in some villages hold jagir lands and these are ordinarily inherited.

There are no duffedars or intermediate servants between the Chowkidar and the State.

FORESTS

25. Forests are divided into 3 classes, A. B. and *khesra*. There are rules dated 1933. Under these rules, in making a reservation of forest, consideration has to be given to the amount of *khesra* forest left before reservation can be made. (All reservation however seems to have been made before the rules were framed). Previous announcement regarding reservation is not prescribed, In connection with the reservation of forests the Forest Adviser has recorded in his inspection note of 1939 that the villagers of Barbhun had put in an application for the exclusion of a portion of reserve for their *nistar* and this village had sufficient *khesra* forest and in any case, whether they had or not, the village should not be permitted to encroach on reserve forests. The *khesra* forest includes all waste land not included in reserve or Class B forest. The current and first working plan was prepared in 1941.

There are 7.5 square miles of B class forest which is divided into 2 blocks of 20 coupes each. One in each block is thrown open every year. The maximum distance of villages from B class forests would be 7 to 8 miles but there are *khesra* forests within 2 or 3 miles. There are portions of *khesra* forests which do not come within the boundaries of any village. Traders may take timber or forest produce from *khesra* forest on permits issued by the State under the rules. (This would amount to subtracting something from even the meagre allowance given to the cultivator)

There are at present nineteen reserved species of trees and forest rule 32 declares them reserved in *khesra* forest. In practice the reservation is extended to cultivated holdings also. Section 16 of the revenue rules which speaks of reserved and unreserved species, contains no definition itself. The working plan of 1941 says that before 1885 there was no reservation of trees and tenants could take any tree for their use. In that year, the Deputy Commissioner of Angul introduced reservation which has now been expanded to include cultivated lands.

Nistar cess is paid at one anna per acre of wet lands and half anna per acre of other lands. Non-agriculturists pay four annas per house. Nistar payers are entitled to take for their personal use from the *khesra* or B class forests trees of unreserved species provided they do not exceed 5 ft. in girth or standing on the bank of any stream or tank. Kondhs are exempted from *nistar* cess. The *nistar* cess was imposed for the first time in 1918.

Ryots can graze ten head of cattle free (seven extra cattle for every ten acres over ten acres of land cultivated) and fees are charged for excess cattle

Digitized Odisha Revenue Laws – Volume 15 · Page 342 Odisha

at four annas per buffalo and two annas per cow The villagers of Nukkapada which I visited said they grazed only in the village limits as the forest was far away. The settlement report of 1919 records that out of 211 villages in the State there was no forest within village boundaries in 98, and in 87, there was no grazing ground even. "In the rmaining *mauzas* there are bushy jungles or bare hills not even fit to meet the fuel supply of the village." At the time of the last settlement there was no grazing fee except on professional graziers.

Maintenance of forest boundary lines is divided among the villagers and Rs. 3 per mile is paid.

Forest offences up to Rs. 25 are compounded by the forest officer and the record is sent to the Dewan.

MONOPOLIES

26. From the 1st April 1939 monopolies of *pan, biri, gurakhu* and cocoanut were abolished. Fees payable in lieu of sugarcane pressing monopoly were also abolished but in lieu of these fees a rate of Rs. 2 per acre of land under sugarcane was imposed.

Kendu leaves, *kochilla* fruits, *sabai* grass, resin, sealing was, *sonari* bark, *mahua* are monopolies. The *mahua* fruit monopoly extends to the whole State and tenants who wish to sell *mahua* have to sell it to the contractor. The *kendu* monopoly extends to the whole State including cultivated areas. Kochilla includes all areas. The hides of animals dying in the village are taken by the monopolist. The contract prescribes certain rates to bepaid. Actually skins are taken by *hadis* and sold to the contractor. Persons can be compelled to sell all skins to the monopolist.

The income from hide monopoly varies from Rs. 400 to 1,000. No export duties are levied.

27. A restriction which I have never heard of elsewhere and which never occurred to me to enquire about exists in this State in respect of bullock carts of ryots. There was apparently a prohibition of the sale of old carts but in December 1937 an order was passed permitting sale of old carts among tenants of the State without permission but not to tenants of other States. Registration of carts is compulsory.

CROP PROTECTION

28. Licences for crop protection are issued and renewed free of cost. The rules regarding crop protection are practically the same as in Baramba. Skins and horns of animals have to be handed over in three days to the forest department. As is the case of the Baramba and other rules, it is not clear if the restrictions against shooting female animals and shooting certain animals within a specified period applies to agriculturists also.

The number of licences for crop protection issued is 45 in 1941-42.

REVENUE ORGANISATION

29. The Ruler is the final civil and revenue authority. As in other States, the revenue, civil and criminal work is performed by the same staff. The Dewan and Assistant Dewan are the only two officers in charge of all work. Though these officers pass orders in cases specially made over for disposal, nearly all important cases go to the Ruler for orders The revenue rules provide for appeals against orders but, as the Ruler is the highest authority, this provision is practically of no use at all only petitions for reconsideration can be made by an aggrieved party.

There is no regular land records staff for the maintenance of records. Mutations are recorded by the Record keeper and the two amins seem to be made use of mostly for special work. It is said that the land records are up to date but this can hardly be the case when even mutations brought to the notice of the courts are not made on the ground of some irregularity in the petition see pare. 12)

The total cost of the revenue and land records staff is shown as Rs. 2,352 the land revenue excluding cesses being Rs. 49,000 and the total revenue Rs. 1.3 lakhs.

MISCELLANEOUS

30. There is no shifting cultivation of the *dahia* or *bewar* type. Alluvial land on the sides of the river are given out from year to year by the State; actually the tenants cultivate these lands and the amins report later when intimation is received from the *sarbarakar* and assessment is made according

Digitized Odisha Revenue Laws – Volume 15 · Page 343 Odisha

to the crop grown. Crops such as tobacco, brinjals, seed potatoes, kulthi, mustard, etc., are grown on these lands. Lands classed as *toila* are cultivated regularly now.

Bihar and Orissa Manuals are followed for registration and stamps. The stamp duty is about one per cent. of the value; the registration fee varies from one per cent. for the lower values to ½ per cent. for higher values. Registration has to be made in a specified period and a fee is charged for extension of time (case seen). Petition writers have to obtain a licence on payment of Rs. 3 per year. There are no rules regarding their appointment and work. Petition paper is sold at 2 pice per sheet.

Amin fee for identification or measurement of lands is charged at 0-8-0 per day if the area is not more than 5 acres and the distance within five miles of headquarters; for longer distances 0-12-0 per day is charged and 0-4-0 for every 5 acres or part in excess of 5 acres. I think the State makes a definite profit from these fees. The fee in force at present is a reduced one and higher fees prevailed before 1937.

For records and copying the High court circulars of Patna High Court on the civil side are followed. The rules of the Feudatory States Manual are followed in connection with the treasury. Petitions have to bear a court fee of 0-8-0.

NAYAGARH

REVENUE HISTORY AND SETTLEMENTS

Th antecedants of this State which formerly used to pay tribute to the Marathas and is said to have been founded by members of the Rewa Ruling family are difficult to trace in the absence of old settlement reports. The State came under the East India Company for the first time in 1803. It may be assumed that there was no special feature of the revenue system which distinguished it from neighbouring areas and the general system of administration was through farmers of revenue or *sarbarakars*. There is an area called the Kondhmals in the State inhabited by Kondhs who did not settle down in the open tracts but retreated into the hills. These were not regular cultivators and till recent years used to pay to the Ruler a contribution more in the shape of a tribute than as land revenue, consisting largely of forest produce and a few easily grown crops like maize and kultha.

2. It does not appear that till 1852 there was any system of assessment of land revenue based on measurement though *sarbarakars* may have had a system of assessment in terms of seed capacity. In 1852 some sort of settlement and definition of the rights of tenants and tenureholders was attempted by the government tahsildar who was deputed for the purpose. The settlement was for five years on the expiry of which a revision was made for the inclusion of the freshly reclaimed areas. There were further settlements at intervals more or less summary and unsystematic in nature, one of which took ten years to complete. The period of this last mentioned settlement which was completed in 1902 was fixed as 16 years. The next one commenced in 1913 and claimed to be better than the others but as yet there was no proper survey, and measurements were made roughly, and the boundary marks were also often trees and similar objects. Fields were measured in some detail and records prepared. The assessment was however made very crudely on the basis of a flat rate increase of 2 annas on all of the 9 rates which prevailed at the previous settlement. This amounted to 4 per cent. increase in the case of the highest rates and 33 per cent. increase in the case of the lowest rates; this flat rate was applied in spite of the fact that the settlement officer made an estimate of the profit from various kinds of land; the rates proposed show that the assessment was about 8 per cent. of the profit on the best land and about 25 per cent. on the worst land, an instance of how incapable settlement officers in the States have been of anything more than routine. The rates were however sanctioned by the Political Agent. There was no classification of villages. Homestead lands in this State were all assessed at various rates with the exception of lands granted free as *minha* at the previous settlements, but where these had been transferred, they were assessed at full ryoti rates; some poor people were allowed free homesteads.

3. At the next settlement (1928-32) a fairly reliable traverse and cadastral survey of the State appears to have been made and maps prepared. The travese was by sight-vane and compass and not by theodolite. The Mal area

Digitized Odisha Revenue Laws – Volume 15 · Page 344 Odisha

of the kondhs was also surveyed at this settlement and a record of rights prepared. Assessment of the rent is said to have been made on the basis of crop experiments and the rates do not exceed ten per cent. of the profit. The classification of land was again altered. The position regarding homestead is not clear but it appears from the rent report that homestead up to 0·1 acre, was allowed rent-free for every agricultural holding; special rates were applied to homesteads in Nayagarh town. In the backward tracts inhabited by Kondhs, the lands were not assessed according to measurement but the actual rents being paid by them were recorded in terms of cash irrespective of the area held by them. In the case of certain other backward villages the rates of the previous settlement were left unaltered. Where enhancements were more than 100 per cent., progressive enhancement was allowed. Rent in kind was almost entirely commuted except under a few tenure-holders; the commutation was done at a rate not exceeding double the settlement rent. The term of the settlement was fixed as 10 years as it was considered that the enhancement of 20 per cent. was low. It is somewhat difficult to state on a cursory examination to what extent the survey and settlement was accurate but the number of cases of identification of lands as well as civil suits seems to be large. The State was settled while under management during the minority of the Ruling Chief till 1933. Registers of mutation are maintained at the headquarters office. All new leases of land are entered in this register a reference being made to the original settlement register.

ZAMINDARI AND OTHER TENURES

4. Apart from a few villages shown as held by a special tenureholder known as the Khallikot jagirdar and a few villages held as *debottar* all the villages in the State are held directly, though there are numerous grants of various kinds in them. Actually it appears that even these Khalikot villages are not entire tenure villages as at the 1932 settlement the village boundaries were enlarged to include other area and this was done in the case of other tenure villages as well. Thus at present no village is wholly a tenure village and from the 1932 settlement report it appears that the tenures are little more than assignments of revenue : "***all the villages of the State are now Mahal villages. The principle ** is * that between the State and the actual tiller of the soil there is no middle man **. The State or Rajsarkar is the proprietor in respect of all lands of the State. Only in certain cases the State has conceded the right to certain people to enjoy that rent paid by the ryots." In every village now it is the State which appoints the *sarbarakar* who after collecting the revenue pays the khanjadar or treasury as the case may be.

5. The tenures are the Khalikot jagir (which, according to the copper plate sanads, is granted in perpetuity no conditions being mentioned), brahmottar, debottar anugrahi and other lakhraj grants as well as service jagirs of various kinds.

6. The *brahmottar* grants in this State can be sold but if the sale is to a Brahmin other than a *namaskarania* Brahmin the land is liable to assessment and transfer fees.

7. The *debottar* grants which are numerous and extensive are partly held for the purpose of deities outside the State and partly for deities in the State. The deities in the State are mostly under the supervision of the *debottar* department of the State under the Ruler. The lesser deities are under the charge of *sebaits* or villagers who can pass the position to others and not the land, but according to the settlement report, the manager of the *debottar* department has the power to scrutinise their accounts and only interferes where there are any cases of maladministration. The management of the grants for deities outside is not interfered with by the State. The area of *debottar* grants at the settlement was nearly 13,500 acres. There are other religious grants totalling about 400 acres. All the *debottar* grants are not rent free and some pay small quit rents. The department holds waste land which is leased out on payment of rent and nazar. The department pays half the rent of lands (which pay twice the normal rent) to the State.

8. The grantees of these brahmottar, debottar and other religious grants have rights over trees which are not reserved species, rights to fisheries and right to cultivate wasteland recorded in their names. The right is heritable and partible but with permission.

Sarbarakars in these villages cannot be appointed or dismissed by the grantee and occupancy ryots cannot be ousted. The rights enumerated in the settlement report also preclude the realisation of private *bethi*, abwabs or other

Digitized Odisha Revenue Laws – Volume 15 · Page 345 Odisha

levies or the realisation of the rents from the recorded ryots except through the sarbarakar. Sale or mortgage requires the previous sanction of the State. Maintenance grants known as *khanja* (except the grant of Korapitha or Khalikot) have been ruled to be held for life only, and in practice they are assessed to 25 per cent. of the rent on each succession. The Khalikot jagir though formerly an absolute grant has had its privileges reduced; the jagirdar is now precluded from enjoying a hide monopoly and mutation fees and trees of reserved species. Otherwise he seems to have the right of a zamindar, practically, and pays no rent to the State. He has the power to cultivate wasteland recorded in his name. No new sanad has been issued to him however and it is quite likely that there are matters which he can contest. He is liable to bear the cost of a settlement.

9. Other khanja grants and grants like *raktapata, anugrahi,* etc., which may be regarded as given for maintenance are not heritable and partible except where specified; *raktapata* and *anugrahi* grants are heritable but not partible. The land cannot be sold or mortgaged without sanction and the grantees have no other rights. Some *khanja* grantees pay quit rent to the State.

10. There used to be many villages recorded as *khamar* or Ruler's personal property before but now these have all been recorded as State villages and only certain lands are left recorded as *khamar*. These are held rentfree. *Khamar* lands are held by the Ruler, the Rani Saheba and the Rajmata. These are cultivated mostly through leases of 5 years. The lease has a clause to the effect that surrender cannot be made during the period. Collection of these rents is done by the domestic department or Ranee Mahal.

11. *Tanki* rents assessed on grants were not altered at the 1932 settlement except where they were 50 per cent. of the ordinary rent. The reason for this is not clear. About 13,000 acres were held rent-free at the 1932 settlement excluding chowkidari and other village jagirs; the *tanki* lands are 27,000 acres and pay Rs. 15,000 roughly.

12. For the sale of *brahmottar* lands 20 times the rental or 37½ times the consideration whichever is higher is taken as transfer fees; the figures for *anugrahi* and other jagirs are 20 times the rental value or 40 per cent.

13. No rent free grants are said to have been made since the last settlement.

14. At the 1932 settlement drastic action was taken by the Political Agent in respect of the numerous service holdings or jagirs and all were resumed except three village service jagirs (sarbarakars, chowkidars and dakuas) and four others for services rendered to the Chief (umbrella-bearer, dancer. *pradhani charchabahera*). The sarbarakari jagir at the 1932 settlement was found to be sometimes in excess of ten per cent. of the rental value of the village and sometimes less. It was decided therefore to settle the excess and this was done, preference being given to ousted sarbarakars, on payment of nazar and the lands was converted into ryoti. Since the settlement, the Ruler has resumed all *sarbarakari* jagirs one-fifth of the land in villages with more than 5 acres *bhogra* being given to the Sarbarakar in ryoti right on payment of 5 times the rental as nazar and discharge of arrears of village rental. A compensation of 2½ times the rental of the portions resumed and not resettled with *sarbarakars* is given till 1942 unless the *sarbarakar* dies or resigns earlier. This settlement does not appear to be fair as many *sarbarakars* must have been holding their villages for generations.

15. The chowkidars hold roughly 5 acres as jagir and the *dakua* has 2·3 acres. The number of *dakuas* has been reduced at the last settlement. The other jagirs could I think be resumed but the area under them is small.

16. There are separate rules for the area known as Kondmals. Persons other than Kondhs are not allowed to settle here or hold land under these rules (1927) without sanction. Lands in the *mal* cannot be alienated to non-resident kondhs by mortgage or sale, etc., and decrees cannot be executed by sale of land unless the decree holder is a resident. Lands forfeited for breach of this rule can be resettled by the *mallik*.

Loans bear simple interest only, the maximum rate being 12½ per cent., and the maximum amount recoverable is double the amount lent. There are provisions regarding forest concessions allowed to Kondhs.

Though *pradhans* are not appointed by the State the rules prescribed certain police duties for them and for chowkidars. *Mallik*s to be recognised as such require the sanction of the State. The rules do not contain any provisions

Digitized Odisha Revenue Laws – Volume 15 · Page 346 Odisha

regarding the manner of appointment of the *malliks* or their duties. *Pradhans* are appointed by the *mallik* but the important duty of the *pradhan* in the matter of collection of revenue is not mentioned in the rules.

The restrictions regarding the sale of land do not apply to sales for the recovery of State dues. Without a detailed examination it is not possible to say to what extent the rules are followed by the State and what protection they confer on the Kondhs. The letter from the Political Agent to the Superintendent in connection with the framing of the rules mentions that orders had been issued in 1914 preventing the acquisition of lands by non-aboriginals but it was found that lands had nevertheless been acquired by Sundhis, Telis and others and that the kondhs were heavily indebted.

In this State as in other places there are kondhs living outside the *mal* areas known as "*desua*" kondhs ; these kondhs are settled cultivator and have adopted the language, manners and customs of the Oriyas. They are said to live in 31 villages which have been settled. These "*desua*" kondhs seem to be able to hold their own against others and one is led to wonder whether isolation is really any protection for the aboriginals. Rules may delay the process of their extinction in the aboriginals state but perhaps the best chances of their survival is by their gradual assimilation in the same manner as the "*desua*" kondhs.

THE RYOTI TENURE

17. As regards ryoti rights, it is seen from the 1918 settlement report that ryots were known as *thani* (resident in the village of cultivation) *pahi* (non-resident cultivators) *chandna* (non-agriculturists having homesteads only). A class known as *chandnachas* is also mentioned but this only means a ryot with a small area of wet cultivation near the homestead (these are the same as *thani* except that they were not allowed any rent free homestead). Ryots called *paikan* ryots were *paiks* whose lands were all assessed and converted into ryoti. There was no difference between resident and non-resident ryots and every ryot whether resident or non-resident had the right of occupancy in the lands assessed in his name however short the duration of his tenancy.

At the 1932 settlement, the settlement officer who was an officer from the Central Provinces introduced the system of recording tenants as *thani mourasi* and *pahi mourasi*. No difference was made between the two as far as rights were concerned and the separate classification seems to have been really unnecessary.

18. Rights recognised at the settlement were that an "occupancy ryot" cannot be evicted except for disloyalty or arrears for three consecutive arrears; sale is permitted subject to certain restrictions: land cannot be sold without sanction to an outsider ; an aboriginal or low caste ryot cannot sell to a high caste person without sanction ; a portion of a plot cannot be sold, nor a plot with less than Rs. 6 rental, nor a portion which would leave a residue of less than Rs. 6. rental ; land cannot be sold to a person who does not reside in the village, nor to one who has more than 30 *mans* without sanction ; if there is a co-sharer, land may be sold only to him ; no sales are permitted to other than a cultivating ryot or to a person who does not cultivate himself. These restrictions are a considerable reduction in the rights which ryots used to enjoy since 1881 and it is doubtful if they have all been strictly enforced in practice; in 1926 the right of transfer was considered dangerous and rules were framed to prevent exportation of agriculturists. Twenty per cent. of the consideration money or ten times the rental value whichever is higher is payable to the State in addition to mutation fees of 25 per cent. of the rental ; this was ten per cent. during the management, was raised to 25 per cent. and was later reduced to 20 per cent. in 1939 after the disturbances. Mortgages by ryots may be usufructuary only and are limited to a period of 5 years. There are restrictions regarding transfers by gifts or will also and special fees are levied. The ryoti holding cannot be partitioned except with sanction. Annual sub-leases are permitted. All these restrictions can however be circumvented if the State gives special sanction on "such terms and conditions" as may be imposed.

19. A ryot has a right to fruit trees on his homestead and bari-lands but he has no rights to trees on his agricultural lands. Ryoti lands cannot be sold by a court except for State dues.

20. An important feature of the 1932 settlement was the grant of occupancy rights to a large number of sub-tenants. Where the original tenants were ordinarily ryots they seem to have been ousted, the sub-tenants becoming the

Digitized Odisha Revenue Laws – Volume 15 · Page 347 Odisha

ryots but under the various kinds of tenureholders such as *debottar* and *brahmottar* they were recorded as occupancy tenants of the tenure-holders.

VILLAGE HEADMEN

21. The *sarbarakari* system has been long prevalent in the State. The *sarbarakars* used to hold *bhogra* land till recently but now the *bhogra* lands have all been resumed by the State as already stated. They have been ousted from the remaining land which has been either included in the *khamar* or the Rani *khamar* (in case No. 89 of 1933-34 this was done). The present position therefore seems to be that the *sarbarakars* hold merely on a commission basis. It is said that quite a number of *sarbarakars* had no *bhogra* lands at all even formerly. There are no villages with more than one sarbarakar (these were eliminated at the settlement) but some *sarbarakars* hold more than one village. A certain number of villages have no *sarbarakars* and collection is made directly by the State. It is said that the absence of *sarbarakars* in these villages is temporary and the posts are to be filled up. The *sarbarakar* is responsible for the land revenue, but can file a list of defaulters in one month after paying up the revenue from his own pocket. He is not entitled to cultivate waste or settle it with other or accept surrenders or take up abondoned lands. He distributes the fish of tanks among villagers and gets four times the share of an individual villager. If the *sarbarakar* does not pay or file a list of defaulters in a month he can only file a rent suit to recover his dues.

In the Kondhmals there is a modified *sarbarakari* system; each village in these mals has got a *pradhan* who appears to be appointed by the villagers and the State has no concern with his appointment. Groups of these villages are held by *malliks* appointed by the State who are responsible for the revenue of all the villages held under them. The *mallik* gets the same *patta* as a *sarbarakar* does. There seems to be no rules regarding the relations between *malliks* and *pradhans*. In one of the *mal* area villages visited the *pradhan* was reported to have been appointed by the villagers without any payment to the *mallik*; the commission he gets from the *mallik* for collection of the land revenue being 1 anna per rupee; the State does not pay this commission.

22. *Sarbarakars* get commissions ranging from 15 per cent. in the case of villages with a revenue upto Rs. 100, to 10 per cent. for villages of rental exceeding Rs. 250. Only 5 per cent. of the demand is paid on cesses collected by the *sarbarakars*.

23. In the appointment of *sarbarakar* a *nazar* of ten per cent. of the rental of the land and five times the rental of the *sarbarakari jagir* lands is levied. Usually difficulty is experienced by the person appointed in paying the *salami* but in case No. 23 of 1939-40 the *sarbarakari nazar* was remitted by the Ruler for some unknown reason though the candidate did not express inability to pay. In another case the local police were asked to find a candidate for the post. The villagers are sometimes consulted in the matter.

In the *khamar* lands there are no *sarbarakars* for collection and lands are managed by the so-called domestic deptt. All tenants in these land are tenants-at-will.

24. Receipts are granted on payment but some *sarbarakars* charge a fee which was one pice per receipt in the village visited.

RECLAMATION OF LAND

25. Reclamation of land is sanctioned by the State and the *sarbarakar* has no powers in this respect. Applications are sent by the Dewan to the Tahsildar who in turn sends them to the *amin* for enquiry and report. No enquiry is usually made by the Tahsildar himself. A *nazarana* is recovered when the land is allotted. Homestead lands are also allotted by the State and a *nazarana* is recovered. When land is given for reclamation, rent on it may not be recovered for a period depending on its condition, the maximum being 5 years. The royalty on forest growth is recovered. In a case I saw, the applicant refused to take the land after the forest growth was cleared.

ACQUISITION OF LAND

26. It is said that Bihar and Orissa procedure is followed but examination of cases shows that this is not so. The *amin* is asked to report and on his report the Tahsildars is asked to take action. In case No. 72 of 1936-37 the owner was questioned but in case No. 743 of 1940-41 no such procedure was followed. The compensation given is 20 times the assessment.

Digitized Odisha Revenue Laws – Volume 15 · Page 348 Odisha

RECOVERY OF LAND REVENUE

27. Certain rules were made during the administration of the State regarding recovery of public demands. Recovery of State dues can be effected by attachment of movables and immovables and by arrest and detention of the defaulter in the order given. Movables essential to the calling of the defaulter may be sold only if the demand cannot be satisfied by sale of part of the immovable property. Arrest may be resorted to only if there is reason to believe that the defaulter is concealing his property, and females and minors are exempt from this process. The provisions of the Civil Procedure Code are expected to be followed in effecting sales except that no proclamation is necessary for the sale of movables. Sales of movable property are conducted by the nazir but the tahsildars conduct sales of immovable property.

Cases examined by me show that the provisions of the Civil Procedure Code regarding the conduct of sales are not really followed in practice. Sales of land are often held without a proclamation of the date. In one case recovery was attempted by leasing out the lands as no purchasers appeared. Some of the lands were leased out and in respect of one field which could not be leased out the *sarbarakar* agreed to try and recover the due from the next year's crop of the defaulter. The Ruler however ordered that cases of purchasers not being available were becoming frequent and there were really cases of sale and consideration passes, but to avoid transfer fees it is shown that purchasers are not available and the land should therefore be confiscated; this was done.

Khanja tenure holders are allowed to proceed against *sarbarakars* for recovery of their dues by 'certificate procedure'. Land revenue is payable by raiyats on 15th January and 15th March in two equal instalments. The main crop of the State being paddy these dates cannot be said to be inconvenient; the former dates of 15th December and 1st February must have caused loss and trouble to the raiyats.

28. Collection of land revenue in the State is good but about 200 cases on an average are instituted against *sarbarakars* (maximum number 391) and about 500 cases against raiyats (Maximum 1,500 in 1940-41). Interest at 6¼ per cent. is charged against raiyats if proceedings are instituted.

CESSES

29. The cesses levied are a water cess at the rate of Re. 1 per acre of irrigated area, irrigated from the Public Works Department tanks of the State (all tanks were recorded as State tanks at the settlement; the water cess is added to the rent and is recovered whether water is taken or not), a road cess at 2 annas per rupee (reduced in 1939 from 3 annas but not for jagirdars who have to pay 3 annas per rupee) imposed in 1934 as a commutation of *bethi*, a school and dispensary cess at one anna per rupee on assessable rent, *i.e.*, not on actual rent paid. *Muafidars* pay the school and dispensary cess. The cesses which amount to three annas per rupee fetch an income of about Rs. 50,000 including the water cess (Rs. 1,600).

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS LOANS

30. There have been no remissions or suspensions of land revenue during the last ten years. In the 1918 settlement report it was recorded that ryots are entitled to remission for flood or drought but the new rules do not mention this.

Taccavi loans are granted to the extent of Rs. 5,000.

VILLAGE SERVANTS

31. There are chowkidars for every village. They hold their jagir lands of about 5 acres free of rent and cesses. In villages where jagir lands are less than 5 acres chowkidars are entitled to get one dish of cooked rice per month and one bundle of paddy from each tenant at the harvest season. When there are no jagir lands as in the case of some kondhmal villages chowkidars are paid in cash by the State.

There are a few *dakuas* holding jagir lands.

FORESTS

32. The forests of the State are under the supervision of Mr. Mooney. So far there have been only A class and *khesra* forest. *Khesra* forest means village forest in which all rights of the people exist except those withdrawn. Prior to 1900 there were no reserved forests of any kind. This year a class B forest of about 1,000 acres has been made as an experimental measure. A new working plan has been recently prepared.

Digitized Odisha Revenue Laws – Volume 15 · Page 349 Odisha

There are 12 reserved species of trees throughout the State (this is contrary to the rules which restrict the reservation to *khesra* forest only) but 8 of these species can be felled if on agricultural land without permission and without charge. Trees like kamlagundi, mohul, amba and kusum cannot be felled without permission but no charge is made. (The proclamation of 1939 mentions actually kamlagundi, tamarind, jack, amba.)

There is a forest cess of one anna per rupee of land revenue the minimum being annas four levied from all except khonds in the *mal* area ; this cess was formerly being levied as an acreage rate. *Muafidars* have to pay this cess. A separate cess called "professional fees" is charged upon people like *dhobis*, etc. *Chandnadars* pay 4 annas.

In the proclamation of 1939 it was declared that villages with no *khesra* forest within 3 miles would be exempted from the fee. It was also declared that the management of the *khesra* would be entrusted to a panchayat or committee. The income from this cess is Rs. 23,000.

33. No shifting cultivation is prevalent anywhere in the State including the kondhmals. A grazing fee is levied for grazing in reserved forest as well as in *khesra* forest. For tenants paying forest cess free grazing for plough cattle to a maximum number of 8 pairs and an equal number of cows and she-buffaloes is permitted (maximum 16). Unreserved species of tress can be removed free from *khesra* and the B class reserve.

34. Forest boundary lines are cleared on payment of Rs. 4 to 9 per mile - this is said to give more than the daily wage of 3 annas.

35. There are leases of sabai grass, kendu, etc., but the owners of cultivated holdings are not obliged to sell to the contractor whose contract is said to be restricted to reserve and *khesra* forests.

CROP PROTECTION.

36. There are 142 crop protection licences and rupee one is charged for issue and renewal. The licences are valid between 1st June and 15th February. Animals except elephants, bison, or wild buffalo, may be killed in crops or in the village forest but fees have to be paid ranging from Rs. 4 for sambar to Rs. 2 for chital (no charge for pigs). Persons killing animals other than pigs have to report to the Forest Officer before disposal of the carcass and pay the fees.

REVENUE ORGANISATION.

Please see heading Sub-divisions and Staff below.

SUBDIVISIONS AND STAFF

37. Except for collection of revenue the State is not subdivided for revenue administration. For collection there are three circles in-charge of 3 tahsildars. The Dewan, Assistant Dewan and the Mutation Officer are the Officers in-charge of revenue work. The Ruler is the final and highest authority and passes orders in all important cases like appointment of *sarbarakars* and allotment of land. The Dewan is in-charge of all revenue cases in the sense that the cases going to the Ruler all pass through him. He is the District Judge for civil cases ; he hears appeals in certain cases from the Mutation Officer's orders. The Assistnnt Dewan does no revenue work except reporting on a few cases sent to him by the Dewan.

There is no permanent land records staff and only some amins are employed and paid for actual work, one of the tahsildars does criminal work in addition to his revenue work.

The total cost of the land revenue staff is shown as Rs. 4,700 against a land revenue of Rs. 1,60,000 (excluding cesses) and a total revenue of 4 lakhs.

MISCELLANEOUS

38. Mutation fees are 25 per cent. of the rental in addition to the application fee of 2 annas ; there is a proclamation fee of Re. 1 and Re. 1 Amin fee.

Stamp duty is charged at one per cent. and registration fees at two per cent. *ad valorem*.

NILGIRY

REVENUE HISTORY AND SETTLEMENTS

On the map this State looks like something attached to the lower part of Mayurbhanj State. The previous revenue history of the State is obscure and

Digitized Odisha Revenue Laws – Volume 15 · Page 350 Odisha

there are no signs of previous settlements on the Mughal system of measurement though this is an area which was once under Mughal as well as Maratha influence. Along with other similar tracts it may be assumed that the revenue of villages was recovered through *pargana* and village farmers, and the *sarbarakari* system was prevalent till quite recently. The first settlement based on measurement seems to have been made between 1819 and 1853. The officer deputed to do the settlement was an officer of the Bengal Government. In the absence of previous records this officer was unable to find out on what principle or at what rates the tenants were paying rents and he himself seems to have simply applied certain Bengal rates which, apparently, the cultivators accepted. No record is said to have been made regarding the principle followed in applying these rates. Lands were measured by means of a rod 8′ 3″ in length but no maps were prepared. The next settlement was commenced in 1886-87 and was completed in 1897, after a lapse of about ten years. It appears that the officer first deputed to make the settlement left in 1891 after submitting a report that the work nearly complete and subsequent officers who took up the work found a most unsatisfactory state of affairs. In this settlement also measurements were taken by means of a rod 8′ 3″ in length and the maps prepared were found quite useless.

Ninety three different rates were adopted but there seems to be no record of the principles and reasons for the various rates. It is recorded that the settlement officer was guided by certain rules framed by the Manager of the State and approved by the Raja but the rules did not appear to have the sanction of the Bengal Government. The next settlement and survey commenced in 1917 when the previous settlement expired, after a period of 20 years. Boundaries were laid down by the plane table traverse and a cadastral survey was made. This survey covered all the villages and it is said that the map and records prepared are fairly reliable. Certain rules were approved by the Political Agent regarding principles on which the settlement was to be conducted. Villages as well as lands were classed according to their nature, situation, advantages, disadvantages, etc.; at the previous settlements there was no classification of villages. The rates proposed were based on the productivity of the different classes of land and on the price of the produce. The enhancement seems to have been done under section 32 of the Bengal Tenancy Act in consideration of the rise in prices. It is mentioned that the rate of rent had reference to the profit which could be obtained from each acre of land. This settlement was for 15 years which expired in 1936 as the settlement was given effect in 1921; a new settlement has not been taken up owing to the present economic circumstances and the old settlement has been extended.

2. The settlement records consist of *khasra* and *khatian* and ekpadia. Boundary marks do not appear to be maintained at all and many are said to be missing. It is said however, that there are few disputes between rights about boundaries. Formerly *sarbarakars* were supposed to be responsible for the maintenance of boundary marks but during the last 12 years there has not been a single report about them and the revenue officer has paid no attention to them. There are two clerks and three assistantants who deal with cases of mutation and maintain the settlement records and also deal with cases such as reclamation of waste land and encroachments.

3. The principal cultivation in the State is paddy of various kinds and there is very little other cultivation though til, mung and other cereals and vegetables are cultivated to a small extent. The number of aboriginal cultivators is not large; a few Bhumijs and Santals exist particularly on the portions bordering Mayurbhanj State. The majority are good cultivators and there is no shifting cultivation prevalent in the State.

ZAMINDARI AND OTHER TENURES

4. There are the usual *brahmottar*, *debottar* and other *lakhraj* lands in the State. The total area held rent free is shown as 28,000 acres (there is some doubt as a detailed statement adds up to only 11,000 acres)—a considerable portion of the State. *Kotchas* are the Ruler's personal lands cultivated usually on paddy rents by lessees (at least permanent rights are not recognised in such lands). Lands of persons dying intestate are taken as *kotchas* if of superior quality, otherwise they are resettled on payment of *salami*. There are also *jagir* lands held by *paiks*, *palki* bearers, sweepers and other as remuneration for services rendered by them, free of rent.

5. The 1921 settlement report indicates that the "service *jagirdars*" have no proprietary or transferable rights. Possession is subject to the faithful

Digitized Odisha Revenue Laws – Volume 15 · Page 351 Odisha

performance of duties and misconduct or disloyalty will result in ejectment. The *jagirdars* can enjoy the fruits of trees on their holdings but have no right to the trees themselves. The chowkidars of villages, usually supposed to be *jagirdars*, had little or no land formerly and used to live mostly on the charity of villagers. At the 1921 settlement they were given 3 acres of land each. Among the *jagirdars* the *bethias*, who were mostly aboriginals, were required to carry the luggage of the Chief and officers on tour. At headquarters, they used to come for other work such as the fencing of gardens attached to the palace, etc., and were paid wages at 1½ anna per day. Their homestead and *dahi* (shifting cultivation) lands were generally held free of rent and they were required to render service for shikar also. The Ruler proposes to abolish the *bethia* jagirs which at present pay a heavy rent but is not willing to concede permanent rights without the recovery of *salami*. Many of these people have held the land for generations and now stand under the threat of ejectment unless they pay *salami*. They are not being ejected at present as the Ruler is doubtful of the attitude the political authorities will take. The rent on the *bethia jagirs* was fixed at one third the produce converted at Re. 1 per maund. (This was recently reduced by 25 per cent.)

6. In the case of *debottar* and *vaishnabottar* which are religious endowments, entire villages or detached holdings have been granted for the upkeep of temples and *pooja*. The Chief controls these grants and retains the right to dismiss the grantees if the conditions are not fulfilled. The succession requires the approval of the Ruler. The *Thakurmahal* is the largest *debottar* endowment consisting of 152 villages. The Senior Rani has been recognised as the *marfatdar*. The management is subject to the control of the State. It is laid down in an order of the Superintendent of the Tributary Mahals, dated 1906 that *debottar* money will be kept as a separate fund and not merged in State revenues; and while the Rani is recognised as the Manager, the State retains the control. In this order it is mentioned that the Raja borrowed Rs. 15,000 from the *debottar mahals*, a fact which reminds one of Athgarh *debottar*. It was also found when the State was taken under management that the affairs of the *Thakur mahal* were in much confusion owing to the incapacity of the manager Jagannath Babu. There were no proper records or accounts available. In the account of the *Thakur mahal* obtained by me it is stated that the *Thakur mahal* has certain lands which are cultivated direct or through share croppers. Ryots in *debottar* villages are the same as in other villages, *debottar* villages being simply ordinary villages assigned to the *Thakur mahal*. The *Thakur mahal* takes the fuel cess and the *pardani* cess and presumably allots waste land for reclamation and appropriates the income. The *parbani* cess is reported to be not paid by the tenants of individual *debottar* grantees but I was told at the village which I visited that it was the *debottar* grantees who did not pay the cess.

7. Brahmottar grants are lands granted rent free for religious and intellectual purposes to Brahmins and consist of entire villages or detached holdings. The holders are required to present cocoanuts and consecrated thread to the Ruling Chief and offer benediction three times daily. Other grants are mostly petty maintenance grants.

8. *Lakhrajdars* do not carry special rights with regard to the transfer of holdings. They have to take the permission of the State to transfer and have no right over trees on their holdings except fruits. At the 1921 settlement, unless the sanad contained the words "*durobast lakhraj mauza*" the *lakhraj* was confined to the area clearly mentioned in the sanad, if any, but otherwise the surplus land, unless contained within the cultivated portion, was included in the next village and assessed to rent. If the service of a *jagir* were rendered to an idol other than that mentioned in the sanad, the State was at liberty to appoint another person. Transfers of *brahmottar* land to non-Brahmins, unless done with the sanction of Ruler, were not recognised as valid.

9. At present there exists an order of 1939 called the Lakhraj Control Order, the object of which is "to ensure loyalty of the holders of lakhraj tenures, to take an indirect measure for gradual resumption of rent free lands and to ensure proper application of the income of the *debottar* grants to the purpose for which they were originally made". The order does not seem to apply to service *jagirs*. The present Chief who has been following a policy of gradual resumption of lakhraj lands told me that it was necessary in order to effect resumption of these lands "to find fault with the *lakhrajdars*" and if this is the main object of the orders, it is unfortunate. Resumption of course

Digitized Odisha Revenue Laws – Volume 15 · Page 352 Odisha

means ejectment of the grantee and resettlement on *salami* and rent unless the grantee himself agrees to pay *salami*. The *lakhrajdars* doubt the bonafides of the rules and in a resolution passed by them they have declared that "with a view to abolish these rights the authorities have promulgated vaious rules". It is certain that resumption by ejectment or levy of *salamis* will result in much resentment; the attitude of the Ruler regarding the *bethia jagir* (See para. 8) had given rise to a good deal of feeling.

According to the Lakhraj Order grants known as *dahijya, data, panpika* and *anugrahi* are to be held at the pleasure of the Ruler who may, at any time, resume them and order assessment as ryoti land. All *lakhraj* tenures, in addition to being subject to the conditions in the sanads, are to be held subject to the condition of good behaviour and loyalty on the part of the holders in all their relations with the State and a breach of this condition involves an escheat of the grant. In the case of grants given under *brahmottar, khorposh, panpika*, etc., the holders must be of the same caste and religion as the original donee unless transfer is effected with permission. *Debottar* lands cannot be transferred by mortgage, sale, gift or will without permission. *Lakhraj* lands when sold in execution of the decree of a civil or a revenue court will become liable to be assessed as ryoti land. A lease of lakhraj land like brahmottar, khorposh, etc., is not valid beyond the life of the holder or after 9 years. *Debottar* lands cannot be leased out for any period except with permission. The holder of every *debottar* tenure whose annual income is Rs. 25 or more is required to maintain certain registers and accounts. The *debottar* tenure lapses if the holder ceases to be a Hindu, loses the idol, is convicted or disobeys orders or wilfully neglects the duties with regard to the idol, is of unsound mind or is physically infirm. *Debottar* holders are liable to contribute subscriptions amounting to 2 per cent. of the annual income, in addition to expenses which they incur under the sanad, "whenever any special measure of general character is to be taken for the better management of the affairs of the idol", a rather vague clause The rules do not apply to the *debottar* estate called *Thakur mahal* which is managed by the Ruler or Ranisaheba (it is difficult to say who actually manages them; the rules say that the Patsamanta is *shebait*) on account of its "being efficiently managed under the direct control of the Ruler".

Many of these rules and clauses are of course a new addition to the conditions of the old sanads and are as such resented by the *lakhrajars*. The rules do not prescribe any appeal against orders passed and the decision of the Ruler is made final and not liable to be questioned in any court. Other rights and liabilities of *lakhrajdars* are not included in this order. Under the sanads of course it may be claimed that the *lakhrajdars* have unrestricted rights in the lands ineluding trees but in practice these rights have been gradually reduced by the State.

10. The *lakhrajdars* have now mostly the same rights in trees on their holdings and homestead lands as ordinary ryots. They are entitled to recover rent from their tenants by regular suits and are bound by the rent rules of the State. (There are no rent rules in the State). The land in possession of the *lakhrajdar* may be used in any manner which does not materially impair the value of the land or render it unfit for use. *lakhrajdar* may bring under cultivation culturable waste lands in the *lakhraj* estate. They are entitled to rear and enjoy fish in tanks and reservoirs in their holdings but have no rights over jungles and what are called public lands in their tenures. They are liable to pay forest cess at 1½ annas per *man* of land brought under use.

THE RYOTI TENURE

11. There is no revenue law or any rules of procedure. There is not even what is called the record of rights which exists in some States. In 1921 the settlement officer made an attempt to note down the rights and liabilities which he "ascertained with due regard to the established usage of the State", but some of which seem to be more likely what he considered should exist. The State does not consider this a record of what is followed at present and has sent a separate list of the rights and liabilities "as gleaned out from scattered orders and actual practice"; the portion within quotation marks is in fact a suitable description of the conditions prevalent in respect of the revenue administration; neither the actual practice nor the scattered orders have, I fear, much permanence. One of the complaints made by the president of the local Praja Parishad was the frequency with which orders were passed and changed and this complaint certainly seems to have justification. According to the list

Digitized Odisha Revenue Laws – Volume 15 · Page 353 Odisha

of rights compiled by the settlement officer in 1921, the rent assessed at settlement is not liable to be enhanced or commuted but I notice that in the rights and liabilities which the State has "gleaned out" there is a significant difference; according to this compilation the rent assessed is not *generally* enhanced or commuted during the term of the settlement; in other words the principle that rent should not be enhanced during settlement is not accepted as binding. The ryoti holding is shown as heritable and transferable now except that transfers by aborigines to non-aborigines is subject to the sanction of the Ruler but without any fees. In respect of the use of land and the ejectment of ryots the clauses of the Orissa Tenancy Act (a ryot may be ejected for using the land comprised in his holding in a manner which renders it unfit for the purpose of the tenancy) have been reproduced, but these are strictly speaking devoid of any meaning in the State. Subletting for a period not exceeding nine years is now permitted.

12. Trees on ryot's holdings cannot be cut or appropriated but the ryot is entitled to the fruit; he can cut and appropriate trees on his homestead and *bari* lands, With the previous permission of the State improvements including tanks or bunds can be made (according to the settlement officer's list) and it appears that *salami* used to be levied in granting permission; the present list is silent on this point. A ryot was entitled to a receipt in the from sanctioned by the State and was not liable to have any of the unauthorised cesses or mangan levied from him; but the last clause is now absent. The instalments of rent are required to be paid 15 days before the due date; if there is default, interest at one anna per rupee if paid within a month, (or at double the rate if later) is levied. A ryot is said to be entitled to remission of rent if there is general loss of crop due to drought, flood or other calamity but in practice I understand that no remission of rent has ever been granted and when there was a flood recently only loans were granted.

13 Other incidents of ryoti tenure mentioned are that a ryot is entitled to one *gunth* (1/20 acre) of homestead land free (this is mentioned in the 1897 settlement); he can relinquish his holding in the month of *Falgun* after paying rent and all cesses; he is liable to pay forest cess at one anna per *man* (= .62 acre) of land and *parbani* cess at one pice per rupee of rent for worship of the Goddess Durga. Partition was not formerly permitted without sanction according to the settlement officer's list of rights, but I doubt if any notice was taken of such a restriction in practice.

14. The present position regarding the abolition of permission required to transfer lands, the right to trees on homestead lands and the reduction of the rate of interest on arrears was reached after the troubles of 1938 by a special proclamation. Though transfer *salami* has been abolished a mutation fee of three times the rent has been substituted for sale, gift or will in addition to a stamp fee of 12 annas.

15. Among ryots there are *thani* and *pahi* ryots and *chandnadars* who hold only homesteads; there is no difference in the rights between *thani* and *pahi* ryots.

16. Persons known as *Vajiaftidars* i.e., holders of lands which were formerly rent free but are now assessed have no special rights. At the last settlement under-ryots of *lakhrajdars* and others were recognised and were given *pattas*.

17. Under the mutation rules of the State which are supposed to have come into force in 1922 (it is doubtful if they have really come into force, as the rules furnished are marked as a draft proposal by the Superintendent) there is no occupancy right in the State and transfer in any manner cannot be effected without sanction of the State. (Actually it is recorded in the 1921 settlement report that the rule was freely violated and many transfers had taken place; heavy penalties and *salamis* were recovered on these). Transfers of lands by aborigines can only be permitted to aborigines. *Lakhraj* grants cannot be transferred in any manner without the permission of the State and similarly no *jagir* or service tenures can be transferred; prohibition in the latter case is absolute. The mutation rules contain provisions regarding registration. On the receipt of an application for a transfer and registration there is a proclamation, and objections are heard before the transfer is permitted. In 1938 certain amendments were made but the clause prohibiting transfer without out permission was retained. Subsequently the clause was deleted by another order, the date of which is not given. The present rate of mutation fees is three times the rent assessable on the land according to the calssification. A

Digitized Odisha Revenue Laws – Volume 15 · Page 354 Odisha

fee of Rs. 10 used to be levied in the case of rent free lands as permission fee in addition to the mutation fee, but this was also shown as deleted. A penalty of double the mutation fees is required to be paid in the case of delay in applying for mutation. Mutation fees are not now charged on jagir mutations.

18. It is said that the spirit of the land acquisition act is followed in dealing with cases of acquisition. The land acquisition act has not been adopted and in practice no definite legal procedure seems to be followed. I could see only one land acquisition case which had just been registered.

19. The position as regards both ryots and lakhrajdars as "gleaned" from various orders and practices is rather confusing to me, and must be even more confusing to the people to whom they apply.

20. The proclamation referred to above also gave the right to the protection of crops by killing wild animals while actually damaging the crops but elephants cannot be killed. My enquiries in the villages however, showed that these orders have not been given enough publicity and exist only on paper to a large extent. Elephants cause the greatest damage to crops and no right of crop protection which is not available against elephants is worth anything.

21. The heavy mutation fee charged (mutation fee is really salami given a different name), the high rate of interest on arrears, lack of rights in trees on their holdings, the lack of right of enjoyment of the fruits of trees on waste land and lack of grazing land are complained of by the ryots.

22. There are no rights over trees in the waste land which are all auctioned or leased out by the State. Grazing in the village waste is not subject to any payment.

23. There were no complaints of *bethi* and *begar* and other dues.

24. Sikmi ryots (under-ryots) have the same rights over trees in their holdings as other ryots. A large number of persons in cultivating possession of lands were recorded at the last settlement as shikmi or under-ryots. The rents payable by these were not fixed by the settlement officer and in view of the insecure position of ryots themselves, there was no mention of "occupancy rights" for them. They however, seem to hold continuously without being ejected at will in practice and the Dewan reports that in the absence of a contract 25 per cent. in excess of the normal assessment is decreed as rent in civil suits.

VILLAGE HEADMEN

25. The collection of land revenue used to be effected till 1939 by means of *sarbarakars* who were responsible for the land revenue of the village. They used to get a commission of 12½ per cent. of the rent and cesses collected by them but were not allowed to hold any land as remuneration. It appear that there were cases of one *sarbarakar* for several villages far away from his place of residence. The system was abolished as unsuitable and now there is no system of village headmen. Collection is made by means of five tahsildars and five peons under them At the time of recovery some 25 temporary moharrirs are appointed for about four months in the year. The system has been working only for a short time. In one village which I visited close to headquarters, the people were against the appointment of a *sarbarakar* saying that he was giving them a lot of trouble and said that they preferred the present system; in others there was no such feeling against *sarbarakars* and it was said that for the payment of their revenue they had to go to certain places fixed by the tahsildar for collection. Before the system was abolished the recovery of land revenue was being made in full; the *sarbarakars* being responsible for the revenue of course paid up the whole amount and recovered later by means of "certificate cases." in the direct collection which was introduced last year the arrears were about Rs. 3,000; it is said that the arrears actually due in the previous year when the *sarbarakari* system was prevalent was Rs. 7,000 from the ryots though nothing was left due to the State. The great danger of using temporary collecting peons is that of imposters posing as recovery peons and collecting money from the ryots as well as of misappropriation. The other disadvantage is that tahsildars are liable to ask people to go to certain places to pay their rent while the headman resident in the village would collect the revenue in the village itself. The present collecting agency is said to be less expensive the *sarbarakari* system but 12½ per cent. of the land revenue of the village was used to be paid to *sarbarakars*.

Digitized Odisha Revenue Laws – Volume 15 · Page 355 Odisha

Sarbarakars in this State had formerly powers to distrain crops and levy a rate of one anna per rupee of rent on their own behalf on account of *sunia bethi*.

RECOVERY OF LAND REVENUE

26. Land revenue is recoverable in two equal instalmants on the 15th December and 15th February. As rice is the main crop and the bulk of the harvest takes place in November-December, the date of 15th December fixed for the recovery of the first instalment of revenue is inconvenient and is complained of by the ryots.

27. For the recovery of land revenue movable property is proceeded against in the first instance. The number of cases against ryots is considerable. In the absence of movables the present procedure is to sell only a portion of the land and not the whole of it; plough-cattle, seed etc., are exempted from attachment. The revenue peon who makes the attachment obtains bidders on the spot and the court then fixes a date for sale issuing notice to those persons whose names are reported by the peon. The bids are then 'reopened' and sales effected.

28. The procedure regarding sales of land for the recovery of land revenue is based upon the remarks of M. Phillip, Political Agent in 1921, in an inspection note. Mr. Phillip suggested that when a warrant was issued for attachment of property, both movable and immovable property should be attached and no separate warrant should be necessary. Mr. Phillip went on to say that the procedure of selling ryoti lands for arrears of rent was not the one ordinarily followed in other States and he actually desired the Superintendent to consider substitution of ejectment from land instead of sale. He approved of the procedure of deputing a peon to attach the property and serve the sale proclamation and ask for bids, the property being then sold in the court on the date fixed to the bidders brought by the peon. This practice may be simple but to depute peons to obtain bids for immovable property would, I think, not be considered fit for incorporation in the best of revenue systems.

CESSES

29. A cess called the *parbni* cess is recovered at one pice in the rupee of rent from all ryots. This cess is levied for religious festivities during Dushera by the *Thakur mahal* and does not enter the State accounts at all. It is however, recoverable in the same manner as rent and along with it and is shown in the ryoti *parchas*. During the enquiry of Mr. Bowstead it was reported that the people whole-heartedly joined in and anjoyed religious festivities, but I found that this cess was resented in all the villages I visited and the President of the Praja Parishad also mentioned it as one of the general grievances. The total income from this cess is Rs. 1,402. (The nistari or forest cess is mentioned later).

REMISSIONS AND AGRICULTURISTS' LOANS

30. Remission of land revenue, as already stated, has never been granted.

Loans are granted to agriculturists but there are no rules regarding their grant or recovery and the rate of interest—1½ annas per rupee—is higher than in any province; not so long ago it was 3 annas per rupee.

VILLAGE SERVANTS

31. The chowkidar is the only recognised village servant. Formerly he used to get only a little paddy and food from the ryots but now they often hold small areas of rent free service jagirs. Other village servants, like barber and washerman, do not hold rent free lands.

FORESTS

32. In respect of forests the State comes under the Agency Forest Adviser. The Forest Rules are of 1940. (Features of these rules are that unlike some of the more recent ones the *khesra* forest does not include individual trees or groups of trees within village limits or cultivators' lands; reserved trees of less than 3ft. girth on cultivated lands may be cut without permission; no trees cut can be sold without payment of royalty and for every reserved tree cut the cultivator is bound—an amendment made since my visit says "encouraged"—to plant two trees on his holding).

33. There are A class and B class reserves in addition to village or *khesra* forests. Nistar cess or commutation fee is levied at 1½ annas per *man* of land on persons holding rent free lands, and one anna per *man* by ryots They are

Digitized Odisha Revenue Laws – Volume 15 · Page 356 Odisha

entitled to take trees of species not declared reserved free for their own use from *khesra* forests. From certain other forests timber is allowed to be cut at half the royalty from the 15th December to 30th June; fire-wood is allowed at one anna per bullock load for cess payers. Non-cess payers, on the contrary are allowed to take unreserved species free but it is said that there are very few non-cess payers. Non-cess payers also pay half royalty for timber but full royalty is charged to outsiders. The *nistar* forests of some villages are about five miles distant from the villages. All cess payers do not actually avail themselves of the timber, and if they did, the area allotted for *nistar* would be inadequate according to the forest officer. The rules however provide for the sale of timber from *khesra* forests to traders. Reserved species of trees are said to be found in large numbers in the *khesra* forest; there is not enough of unreserved species to be found in the *khesra* forests and this means practically that *nistar* has to be paid for even though a cess is already paid. There were formerly 24 reserved species but now there are only 11 and a new list has been approved by the Forest Adviser. In the *khesra* forest half royalty has to be paid for reserved species.

The Forest Adviser advised on 15th August 1940 that the whole of a certain felling series should be declared B class but this had not been done at the time of my visit as the suggestion had not been approved by the Darbar in spite of the fact that one of the main complaints in the State was about the inadequacy of the forest allowed for *nistar*. The area allowed for *nistar* semeed to be *prima faie* inadequate, but of course this is not an opinion based on a full examination.

34. In the *khesra* forests, wherever *asan* trees are found tusser is propagated. It is sold to a contractor as a monopoly and the monopolist gives out holdings to the ryots. The amount he pays to the ryots is not regulated. There is no monopoly in respect of *sabai* grass but *kendu* leaves are generally leased out in all forests. Kendu trees are among the reserved species.

All residents of the State, under the Forest Rules are bound to render assistance in clearing forest boundary lines and it is the special duty of villagers living within five miles of the reserved forest. Payment of daily wages at current rates is however prescribed.

In the case of reclamation of land there is no definite period after which assessment is made. Assessment is made after "a reasonable period". If the land is waste land which does not require clearing, only one year is allowed in practice. *Salami* is levied at rates varying from Rs. 10 to Rs. 25 per *man* (2/3 acre) according to the quality of the land.

All fruit trees on village waste land which in most places are enjoyed by ryots are leased out by the State. Fishing in streams is also leased out.

CROP PROTECTION

35. Under the forest rules regarding shooting, the skins and horns of animals killed in protection of crops must be made over to the Forest Department or person authorised. The flesh may be appropriated but may not be sold. The number of gun licences issued in the State for crop protection is 49, not a large number. The licence fee is 6 annas, including petition fee. The position regarding shooting of animals has been mentioned already (para 20).

REVENUE ORGANISATION

36. The revenue organisation consists of the Ruler, the Dewan and a revenue officer who is also designated as the Second Assistant Dewan. The present incumbent of the last-mentioned post is not a graduate though he has studied up to that extent. This revenue officer looks after the land records and is assisted by two clerks.

The total cost of land revenue and land records staff is Rs. 7,748 against a total revenue of Rs. 2,14,589 and a land revenue (apart from cesses) of Rs. 89,704. The Dewan, a retired Deputy Collector of Orissa, did not strike me as a particularly bright or desirable individual.

MISCELLANEOUS

37. A cart tax is imposed upon all bullock cart men using roads. They have to pay Rs. 5 every year No distinction seems to be made between carts which ply habitually for hire and those which are used merely for the transport of agricultural produce. There are no rules or principles regarding the assessment of this tax and it is said that the names of all cartmen using the road are recorded.

Digitized Odisha Revenue Laws – Volume 15 · Page 357 Odisha

The collection of gravel or stones even from village wasteland for the purpose of building houses is subject to the payment of a fee.

Stamp duty and registration duties are levied at roughly one per cent. and 3/4 per cent. respectively.

PAL-LAHARA

REVENUE HISTORY AND SETTLEMENTS

Like Bonai which it adjoins this is another sparsely populated State inhabited to a considerable extent by aboriginal tribes like bhuiyans, juangs, gonds, etc. There are of course a number of Hindu castes as well. The total population of the State at the 1941 census was 34,000 which means a density of about 80 persons per square mile. At the 1932 settlement only about 32,000 acres were under cultivation and the rest of the State consisted of reserved and village forest. Like Bonai, the State has no long revenue history and its colonisation and development is comparatively recent, except for the aboriginal tribes who practise shifting cultivation. At present shifting cultivation seems to be limited to the Baburi pargana in the northern part of the State adjoining Bonai; bhuiyans and juangs are the principal tribes who practise shifting cultivation. Rice is the main crop of the State, mostly harvested in November and December.

2. A first attempt at settlement appears to have been made in 1875. The survey was '*nazarkut*' (eye appraisal) and the seed capacity of each plot was the basis of assessment. Measurement by means of a standard rod 10ft. 5½ in. in length was first undertaken between 1893-1896, when another settlement was made. At this settlement, there was classification of villages according to their productive capacity, situation and facilities for irrigation. The settlement (as did the previous one), extended to gora lands, and homestead lands were also subjected to assessment at the same rate as the gora lands but with a free area called '*minha*'. Culturable wasteland also seems to have been assessed at one fourth the village rate. Between this settlement and 1909 nayabadi lands were assessed but the next revisional settlement was taken up in 1914. This assessment was completed in 1918 and the village boundaries were demarcated by means of a plane table. Measurement of cultivated lands was however made with the *padika* rod in the same manner as before. The Baburi pargana inhabited by the Bhuiyans was excluded from the survey. Villages were placed in three classes and lands including gora and pal lands in three classes each. Toila lands (lands under irregular cultivation by burning forest growth) were not sub-divided into separate classes. The lands of certain aboriginal tribes were assessed at three fourths the ordinary rate and others at half the rate. Juangs who resided outside the Baburi reserve were allowed remission for the first 5 years and than assessed at three fourths the ordinary rate, the object of this being to encourage them to give up shifting cultivation. The 1918 settlement was for 15 years.

3. The next settlement which was done in 1932 extended the survey and settlement to the *bhuiyanpir* villages and homestead lands as well as uplands under permanent cultivation were cadastrally surveyed. Temporary cultivation was shown on the map by dotted lines. This assessment of cultivated lands by measurement does not appear to have been a success and as far as the bhuiyans are concerned the State has given up levy of the usual assessment but levies the former house tax of Rs. 1/2/- and 20 seers (value about Rs. 1/9/-) of *birri* per house. The birri is sold and the sale proceeds are credited into the treasury. No cesses are levied upon the bhuiyans. Other cultivators in this pargana however pay normal assessment as well as cesses. There are no sarbarakars in the bhuiyan villages but each village has got a headman; the headman is not officially recognised and no sort of *parvana* or *patta* is issued in his name. Bhuiyans, I was told (also mentioned in 1932 settlement report) have to come to credit their revenue direct into the treasury. The position in this respect is not clear as I find a report also that the headmen get ten per cent. collecting charges The present position as far as survey and settlement is concerned is that the whole State appears to have been surveyed by traverse at least; cadastral survey has been made in most of the villages though it is of little value in the Baburi reserve. It cannot, of course, be said to what extent the maps are accurate. The term of the settlement was fixed for 10 years only on the ground that there was no increase in the rates after the 1918 settlement, in this connection it is noted that, though the settlement officer wrote in 1918 that the assessment was *unduly lenient*, it is recorded (1932 Settlement Report)

Digitized Odisha Revenue Laws – Volume 15 · Page 358 Odisha

that the new assessment operated harshly and many ryots abandoned their holdings, and some entire villages were also abandoned. This shows that the officer who did the settlement apparently judged the assessment by standards he was used to rather than by actual circumstances; in States like Pal-Lahara and Bonai, land has little value and agriculture scarcely brings any profit even if the administration did not exploit all possible ways of adding to revenue.

4. The settlement records prepared at the settlement are the *khatian, ekpathia* and *khasra*. The procedure followed in regard to mutations is to correct the *khasra* itself as well as the *ekpathia*; the map is also corrected if necessary. Nayabadi mutations are recorded on the map in pencil only. There are no mutation rules as such. When an application for mutation is received a proclamation is issued, a fee of Re. 1 being charged if the mutation concerns as transaction like sale, mortgage, etc. If it has been done without the permission of the State, a penalty according to the circumstances of the applicant is realised, there being no scale, and consent money is also realised. The consent money is nominally 10 per cent. of the consideration but in practice it is arbitrarily fixed. If the application for mutation is not made within six months of the transaction a further sum is charged according to the circumstances. *Parvanas* are issued to the patwaris for corrections and the *sarbarakar* is also informed.

The allotment of new lands is not shown in the existing settlement records but separate *nayabadi* registers are written up. These *nayabadi* registers however appear to be imperfectly maintained in view of the fact that *sarbarakars* can allot lands under the *patta* on their own initiative without reference to the State and appropriate the rent till the next settlement. Even in cases where *khesra* forest is allotted by the State the rent goes to the sarbarakar.

ZAMINDARI AND OTHER TENURES.

5. There is no zamindari in the State and no complete village has been given out as a grant with the exception of two villages given in 1932 as '*sin dhurtika*' to the Ranisaheba. In this connection it is interesting to note that the Ruler wanted to abolish the *sarbarakars*' posts of both villages but the Commissioner and Political Agent did not agree. These two villages have thus got *sarbarakars* and it is stated that the Ranisaheba simply enjoys the land revenue only of the villages, and the management is not different from that of other khalsa villages. The land revenue collected is deposited by the *sarbarakars* into the treasury for payment to the Ranisaheba but cesses go entirely to the State. There are however three villages including the Nijgarh of Pal Lahara of which the Ranisaheba is said to be the sarbarakar, I could not find out how exactly this position was created and it is reported that the villages has been so held since the time of the last Ranisaheba. The *sarbarakari patta* is said to be actually issued in the name of the Ranisaheba for these villages although of course she manages them through an agent. The signifiitance of the post of *sarbarakar* is that the *bhogra* land are held for personal cultivation and waste lands can be allotted for cultivation with appropriation of *salami*, if any, and rent for the period of the settlement.

6. The various *khorposh, debottar. brahmottar* and jagir grants are all areas of lands and entire villages and thus there are practically no tenureholders in the State except the Ranisaheba in resepect of her *sindhurtika* villages.

7. Apart from these villages grants in the State are not numerous, comparatively speaking, and the area including chowkidari jagirs seems to be only about 1,700 acres with a land revenue of nearly Rs. 3,000. One of the *khorposh* grants was made in 1940, a *debottar* grant in 1932 and a number of the grants have been made since 1900. Among the service grantees are some *khajuris* who supply brooms to the Rajbati, *kamars* who supply iron nails, barbers for rendering 'special service', and *paiks*, a fairly large number who perform guard duties, carry *dak* and perform other menial duties. There are also a few service jagirs for drummers, goldsmiths, priests, water carriers etc. There are 42 *paiks* of which 12 are for the rajbati and 12 for the Dewan.

8. Of the total area of about 120 acres under *debottar*, 43 acres at Pal Lahara are under the direct management of the "*Debottar Department*" of the State, *i.e.*, by the Ruler for practical purposes. The rest are managed by individual grantees. The lands are mostly cultivated on *sanja* or produce-rent.

9. There are 189 acres of *khas* lands held by the Ruler. These are cultivated by his domestic servants. Many *brahmottar* grants and the *khajuria*

Digitized Odisha Revenue Laws – Volume 15 · Page 359 Odisha

grants pay quit rent. The *bramottar* quit rents were enhanced slightly at the last settlment.

10. In the *sarbarakari* patta, it is mentioned that the jagirholders and the lakhrajdars have no rights of transfer. *Debottar* land will go to the maufidar in hereditary right and similarly *brahmottar* land. *Babuvan jagirs* which are grants to the relatives of the Ruler for maintenance are held rent free for life only, according to the sanads, and are subject to the payment of cesses but no *bethi* or *begar* is required from them. *Brahmattars* and *babuvan jagir* holders are required to attend on ceremonial occasions. In practice after the death of a *babuvan jagirdar* the *jagir* is partly resumed; the *patta* says that the partial resumption shall be according to the rules in force but there seem to be no other rules. The settlement report however records that the *jagirs* are settled with the heirs of the deceased *jagirdars* on half *jama*. It is said that jagirs will be resumed fully after four generations.

RYOTI TENURE

11. At the 1932 settlement the ryots were recorded as *thani* and *pahi* and those with no cultivated lands in the village apart from the homestead lands were recorded as *chandnadars*. Actually however I found that the villagers in this State, like Bonai, were not familiar with the terms *pahi* and *thani* and these terms seem to have been simply used by the settlement officer with Orissa experience. In any case, there is no difference in the status of these ryots and the distinction seems to be of no practical significance whatever.

12. There are no rules regarding the accrual of permanent rights to sub-tenants and usually sub-tenants are tenants at will. At the first settlement, however, some seven cultivators of *babuvan jagir* holders were recorded as sikmi tenants and at the current settlement also they were recorded in the same right. The rents they pay are the same as those of other ryots and they cannot be ejected without the order of a court. At the 1932 settlement the settlement officer recorded that ryots had no right to transfer their lands by sale, gift, mortgage or otherwise and they were thus indifferent towards the improvement of their lands. It was proposed however to grant them such rights when the revised *sarbarakari patta* was issued, and in the present *patta* the rights of sale subject to the permission of the Ruler are recognised. It is laid down that permission to sell will not ordinarily be granted where the purchaser is of higher caste than the vendor or is not a resident of the State. Sanction of a sale is subject to the levy of fee of 10 per cent. as well as payment of a mutation fee of annas twelve (it was Rs. 5 till 1938); though the consent money is said to be 10 per cent. of the consideration in the cases which I examined showed that it was actually much more than this and though the possibility of giving a low consideration in the document of sale is there, I did not notice any attempt on the part of the revenue officer to estimate the value of the land, and the *salami* seems to be fixed more or less arbitrarily by the clerk, obviously an undesirable practice. As a proclamation is necessary, there is an additional expense of Re. 1. Transfer of land by gift or will is invalid without the written sanction of the State or, if contrary to the personal law of inheritance of the transferor.

13. A ryot can surrender a part of his holding to the sarbarakar by means of a declaration in writing and the sarbarakar is entitled to appoint a new ryot with the permission of the State; but the surrender does not entail the ejectment of the ryot from his homestead land.

14. Transfer by usufructuary mortgage by a stamped document is permitted and the debt with interest deemed to have been discharged after a period of 10 years.

15. There is nothing in the *sarbarakari patta* about acquisition of land and there were no land acquisition cases.

16. Ryots get receipts for payments of land revenue but have to pay one or two pice for each receipt. On arrears of land revenue the pay interest at one pie per rupee per month.

17. There is a State contractor for hides and skins and these have to be handed over. The chowkidar usually takes the skins and sells them to the contractor. The contract fetches Rs 650.

18. Though the November instalment of revenue (see paragraph on village headmen) causes some inconvenience, the villagers in the villages I visited preferred the present arrangement.

Digitized Odisha Revenue Laws – Volume 15 · Page 360 Odisha

19. *Bethi, begar, mangan* and other imposts which are mentioned in the *sarbarakari patta* of 1932 and used to be levied have been abolished subsequently. In this State *gora* and other lands (apart from a small area of homestead) have been under assessment since the first settlement. The rents have certainly not been lenient. *Bethi* and *begari* have thus not been levied in lieu of anything. In 1939-40 a 'road cess' was imposed as a 'commutation' of *bethi* and *begar*.

20. Fisheries in the State do not appear to be reserved except the tank at Nichgarh.

VILLAGE HEADMEN

21. There is no regular law or rule regarding *sarbarakars*, ryots and others. The *sarbarakari patta* is the only compilation which may be taken as a statement of rights and liabilities. This *sarbarakari patta* was issued at the settlement of 1932. The *sarbarakar* is responsible personally for the revenue and the cesses of the village which are payable in 3 kists on the 15th May ($\frac{1}{4}$), on the 15th November ($\frac{1}{4}$) and on the 1st February ($\frac{1}{2}$). The liability of the *sarbarakar* can, according to the *patta*, be enforced by attachment and sale of movable or immovable property and interest at 6$\frac{1}{4}$ per cent. is leviable. The *sarbarakar* can file a list of defaulters but has to pay up the full amount by the due date all the same. The *sarbarakar* is also liable to dismissal if he does not pay the dues in time, and according to the *patta* he had numerous liabilities in the form of *bethi, rukumat* etc., though these are now abolished. The sarbarakar's post, in practice, descends from father to son generally speaking, but auctions of villages or appointments of fresh *sarbarakars* have occurred fairly frequently. The post is auctioned if there is likelihood of competition, otherwise it is settled on fixed *salami* and mutation free. *Sarbarakars* hold *bhogra* land which has however been assessed to $\frac{3}{4}$ of the normal assessment; they are entitled to 10 per cent. of the rental of the village as remuneration and 6$\frac{1}{4}$ per cent. of the forest and road cesses but no portion of the school cess is given to them. The *sarbarakar* has no permanent right over the *bhogra* lands and loses them if he resigns or is removed from office.

22. There are three villages in the State which have no *sarbarakars* at present. It is said that these villages being backward, the *sarbarakars* were unable to pay the dues and resigned in 1933-34. The land revenue of these villages is recovered by a *patwari amin*. In two villages there is more than one *sarbarakar* (two). I examined the origin of this in one of the villages and found that in 1933 there was only one *sarbarakar* against whom the ryots complained that he was taking excessive *bethi*, held ryoti lands but made the ryots do *bethi* for it, levied *panchas* for officers but misappropriated the amount etc. The Dewan recommended dismissal after examining his previous record but the Ruler ordered that he would give the sarbarakar a last chance, and for the better management of the village his brother should be appointed as assistant sarbarakar with half the *bhogra* lands and half the remuneration for collection.

23. Between the *sarbarakar* and the State there used to be an official apparently in charge of each pargana known as *berapradhan*. These officials were recognised at the time of 1932 settlement though it is not clear what thier duties were or privileges. Since 1940 however all *berapradhans* have been abolished and the jagirlands which they held have now been resumed and assessed to rent. The *berapradhans* were however not dispossessed as they paid *salami* and they enjoy now ryoti rights. The only liability they had seems to be in respect of *bethi* and *begar* and they had powers of setting caste disputes only.

24. Wasteland in the village can be allotted by the *sarbarakar* without the permission of the State if the wasteland does not contain any reserved species of trees. No rent is to be charged for 5 years from the date of permission to cultivate. The *patta* is silent in the matter of the levy of any consent money. The *sarbarakar* is entitled to take the rent of the newly cultivated land till the period of the next settlement at half the prevailing settement rate but there is no agency to regulate or check this.

RECOVERY OF LAND REVENUE

25. For the recovery of land revenue the *sarbarakar* is proceeded against. A notice is issued in the first instance and some time is usually granted if the defaulter asks for time. If payment is not made, a warrant of attachment of movables is issued and movables such as cattle may be attached; it is said that plough, cattle and agricultural implements are not attached. Wet lands

Digitized Odisha Revenue Laws – Volume 15 · Page 361 Odisha

of a defaulter may be put to sale; if there is no purchaser the defaulter may be evicted. Arrest and imprisonment for default have never been resorted to. A *sarbarakar* may be dismissed for arrears.

As regards recovery by the *sarbarakar* from the ryots he usually proceeds by filing a list of defaulters and rent suits are not filed. As there are no entire *kharposh* villages no rent suits seem to be filed by *kharposhdars* and in the absence of tenants under *kharposhdars* there are no cases of rent suits or certificate cases and the latter are in fact not entertained.

Sales of land are left to the nazir to conduct and he is also responsible for the service of the processes. This responsibility of the nazir is susceptible of abuse and I saw some extremely suspicious cases of delay in executing the warrants.

26. Collection of land revenue is not bad though there are arrears which accumulated during the years 1933-35. Cases against *sarbarakars* have not been numerous except in the years mentioned above.

CESSES

27. There is a school cess at one anna per rupee of rent; the kols, juangs and bhuiyans have been exempted from this cess; Debottar lands and the service *jagir* holdings have also been exempted though the justification for exempting them is not clear. The forest cess is not a rate based on the land revenue but is levied at one anna per acre of rice lands and six pies per acre of *gora* lands. The cess is not paid by the tribes, and lands mentioned above, and in addition *brahmottar* lands are also exempt. These two cesses have been levied since the first settlement. In 1939-40 a cess called the road cess was imposed at two annas per rupee of land revenue as a commutation of *bethi* and *begar*.

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

28. Some remissions of revenue seem to have been granted in bad years and about 1,000 rupees are provided as agriculturists' loans also every year.

VILLAGE SERVANTS

29. Only chowkidars and bhandaris have jagirlands now and no other village servants are said to be recognised, though there used to be several others such as *kumhars, dhobis* etc., recorded in the settlement report of 1932. In the bhuiyan pir chowkidars do not hold any jagirlands but get a cash remuneration of Rs. 3 per month. The *jagir*-holding chowkidars have 3 acres of sarad and 2 acres of *gora* lands. The appointment of chowkidars is usually done on the basis of heredity.

FORESTS

30. There are some old forest rules, of the time when the State was under a Superintendent, which to a considerable extent, are not followed now. According to these rules there may be reserved and protected forests. Actually there seem to be no protected forests. Under the rules *khesra* forest includes all lands other than reserved forests or lands held in settled tenure, homestead lands, tank, burial grounds etc., but any tract now under cultivation may be declared to be *khesra* or reserved forest. Under the rules some 25 species of trees (since reduced to twelve) are declared to be reserved in the 'Protected' Forests' but actually the trees are regarded as reserved throughout the State including cultivated lands and ryots cannot cut trees of reserved species on their holdings without permission.

31. For those who pay the forest cess reserved species are allowed free on application for agricultural implements. Grazing is allowed without any charge in the khesra forest.

32. Lac and *kendu* leaves are under monopoly.

CROP PROTECTION

33. The total number of gun licences is 70 and a fee of 4 annas is charged for issue as well as renewal. I was told by a villager of Seegrah that the licence actually costs Re. 1 each year (four annas licence fee, four annas writing charges and eight annas bakshish to the police!). The licence conditions prohibit shooting of all animals or immature males of bison, deer, samber, nilgai etc., and only wild boars may be shot in crop protection. Elephants are to be found in the portions adjoining Bonai and do damage to crops.

Digitized by Odisha Revenue Laws – Volume 15 · Page 362 Odisha

REVENUE ORGANISATION

34. There are no rules apart from the *sarbarakari patta* dealing with revenue matters nor are there any rules regarding the appointment, conditions of service etc., of State servants Apart from the Dewan there is a revenue officer called the tahsildar who is in charge of the treasury as well as civil and criminal work. There are no rules of procedure but the Ruler is supposed to be the final court of appeal. He deals also with cases of remission of revenue, if any, and appointment and dismissal of *sarbarakars*. No cases of appeals were forthcoming as no appeals have ever been filed, apparently. The Dewan is the first appellate authority. He exercises also civil and criminal powers. Apart from these two revenue officers there is no other revenue staff with the exception of a patwari and the State is treated as one tahsil for the purpose of the maintenance of land records.

MISCELLANEOUS

35. The mutation fee leived till 1938 was Rs. 5 but it is now reduced to 12 annas for any mutation. *Sarbarakari* cases are also treated as mutation cases and mutation fee is charged in addition to a salami of Rs. 5. If the *sarbarakars'* posts are disposed of by auction the proceeds of the auction are treated as *salami*. There are no definite rules regarding the maintenance of various registers, of register of processes, grant of copies, inspection of records etc. The record keeper is expected to grant copies.

There are two licensed petition writers who have to pay Rs. 12 licence fee, a rather high fee. Petition paper is sold at one pice. There are no rules regarding petition writers.

PATNA

REVENUE HISTORY AND SETTLEMENTSr

Like Kalahandi which it adjoins, Patna is an Oriya State attached to the Chhattisgarh Agency. For more than half a century it was under the dominion of the Marathas of Nagpur, and when finally it was taken over by the British Government in 1818, it was attached to the Bengal Presideney till 1861 in whieh year it was transferred to the Central Provinces. In 1905 it was attached to the Orissa Division till its transfer to the Chhattisgarh Agency. The early political history and territorial position of Patna have shaped its revenue system which is based upon the *gaontia* system of village management common in Sambalpur and Chhattisgarh tracts. According to the 1909 Gazetteer the system of settlement prevailing before 1871 A.D. was to lease the villages to the highest bidder for four years. The ryots had no rights in the land and could be ejected at the will of the *gaontia* though owing to the paucity of tenants this was rarely done. The rents generally continued to be same from one lease to another but the *nazarana* paid by the *gaontia* on renewal was increased. The village assessment was distributed by the *ga ntia* and the tenants over the tenants' ryoti lands. For this purpose the tenants' lands were classified into a number of divisions which took into consideration the position and produce and were therefore not of the same size. (No assessment of actual revenue was made on the holding but the lands seem to have been given a factor in anna notation on which the actual rent was distributed.) This is very similar to the Maratha system of *ain* and is probably the same. The *nazarana* paid by the *gaontia* was recovered in part from the tenants according to their holdings. The *gaontia* had the right of disposal of such lands as were temporarily deserted or of new lands. He enjoyed all his *bhogra* free in return for the *nazarana* paid by him. The tenant did not know how much was legally payable by him and had to take the word of the *gaontia* for it, the *gaontia* could thus collect more than he paid to the Chief. Apart from the rent the Chief used to issue orders from time to time in writing as money was required for expenses and the *gaontias* had to recover and pay the sums.

Between the *gaontias* and the State, there were *umoras* who appear to have been *pragna* officials common in the Maratha areas and the land revenue was being paid through them.

2. Under British administration in 1871 a new settlement was made. There was a summary enquiry, and leases were given to the *gaontias* and *kabuliats* taken from them. The land revenue and the rental demand continued to be identical, the *gaontia* enjoying his *bhogra* land rent free and appropriating the rents of the new tenants or new lands.

Digitized Odisha Revenue Laws – Volume 15 · Page 363 Odisha

In the new settlement made in 1876, the *gaontias* and tenants were again left to themselves to apportion the increased demand. It was found that at this settlement the *umraos* were obtaining more than double their former revenue from the tenants. In 1885, the fresh settlement recognised that the lump sum payment of *nazarana* had become a hardship to the *gaontia* who was usually compelled to borrow in order to meet it. The *bhogras* were therefore assessed to an annual payment not exceeding half its rental value.

In 1895, the better cultivated areas of the State were regularly surveyed by plane table. Where cultivation was patchy the survey was on the *masahat* system which found the area of a field in a rough and ready manner by taking its length and average breadth. The settlement was made on the soil unit system of the Central Provinces. The system of remuneration of the *gaontias* was changed, the *gaontias* being given a 'drawback' of about 20 per cent. of the village assets.

The next settlement of the State began in 1903 and dragged on till 1919. The whole State was surveyed regularly. There followed the settlement of 1932—37 which is the current settlement. While the previous settlements were made on the Central Provinces system, the settlement officer of 1932, being an officer of the Bihar and Orissa provincial service made the survey and prepared the records according to the Bihar and Orissa settlement manual. The settlement of rent was made according to certain special rules (not obtained) though he retained the system of alloting a factor to the various classes of land. These factors were raised by him in several cases as a result of his crop experiments; from his settlement report it does not appear that he understood the soil unit system of the Central Provinces. There was an increase of revenue by about 47 per cent. as a result of this settlement part of which was due to new cultivation and assessment of rent free holdings. There was no change in the 'drawback' allowed to the *gaontia*.

Village assets consist of only ryoti and other rentals and miscellaneous income is not included. An innovation made at this settlement was to divide waste lands into *thekedari* and State lands: this means simply areas which may be allotted by the *thekedar* (*Gaontia*) for cultivation, and those which may not be allotted without State sanction. If this was equivalent to deciding at settlement what areas are suitable for allotment for cultivation it was a useful step.

3. The records of the current settlement are on the Bihar and Orissa lines. The *wazib-ul-arz* of the 1st settlement is still current in addition to the new Land Revenue Act and the *thekedari patta*. The *thekedars* have a copy of the *khatian* with the holdings and rents of each tenant. There is a *theriz* which gives the holdings according to the serial numbers and other subsidiary papers dealing with irrigation, etc. In addition there is a *khewat* which gives all the persons with rights in the village, *i.e.*, the State, intermediate tenure-holders and the *thekedar*. In a *kham* village only the name of the State is shown. The *umrao* also is shown as one of the tenure-holders but in *kham* villages the *umrao* does not seem to appear and presumably has no rights. The whole of the area of the State including zamindaris has been settled by the State. In the zamindaris, the zamindar is shown as an intermediary tenure-holder after the State.

The State wasteland, as recorded in the settlement seems to mean land unfit or not meant for cultivation and houses of *sukhbasis* (labourers) are also recorded under this head. In one of the settlement records the site of a local shop is shown under State waste and rocky areas of certain fields are also recorded under this head. No such distinction as State waste and *thekedari* waste had been made at the previous settlement. The roads and other communal lands are recorded as '*sarvasadaran*'. The areas recorded as State waste cannot be allotted for cultivation by *thekedar* and he can allot only *thekedari* waste. Big tree jungle and scrub jungle are shown separately in the settlement records and the *thekedar* cannot allot lands for collection from these.

The settlement records are neatly prepared and the maps are printed and seem to be well prepared.

The period of the settlement has been fixed as 15 years.

ZAMINDARY AND OTHER TENURES

4. There are three zamindaris, namely, Bangomunda, Loisingha, and Atagaon and two *khorakposhakdaris*, Jarasingha and Agalpur, in addition to other *muafi* grants and service holdings.

Digitized Odisha Revenue Laws – Volume 15 · Page 364 Odisha

Zamindari and *khorakposhakdari* tenures are impartible and resumable for breach of conditions in the sanad and lapse in the absence of direct heirs. Succession to the tenure is governed by the law of primogeniture subject to the approval of the Ruler.

Zamindars and *khorakposhakdars* have to pay the *takoli* fixed from time to time. The *takolis* were sharply increased at the last settlement and are now 22 to 26 per cent. of the assets in all cases except Bangomunda which pays 40 per cent.

Zamindars have no right over minerals and they have rights over forest only as far as domestic and agricultural use is concerned. They have the right to collect and appropriate land revenue and cesses, revenue from country liquor, pounds and ferries subject to control. They can nominate *thekedars* in 'vacant' villages but may not eject *thekedars*. The zamindars of Bangomunda and Loisingha are said to have given up their right to nominate, as they found it difficult to nominate *thekedars*. They cannot create any *muafi* without State sanction. There are other conditions regarding attendance at the Rulers Durbar, proper management of the estate, etc.

When a case of succession to the zamindari arises no fee is said to be charged when mutation is sanctioned.

The *pattas* of all *thekedars* including those in the zamindaris are issued by the State. The tenure-holders have no right of nomination when a succession case arises and it is only when a vacancy is caused by ejectment or similar reasons that the right of nomination arises. The State auctions such vacancies in non-zamindari areas but it is said that tenure holders are not supposed to do this— a statement which may not correspond to fact. In any case as the right of nomination exists it may be assumed that *nazarana* will be the decisive factor. The conditions of the sanad do not prohibit auction.

5. The position regarding mutation of muafidars is not defined and it appears to be as follows.

There are certain *muafidars* who have got a *thekedari patta*; others hold the *muafi* but without any *thekedari pattas*. If there is a *thekedari patta* the mutation of the *muafi* would be governed by the ordinary *thekedari* mutation practice. If the *muafidars* have no *patta* mutation may simply mean an entry of a new name in the *muafi* register when the matter comes to notice during the annual verification. Sub-Divisional Officers are supposed to enquire into the conduct of the *muafidar* and whether he is alive or not. (In practice the names of *muafidars* are not mutated regularly in the register of *muafi* grants.) It is said that the police are expected to report on the death of a *muafidar*. Regarding the levy of mutation fees the position is totally obscure.

6. There are some 31 whole villages and grants of lands meant for the maintenance of various temples, some 'belonging' to private individuals and others in the State. The temples which belong to private individuals are managed by them with the income accruing from the lands or villages held on *thekedari* tenure. The *sebaits* or *mahants* or *marfatdars* manage the affairs of the temples. There is a *debottar* department of the State which looks after the temples under the direct management of the State. The revenue of *debottar* villages or lands of these temples is realised by the debottar department and spent on the worship of the deities concerned, on the maintenance and upkeep of the temples, etc. The debottar department is said to supervise the affairs of the temples under individual grantees, *marfatdars* and others. The sanad of a *debottar* grant examined by me shows that the lands are held by the grantee and his successors subject to the performance of worship.

7. There are 5 villages in the State called *rajkhamar*. Of these three villages have been held as *khamar* for a long time. The fourth village was held by the Rajmata and was recorded as *khamar* after her death in 1940. The last village was a *thekedari* village and, on the ejectment of the *thekedar* for arrears, was made *khamar* in 1940. The *khamar* department is said to have paid the arrears (not the *nazarana* or premium) on the village. There is no sanad or deed of grant for these villages. The *bhogra* lands of these villages are regarded as the private property of the Ruler. All the five villages have been recorded as *rajkhamar* in the *khatians* of the villages. The rights of the Ruler in respect of *khamar* villages are just the same as of an ordinary thekedar of the State except that no rent is paid on the *bhogra* even if its rental value exceeds twenty per cent. of the assets and all the cesses of such villages are appropriated by the Ruler. There is no condition regarding resumption or otherwise of the *khamar* villages. The *bhogra* lands of the *khamar* villages in the State are cultivated

Digitized by Odisha Revenue Laws – Volume 15 · Page 365 Odisha

under the direct control of the Ruler and the rights of the tenants of these villages do not differ in any way from those of ordinary tenants.

There is land of about 66 acres in Balangir held by the Maharani Sahiba in perpetual *muafi* rights without any stipulation mentioned in the grant. This land was granted recently *i.e.* after the settlement, for making an orchard. Certain lands belonging to the Rajmata have been settled in ryoti right, apparently as a transaction of the *khamar* department, and the lands are not regarded as having lapsed to the State.

Other tenures in the State are *brahmottar*, babuan and other muafis. There are 14 whole villages all held free of revenue as *brahmottar* and the sanads of the grants show that they are of the absolute type common in Orissa; no conditions are attached and the grants are valid till the sun and moon last and vast full rights in all waste land, trees and waters. The zamindars also seem to have made such grants. The *babuan* muafis are grants made to relatives of the Ruler for maintenance. The sanad of one such grant obtained by me shows that the village has been granted to three brothers jointly; the grant is heritable but on inheritance is assessed to one fourth of the rent and, on being reinherited, is assessed to half rent. Other muafis are mostly maintenance grants except one village which has been granted for the supply of rice and *chuda* to the palace. The Durbar has not furnished a list of land grants.

The revenue of village Balangir has been assigned as *muafi* in appreciation of services as Honorary Magistrate and Judge.

THE LAND REVENUE ACT

Before 1940 the *wajib-ul-arz* and *patta* of 1937 were the only documents regarding revenue matters in the State but now there is an Act of 1940 called the Patna State Land Revenue Act, 1940. It follows to some extent the Central Province Land Revenue Act in force in Sambalpur and was probably drafted by the present Revenue Minister of the State who was formerly a Superintendent of the Deputy Commissioner's office in Sambalpur.

The drafting of the law, where it does not follow the Central Provinces Act, leaves much to be desired. Section 7 of the Act reserves arbitrary powers of appointment, suspension and removal of any revenue officers without any qualification. Section 22 which provides that appeals should lie to the Chief Controlling Authority and to the Ruler does not make the hearing of an appeal petition obligatory; it provides for rejection of the memorandum of appeal itself. Upper section 25 the Ruler has powers to pass orders on any case pending before a subordinate court or disposed of by it "after hearing the parties whenever necessary". The Act makes no provisions regarding processes which may be issued by revenue courts. In connection with settlements the Act provides for the suspension or removal of the settlement officer without any qualifying clause: The Government may suspend or remove any officer appointed under this section". In section 31 there is provision for directions in respect of "any class or classes of cases to be outside the jurisdiction of the civil court" by the Ruler. In Patna all lands are the property of the State and this is stated even in the conditions attaching to zamindaris and khorposhdaries; still the Act reproduces sections regarding ownerless lands contained in the Central Provinces Land Revenue Act based upon proprietary rights vesting in malguzars and others, obviously a failure to understand the Central Provinces system. In respect of settlement, the Act provides for the assessment of every village as a separate unit but no principles or limitations are laid down regarding the assessment and the principles on which land revenue is to be assessed is left to be dealt with by instructions to the settlement officer to be issued "from time to time". Other provisions regarding offering a settlement or exclusion from settlement are not at all appropriate in this State where the *thekedar* has no proprietary right to the village. The Act does not specify any minimum period within which a settlement may not be revised and this is left to be fixed at each settlement. There is nothing in the Act also regarding the amount or percentage allowed as remuneration to the *thekedar* or headman. There are no provisions regarding the principles of assessment of rent on holdings of ryots and the maximum enhancement which may be made. There is provision that when the record of rights is prepared entries in it shall be assumed to be correct till the contrary is proved but there is no statutory provision for publication, invitation of objections, etc. The land revenue is not made a first charge on the land and exemption of such articles essential to a defaulter such as wearing apparel, cooking vessels, bedding, plough, cattle and

Digitized Odisha Revenue Laws – Volume 15 · Page 366 Odisha

seed necessary for an agriculturist to keep up his livelihood, etc., is not provided for. Section 93 regarding a penalty for failure to apply for mutation in a given time provides for a fine which may extend to Rs. 50 for *each day* during which such neglect continues, a most unreasonable penalty. While there is provision in the Act for permitting inspection of records there is no provision regarding the grant of copies of revenue records.

The section regarding *thekedars* says that the *thekedar* may enjoy the rights and privileges conferred by this *patta* and *wajib-ul-arz* of his village; the Act does not prescribe the issue of either of these nor are they defined in the Act; in the section regarding acceptance of assessment there is provision for signing "an acceptance kabuliat) in writing." A *thekedar* under section 103 may be ejected for failing to pay the village demand but section 75 (d) already provides for ejectment for recovery of an arrear; then again, *thekedars* may be ejected for diversion of culturable land to non-agricultural purposes (not a serious offence), for infringing any of the conditions of his *patta* or *wajib-ul-arz* (these contain several comparatively trival caluses), for conviction or a criminal offence involving moral turpitude and in addition to all these for "some serious act of commission or omission which render him liable to ejectment". The very important matter of appointment of *thekedars* to vacancies caused by surrender, ejectment and other causes is left entirely to rules (which do not seem to have been framed yet) and rules may also be framed for the punishment of thekedars. Under section 106 it is the duty of the *thekedars* to *collect* and pay the land revenue while by his *kabuliat* he is personally bound to pay the land revenue agreed upon.

Among the serious defects of the Act is section 129 which gives the Government unlimited powers to impose cesses "from time to time" for such purposes "as may in the interests of the administration be deemed expedient". This completely violates the principle of fixity of land revenue during the period of a settlement and at the same time prescribes no limit to this levy which is a surcharge on the fair assessment which the land may be expected to bear. The cesses levied in this State will be discussed in detail later; the section in essence retains the system of "abwabs' imposed arbitrarily in the olden days. Section 147 retains essentially the system of *begar* by providing that every ryot is bound to render "such services to the State for such purposes and in such manner and to such extent as the Government may direct from time to time by general or special order". Failure to obey a "reasonable order" made by a tenure-holder in pursuance of duties imposed by the Act is liable to be punished with a fine under the Act; this gives enormous powers to zamindars, thekedars, khorposhdars and others.

These are some of the chief defects of this Act which fails entirely to make adequate statutory provision for the protection of the ryots in numerous matters concerning them. As already stated the *wajib-ul-arz* (except that the thekedar is bound by its clauses) does not find a place in the Act which is based upon principles not applicable to the State. I think enough has been said about it and it is not necessary for me to go into minor inconsistencies and defects in drafting; other defects noticed are mentioned in the course of this Report. The Act makes no mention of the debottar department or the management of temple grants. The khamar villages of the Ruler or the lands of the Maharani said to be granted in 'perpetual muafi rights' without any conditions do not find any statutory mention. There is no provision for the remission or suspension of land revenue in times of distress.

UMRAOS

10. There are middlemen called umraos between the State and *thekedars* including among 'tenure-holders' in the Land Revenue Act; the probable origin of these has already been mentioned. They are similar to *thekedars* or *gaontias* in holding their tenure on a *kabuliat* for the period of the settlement. These *umraos* do not exist for the entire area of the State and there are many villages which are not under an *umrao* and they are gradually being eliminated.

There are 24 *umraos* at present including the zamindaris; formerly there were 27 but three were ejected. The *umrao* is a *thekedar* of at least one village in his circle. Where there are *umraos*, *thekedars* pay the land revenue to the umraos instead of directly into the treasury. In villages where there is a *shikmi thekedars* as well, the land revenue is paid by the *shikmi* to the *asli* who in turn pays to the *umraos*. *Umraos* get a maximum remuneration in some cases of 17 per cent. and the minimum is 5 per cent. The *umrao*'s remuneration is a percentage of the total *thekajama* of the villages under him. The *umrao* may have land recorded as *bhogra* in the villages (other than his *thekedari* village) under him.

Digitized Odisha Revenue Laws – Volume 15 · Page 367 Odisha

Under the Act, as well as under his *kabuliat* the *umrao's* tenure is not transferable but the *kabuliat* makes transfer permissible if the State sections it. Under the terms of his kabuliat he is responsible for the revenue of all the villages under him. He cannot eject *thekedars* but can nominate one for a vacant post; levy of *nazarana* is not permitted by the *kabuliat*. The *umrao* has few duties to perform apart from payment of the land revenue. There is no provision in the Act for the surrender of his tenure, by an *umrao* but this was offered and accepted by the Ruler in a case I saw.

THE RYOTI TENURE

11. The Land Revenue Act as already pointed out does not prescribe the rights of ryots though it mentions liabilities and penalties. The position regarding the ryoti tenure must be obtained from the *wazib-ul-arz*. According to this document a ryot cannot be ejected except by order of a competent court but the reasons for which the court may eject him are not specifically stated. The *wajib-ul-arz* contains no clause regarding succession to a ryoti holding. Transfers by sale, gift, or mortgage except with the previous sanction of the State are prohibited. A holding may be surrendered to the *thekedar* but a portion may not be surrendered without the sanction of the State which will not be recorded if it is likely to result in a loss of State revenue. Holdings left uncultivated with rents unpaid are treated as abandoned if on proclamation the ryot does not appear in six months but the order of the court to that effect is necessary. The holding of a ryot leaving no heirs is treated similarly. Formerly surrenders of land could be effected only by a registered document, a provision necessary to safeguard the ryot from fraud by the *thekedar* if registration does not mean the levy of a high fee, but it has, for some reason, been deleted recently. Annual subleases of land are permitted and the lessee acquires no right.

In practice a ryot is said to be evicted from his holding for non-payment of the rent or for transfer of his holding without the previous sanction of the State authorities. There are transfer rules framed in 1935 (before the Land Revenue Act was promulgated). It is under these rules that when permission for transfer is applied for, a fee of 25 per cent. of the consideration (or 12½ times the rental, formerly 33 times) is levied if the transfer is by sale or gift. In the case of sales, the State itself puts the holdings to auction. The fee is justified on the ground that the Durbar has the proprietary right over the land but in practice the State allots wastelands on payment of a *nazarana* or premium and vacant holdings are disposed of by auction. Assuming that a ryot purchases a holding at an auction and later wishes to transfer the land, the State would appropriate 25 per cent. of the consideration the purchaser would be willing to pay for it and this would be a loss to the seller. In the case of wasteland the value the land acquires on being cultivated by the ryot is all put there by the ryot who has paid a nazrana as well. The consent money of 25 per cent. charged is in addition to stamp duty and registration fees and proclamation fees of Rs. 2 in addition to *amin* fees.

No fees seem to be levied on mortgages which are said to be all usufructuary. There is nothing in the *wajib-ul-arz* or rules to this effect.

Incidentally, the wajib-ul-arz provides for the settlement of vacant holdings by the *thekedar* with the sanction of the State but in practice the State itself makes the allotment by auction. Reallotment in the case of aboriginal holdings is supposed to be made with aboriginals but the allotment of wasteland by the *gaontia* is not referred to the State and no correction is made in the settlement records till the next settlement. The rent on this land is appropriated by the *thekedar* according to the provisions of the *wajib-ul-arz*. Permission of the State is sought only when lands of the type of the *jalchar* or forest are required for cultivation. The lands are required to be held rent free for the first three years and at half the settlement rent for the period of the settlement; a fee or *nazrana* is not permitted. It is unlikely that either of these provisions is followed in practice where land has value; the State itself levies a *nazrana*. (The *thekedar* is also prohibited under the *wajib-ul-arz* from levying a *nazrana* on resettlement of vacant holdings but now the State actually auctions such holdings.) The 1937 settlement report mentions that some *thekedars* were receiving *nazrana* for help in effecting transfers contrary to the rules.

When transfer of land by inheritance takes place it is left to the *thekedar* to levy the rent from the new holder; in case of transfers requiring the sanction of the State such as sale, the *thekedar* is asked whether he has no objection and he is also intimated of the transfer specially; the *thekedar* can object to

Digitized Odisha Revenue Laws – Volume 15 · Page 368 Odisha

a sale or mortgage under the rules but must prove his objection. *Thekedars*, in some cases I saw, objected to sales. This offers an opportunity for the *thekedars* also to levy some consent money. In one case, the applicant was asked to bring the *thekedar* who refused to come and the applicant had to pay for a special summons. One of the grievances which the local pleader put forward before me was the delay in these cases in sanctioning a sale. Cases examined by me show that this complaint is justified.

Under the 1935 rules, 100 times the rent was considered a fair consideration for the purpose of the consent money but this was reduced to fifty times in 1936-37. The transferor is required to prove that he has enough land left for himself and in 1941 Rs. 6 was prescribed as the minimum rental of land to be left with the transferor.

All ryots have parchas which may be regarded as an extract of the khatian concerning his own holding, showing the area, rent etc. *Rasid-bahis* of the Central Provinces type are issued to the tenants. The new *bahis* cost only 0-1-0 and contain 13 leaves. The *thekedar* has to give a receipt but no penalty is prescribed.

12. There are 15 species of trees mentioned as prohibited in the State. Ryots can cut unreserved species on their holdings without permission, but for reserved species permission is necessary and a fee is charged, or the timber is appropriated by the forest department. Ryots enjoy the fruits of trees on their holdings as well as on the wasteland. The right to trees on holdings and wastelands planted by a ryot is with the planter. Though it many appear that the mere taking of permission is no hardship, in nearly all cases I saw of applications for permission, the applicants had to pay for petition paper and writing the petition and court fee stamps from two annas to twelve annas had been attached on some petitions. The trees were mostly dry and useless trees and to get rid of them the applicant had to incur expenses as well as to proceed to headquarters.

13. Ryots and *thekedars* can excavate water reservoirs in their lands. If such reservoirs are recorded against their names in the settlement records, they are held rent free for the period of the settlement after which they become public lands; for the period of the settlement the ryot has the absolute right to the water.

14. *Thekedars* have the right to allot homestead lands to ryots and other residents of the State. It is not stated whether a rent or *nazrana* may or may not be levied. Non-agriculturists are not shown in the records as holding their homestead lands but the land is recorded as State land with a note about the occupant in the remarks column. In practice homestead lands are held free of rent.

15. There are *sukhbasis* who pay a 'chulapatti' of four annas each for fuel they get, in addition to a tax upon their professions, if any. *Sukhbasis* who own ploughs and cattle pay a rate of one rupee per plough in addition to the grazing fees.

16. Regarding *bethi* the Ruler issued a proclamation in 1937 that *bethi* for roads could not be abolished for road maintenance until the consequent extra expenditure could be met but all other *bethi* required by the State was discontinued and the State officials would not be entitled to any *bethi* for personal use. Some main roads were ordered to be maintained by the State Public Works Department. The position now in this respect is that ryots have to render bethi for the cultivation of *khamar* or *bhogra* land of the various tenureholders and *thekedars* with one plough and pair for a day and a day's *bethi* for harvesting; this *bethi* may be taken within three miles of the village.

Ryots have to maintain the cart track along the main road on which they are not permitted to ply their carts even outside the village limits. They are expected to look after the road-side trees and water them, but if they die the State takes the timber. If the trees die, the ryots have to plant new ones. The ryots are entitled only to the fruits of these trees and not the timber. The position regarding *bethi* for State servants is obscure as the clauses regarding it have not been specially deleted. In some zamindari villages thatching grass and repairing the home of the zamindar has been provided for. The clause of the *wajib-ul-arz* regarding *magans* has been deleted.

Shikar bethi is still levied; if a tiger is shot some payment is made which when distributed comes to one or two pice each according to the villagers. On this *bethi*, villagers are employed for one to four days a year. The road *bethi*

Digitized Odisha Revenue Laws – Volume 15 · Page 369 Odisha

has been distributed according to rents. Many ryots have to employ *halias* for rendering this *bethi*.

17. Fisheries in the rivers and nullahs are leased out but not from tanks. Though no charge is made for the water taken from the tanks, a special rate is charged for the lands irrigated by this water. There is a proposal to lease the fisheries from the tanks as well. Pisciculture has been started in six of the tanks in the Balangir. No fee is charged for minor minerals taken for their own use by ryots.

18. In respect of acquisition of land an Act has recently been passed and it is very similar to the Land Acquisition Act except that the compensation for compulsory acquisition has been reduced from 15 per cent. to 5 per cent. The Act has not yet been given effect.

In a case of 1936 I saw, land required for a dairy farm was acquired. Notice was issued to the holders to cease cultivation and file objections, if any. After a considerable time, it was decided that certain plots should not be acquired and these were released; the cultivators must have been put to considerable trouble on account of this procedure. Compensation was offered at 20 times the revenue but the objectors said this was inadequate and wanted land in exchange which request was not granted. (The standard fixed by the State in cases of transfer as fair consideration is fifty times the land revenue see para. 11; it was 100 times once.)

19. Holdings of aboriginals are supposed to be settled with aboriginals as far as possible but no serious attempts seem to be made to observe this procedure. In a case I saw, in which the land was auctioned, the sub-divisional officer wrote that no aboriginal came forward to take the land; an aboriginal would have no chance in an auction if he did come forward. In another case the statement of the agent of the *thekedar* that he could not find an aboriginal was considered adequate. I saw another case also in which an aboriginal wanted to sell his land and an aboriginal candidate appeared but was unable to pay the amount of Rs. 400 and Rs. 100 *nazrana* which was fixed for the land. After the case had dragged on for about six months and considerable expense had been incurred by the would-be vendor, it was filed as the purchaser absented himself.

VILLAGE HEADMEN

The thekedar or lessee of a village holds under a *kabuliat* executed by him. This and the *wajib-ul-arz* of the State were the only documents binding on him till the 1940 Revenue Act was ushered in. Under this Act the *thekedar* is defined as a person who has accepted the assessment of the village but in Chapter XI he is shown as a village servant; he is also included in the definition of a tenure holder along with zamindars and *khorakposhakdars*. Though certain conditions regarding his tenure are entered in the *kabuliat*, there are the same or similar conditions in the Act; the position is somewhat involved. The Act should have superseded all the kabuliats and other rules but has really been super-imposed on them.

Under the *kabuliat* the thekedar holds for a period of 15 years or till the next settlement. The tenure can be inherited only during the currency of a settlement, is impartible and cannot be transferred in any way. Only one person can inherit a *theka*. Unlike Khairagarh and other States the rule does not ban inheritance through female heirs; adoption also seems to be recognised. The *thekedar* holds *bhogra* land which is defined in the Act as land allotted in lieu of remuneration; surrendered and abandoned lands held by the thekedar and land broken from waste without proper authority is also regarded as *bhogra* (Patna is the only State in the Chhattisgarh Agency where the *thekedar* needs permission to break waste on his own behalf). Actually the remuneration of the *thekedar* is reckoned as a pecentage (20 per cent.) of the total assets of the village and if there were no *bhogra* lands in the village this is what he would get; where there is *bhogra* the *thekedar* is supposed to get the income from the lands as well as they are not considered to belong to him even if he broke them from the waste and may have held them for generations.

The *bhogra* of the *thekedar* seems to be a very vexed question. Where the thekedar has held for generations there are "cosharers" in the bhogra who claim a share of other village "profits" as well and there is frequent litigation between cosharers and *thekedars* about these. In 1937, a note was inserted in the *wajib-ul-arz* that a cosharer could not have any rights in a village except in the *bhogra* lands of the village. This seems to have caused several disputes and in 1940 a notification was issued replacing the note by another which

Digitized Odisha Revenue Laws – Volume 15 · Page 370 Odisha

made the share in the *bhogra* obtainable by "amicable arrangement only". In respect of profits from *bhogra* lands anyway cosharers not in possession of *bhogra* were given rights to a share of 13 pice per rupee and the thekedar was given the right to recover 13 pice per rupee of the rental value of the *bhogra* held by the cosharers, a rather involved arrangement; this clause was to be subject to any private agreement; the rental of excess *bhogra* (cf. 20 per cent. rule) was to be deducted and drawback for deficit added to the rental value in calculating the share. In the Act however there is a simple note which says that private arrangement may be made in respect of *bhogra* which will not be enforced by revenue courts. Difficulties about *bhogra* are not peculiar to this State and may be found wherever the system exists. They can be eliminated only by the grant of ryoti rights.

All *thekedari* leases (including zamindaris) are issued by the State. There are certain *thekedars* who appear to have created subleases known now as *shikmi thekedars* the lessors being known as *asli thekedars*. The State issues the leases or patta of *shikmi thekedars* also. The *asli thekedars* have no right to nominate the *shikmi thekedars*. New *salami thekas* are not permitted now. No extra remuneration is allowed in villages with *asli* and *shikmi thekedars* and there is only a division of 20 per cent. drawback between the two according to private arrangements. Whenever a *shikmi theka* falls vacant it is resumed and similarly if the *asli theka* falls vacant it ceases to exist.

In the case of default the *asli thekedar* is proceeded against in the first instance. The *asli thekedar* has to file an application against the *shikmi thekedar* for recovery. Applications are entertained direct against *shikmi thekedars* if the *asli thekedar* applies.

There is one village in which there are two *thekedars*, the patta being issued jointly. There is no partition except of the *bhogra*. There are instances of *thekedars* holding more than one village. The maximum number of villages held by a *thekedar* is 5. In *thekedari* succession cases if the *thekedar* holds more than one village resettlement may be made separately in the name of two sons. Similarly cases are known of a *thekedar* surrendering his village on account of old age. Surrender in favour of specified persons is not known; if a village is auctioned, preference is said to be given to cosharers.

On two occasions in a year *thekedars* (and *muafidars*) have to appear before the Maharaja and offer a *tika* of one per cent. of the revenue of the village on each occasion. Besides this, once a year they have to present certain commodities like rice, ghee, vegetables etc., to the Maharaja. These are prescribed in the *wajib-ul-arz*.

When a *thekedari* falls vacant by reason of eviction or surrender, it is disposed of by auction. In the case of a zamindari village falling vacant by eviction or similar cause, the zamindar nominates a *thekedar*. *Umrao's* and *khorposhdars* also have the right of nomination. In the case of aboriginal *thekedars* preference is given to aboriginals.

Mutation fees in *thekedari* cases are charged at the rate of 4 annas per Rs. 100 of land revenue including fractions which are taken as Rs. 100. Mutation applications bear a court fee of annas 12. No other nazrana or fees are said to be levied when a mutation is sanctioned. The levy of mutation fees is not prescribed in the Land Revenue Act and no standing order or rule could be produced either at the time of my visit.

RECOVERY OF LAND REVENUE

Land revenue is payable in two instalments on the 15th January and 15 March by *thekedars*. In villages with *asli* and *shikmi thekedars*, the *asli thekedar* is proceeded against for recovery in the first instance, the *asli thekedar* being left to apply for recovery from the *shikmi thekedar*. The Land Revenue Act provides for settlement with both *asli* and *shikmi thekedars* but it is not clear if this was done at the last settlement. In respect of *Umraos* the position is more obscure as the Act requires him "to pay the land revenue and cesses assessed on him", the *kabulidt* however states "I shall realise the revenue and cesses payable by the thekedars"; the *umrao* cannot, strictly speaking, be ejected under the *kabuliat* for not paying the land revenue but the Act provides that he may be ejected for failure to pay the demand "legally payable by him.". Cases I have seen show that the umrao is held responsible for the revenue of all his villages.

The Land Revenue Act does not state clearly which of the three, the *umrao*, the *thekedar* or the *shikmi thekedar* should be proceeded against first. Arrears may be recovered by arrest and detention, by sale of movable or immovable

Digitized Odisha Revenue Laws – Volume 15 · Page 371 Odisha

property or by ejectment from the village or tenure, As already stated, no property is exempt from attachment. Immovable and movable property may be attached and sold in the manner prescribed in the Civil Procedure Code in the absence of special rules. Tenureholders including the *thekedar* may either institute a suit or make an application for recovery, in which event, recovery is made by issue of the same process as in the case of an arrear payable to the State.

Interest is levied on arrears at 2 pies per month, that is 12½ per cent Collection of land revenue during the last ten years has been poor in some years after the last settlement and the number of cases started against thekedars and ryots shows a sharp increase since the settlement. For example for the years 1931 to 1935 the average number of cases per year was 31 while for the years from 1935 to 1940-41 it is 130 against thekedars. Against ryots the former figure is 165 while the second one is nearly 557.

Nazranas realised on sales of land are credited under head "Personal Deposit Maharaja"; they seem to be regarded as personal income of the Ruler and not as land revenue.

CESSES

The cesses current in the State are (1) school and dispensary cess at two annas per rupee, (2) patwari cess at one anna per rupee (3) *rasad jama* cess (village improvement cess) at one anna per rupee and (4) *parbaparbani* cess at one anna per rupee. There is a *nistar* cess but it may be looked upon as a commutation fee and is therefore dealt with separately under forests. The first cess was imposed at one anna per rupee in 1885 by Mr. F. C. Berry to meet the expenditure on schools and dispensaries. The patwari cess was first imposed at the settlement of 1896. The *parbaparbani* cess is a religious cess and was imposed in 1915 with the nistar cess. The *rasad jama* cess was imposed in 1935 and though first appropriated by the State, is for the last three years being given to village panchayats for village improvement and is called "improvement cess." As its name implies it was imposed in lieu of rasads levied.

As already stated no limit is placed under the Land Revenue Act to the cesses which may be levied. The Act prescribes two kinds of cesses viz , public cesses and village cesses. The public cesses "shall ordinarily be the patwari, school and dispensary and parbaparbani cesses." Village cesses are cesses recognised by custom approved by the Government. The "improvement cess" is classed as a "village cess." The object of the patwari cess, as its name implies, was clearly to maintain a patwari staff on the Central Province system but at present there is no patwari system in the State and the cess is now shown as being levied to meet the cost of the settlement; the *parbaparbani* cess is a religious cess for the purpose of meeting costs of religious ceremonies. It is actually credited to the head "P. D. *Debottar*" which seems to stand for personal deposit in the *debottar* account. The cess is levied in tenureholders' villages also and they are entitled to keep half the amount for religious ceremonies to be performed in their areas The total cesses apart from the *nistar* cess amounts to five annas in the rupee, a surcharge of nearly 33 per cent. on the land revenue, if the *nistar* cess is included the percentage will be over forty. The levy of a religious cess in addition to one for the cost of settlement is probably unprecedented even in these States; the settlement provides an increase of revenue by itself, and the imposition of a cess for this amounts to making the cultivator, pay in order to levy higher payments from him. The net expenses of the settlement are shown as 2.6 lakhs whereas the patwari cess at Rs. 30,000 a year will bring no less than 4.5 lakhs in 15 years. In the villages I visited, people said they derived no advantage from the parbaparbani cess. Funds for religious purposes should, I think, be a matter of voluntary contributions and not an imposition to be recovered by coercive process.

In villages I visited the '*rasad* cess' was certainly not popular. In many villages the amount collected, even in several years would be quite inadequate to make any improvement in the village. The whole scheme really seems to be little more than an attempt to reduce the number of cesses shown under land revenue.

Thekedars and others have to pay the patwari cess at one anna per rupee on the bhogra lands.

REMISSION OR SUSPENSION OF LAND REVENUE

24. During the last 10 years, relief was granted in 1938-39, 1940-41 and 1941-42. The remission and suspension of 1938-39 was the first of its kind. In 1941-42 there has been only suspension. The remission or suspension was

Digitized Odisha Revenue Laws – Volume 15 · Page 372 Odisha

granted on account of partial failure of crops in certain parts of the State, the basis adopted being that of crops being below 6 annas in outturn. No definite principles have been laid down but the question is discussed at a meeting of the cabinet if the crop is below 6 annas.

In 1938-39 remissions were given to individual tenants and there was no definite basis applicable to all the villages. Suspensions were also granted in some villages. In 1940-41 remission was granted on the following scale, i.e., paddy crop less than 2 annas and rabi crop unsatisfactory 40 per cent., rabi crop satisfactory 20 per cent., outturn 2 to 4 annas, rabi crop unsatisfactory 20 per cent., rabi crop fairly satisfactory 12½ per cent outturn 4 to 6 annas suspension of 50 per cent. to be recovered in 3 years including the current year, outturn 6 to 8 annas suspension 50 per cent. to be recovered in two years including the current year. These figures can hardly be called liberal. With a paddy crop less than 2 annas and rabi crop unsatisfactory the cultivator can pay land revenue only out of wages or by borrowing. Many cultivators do not sow any rabi crops.

In 1942 only suspension has been granted at the rate of 33 per cent. in villages with paddy outturn estimate at 6 to 7 annas, 60 per cent. where the outturn is 5 annas.

LOANS

25. Agricultural loans are not granted but loans are given for irrigation projects. Loans are granted from the *kham* granaries; the rate of interest charged is 25 per cent.

VILLAGE SERVANTS

26. Apart from the thekedars who are lessees, tenureholders and village servants all in one, the other village servants are the chowkidar, and *nariha* or waterman. The village servants all hold jagir lands. The chowkidars are entitled to hold land of Rs. 6 rental value revenue free. Their jagir lands in excess of this value are assessed. In most villages there is a *jhankar* who is a sort of assistant to the *thekedars*. This *jhankar* is not mentioned in the Land Revenue Act. In addition to muafi lands. the chowkidar and *jhankar* get some grain from every ryot and *gaontias* also pay this contribution. The ryots have to contribute towards the cost of the dress of chowkidar and *jhankar* every three years; the sum paid comes to Rs. 8 or 9 and is distributed among the villagers according to rental payments.

The *nariha* renders no service to the villagers and attends on officers.

FORESTS

27. Mr. Mooney is the Forest Adviser. There is a working plan and rules. (In his note of 1941 the Forest Adviser pointed out that there were no rules and suggested that they should be formed immediately: there are rules of 1928 which were probably unknown and unseen). The rules do not contain any provisions regarding the considerations on which reservation of forests may be made. There are 'A' and 'B' class reserves which have been fully demarcated. The village forest consists of areas other than A and B class reserve but the wasteland of the village is divided into *thekedari* wasteland and the State wasteland, and these are not included in the village forest. This is an innovation and is not contained in the forest rules.

At present there are 10 reserved species and the reservation extends to all portions of the State including cultivated areas. Under the forest rules the reservation of species extends only to village and protected forests. Cultivators can cut trees on their holdings and a fee is charged which is said to be one fourth of the royalty chargeable under the forest rules. The comments of the Settlement Officer of 1937 are worth quoting as they indicate how far rules are observed in the States: "Although the Forest Rules allow the ryots to cut down trees of any species standing on their cultivated and assessed lands*** in the interest of cultivation, the Forest Department has been very stringent in not allowing this privilege to the ryots with the result that large areas of lands*** get converted into jungles."

No fruit tree or any tree which is useful as a shelter for cattle can be cut by a cultivator on his holding without the permission of the State.

Forest boundary lines are kept clear by engagement of coolies. Formerly there used to be a system of paying the villagers so much per mile to keep the lines clear but since the abolition of bethi this system has been modified.

A nistar cess is levied and it is calculated according to the distance of the village from the forest. It is further levied at different rates according to the

Digitized Odisha Revenue Laws – Volume 15 · Page 373 Odisha

class of land *i. e.*; dry or wet lands. The rates are two annas per acre on paddy fields and one anna per acre of *at* or dry lands in villages which are 5 miles of paddy fields and half anna per acre on *at* lands at a distance of five miles but within 10 miles; ½ anna per acre of paddy fields and ¼ anna per acre of *at* lands above 10 miles. The rates are the same for all areas including kondhan and bhinjal areas. By a proclamation in 1939 the nistar cess was made optional. Nistar payers can obtain only unprohibited species. On prohibited species the royalty payable was reduced.

29. In 1939 grazing fees were abolished in about 400 villages which had no village forest within three miles and were paying grazing fees for nothing. Grazing fees have to be paid wherever cattle are grazed.

30. Composition of forest offences is made by the forest officer, who has got full powers in this respect.

31. Shifting cultivation is practised in one village of about 300 acres This village is called Dudung and some wild kondhs were brought here specially by the Maharaja a long time ago on account of their special dances. The village is situated on the border of Ganjam. The rental of this village is Rs. 1/4/0 fixed at settlement. Settlement records show definitely areas on which assessment has been made. The total ryoti rentals add up to Rs. 1/8/0. Cesses are also levied. The *thekedar* has no *bhogra*. This village is shown under a *khorposhakdar, umrao* and *thekedar*.

MONOPOLIES

32. Monopolies are harra, kendu, char, gum, khair, sonari bark, sabai grass (mahua seed abolished since 1939). Lac is collected and sold departmentally. The cultivators get rates which seem rather low. The monopolies extend to the entire area of the State. The contractor, in the case of kendu, collects the leaves through coolies and also through cultivators as well. The contractor has the sole right to collect and export as well as the sole right to sell *bidis*; rates are fixed in respect of sale of bidis in the lease but no mention is made of any payments to cultivators for the leaves. The lease in respect of harra is similar. In practice the contractors, as in the case of other States, seem to pay some labour charges. These monopolies are a grievance of cultivators as they are not entitled to benefit from the produce of their holdings.

There is a monopoly of hides and skins, and skins of animals dying in the village are taken by the chowkidar and sold to the *thekedar*, the owner of the animal getting nothing. This is another grievance of the ryots who want to be able to retain the skins of their animals.

Mahua flowers have to be sold for a period of one month, if any person wishes to sell, to the excise contractor only.

CROP PROTECTION

33. There are separate rules regarding shooting of animals issued by the Shikarkana department in protection of crops. In a proclamation dated 2nd April 1939 the Ruler declared that permission would be granted for the destruction of wild animals entering fields and damaging the crops and that the procedure to be followed in filing applications would be notified separately. No such notification had been issued till the time of my visit in 1942. From enquiry in the villages I found that many villagers were not aware of any relaxation in the rules; a *jhankar* who hod a gun licence for crop protection said that he could kill only 6 pigs and no other animals. This number is apparently entered in his permit.

There were 158 gun licences issued for crop pretection. The issue and renewal fee is one rupee. The number of licences seems small.

ORGANISATION

34. The revenue organisation consists of the Maharaja who is the highest authority and passes orders in certain cases like the appointment and removal of *thekedars*, abatement of rent in land acquisition and other cases, etc, and hears appeals from the orders of the Revenue Minister who is the next authority; there are three sub-divisions in the State each under a sub-divisional officer and a tahsildar. In the headquarters sub-division there is a naib-tahsildar also.

Tahsildars generally enquire into revenue cases and dispose of some rent cases. They have magisterial and civil work as well. The sub-divisional officers have also criminal and civil judicial work.

Digitized Odisha Revenue Laws – Volume 15 · Page 374 Odisha

There are no patwaris in the State. The tahsildar at sadar works as Superintendent of Land Records in addition to his own duties. He maintains the Settlement records and makes corrections in them.

The total cost of the revenue and land records establishment (the officers of which do a lot of judicial work) comes to about Rs. 20,000 against a land revenue, excluding cesses, of 1.60 lakhs and a total revenue of nearly 12 lakhs.

All land records are kept at sadar. There are registers of records deposited in the record room and cases are deposited according to villages but not according to subject-matter.

MISCELLANEOUS

In the case of registration, the Indian Registration Act and Manual are followed and for stamps Bihar and Orissa Manual with schedule is followed. These acts have not been promulgated but are followed for guidance.

Petition-writers are said to be examined before appointment. There seem to be no rules but the charges for writing out ordinary revenue petitions and adjournment petitions have been fixed by the State at four annas and two annas per petition respectively.

The cost of petition paper is six pies.

There are four nazul areas and these have been separated from the thekedari areas—Titilagarh. Patnagarh Balangir and Kantabhanji. Nazul is defined as immovable property belonging to the State paying or liable to pay ground rent; the rules are of 1922 and no rules have been made under the Land Revenue Act of 1940 which makes no mention of nazul except that the settlement officer may have to proceed in respect of town areas in a manner different from ordinary rural areas. Lands in these areas are disposed of by auction usually but may be let on a fixed premium in certain quarters; plots are granted on leases renewable in perpetuity at intervals corresponding to settlements. Ground rents are leviable at one anna per rupee of the premium on lands of the more value classes and at 2 annas per rupee of the less valuable classes. Transfer of nazul lands requires sanction and a transfer fee of 5 per cent. of the consideration or five times the annual rent (compare ryoti lands) is payable. Separate survey and maps of nazul areas have been made in all the four cases.

Kantabhanji and Titilagarh nazuls were demarcated at the last settlement and Patnagarh in the subsequent year. Patnagarh was a kham village and Titilagarh and Kantabhanji were *thekedari* villages.

There has been no serious agitation in the State. In 1938 certain representations were made to the Maharaja regarding grievances and reforms announced seem to have prevented further developments.

RAIGARH STATE

REVENUE HISTORY AND SETTLEMENTS

This State more than any other in the Chhattisgarh Agency May be described as the strong hold of the *gaontia* system. According to the Gazetteer, in former times, the revenue of each village used to be settled in a lump sum, roughly estimated by a panchayat consisting of *gaontias* and a State official. The whole of the ryoti lands were split up into holdings called 'khuntis' for the fair distribution of the State demand. Each holding was given a relative value based upon its seed capacity. The bhogra of the *gaontia* was held revenue free and there was no rule placing any limitation upon its area.

Originally annual settlements seem to have been made with the *gaontias* but later leases were for 3 years and *nazarana* was recovered on renewal. *Nazaranas* were levied from gaontias on account of their *bhogra* but the greater part of this was recovered by the gaontias from the ryots. The system being abused was abolished in 1882. Revenue was originally payable in cowries but in 1869 cash payment of three fourths of the amount payable in cowries was introduced. *Tandkhars* were appointed to collect the revenue and were responsible for reporting to the Raja the condition of the villages under their jurisdiction for the purpose of enhancing or reducing the revenue demand, a cess being levied for their remuneration. One-fourth of the total revenue of each village was paid in kind. For the use of the Raja's family various cesses and tikas used to be recovered.

In 1885 after the State was taken under government management a settlement similar to that made in Bamra was ordered. This settlement was made

Digitized Odisha Revenue Laws – Volume 15 · Page 375 Odisha

on the system prevalent in Orissa of measuring lands with a bamboo 10 ft. 5½ in. long. Villages were divided into 4 classes according to their fertility and general condition and soils were classified according to quality and position. The average land rate seems to have been worked out from the rate per khandi seed capacity.

In 1891 a cadastral survey and settlement based on the soil unit system of the Central Provinces was made for 10 years. The gaontias were allowed from 20 to 30 per cent. of the village assets for their remuneration. In 1906 a revised settlement in summary form was made for 12 years.

The current settlement was made in 1924-26 by parganas, the term being 15 years. This has been extended to 1945 now. It was made on the soil unit system used at the 1891 settlement. The whole state has been surveyed by plane table and chian except 69 villages in the jungly area which have been settled on the *masahat* system. The 1924-26 settlement does not mention the zamindaris though these were also settled at the same time. No other settlement reports are available.

The settlement records are the usual *khesra* with name of the gaontia as village holder, jamabandi and subsidiary papers. There is no *siwai* income and the village assets consists only of rents and rental value of home-farm. The gaontias get about 25 per cent. of the village assets as remuneration; some have been allowed slightly more and some less.

For masahat villages rough maps have been prepared. New cultivation since settlement has been indicated roughly in red ink. Traverse has been made in these villages but no cadastral survey. Stones are said to have been fixed on the spot.

ZAMINDARI AND OTHER TENURES

There are seven zamindaris but no sanad is available. The zamindaris are not compact areas and consist mostly of scattered villages. The zamindari villages were settled by the State the cost being recovered from the zamindars.

In all the zamindaris the gaontiahi *patta* is issued by the Ruling Chief at settlement and is the same *patta* as in the khalsa portion, the only difference being that the gaontia is required to pay the rent to the zamindar. The zamindars fix up the theka of a zamindari village if during a settlement a village is surrendered by a gaontia or falls 'vacant' for other reasons by a registered agreement. On the basis of this agreement which makes the wajib-ul arz of the State binding on him the gaontia applies for mutation which is sanctionod. The *nazarana* levied on the occasion is appropriated by the zamindar and the State does not interfere with the appointment. I saw two cases which showed that zamindars sometimes appoint 'sikmi gaontias' of villages held by them but these are not entitled to *pattas*.

In a mutation case of a gaontia of the Tispalli zamindari the case was sent to the zamindarin for 'enquiry and report'. A proclamation was issued and the moharrir of the zamindarin made an enquiry and recorded statements. A report was then sent to the Ruling Chief who sanctioned the mutation, the fee being credited to the treasury. There is no record of any *nazarana* paid to the zamindarin.

At present there are shikmi gaontias in two zamindari villages. The zamindar Mugdega holds five state *masahat* villages as gaontia and has created shikmi gaontias in these villages. These are not recognised by the State.

The zamindars pay takoli which is determined at settlement and liable to alteration but it is not a definite percentage of the income of the zamindaris. The zamindars have no right to minerals and only the Tispalli zamindar has forest rights which he enjoys fully but the forest is under the control of the State.

In 1939 the zamindarin of Tispalli applied for permission to lease out a lime-stone quarry for 3 years saying that the stone was being sold every year through licence. It was ordered that following British Indian practice the right should not be granted and this was communicated. The zamindarin applied again and the Forest Officer refused. It is doubtful if the zamindarin has finally accepted this position.

Zamindars have to apply for mutation in the same way as gaontias. In the case of Tarapur estate, the zamindar was asked to pay 25 per cnet. of the land revenue as mutation fee which was the rate formerly applicable to

Digitized by Odisha Revenue Laws – Volume 15 · Page 376 Odisha

gaontias. The existing rule was silent on the point of zamindari mutation. (Other cases seen indicate the levy of a *nazarana* in addition to mutation fees.)

Apart from the zamindaris there are villages granted for various purposes such as the maintenance of temples maintenance of individuals and so on. Forty villages have been granted to various temples in the State and some outside at Allahabad and Puri. The villages are managed by the gaontias recognised by the State. They realise rent from the ryots and pay the *kamil jama* fixed at settlement to the grantee. The ryots have the same status as in the case of ordinary gaontiahi villages. There is practically no control over the expenditure of the funds from these grants.

There are certain villages held by the Ruler and Rani saheba as 'khamar' for which there is no sanad or deed of grant. They are recorded in the village jamabandi with the name of the Ruler shown in the column for khamar. Five of these villages were made *khamar* since the last settlement between 1933 and 1939. Most of them (7) pay a portion of the revenue as cess but in others nothing is paid to the State. There are no conditions regarding resumption or liability to assessment or quit rent on these grants. The *sir* lands of such villages are usually leased out to cultivators on temporary leases.

Other grants of villages are religious and charitable grants, grants for maintenance and service grants. In some cases the nature of the grants is not known and actually there are grants shown as service grants but it is not known for what service the grants are held. There are several service grants of whole villages the purpose of which is shown as 'service as cook' for washing clothes of Raj family, for carrying bones of deceased member of the Raj family and so on. Some of the villages are held as half-muafi that is a quit rent of half the revenue. All the muafi villages including the temple grants pay a 'cess' to the State which practically amounts to the levy of a rent.

In muafi villages there are thekedars appointed by the State and vacancies are filled by auction as in other villages. In some villages the muafidar himself holds the village as gaontia. The muafi villages yield an income of nearly Rs. 9,000 from the land revenue to the muafidars and the *khama* villages an income of Rs. 4,300.

A list of holdings held rent free is not available. Mostly these consist of 'service grants' held by village servants.

THE RYOTI TENURE

The revenue law of the State consists of the wajib-ul-arz a document prepared at the settlement and binding on the gaontias for the period of the settlement as agreed upon in the *kabuliyat* executed by them.

The rights of a ryot in his holding are briefly continuous possession subject to payment of rent, inheritance only to male heirs in the direct line and joint collaterals. Sub lease for more than a year requires the consent of the gaontia and he has no power of transfer in any other way and the gaontia or heir who would inherit can claim the land if it is transferred. Transfer of land however takes place freely by the farcical process of surrender and reallotment by the gaontia. The documents I have examined show that the surrender and reallotment are both recorded in a single document and only the signature of the gaontia is necessary as otherwise the gaontia can apply for possession of the land. For his connivance at this transfer the gaontia levies a fee which is generally 25 per cent. of the consideration. The practice is a well known one, and is said to have existed since the time of the previous Ruler. So well-known is it that in a case (of Porena village) pressure was brought to bear on a gaontia to give his consent by the Revenue Officer. In these cases of transfer co-sharers of the gaontia some times claim the right to object to a transfer as their signature was not taken and disputes arise. The State levies a fee of Rs. 5 per cent. in the guise of registration fees and fees for the issue of a new *patta*. These fees are apart from stamp duty.

Waste land in the village is allotted by the gaontia who has also the disposal of land surrendered or abandoned or for which there are no heirs left under the rule of succession. There seems to be considerable feeling against the rule of succession as unmarried daughters are often left without maintenance and the land passes to the gaontia. Adoption is not permitted unless specially permitted by the Ruling Chief and this naturally entails expense.

Digitized by Odisha Revenue Laws – Volume 15 · Page 377 Odisha

There is no clause in the Raigarh wajib-ul-arz forbidding the levy of nazarana. Nazarana is believed to be levied even when village sites are allotted for residential purposes. (I was able to verify this in a zamindari village I visited.)

All ryots including those in the masahat villages have parchas and rent may not be enhanced during the currency of the settlement unless the gaontia has effected an improvement. Receipts are given in *rasid-bahis* which are purchased at annas six from the State which means that the State derives an appreciable profit.

A ryot or other resident of a village is entitled to a house site and threshing floor free of rent. Ryoti rights do not accrue in respect of *baris*. A ryot ejected from his holding does not lose his house site thereby. If he leaves the village the material of the house may be disposed of by him.

The clause in the wajib-ul-arz about acquisition of land is the same as in the Khairagarh wajib-ul-arz. Cases of acquisition arising in 1941 however have been dealt with on the principles of the Land Acquisition Act. In a case of 1929 land was acquired for the construction of a mill by some marwaris, obviously not a public purpose. The persons affected were paid a compensation of Rs. 256 but actually it is on record that the marwaris first offered Rs. 500 and undoubtedly much more was taken from them. The aggrieved persons appealed to the Political Agent but unfortunately the appeal failed. I have seen two other cases one of Village Urdana of 1939-40 and the other of Pakargaon of probably 1938. In both cases no compensation was paid and only at the time of my visit had the cases been reported for compensation (the State is under financial control) to the Political Agent for orders. In the latter case where the land was acquired for the construction of a palace even the rent had not been remitted.

In "open" villages with little or no forest, grazing in village waste is allowed free but in the villages where there are substantial forests villagers must commute. Village or grami forest can be allotted by the gaontia for cultivation but notice to the Tahsildar is necessary before clearance as all timber over 2 ft. in girth is the property of the State. 11 species of trees are declared reserved in the *grami* forest. Nistar in "open" villages cannot be taken in the case of green trees without the permission of the gaontia and trees over 2 ft. girth have to be paid for. For villagers who pay commutation dues free grazing is allowed in *grami* forest. In the zamindari village of Tarpalli I was told that a fee had to be paid to the gaontia for mahua picked up from waste land.

On their own holdings and homesteads "existing rights" in trees continue. Planted trees belong to the ryot who plants them; planting of trees in waste land or on another ryot's holding requires the consent of the gaontia or ryot. Unreserved trees of spontaneous growth may be taken by ryots if on their holdings. Cutting of prohibited timber requires permission though in the case of planted trees the timber belongs to the ryot.

The produce of harra and behera trees are the property of the State even if they are on ryoti holdings. The wajib-ul-arz prescribes reservation only in forest and village waste and the application of the reservation, to holdings is a contradiction.

Rights in tanks and dabris are practically the same as in Sakti.

Ryots are charged a fee for the removal of sand murram gravel, etc., in cart and *kawar* loads. Stones for building purposes are given to them at half rates.

Hides and horns of animals dying in the village belong to the owner who is however bound to make necessary arrangements for its disposal. If he does not make arrangements the carcase will be disposed of by the kotwar who will then be entitled to the hide and horns. The hide and horns may not be sold for export except to the contractor.

Ryots have to render begar for officials and the gaontia. The gaontia is entitled to the use of one plough and pair and a plough servant or begari for one day at the time of sowing and similarly in harvesting the crop, the ryot has to work for one day with a sickle; in default the gaontia gets six annas for the plough and three annas for the sickle. The same begar has to be

Digitized Odisha Revenue Laws – Volume 15 · Page 378 Odisha

rendered in *khamar* villages. Ryots are required to assist the gaontia in maintaining the *gudi* or village rest house. Occasional begar seems to be taken for other purposes as well.

VILLAGE HEADMEN

Practically all villages in the State are managed by gaontias or thekedars. There are 12 villages in the khalsa out of 639 in which there are no thekedars but these are mostly *khamar* or *muafi* villages. *Khamar* or zamindari *kham* villages (16 villages) are managed directly by the holders thereof and there are no thekedars. The gaontias are given a patta for 15 years and execute a *kabuliyat* agreeing to pay the revenue assessed and binding themselves to observe the wajib-ul-arz. Generally there is only one gaontia in a village (including zamindars) but in one village in the State two gaontias have been recorded jointly.

There was a recent case (1939) in which a village was auctioned and three persons offered a joint bid of Rs. 35,000 on condition that the village was divided into three shares. This was contrary to the wajib-ul-arz but was agreed to by the Ruler and the purchasers applied for division of the village into pattis paying land revenue separately and the village was ordered to be divided into three separate villages according to the hamlets already there. There was difficulty in connection with partition of the bhogra lands and in the mean time the ryots registered a strong protest threatening to leave the village as partition was not to their interest. The sale was cancelled by order of the Political Agent in 1942 and a reauction was pending at the time of my visit. It transpired that in addition to the amount bid at the auction in 1939 the Ruler had taken a private salami of Rs. 10,000. (See para. on revenue organisation). There are some gaontias holding 5 to 8 villages. According to the wajib-ul-arz there are 'protected' and 'unprotected' gaontias who have the same status except that the former have a right to a renewal of the lease on its expiry and cannot be evicted when a new settlement takes place. Most of the gaontias of this State are 'protected'.

The theka of a village is impartible but private partition will be enforced by civil courts during the currency of the theka. The right to a theka can be inherited by one male heir only in the direct line and collaterals cannot inherit unless they were joint with the gaontia at the time of his death. Failing male heirs the widow can succeed for life or remarriage; daughters have no rights. The theka cannot be transferred in any manner by sale, gift or otherwise.

A gaontia is liable to ejectment for the same reasons as in the Khairagarh wajib-ul-arz.

Gaontias can allot waste lands available for cultivation to ryots at rents agreed upon and the ryot acquires ryoti right. Similarly he can reallot lands abandoned or surrendered by ryots. The land revenue of the village is not enhanced during the settlement and hence the gaontia appropriates the rents of new land and excess rents of reallotted land.

The gaontia is expected to reside in his village unless exempted in which case he has to provide a *gumashta* approved by the State As in other States he has several other duties to perform in connection with the welfare of the villages apart from paying land revenue.

When a gaontia dies and mutation is applied for a mutation fee of annas four per Rs. 50 of land revenue of the village is taken. Till recently the mutation fee was 25 per cent. of the land revenue. It is extremely unlikely that the mutation fee is all that the gaontia has to pay now in mutation cases. There is no rule regarding the action to be taken in case a gaontia is too old to manage and wishes to surrender in favour of a son or other heir. In a case I saw the special powers of the Ruling Chief were invoked to make this possible. In another case where there were several villages held by one gaontia mutation was sanctioned in the name of the eldest son on condition that he did not disturb the *defacto* possession of the other sons. Mutation cases are acrimoniously contested.

Though mortgaging of villages is contrary to the wajib-ul-arz this was sanctioned by the Ruler in a village put to auction in 1937. (The mortgage does not appear to have been actually effected on account of further developments). In another case the Ruler approved an exchange of villages. The wajib-ul-arz is clearly not considered binding on the Ruler.

Digitized Odisha Revenue Laws – Volume 15 · Page 379 Odisha

In this State there was the practice of gaontias surrendering a village which would then be auctioned by the State 10/16 of the amount going to the ex-gaontia and the rest to the State. This was abolished in June 1941 and now, if a village is surrendered, it is reauctioned and the whole nazarana goes to the State.

The position in the zamindaris now is that the order regarding surrender and reauction may not be followed there as the zamindars can create their own gaontias. In zamindari kham villages the zamindars manage the village as if they were the gaontias. They have no liability to perform other duties which a gaontia performs though it is said that a zamindar's name is recorded in the patta of a zamindari kham village and the performance of these duties is left to the chowkidar.

As already stated five villages held by a zamindar as gaontia have been given to shikmi-gaontias Similarly 5 other gaontias of the State have created shikmi-gaontias, another contravention of the wajib-ul-arz.

Formerly, there was no limit to the *bhogra* land of a village. The present wajib-ul-arz prescribes a limit of 1/5 of the cultivated area but in practice some gaontias have as much as half the village area as bhogra. There is no limit to land which may be held in ryoti right by the gaontia.

There are co-sharers in *sir* who are recognised by the civil courts but the rights of the gaontia and co-sharers in bhogra are the same as in the Khairagarh wajib-ul-arz and terminate when the gaontia is evicted. Land has a high value in most parts of Raigarh and there are bitter quarrels and litigation between gaontias and co-sharers. There are quarrels about payment of rent also among them.

Certain persons were recorded as shikmi ryots at the last settlement on bhogra lands. These seem to have no permanent rights but some were granted ryoti rights.

Tanks constructed by gaontias will not be regarded as private property. A gaontia has to apply for permission to build a tank in bhogra. Tanks ars simply recorded as 'tank' in the settlement papers. Panchas may charge a fee for use of water and use the amount for improvement of tank.

Gaontias under the wajib-ul-arz are required to pay the Ruler a Dusserah salami of one per cent. of the land revenue of the village (minimum Re. 1 per cent) and if the land revenue is more than Rs. 125 he has to pay a goat and a seer of ghee also. In the Dusserah Darbar of 1941 the Ruler first asked the gaontias to pay 25 per cent. of the land revenue and later agreed to take twice the normal amount. Receipts were issued only for half the amount paid. The Political Agent advised refund of the extra payments.

RECOVERY OF LAND REVENUE

Paddy is the main crop of the State and land revenue is paid in two equal instalments in March and May.

For recovery of arrears gaontias may be proceeded against by arrest and detention (no actual cases for the last 10 years) attachment and sale of movable property, crops etc. Gaontias may be ejected; there was one case about 4 years ago. Gaontias file rent suits against tenants; interest is allowed at present according to legislation in force in the Central Provinces The court grants a decree for ejectment and it is for the gaontia to apply for attachment and sale of property also. Gaontias may file suits against tenants either for ejectment or for recovery.

Zamindars file for recovery against gaontias. Similarly muafidars file suits against their gaontias. Between gaontias and tenant the position is the same as in other villages.

There are no separate rules regarding the recovery of State dues. Movable property is sold by the *maljamadar* on the spot. Property is not brought to headquarters ordinarily. In respect of sale of immovable property there is usually difficulty as materials belong to the old tenant and the gaontia claims the site. If a tenant is ejected from his holding he is not ejected from his homestead at the same time.

The statement of land revenue collections during the last ten years shows satisfactory collection and arrears are small. It is not clear however why the Dewan found it necessary during the last collection season to serve notices on the gaontias through the police. An effective method, he said I do not doubt it,

Digitized Odisha Revenue Laws – Volume 15 · Page 380 Odisha

CESSES

There is a cess called 'land cess' levied in the State. This is a rate of two annas per rupee of assets levied in *muafi* villages. It is not levied in ordinary or zamindari villages.

No other cess is levied at present. As already stated the land cess is not paid in certain *khamar* villages.

REMMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

Taccavi loans are granted but not regularly and the rate of interest was 18 per cent. once. Last year the rate was reduced to 6¼ per cent. as in the Central Provinces.

No occasion was found to grant any remission or suspension during the last 19 years. Last year in some villages crops were considered poor and taccavi loan was given.

VILLAGE SERVANTS

The village servants are generally *kotwar*, *nariha* and *baiga*. All have service lands The *kotwar* is appointed by the State for all villages including zamindari villages where the zamindar nominates the kotwars. The post generally remains in the same family and the rules of appointment are the same as in Khairagarh.

The other two servants are meant to attend upon officials on tour. The wajib-ul-arz mentions a *jhankar* who is a sort of assistant to the kotwar in Orissa. The *nariha* and other village servants are appointed and dismissed by the villagers. The *nariha* is mentioned in the wajib-ul-arz but the *baiga* is not.

In cases of appointment of kotwars the police are consulted as well as the gaontia and ryots. In some cases unreasonable objections seem to have been raised by the police and gaontias which the revenue officer has rejected.

FORESTS

The State joined the Agency Adviser scheme in 1937. The Indian Forest Act was being followed to some extent but special rules are now being drafted. There is a working plan which is to be revised in 1943. It was drawn up in 1927 and is being followed now.

There are two classes of forests. reserve and *grami*. There was some protected forest as well (on paper) but it has now been converted into *grami* or reserve. In the *grami* forest the villagers have rights except in reserved species. At present there are 9 reserved species, sal, bija (over two feet) tendu (over 12 in.), mahua, char, kusum, harra and khair; the wajib-ul-arz shows 11. These are reserve throughout the State including cultivated holdings (see para). Reserved species can be taken only on payment of royalty. If a tree has been planted the planter can take it free of royalty but has to apply for permission. *Grami* forests include all waste land which is not reserved and so any reserved species of spontaneous growth growing on village waste belongs to the State. Re. 1 to Rs. 1-8-0 is charged for trees of prohibited species.

Cultivation of area included in *grami* forest is governed by the wajib-ul-arz and payment is made for the forest growth on the land to the forest department. The permission of the department, has to be taken as well as the permission of the gaontia.

In villages there is 'ghas' land meant for grazing. It is not meant to be cultivated but exchanges of such land with other lands take place. There are encroachments on such land and such cases result in fine the encroachment being usually condoned. Exchanges are said to be common and the forest officer says that this should now be stopped.

Villages are known as *bangaon* or *danda*, according as there are forests attached or not. It is optional for danda villages to commute for forest produce but *bangaon* people must commute. *Danda* people are being discouraged from taking nistar from grami forests of other villages and it is proposed to open coupes for them but commutation for such coupes is not proposed to be granted. It is proposed to persuade the *danda* people to purchase these coupes in the same way as a contractor would. The gaontias are to bid. The villagers would then distribute nistar among themselves and presumably the gaontia if he is well to do or a contractor who purchases the coupe can charge his own rates. The scheme is hardly likely to appeal to the ryots. The

Digitized Odisha Revenue Laws – Volume 15 · Page 381 Odisha

commutation fee is Re. 1 per plough (15 acres or part thereof *Sukhbasis* (non-agriculturists) have to pay annas four per hearth. In the *Bangaon* the commutation rate is annas eight per plough of 20 acres. Rate payers get timber for ploughs, fuel, grass, bamboos etc.

Grazing for eleven cattle per plough is allowed free in bangaon but the danda villagers have no graving. Grazing fees were recommended by the Forest Adviser in 1937 but now he has recommended free grazing in village forests except for cattle of professional graziers and this is shortly to be introduced; this meets the demand of the people for free grazing in the village forests as before. The grazing fee levied at present is 2 annas for cows and four annas for buffaloes; the rates were double in 1939.

Boundaries of forests are cleared departmentally on contract given to villagers at Rs 3 per mile. Formerly there was no payment but the growth cut was given free; the growth is not now given free.

The zamindar of Tispalli has separate forest staff but under the advice of the State Forest Officer. The villagers of Tarpalli complained bitterly about the reservation of forest adjoining the village in which they used to graze their cattle. They also said that they could not kill even pigs from the adjoining jungle and there was no gun licence in the village.

MONOPOLIES

Lac, bamboo, harra, chironji, tendu leaves, honey, wax etc., wherever grown are the subject of monopoly. The commodities which interest the cultivator most are harra, tendu leaves and lac. In the first two cases the monopoly is for collection and export and the last one is a purchase monopoly.

Export duties are also levied on certain articles.

CROP PROTECTION

There are no rules and shooting does not appear to have been contemplated though a number (76) of crop protection licences were issued nominally in 1941. A case of killing a pig was reported to the present Dewan for orders as even this was apparently a serious matter but he filed the papers. It is proposed to frame a rule to permit killing while crops are actually being browsed or damaged. Crop protection licences are granted free of charge but a court fee stamp of annas twelve has to be attached to the petition. The guns as in so many other States seem to be obtained for prestige even though they cannot in practice be made use of. Getting guns on crop protection licences is a less expensive business than on other licences.

REVENUE ORGANISATION

The Ruling Chief is the final authority in every matter, (cases now go to the Political Agent). He passes final orders in gaontia succession and other important cases. Private nazarana is commonly being taken in this State by the Ruler in granting leases of various kinds such as forest leases, reauction of villages etc. The Ruler used to hold some of the auctions in the palace. In the case of mouza Dhannardars the auction held by the Ruler fetched Rs. 5,000 but the village was subsequently reauctioned on account of cancellation of the sale by the Political Agent in view of some irregularity. In reauction by the Dewan the village fetched about Rs. 14,700. In this case also as in the case of Bothaldah a private nazarana seems to have been taken.

In succession cases which the Ruler himself used to sanction till now there is reason to believe that such practice was followed in suitable contested cases.

The Dewan hears only appeals in revenue cases and acts as a High Court in civil judicial cases.

The Assistant Dewan takes some revenue cases and has civil judicial and other work as well. Apart from these officers there are two tahsildars and naib-tahsildars for the two tahsils into which the State is divided. These officers attend to revenue work (mostly enquiring into cases and reporting) in addition to other criminal and civil judicial work.

The land records staff consists of a Superintendent of Land Records, three revenue inspectors and 36 patwaris. Formerly the state was divided into patwari circles with 78 patwaris but about 1932 the arrangement was altered and all patwaris kept at headquarters on account of financial stringency. The patwaris now deal with each area biennially, an admittedly unsatisfactory arrangement. The tahsil organisation is similar to that of a Central Provinces

Digitized Odisha Revenue Laws – Volume 15 · Page 382 Odisha

tahsil. There are no rules regarding procedure. The Central Provinces Tenancy Act has been repeatedly held to be of no application here. The cost of the revenue and land records establishment may be given as Rs. 12,000 against a land revenue of Rs. 1.17 lakhs and total revenue of Rs. 5.14 lakhs.

MISCELLANEOUS

For registration Central Provinces rules are said to be followed. Rs. 5 per cent. of the consideration for sale deeds (*i.e.*, transfer through a gaontia for a document of surrender and reallotment.) is charged as registration fee in addition to a similar fee for issue of a new *patta* (doubtful). On mortgages of nazul land Rs. 2½ per Rs. 100 is charged. These fees are practically a nazarana in disguise. The Stamp duty is levied according to the Indian Stamp Act.

Mutation fee at four annas per Rs 50 of land revenue is charged only in gaontia succession cases. Petition writers have to pay a licence fee of Rs. 5 per year but no charge seems to be made for petition paper. There are no rules regarding copying. Copies of reports are not given but of orders only. On minor minerals, a royalty at annas two per cart load is taken by the Forest department.

NAZUL

There is land referred to as nazul in Raigarh and Kharsia as distinct from *abadi* which is at the disposal of private persons. *Abadi* really seems to mean land regarded formerly as village site. Nazul is land excluded from the gaontia's *theka*. In Raigarh, nazul land is given on a 30 years lease. Land is auctioned unless it forms a part of another site and premium levied; a ground rent is also fixed. Leases may be transferred by sale and the parties apply for mutation. There has been a nazul survey in 1916 and a map of the town prepared.

There is no revenue *mauza* of Raigarh and the town area consists of nazul, abadi, Ruler's khamar and a very small area of private cultivation. The Ruler's khamar is now partly recorded as abadi and partly as nazul; some portion of it is still being cultivated. The area of private cultivation has been declared vacant nazul for non-payment of rent and there is no lessee now.

The difference between *abadi* area and nazul is that in the abadi there is no ground rent payable. Transfer of land is permitted but sanction of the nazul officer (Assistant Dewan) has to be applied for; no fee is charged. In cases of mutation the original ground rent is enhanced at anna one per 100 sq. Ft. (-/-/3 in one area) if it is considered low. Mutation fee is annas eight for each case A register is maintained showing name, area, rent etc. There is a nazul moharrir and nazul patwari. The nazul patwari recovers ground rent and pays four-fifths to the municipal fund. If ground rent is not paid in three years the land or movable property may be auctioned. If the property (plot) is found unsaleable the land may be declared nazul *i.e.*, vacant. Open plots are generally dealt with this way.

The residential area and waste land of seven villages adjoining Raigarh were declared nazul in 1936 without compensation. They are ordinary gaontiahi villages, except two which are khamar. It appears that these two villages were auctioned and a bid was offered on behalf of the Ruler. In these areas some gaontias used to realise nazarana.

The Dewan in recommending the formation of the nazul, wrote that he doubted if the gaontias had any right to levy nazarana on house sites allotted by them. He was quite right in saying that the wajib-ul-arz was not clear on the point and this is true of a great many other points as well. Nazarana in this case as well as in the case of transfer of lands is not a payment prescribed by the wajib-ul-arz and in so far as an unauthorised levy is not a lawful levy the gaontias have no just cause for complaint.

Mutations have been noted in the registers but the nazul map has not been brought up to date for the last ten years. The map is on too small a scale. The boundary and survey marks are said to be often missing.

When a plot is auctioned the whole premium goes to the State. Ground rent is fixed at a flat rate of anna 1 per rupee of premium.

There are some old nazul rules drafted in 1919 but these are said to be not followed strictly and new rules are being framed

Digitized Odisha Revenue Laws – Volume 15 · Page 383 Odisha