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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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When an agricultural holding is diverted permission has to be taken and there is a rate for this diversion at Rs. 25 in the backward tract and Rs. 50 per acre in the open tract. These rates apply to all agricultural land.

In *kharsia* the Senior Ranisaheba is gaontia and there is abadi as well as nazul. There is no proper map or survey or maintenance of records there as there is no patwari. Otherwise the position is the same as that of Raigarh. Abadi is included in the area for sanitation purposes only.

AGITATION

In the year 1938 there was an agitation started in the rural area of the State owing to the grievances regarding begar, grazing and land revenue. Some concessions have been granted in the former two and it is considered that the grievance regarding land revenue was imaginary as the assessment in the State is very light.

Many begars were abolished, *viz.* system of supplying *khas* during summer, supply of fuel to the palace, practice of taking begar for loading and unloading luggages of the Ruling Chief and the members of the Raj family at Raigarh Railway station; practice of taking begar for harvesting crop of the khamar villages.

Several forest concessions were also allowed.

RAIRAKHOL

REVENUE HISTORY AND SETTLEMENTS

The *gaontia* system of this sparsely populated and scantily cultivated State is of course the result of its relations with Sambalpur and the Central Provinces till early this century. The Gazetteer of 1910 records that the revenue administration was in many respects similar to that of Sambalpur and the rules for the administration of revenue affairs framed for the States in 1889 were in force. Judging from present conditions, these statements appear to be complete misstatements and, apart from the fact that the *gaontia* system prevails, it is doubtful in the extreme if there was ever any systematic administration. As in practically all the States in the Agency there was no system of land revenue settlement either of the Maratha or the Moghul time and *gaontias* appear to have been left entirely to distribute the revenue of the village over the tenants. The Gazetteer says that a settlement was made by the Chief in 1905 but from the settlement report of 1932 it appears that the first regular settlement took place in 1898 and was followed by another in 1917. At both of these settlements nearly half the number of villages were left unsurveyed and the *masahat* system was employed. The 1917 settlement appears to have been made on the soil unit system prevalent in the Central Provinces and Sambalpur, a method which the settlement officer of 1932, accustomed to applying rigid rates on the Orissa system, failed to understand. At the 1932 settlement, the villages were all fully surveyed and the settlement of rent made on the system common in Orissa. Villages were placed in three classes and a table of ten rates was framed. Enhancement of rents was limited to 100 per cent. and such large enhancement was to be given effect in three steps of five years after which presumably the ryot was to be ready for a new settlement and further enhancement. The revenue was enhanced by fifty per cent., the average rate per acre going up from 13 annas to Re. 1 and in addition to this enhancement a forest cess of 1 anna per acre was imposed (there were school and dispensary cesses already at 1 anna per rupee each). By the imposition of uniform rates on the previous system it appears that some rents were actually reduced while others of course were unduly enhanced; from the net enhancement of the average rate from 13 annas to Re 1, it can be judged that the enhancements in many cases must have reached the maximum of 100 per cent. The application of a new system of settlement without studying the previous one is not confined to Rairakhol among the States. The complaints of heavy enhancements I heard in the villages do not seem to be without foundation. At the 1932 settlement, rents formerly paid in kind were abolished and converted to cash payments.

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

The settlement records are the usual *khatian* and *khesra*.

Till 1935 it appears that there was no system of maintaining records up to date by entering new cultivation and changes and a *nayabadi* settlement

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was made in 1935-37. Since then an attempt has been made to record new cultivation but it is very doubtful if mutations are upto date. There are no rules regarding mutation but an order that a fee of two annas per rupee of rental should be recovered in cases or ordinary succession and four annas in other cases exists.

ZAMINDARI AND OTHER TENURES

There are no zamindari villages in the State but there are 14 *debottar*, four *brahmottar* and 14 *khamar* villages.

As in the case of *debottar* grants in nearly all the States the *debottar* grants of Rairakhol are under the direct management of the Chief (this is recorded in the settlement report) and the Dewan has nothing to do with them. The note regarding *debottar* villages furnished to me by the State seems to be a careful evasion of this fact. One of the *debottar* villages has been under direct management of the *khamar* or private department of the Ruler for the last 16 years, and another village, the *gaontia* of which died last year, has been placed under the *khamar moharrir*, no new *gaontia* being appointed.

Apart from the whole village grants, there are about 240 acres of land held by various *marfatdars* appointed by the Ruler for the purposes of twenty-three shrines. These lands are held rent free but cesses are paid to the State. It is said that the *gaontias* of the villages concerned are supposed to bring to notice any failure to render service properly; this of course means that there is no supervision and in the tour diaries of the Dewan and tahsildar over a period of two years there is not a single mention of these or any other grants.

The *gaontias* of *debottar* villages referred to as *sikmi gaontias* seem to be no different from the ordinary *gaontias*. The land revenue of the villages is paid to the *debottar* instead of to the State and the grant may thus be regarded as an assignment of revenue. The ryots have the same status as in other villages.

There are 14 villages held as *khamar* by the Ruler or by the members of his family. Out of these 6 are held by the Rani Saheba, one by the Jubaraj, one by the first daughter and one by the second daughter. Three of these villages were recorded as *khamar* in 1930, 1936 and 1938. In one of the villages the *gaontia* was ejected for transferring his *bhogra* land and after attempts made to find a *gaontia* (which the Ruler apparently did not find sufficiently lucrative) he recorded that the village would be made *khamar* as *khamar* lands were insufficient, and the village was a good one, and his late father also had the intention of making it *khamar*. Another village was a *muafi* village and after the death of the *khorposhdar* the Ruler gave the village to his daughter. In the third case, the village *gaontiahi* fell vacant and it was given out on a temporary lease for one year; at the expiry of this the *thekedar* applied for renewal for three years but the Ruler said that the village was developed by his ancestors and for some reason it had been made *gaontiahi* and declared it *khamar*.

Five of the *khamar* villages have *gaontias*. The cesses of all these villages are credited into the State treasury and the revenue is enjoyed by the holders, but in villages with *gaontias*, such *gaontias* get the usual amount of remuneration and pay the land revenue to the holders. The *gaontias* possess *bhogra* lands as in the case of other ordinary villages.

No sanad or deed of grant in the true sense of the term exists in respect of these villages. Some of the villages were under the possession of former Rulers and passed into the possession of the succeeding Ruler. In respect of other villages which have been taken under possession during recent years, orders are said to have been issued by the Ruler to the effect that a particular village would be enjoyed by a particular member of the Raj family during his life time (a sanad of 1938 examined by me shows that the village has been granted ta the Ruler's daughter "for ever"). All villages are recorded in the ordinary village jamabandhi either in the name of the Ruler or in the name of the holder. The *gaontias* have the same status as in other villages.

Two villages, Jurapalli and Tribanpur being without *gaontias* and given on short leases, it appears, that the Ruler intends to make them *khamar*. The Political Agent however advised that the villages should not be made *khamar*. The Ruler seems to have taken no steps for the settlement of these villages and the Dewan said that he proposes to settle them with his son as *gaontia* and has applied accordingly to the Political Agent. (I could not see these cases as it was said that they had been looked up by the *pe hkar* who had gone to Raipur). In 1940, Banikbandh which was a *khamar* village of the Rani was ordered to be made *gaontiahi* as the Rani wanted a different village; the Ruler

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directed that the right to bricks, stones, gravel, wood and trees of the village were however reserved.

At the last settlement there were five *brahmottar* villages but one of them was converted recently into a ordinary *gaontiahi* village. The *brahmottar* villages as the name implies are settlements of Brahmins. Two of the villages were left rent-free at the last settlement and the rest were assessed to quit rents of one-fourth of the normal rent except one which pays half the normal rent.

There are *brahmottar* lands of about 22 acres paying quit rents to the State.

Maintenance or *khorakposhak* grants are about 21 acres in area and these also pay small quit rents.

There are many service jagirs in the State, *viz.*, *chowkidar*, *burgi* and *jhankar*, sweeper, drummer, etc. The total area of these grants is 2,176 acres of which 928 are held by village chowkidars. Apart from the chowkidars, the rest mostly render personal services to the Chief or touring officers and, in some cases, worship deities.

There is a clause in the 'record of rights' regarding *muafi lakhraj* lands. It says "Rights in *muafi lakhraj* lands are heritable. These lands shall, in no case, be transferred. If transferred, they will be resumed. The lands will remain *muafi*, so long as the *muafidar* obeys the order of the State. Disobedience to the State orders will render the *muafi* lands liable to resumption ** ".

THE RYOTI TENURE

There is no regular revenue law in the State or any definite system and probably never has been. The Gazetteer does not mention anything about the rights of ryots and the settlement report of 1932 mentions that the ryots had no "occupancy rights". Ryots thus simply held the land and inherited it so long as they were not ejected by the Ruler or by the *gaontia*. With the exception of lands held as grants of various kinds, ryoti tenures all appear to have been exactly the same. The terms *thani* and *pahi* common in eastern Orissa do not appear to be in vogue here. In Chapter II of his settlement report, the settlement officer 1932 gave a list of rights and liabilities which to a large extent represented existing practices but partly also introduced new principles. This list, issued as an Oriya pamhlet, constituted what is now regarded as a record of rights, but there have been numerous changes, such as abolition of *magans* and *rasads* in 1941.

All ryots have the 'right of occupancy' in the lands recorded in their names however short the duration of the tenancy. They cannot be evicted without the permission of the State authority and then only for disloyalty, being in arrears for 12 months, letting the land deteriorate or transferring it without permission or violating any other condition or custom. A ryot's holding may be inherited (presumably according to personal law) but may not be partitioned without the sanction of the State. The settlement officer's list did not mention subletting but annual subleases are now permitted without the necessity for sanction. Rents cannot be enhanced during the currency of the settlement. Ryots may improve their holdings with the previous permission of the State for which no *salami* is levied.

Ryots are entitled to receipts. Receipt books are issued to *gaontias* in books of 25, 50 and 100 leaves and charges are 2½, 5½ and 7½ annas respectively. *Gaontias* charge one pice per receipt from the ryots which means that they make a handsome profit out of the transaction.

New lands for cultivation are sanctioned by the State but the *gaontia* is always consulted. (Waste land is divided into portions which can be allotted for cultivation and portions which cannot be so allotted.) No *salami* or *nazarana* is levied and the applications are exempt from court fee stamps. Forest growth on the land is required to be cut and stacked for departmental sale but in some cases *mahua* and other reserved species are not allowed to be cut. New land is held free of rent for five years in all cases; a surety is taken while making the allotment.

Homestead lands are allotted by the *gaontia*. In Rampur (headquarters) which is *khamar*, the Ruler allots homestead lands. The *khamar* moharrir said that no payment is taken for these lands. In Naktideul village however I found a case of recent allotment of a house site by the *gaontia* who took Rs. 5 as *salami*; there is reason, therefore, to doubt the *khamar* moharrir's statement.

Digitized Odisha Revenue Laws – Volume 15 · Page 386 Odisha

Homestead lands do not pay rent but in Rampur a rent seems to be charged. (It is recorded in my notes that rents are shown in the settlement record).

Surrender of land may be made with the sanction of the State, a portion of a holding cannot be surrendered. The surrendered land is said to be re-settled in the same manner as *nayabadi* lands, not a very clear statement of the position. I could not get a case of settlement of surrendered land for examination. The 'record of rights' does not mention abandonment of lands.

As there is no right of transfer, it is said that by arrangement with the *gaontia* land is surrendered and a new candidate is produced to take the re-settlement. It is said that there are a very few cases of actual application for permission to transfer.

By a notification approved by the Political Agent in March 1941 all *mangan* and *rasad* were totally abolished; but the tenants and the *gaontias* are to give *bethi* for the construction of *rathis* (cars for the deities), the dragging of cars during the car and other festivals, the construction of and repairs to schools. A cess in lieu of *bethi* was said to be under consideration. Under the 'record of rights' every ryot is bound to attend the domestic and religious ceremonies in the Rajbati; this does not appear to have been abolished.

Green trees (of any species) cannot be cut by ryots on their holdings but dead trees may be appropriated as well as fruits or branches blown down by the wind. The fruits of trees on waste land are to be distributed by the *gaontia* who takes one-eighth after setting aside the Ruler's share. Planted trees are considered to belong to the planter.

The fish of all State reservoirs is distributed similarly, half being kept by the catchers and a share going to the Ruler; the *gaontia* gets four times as much as other ryots.

Under the record of rights, land may be acquired without compensation but if the land has been reclaimed or improved at much expense or, if there is a house, compensation will be paid. In recent cases of land acquisition, under the Political Agent's directions, a *panch* is constituted to assess compensation. In a case of 1940 when land was required for the forest department, the ryots were sent for and it is recorded that they agreed to give up the land; no compensation was paid.

Sub-tenancies (with 'occupancy right') do not seem to exist in this State.

VILLAGE HEADMEN

All the villages are managed for the purpose of recovering land revenue, etc., by the village headmen called *gaontias* except where villages are held direct by tenureholders. The Gazetteer mentions *pradhans* and *garhatias*, also headmen, the difference between them being that *gaontias* and *pradhans* pay a *tika* to the Ruler; the *pradhans* were apparently just headmen of the type existing before the system of leasing out villages began and the *garhatias* were headmen of villages of *paiks* or the feudal militia. *Pradhans* and *gaontias* do not find mention in the settlement report and in fact *paiks* do not seem to exist at present. The headmen hold lands known as *bhogra* which is assessed to rent and they get a commission of 15 per cent. on the village rental. The area of the *bhogra* is limit to one-fifth of the total cultivated area of the village. The *bhogra* lands go with the office and cannot be transferred or partitioned. The *gaontia* holds his post on a *patta* which is given for the period of 15 years. He is responsible for the revenue of the village whether he has actually collected the amout or not. The *patta* prescribes numerous duties such as looking after government property, boundary marks, forest, reporting offences, and so on. The *gaontia* is liable to ejectment for default of revenue or breach of condition. He has to pay a *tika* to the Ruler twice a year according to custom.

Unlike his brother in the Chhattisgarh States, the *gaontia* has no right to allot lands for new cultivation but on new cultivation sanctioned by the State he is entitled to twice the ordinary collection charges. The *patta* is silent on the point of surrendered or abandoned lands; homestead lands are said to be allotted by the *gaontia*. The *gaontia* certainly seems to take part in transfers by surrender and reallotment.

The *gaontia* is responsible for the maintenance of a *deraghar* (rest house).

Usually the son of a *gaontia* is appointed when a succession case arises out of the death of the *gaontia*. A mutation fee of 12½ per cent. of the rental of the *bhogra* is levied.

In cases arising out of the removal of *gaontia* the village is auctioned, if possible, and given to the highest bidder, other things being equal. In some

Digitized Odisha Revenue Laws – Volume 15 · Page 387 Odisha

villages where it is difficult to get a *gaontia* settlement may have to be made without a *salami*. In such cases no mutation fee is levied.

There are two villages given on short *thekas*. In one village the *gaontia* was removed in 1931 for disobedience of the Darbar's orders and another resigned as he could not pay the rents. These two villages have been settled from time to time since then for two to three years. The case is pending at present with the Ruler for a fresh permanent settlement. These villages have been mentioned already in connection with *khamar*.

In *debottar* villages the *gaontia* called a *sikmi gaontia* is appointed by the State and the *patta* is issued by the State. Mutation fee is levied in cases of succession and vacancies may be filled by auction. In *khanar* villages also the *gaontia-ship* is disposed of in the same manner. In *brahmottar* villages also there are *gaontias* appointed by the State.

There are two villages with two gaontias each and three gaontias with two villages each. There are cases in which father and son are *gaontias* of different villages. There is no case of a *gaontia's* son being appointed during the life-time of his father. In some villages without *gaontias* the *bhogra* lands are leased out to *thekedars* who do not want to be *gaontias*. There is considerable difficulty in getting *gaontias* for certain villages on account of the responsibility for the revenue. I saw a case where the Dewan had directed the Tahsildar ' to see that the man took the gaontiaship".

In all cases of appointment there is usually a private *salami* which is not noted in the records, according to the Dewan.

There are some villages of aboriginals but these are not different from ordinary villages. In the few, jungly villages where there is shifting cultivation the shifting cultivation is assessed at a different rate and recovery of rent is made by the forest department. There are no *gaontias* in these villages. There is a village for kondhs made by the forest department, the idea being to wean them from shifting cultivation. The cultivation is rent-free for a period of 5 years. The village is not held by a *gaontia* at present.

RECOVERY OF LAND REVENUE

Land revenue is payable in two equal instalments on the 15th January and 15th April. Paddy being the main crop these instalments appear suitable.

There is a clause in the *patta* that if a *sarbarakar* pays the full amount of the *kist* by the *kist* date and he files a list of defaulting tenants, the State will assist the *sarbarakar* to collect the arrears by certificate procedure.

The spirit of the Public Demands Recovery Act is said to be followed. Crops are attached but fields are not leased out in practice. There has been no case of actual detention for arrears though arrest was once used in the last three or four years. Land is not sold; ryots are liable to ejectment for recovery and so are *gaontias*. Plough cattle seem to be attached for recovery.

According to the Dewan land revenue arrears were formerly recovered by the police. Now process servers as well as tahsil peons are used for collection. In the tour diary of the tahsildar which I examined I found it recorded that receipts for land revenue had been given by amins, peons, and police, some in prescribed form and some on plain paper. This kind of indiscriminate collecton affords a fine opportunity for misappropriation of money and deception of ryots.

The nazir is responsible for the service and the execution of the processes and the attached property is brought to headquarters sometimes and auction is held by the nazir. Sometimes it is sent to the local market direct from the house of the *jimedar* or surety and sold in the presence of a police officer and sometimes the nazir himself.

Arrears of land revenue have been accumulating since the last settlement and the number of coercive processes against the gaontias is also heavy—another indication that the land revenue enhancement weighs heavily.

CESSES

Cesses levied in the State are: Education, Dispensary and Forest. Each of these is levied at the rate of one anna per rupee of revenue. Education and dispensary cesses were imposed in the year 1902 and the forest cess was imposed in 1930. Cesses are paid to the State by *debottar* and other grantees.

There is a rate of 2 annas per house called *thambikia* levied throughout the State. This is meant for a temple at headquarters where a *jatra* is held annually on Ramnavami day. The rate is levied through the forest department

Digitized Odisha Revenue Laws – Volume 15 · Page 388 Odisha

as it was felt that if it was not recovered by forest department it would not paid. The tax is not entered in the *parcha* of the ryots.

REMISSIONS

Except last year when certain remissions were granted on account of damage by flood, no remissions or suspensions have been granted during the last ten years. According to the 'record of rights', a ryot is entitled to remission for failure of crops due to drought, flood or other calamity and the settlement report records that the history of the State in this matter is "painful" and there is frequent damage by flood or drought. The remissions given last year were according to the damage done to the crop and where the crop completely failed the rent for the year was remitted. Where there was permanent deterioration of the land the rent was remitted permanently.

LOANS

Rs. 1,000 are provided in the budget every year as agricultural loans. Loans are granted for the purchase of plough bullocks and seeds. The rate of interest is 6¼ per cent. There are no rules regarding the grant of these loans. Grain loans are given out of the Rulers *khamars*, the rate of interest being 25 per cent. A *tika* of eight annas on each *pudu* (ten *khandies*) is paid as well as a measurement fee of one *tambi* for each *pudu*; stamp fee and writing charges come to six annas on each transaction.

VILLAGE SERVANTS

There are chowkidars for all villages but some chowkidars have more than one village in their charge. All chowkidars have jagir lands. The Dewan appoints the chowkidar and the appointment order is passed by him. Usually the son of a chowkidar succeeds to the post. He is recommended by the police in all cases. Usually the villagers are consulted.

There are *burgis* who perform services for officers like providing water, etc. Some villages have no *burgis*. They have *jagir* lands and there are *jhankars* who have *jagirs*.

Many *jhankar jagirs* were resumed recently by the Ruler on the ground that so many are not needed; there are 26 left now.

Ryots do not make any payments to village servants.

FORESTS

Mr. Mooney is the Forest Adviser. The forest rules are similar to the Athmallik rules and a working plan has just been prepared. There are A & B class forests and *khesra* or village forests which include all other waste land. A & B classes are all demarcated but there are village forests outside the village boundaries also. The forests were taken under management in 1927. There are coppiced coupes open in B class and people take their nistar from these forests.

There were 15 reserved species and these were reduced to 9 in 1939. Reserved species on cultivated holdings may be taken by agriculturists on payment of half the normal royalty.

Forest boundary lines are cleared on payment of Rs. 4 per mile. Villages are not required to take these contracts and need not do so. Where the line is only 15 ft. wide, Rs. 2 per mile is paid.

Grazing fees are not changed on four pairs of plough cattle *plus* one cow or buffalo; one cow may be substituted for each pair of bullocks not kept. For animals in excess of these, fees are charged at 0-2-0 per cow and four annas per buffalo. These fees are charged in *khesra* forest or village waste.

The forest cess is one anna per rupee of land revenue subject to a minimum of four annas per house; persons with homesteads only pay four annas per house. Cess payers are entitled to take free of cost unreserved species of tress for their private use: reserved species have to be paid for.

The forest officer compounds forest offences up to Rs. 25 and where the composition exceeds this amount the cases are sent to the Dewan with the recommendation of the forest officer.

A profession tax is charged on persons following professions which consume a large quantity of fuel.

Kamn or shifting cultivation is practised in 12 unsurveyed villages in the northern portion of the State. In villages in the plains *toila* cultivation is practised but this simply means that cultivation takes place at intervals of

Digitized Odisha Revenue Laws – Volume 15 · Page 389 Odisha

two to three years. On *rama* and *telia* cultivation a 'cess' is levied. The *rama* cultivation is practised mostly by Kondhs and the Forest Adviser has advised that these should all be brought down and settled in the plains as conservation of the forest in these areas is essential. A surveyed village, Uparapara, in the forest area was abolished about 2 years ago and some kondhs were brought down to a new colony called Girischandrapur; this village was formerly a surveyed village but cultivation had been abandoned. The remaining kondhs were supposed to be brought down before the rains this year. Facilities in the shape of no assessment for a period of five to seven years and free plough cattle have been provided and a forest contractor is teaching them settled cultivation. According to the Forest Adviser's inspection note this settlement has made good progress and the village is likely to develop into a model village but the tahsildar has noted in his tour diary that the kondhs were complaining of lack of food and they looked thin and some of the women said that they would leave the village for want of food.

For *rama* cultivation permission fee of two annas per house is charged and acreage fee of Re. 1 per acre is charged on the actual *rama* cultivation. The area under *rama* is actually measured by the forest staff and assessment made.

A certain amount of illicit *rama* cultivation is said to go on occasionally in settled villages.

MONOPOLIES

Monopolies are *kendu*, lac, *sabai* grass, hides and *khair*. The lac monopoly extends to the whole State including cultivated areas. The contractor propagates his own lac as well as purchases from growers. The lease contains a clause regarding the payment to be made to the growers according to the price of shellac at the Calcutta market. The rate varies from 3 to 8 annas according as the price is from Rs. 20 to Rs. 40.

The *kendu* leaves monopoly extends to cultivated areas also. It has been granted for 5 years from 1941. There is a clause that the tenants may keep fruit and leaves of *kendu* for their *bonafide* consumption but shall not sell or export except to the purchaser. The agreement may be terminated by six months' notice on either side. No rate is fixed but it is stated that the purchaser shall employ inhabitants of the State at fair and reasonable rates and may not employ any person to whom the State forest officer objects. The contractor is said to pay at the rate of one pice for 400 leaves with lower rate for large quantities. Actually in the tour diary of the Dewan there is a note of the contractor paying two annas for 5,600 leaves and 1¼ anna for 3,500 leaves; in Sambalpur the rate is said to be 250-350 leaves for one pice and the contractor was asked "to consider this".

The hide contractor takes all the skins and hides of animals dying in the village and no payment is required to be made.

There is a ban on the export of rice. Certain *mahajans* wanted to take rice and they were specially permitted on payment of eight annas per bag. For the last 4 or 5 years there was no prohibition regarding export. Year before last when the crops were not satisfactory export was stopped for a short time. There are no other export duties.

CROP PROTECTION

Crop protection licences are issued free of issue fees but the renewal fee is Re. 1 formerly a fee of Rs. 5 was levied for issue. There are 100 gun licences in the State the number of crop protection licences being 51, and licences issued for self-protection which may be used for crop protection are 49. Wild pig and nilgai are allowed to be killed for the last four or five years, according to villagers Nuktideul, though the rules do not place any such restriction.

REVENUE ORGANISATION

There are no rules or condition in the State and services of officers may be tetminated at the pleasure of the Ruler. There is no practice of giving previous notice before discharge.

The Ruler who is the highest revenue and civil authority in the State passes final orders in all revenue cases. The Dewan and tahsildar simply enquire and report on revenue cases for the Ruler's orders. Revenue, criminal and civil work is all dealt with by the same staff.

The tahsildar supervises the collection of revenue and this is his main duty. He has some criminal and civil work also.

Digitized Odisha Revenue Laws – Volume 15 · Page 390 Odisha

There are two patwaris who enquire into *nayabadi* cases and also do civil court work.

The total cost of the revenue and land records establishment of the State is given as Rs. 2,000 the land revenue apart from cesses being Rs. 38,000 and the total revenue Rs. 1,17,828.

MISCELLANEOUS

Documents are registered but there are no rules, stamp duties are charged only on documents of adoption and loans. 8 annas court fee stamp is charged on applications. There are two petition writers; there is no system of licensing and only an order of appointment is issued. There are no rules regarding them. Petition paper costs one pice.

In treasury matters, the Bihar and Orissa Treasury Manual, and in respect of records and copying the Record Room Manual is said to be followed; actually records are kept in a very unsatisfactory condition. The charge for copying is 3 annas out of which the copyist gets 2 annas.

RANPUR STATE

REVENUE HISTORY AND SETTLEMENTS

This State which recalls the murder of Major Bazalgette has been more than one rising. Before 1880 when rents were being recovered purely in kind, there was a rising caused by the oppression of the servants of the Raja and a summary settlement was made for three years. In 1880 another settlement was made in which part of the rent was made payable in money but the capacity of the officers-in-charge of grain collection caused serious dissatisfaction and in 1894 the payment of rent in kind was abolished altogether. There is however an area inhabited by kondhs in the State, which has not been settled at all, where the kondhs pay only certain commodities and are liable to render certain services to the Ruler as an assessment for the whole area in which they practise mostly shifting cultivation. In 1880 measurement was attempted with a rod of 10 ft. 5½ in. length and a rough estimate made of the cultivated lands.

The next settlement which was commenced in 1896 and which is still current was also made with the standard rod and there has been no proper traverse and cadastral survey of the State. At the 1880 settlement some khatians and other records were made partly on paper, but mostly on palm-leaf and even at the settlement of 1896 the records were prepared on similar material.

No village maps or State map was prepared at the settlement and the only map available is a newly purchased topo map of the survey of India. *Parchas* were not distributed to individual ryots showing the area, rental and other particulars of their holdings.

Lands were classed into four classes including homesteads and each class was divided into several grades. Orchards were left unassessed, certain peculiar rules regarding ownership of trees being framed; tanks also were all recorded as the property of the State.

The settlement was for 20 years but resettlement was not taken up apparently for want of funds. The position at present regarding records and measurement is most unsatisfactory and considerable confusion seems to prevail. There are lands, the ownership of which has not been properly recorded, and even *sarbarakars* are unable to say definitely to whom the land belongs. Similarly the land revenue demand register shows evidence of considerable confusion and often does not bear any relationship to the actual facts. Since the last settlement also there have been many changes in the actual position and in view of the vagueness of boundaries and records it appears as though some people have made use of this position to occupy larger areas of land than they own. There is a case of a *nazir* on record who obtained a certain area of land but there was no measurement or identification or proper entry in the records and the lands actually taken were other than those intended; this position appeared to have been deliberately created. Certain areas were recorded as the Ruler's *khamar* at the last settlement but this has been considerably augmented by taking possession of intestate lands as well as resumed grants. From the records available it is not possible to say exactly what the position is and there is urgent need for a resettlement with proper survey.

Digitized by Odisha Revenue Laws – Volume 15 · Page 391 Odisha

3. Mutations are entered if there is no objection, on proclamation, in the original *khatiar* in the remarks column and a separate register is also maintained with reference to the khatian entry.

Newly reclaimed lands are treated similarly. Intestate property is recorded as *khamar* if the Ruler takes it for personal cultivation, otherwise it is recorded as Rajsarkar. *Parvanas* are issued to the *sarbarakars* after mutation. Maintenance of the register however is not satisfactory. When land is reclaimed a *patta* is given showing the area and the rental which is the lowest rate applied at the settlement.

ZAMINDARI AND OTHER TENURES

4. The land tenures of this State are in some ways rather complex but on the whole there are no zamindaris and villages held on tenure roughly consist of *debottar*, *brahmottar* and *khanja* grants in addition to villages and lands held by the Ruler (*khamar*). There are of course numerous service jagir grants and other grants such as *khairat*, *anugrahi*, etc., which may be regarded as maintenance grants. Precise information about this is not available readily and the State has been able to furnish only the information contained in the settlement report, which however, is not up to date. The State also points out that the figure given for *debottar* grants in the settlement report is wrong and actually the area, according to the settlement records, is considerably larger. No sanads or rules regarding the various kinds of grants are available and the only information concerning them is to be obtained from whatever is on record in the settlement report of 1896.

5. The *brahmottar* grants are similar to such grants in other States and are held by Brahmins. There are whole *brahmottar* villages and lands held by the Brahmins are transferable, a *salami* of 25 per cent. of the consideration being levied; sales may be made to Brahmins only. The lands are otherwise held practically unconditionally, the Brahmins being required only to offer blessings. In *brahmottar* villages the waste has been partioned already among the villagers and permission is not necessary for reclamation. They claim full right in trees, cultivation is generally by halias. I requested the Dewan to try and get sanads from the holders of the grants so far as available but apparently he has not been able to get any.

6. The *khanja* grants are rather complex. Cases I examined seemed to show that some *khanjadars* have only a right to the revenue (the *khanjadar* is usually the *sarbarakar* of the whole village and pays the *sarkari 'kismat'* to the State and appropriates the balance) while in other places there are definite portions of villages divided into different *tauzis* (revenue account) and known by such names as Gopalpur *sarkari kismat* and Gopalpur *khanja kismat*. In one village which I visited there were actually 4 *khanjadars* in the village, a portion of which was also *sarkari*. One of the *khanjadars* claimed rights over waste land while the others had none. A separate rent roll was said to exist for the portion of which the rent was collected by the kanungo as *sarkari* portion. One of the *khanjadars* was really the *debottar* department as a portion was held in the name of Radhakant Dev. In a case I examined, there was a *khanjadar* in a village in which there was no *sarbarakar*; collections were effected by the kanungo of the State and payment was made to the *khanjadar* later by the State. The *khanjadars* may either have the status of *sarbarakars* and pay part of the collection of the village to the State or they may have the whole of the collections for themselves. The *khanjadars* sometimes appoint their own agents for the collection and pay them commission. These agents are of course not recognised officially. *Khanjadars* partition their grants and I find that a number of them have mortgaged their right of collection to moneylenders for definite periods. Only the lands under personal cultivation (*nijjot*) of the *khanjadars* may be transferred by sale, etc. Among the *khanjadars* are included certain deities such as Jagannath of Puri (the *math* at Puri enjoys the grant). There were in all 22 grantees under *khanja* at the last settlement. The Rani-saheba is also a *khanjadar*; she usually collects her rents through the agents. In villages where there are *khanja* grants and other grants all mixed up, there seems to be no definite portion of the village held by each *khanjadar* as a compact block, the *khanja* fields and ryoti and other fields are interspersed throughout the cultivated area and only the *sarbarakar* is in a position to state which field is *khanja* and which ryoti, etc. I could not obtain a sanad of a *khanjadar* for examination but the Dewan has sent me a copy of an order passed in 1903. According to this, some of the *khanjadars* have been assessed to pay

Digitized by Odisha Revenue Laws – Volume 15 · Page 392 Odisha

one fourth of the assessment of their holdings. It was found that practically all of them were holding lands in excess of the area given to them and the excess lands were all resumed, that is, simply assessed to revenue. Presumably these must now be regarded as held in ryoti right.

The order does not mention anything about other rights of *khanjadars*. The settlement report records that *khanjadars* have no right to alienate, the ryots have the same rights as in villages under direct management and *sarbarakars* are appointed by the Chief. Member of the Raja's family hold at his pleasure. Other relatives merely receive the revenue. The temple khanjas are supposed to have proprietary rights; rents of new lands are assessed by the Ruler but the income goes to the deity. Presumably the case is similar with members of the family.

7. As regards the *debottar* grants there are certain grants managed directly by the Ruler while there are others managed by *mathadhikaris* or *sevaks*. Deities outside the State have been allotted many lands. The account given in the settlement report indicates generally that *debottar* lands are meant for the purposes of the deity and are generally to be held subject to the performance of the necessary duties. Lands held an quit rent are not liable to an increase of quit rent. The position as regards the rights of ryots on *debottar* lands managed by the Ruler is said to be not definitely known in the report furnished by the State, but is probably very similar to the situation on the *khamar* lands of the Ruler, *i.e.*, the lands are cultivated by *bhagchas* (share cropping) or mostly on the *sanja* system. I have since ascertained that there are ryots with permanent or "occupancy" rights as well but the position is not clear as these also seem to hold on *sanja* or produce rent. The *sanjas* have no right to the land and pay a fixed produce rent. Many of the *sanjas* seem to have been cultivating the land for many years and often through their ancestors. *Debottar* grants are said to be not transferable; there is no officer in the State who is able to throw adequate light upon the various kinds of tenures prevalent and only a detailed enquiry conducted at settlement will reveal the various practices which exist. Many of the *khandjadars* seem to cultivate through *sanjas* who pay a higher produce rent (which is at least 50 per cent. more) than the ordinary rent.

8. The lands of the Rani consist of scattered holdings, some cultivated by State ryots and others by *sanjas*. Some of these *sanjas* seem to be ordinary ryots paying produce rent and recorded as such at settlement. The position regarding the exact status of the lands is however obscure and it is not quite clear whether the lands may be regarded as State lands with the Rani entitled to revenue only (the settlement report says that she holds at the pleasure of the Raja) or as her private property. There are some lands is the Ranimahal cultivated personally through servants. It is reported that before 1939 part of the income of the Ranimahal grants was being credited to the Raja's personal account whereas State revenues were being debited with Rs. 3,000 per annum for the maintenance of the Ranisaheba. This was altered in 1939 and the whole income of the Ranimahal was paid to the Ranisaheba and the State grant was stopped almost completely. The position was however altered in 1940-41 and the income from the Ranimahal is credited in the first instance to State revenue and a maintenance grant paid out of it to the Rani any balance merging in the State revenue.

9. No whole villages are held as khamar but there are numerous holdings of land which have been added to from time to time by the appropriation of intestate, relinquished or resumed lands. The cultivation of these is done partly by *sanjas*, *i.e.*, cultivators holding on fixed paddy rent and partly on bhag or share cropping but the cultivators told me that they had to provide everything, *i.e.*, the rent was really 50 per cent. but they preferred the system to *sanja* as half had to be given whether the crop was good or bad. Annual leases are now issued to bhag cultivators.

10. Among the service jagirs, apart from village chowkidars and other servants there are many like physicians, doorkeepers, sculptors, flag carriers, sweepers, singers, arches, conchblowers, drummers, painters, etc. There are *paiks* or old militia who at present hold lands assessed to ¾ of the normal rent who perform guard duty at the treasury now. The general feature of these grants is that they are resumable at pleasure and the lands are not alienable. *Paiks* hold their homesteads free of rent and have the right of transfer subject to sanction (according to the settlement report). On sale the holdings are

Digitized by Odisha Revenue Laws – Volume 15 · Page 393 Odisha

liable to full assessment, otherwise their rights are similar to those of occupancy ryots. Enquiry shows that many of the grantees do little or no work, for instance, the persons who carry the dead Chief's bones to the Ganges do not have to do any work for many years at a time. Similarly as there has been no Durbar for three years, the one who holds lands for attendance, sceptre in hand, has done nothing during that period.

The total approximate rental value of grants shown at settlement is about Rs. 27,000.

THE RYOTI TENURE

11. In the list of British Indian laws the "spirit of which has been adopted", the Orissa Tenancy Act is shown as followed in part but there is nothing to show which part it is. (Similarly there are other Acts said to be followed in part without any definition).

12. It is difficult to describe the precise position but roughly speaking the ryots recorded as State ryots, *i.e.*, ryots on State lands, as distinguished from *khamar khanja* and other lands, have permanent rights and can transfer land without reference to the State and the land can be inherited or bequeathed according to the personal law but in cases of adoption a *salami* of 5 per cent. of the value of the immovable property is charged. In this State the right of transfer has existed for a long time and the ryots have therefore held a position superior to that of ryots in other States, and even in parts of Orissa province there have been restrictions. A mutation fee of Re. 1 per acre is charged; 0-4-0 as proclamation fee is also charged.

There is no difference between *thani* and *pahi* ryots. Homesteads are held free by certain castes only and not by all the ryots but the settlement report shows a small area as homestead held rent free by "poor classes". It is said that free homesteads cannot be transferred.

13. Lands are acquired for cultivation by application to the Ruler or appropriate officer and immediately become liable to payment of rent. The value of the forest growth is recovered at the time of allotment or it is sold by public auction. The *kabuliat* executed shows the grant as made till next settlement and the grantee agrees not to transfer the land. This seems to be a recent innovation. A separate *salami* is not charged but a mutation fee is levied at the rate of eight annas per acre up to half an acre and Re. 1 per acre. The patta issued to new ryots requires them to pay revenue in two instalments on the 15th November and 15th April. (15th November, an extremely inconvenient date, seems to have been changed recently to 15th January). The ryots who acquire lands from the State acquire rights immediately.

14. There are some rules regarding the rights of ryots including the levy of bethi formerly existing; in these rules it is stated that under-ryots of ryots and various grantees (practically all except *khanja*) cannot be ejected without going to the civil courts and on grounds such as non-payment, misuse, etc., if he has held the land adversely continuously for 12 years. For enhancement also of rent there are certain provisions. Under-ryots do not acquire the right to alienate the land.

It is quite unlikely that there has been any enforcement of these rules. Nearly 500 persons were shown as *shikmi* at the last settlement; most of these are under *debottar* but 61 are shown as under ryots of service jagirholders and 6 under ordinary ryots.

15. There are certain rules of 1882 regarding land acquisition. Land can be acquired for public purposes such as road, tank, building, etc., and a notice is issued and the holder of the plot may file objections in 15 days. If a plot is acquired without buildings on it the rent is remitted but otherwise no compensation is given, unless the land is one of the rent free grants, in which case waste land is granted in exchange. If there is a building on the land the owner may be given homestead land elsewhere and timber and bamboo will be supplied free from the State jungle (*i.e.*, free at the jungle) and "if considered desirable" expenses of construction will also be given. Compensation will be given for fruit trees on homestead but not on ryoti land.

16. No *bethi, begar, magan, rasad* and other imposts are levied in the State since 1939.

17. In the kondhmals the kondhs practice *toila* or shifting cultivation. The area can be roughly distinguished but has not been subjected to any sort of survey or settlement. The kondhs do not pay any rent but they pay only certain produce in kind to the Ruler. According to the list of articles to be

Digitized Odisha Revenue Laws – Volume 15 · Page 394 Odisha

given by them contained in the settlement report the value of this is roughly Rs. 200 and it goes to the Ruler as personal income. I was not able to pay a visit to the kondhmal to see to what extent wet cultivation has been developed and the question of proper settlement and assessment of this area must be left to the settlement officer. The area seems to be very sparsely inhabited and a part from Shankjhori there are no villages but only a few scattered homesteads. The kondhs have a headman but he is not regarded as a *sarbarakar*. If the area is not considered fit for regular assessment it may be desirable to impose a house tax or plough tax upon the kondhs and the income of this should go to the State revenues and not as personal income to the Ruler.

Apart from the kondhmals *toila* cultivation is practised in portions throughout the State but this toila does not shift from one place to another. It is practised even by non-aboriginal cultivators. Land is cultivated at intervals of 2 to 3 years. It is assessed according to the crop grown and the rent on it is taken as the average of the previous two years. Probably the best way of dealing with *toila* patches in the open tracts is to treat them as upland cultivation and assess them to low rents. The measurement of the toila patches is made by the amins and the cost of measurement is added to the rent at 3 pies.

VILLAGE HEADMEN.

18. The *sarbarakari* system with responsibility for the revenue prevails but there are 56 villages in which there are no *sarbarakars* and collection is made directly by means of two kanungoes; these villages have small rentals and are not attractive to *sarbarakars*. These kanungoes are not treated as officials in the ordinary sense of the word and they are not required to attend office or perform specific duties. Land revenue is paid on the 15th January and 15th April in equal instalments.

The *sarbarakars* are entitled to 10 per cent. of the annual demand (*khanja sarbarakars* 5 per cent.) and do not hold any *bhogra* or home farm. The post is not hereditary (though claims of descendents are considered) and appointment is usually made by the Ruler on the report of the Dewan (since the State came under management the Political Agent makes the appointment). Ten per cent. of the annual demand is taken as *salami* when the appointment is made. Villages do not appear to be auctioned for the purpose of appointing a *sarbarakar*.

Sarbarakars have no powers to allot lands for cultivation or to accept surrender of lands. They are entitled to two annas share of village fisheries and fruits.

Sarbarakars are liable to be fined, suspended or dismissed. The *sarbarakars* are responsible for the revenue of the village and if they pay rent to the State in time, they are allowed to file certificate cases. Otherwise they will have to file rent suits. They deduct their commission from the demand before payment into the treasury.

In some villages there may be more than one *sarbarakar* and I have seen cases in which two persons were appointed joint *sarbarakars* of several villages. There seems to be some sort of division of the village among *sarbarakars* and "*eight annas kismat*" or "*khanja kismat*", etc., are spoken of. One *sarbarakar* may hold several villages.

19 In the villages under direct collection the kanungoes pay after collection; ryots also pay direct sometimes. In *brahmottar* villages there is no *sarbarakar* but there is a *dhanadyakya* or headman but he is not officially appointed. *Sarbarakars* maintain a village rent roll which they are supposed to correct when mutation takes place. They grant receipts to the ryots for land revenue and charge two pice per receipt (this does not appear to be authorised).

RECOVERY OF LAND REVENUE

20. Since the State came under management in August 1940 at least, the Bihar and Orissa Public Demands Recovery Act is supposed to be followed. Land revenue is recovered by attachment of property, movable or immovable, and sales are conducted usually by the nazir. The conduct of sales is certainly not according to the Public Demands Recovery Act. For example sales, are not conducted on the dates fixed in the proclamation and the period of 30 days required between proclamation and sale does not exist in practice. I saw a case in which the nazir sent a peon to hold the sale. The warrant simply directs the nazir to realise the amount or attach movable and immovable property, an excellent opportunity for corruption which the

Digitized Odisha Revenue Laws – Volume 15 · Page 395 Odisha

nazir seems to make good use of. He sells movable property on the spot usually; immovable property is sold at headquarters. Land revenue is not treated as the first charge upon the land irrespective of ownership and in a case of 1939-40 where immovable property was attached, an objector filed a petition saying that it was he who held the land since 1909 and not the defaulter being proceeded against; upon this the objector was not asked to pay land revenue of the field he owned and it was not clear from the case whether the revenue of the field was recovered from the person proceeded against or not. I saw another case where a defaulter paid part of the dues by money-order but the sale was not postponed.

Collections during the last ten years except occasionally have been good.

CESSES

21. No cesses are levied in the State at present.

REMISSIONS OF REVENUE AND AGRICULTURISTS' LOANS

22. No remission of land revenue seems to have ever been granted for any reason. The State does not grant loans to agriculturists but the Ruler lends paddy from his khamar produce. An interest of 15 per cent. seems to be charged to *khamar* cultivators. It is not known if this is a general rate.

VILLAGE SERVANTS

Village Chowkidars hold *jagir* lands and there are various other kinds of *jagir* holders also. The chowkidars get a contribution of a bundle of paddy from ryots and 0-1-6 (one anna six pies) from each family by custom. I was told that some of the ryots do not pay their dues. The *khanjadars* do not pay anything even in respect of their ryoti lands. No other village servants are recognised and few such seem to exist.

In *brahmottar* and *debottar* villages also there are chowkidars. In one of the *brahmottar* villages I was told that the chowkidar gets a bundle of paddy every year from the ryots.

FORESTS

24. The Agency Forest Adviser has jurisdiction over the State; there are some rules issued in 1917; no working plan seems to have been prepared in the forest so far. It is proposed to have three classes of forests, reserve, protected and village or khesra forests and demarcation is going on.

The inspection notes of the Forest Adviser indicate that during the last four or five years little progress has been made in demarcation of forest and systematic working. In demarcating reserves it looks as if the Ranger is doing it more or less according to his discretion. It is noted in the 1940 note of the Forest Adviser that certain areas reserved were not so done under his instructions. Voluntary labour at three annas a day is engaged for clearing forest lines.

25. There are 9 kinds of reserved species of trees at present (Notification of 1941) against 33 formerly and unreserved species may be taken by ryots for domestic consumption; other subjects may take dead wood free. Jamun trees are allowed free for ploughs. Reserved species of trees on holdings may be cut and taken free of charge but with permission for their own use; for sale half the royalty has to be paid. Formerly fees used to be charged for fire wood in village forest but these were abolished in 1939. There is a proposal to introduce a nistar case. In B class and khesra forest no grazing fee is charged except for professional graziers. Composition of forest offences is made by the Dewan on the report of the Forest Officer.

It is interesting to note here that in the Forest Rules the definition of protected forest does not include cultivated holdings in which only reservation of various species of trees can be made. The Settlement Report records that on ryoti holdings only mango, jack and tamarind trees should not be cut without permission. Thus the application of reservation to ryoti holdings and the levy of a royalty is a comparatively recent curtailment of the customary rights of ryots.

26. There is a hide monopoly which fetches Rs. 700, but otherwise forest monopolies are restricted to *kochilla*, honey and honeycomb at present. Export of rice was prohibited this year on account of shortage of rice in South Orissa.

Digitized Odisha Revenue Laws – Volume 15 · Page 396 Odisha

CROP PROTECTION

27. Regarding rights of crop protection, the licence conditions prohibit the shooting of animals in daylight even if found on crop. At night animals damaging the crop may be shot at within the boundary limits of the fields; a wounded animal cannot be chased (now permitted). The issue and renewal fee is one rupee per licence. The State keeps 100 muzzle loading guns which are according to the standing order issued between 1st August and end of February to the licencees but now the dates have been altered to 15th July to 15th April.

REVENUE ORGANISATION

28. The State is under management by the Political Agent since August 1940. The former officials who were notoriously corrupt and inefficient have been replaced by a new Dewan and Assistant Dewan. The Dewan mostly deals with revenue cases in original in addition to administrative duties and other judicial work. The Assistant Dewan takes civil and criminal work in original and such revenue cases as may be transferred to him; these are mostly certificate cases and cases for enquiry and report. The appeals against Dewan's orders go to the Political Agent at present; formerly the Ruler was the final appellate and revisional authority.

The State is not divided into separate sub-divisions except for purposes of collection by two separate kanungoes who collect the rents of villages under direct management. One of the kanungoes is a qualified surveyor; the kanungoes are made use of to enquire and report on mutation and succession cases, identification of land, etc.; they are also made use of by the civil courts.

The cost of the revenue establishment excluding sarbarakars may be given as Rs. 2,000 against a land revenue of about Rs. 45,000 and total revenue of about a lakh of rupees.

There are 16 petition-writers who pay a licence fee of Re. 1. Petition paper is issued at 2 pice per half sheet.

MISCELLANEOUS

29. The treasury had been mismanaged and rules were not being strictly followed. The Dewan seys that the Bihar and Orissa Treasury Manual is now followed 'in spirit'. Similarly for the record room and copying Bihar and Orissa Manual is followed. There is a tauzi navis but no fresh demand register is prepared every year and only the old register is brought up-to-date so far as possible but as records are not being maintained properly the maintenance of the tauzi must be to some extent chaotic.

The Bihar and Orissa Registration Act is followed 'partly' and now the Stamp Act is said to be followed wholly under the orders of Political Agent. Formerly the Act was not wholly followed though shown in the list as such.

There is a Praja Samiti on which there are some elected members. At present this Samiti is consulted on important matters. It is an Advisory Body presided over by the Dewan.

SAKTI

REVENUE HISTORY AND SETTLEMENTS

This State, though the smallest of the Chhattisgarh States in area, seems to be the most densely populated of them, the density at the 1941 census being slightly over 400 per square mile; in this respect it compares with the thickly populated district of Bilaspur. Cultivation is extensive and the margin between cultivable area and cropped area seems at present to be very small; further extension of cultivation cannot take place without seriously reducing grazing grounds and village jungle.

The original system of settlement appears to have been to lease out the villages for periods of 3 years to *gaontias*. The State demand was fixed with reference to the ryoti rental of the village. No limit was assigned to the area of *sir* land held by the *gaontia*; *nazarana* was demanded from all *gaontias* when a village was leased out or a lease renewed.

A regular settlement of the State was made in 1893 for 5 years. The villages were demarcated and *khasras* and ryots' *parchas* were prepared on the spot. The settlement was made on the soil unit system prevalent in the Central Provinces. In fixing the State demand, the general rule was to take 80 per cent. of the village assets. At the 1893 settlement the area of *sir* land was limited to

Digitized Odisha Revenue Laws – Volume 15 · Page 397 Odisha

20 per cent. and the rest was recorded as *khudkasht*. Famines intervened and in 1904 a revised summary settlement was taken in hand and completed in 1906; this was for 10 years.

In 1915-16 a new settlement was made; at this settlement also, as in 1906, no survey and mapping was done. Rents were enhanced by 33 per cent. approximately. At this settlement a rate of 6 annas per plough was added to the rents of the cultivators as a commutation of the right to the hides of their animals; also the tax of one pice levied on mahua trees was raised to half anna per tree. The settlement was for 15 years.

The current settlement was done in 1930-31. No settlement report was drawn up and the settlement was carried out according to instructions given by Mr. C. L. Verma of the Central Provinces settlement office, Bilaspur. Mr. Verma jotted down a few brief instructions in pencil on a note which he has not signed; he seems to have given a rough indication of the grouping of villages into jungly, central and south, and added instructions to fix rates on the basis of last settlement "with reference to conditions of each village, multiply acreage rates by soil to find deduced rents."

On these instructions the settlement was carried out by a revenue inspector of the Bilaspur division. The rents were enhanced by another 30-33 per cent. The term of the settlement has been fixed, as 20 years. No survey appears to have been done and the maps of the 1893 settlement are current.

This State compares well in density of population and cultivation with the mostly densely populated parts of the Central Provinces. A railway runs through it and it is unlikely that great changes will take place in the near future. Had it been a bit of the Bilaspur district no reasons would have been found for four settlements in less than forty years. The settlement is for 20 years and the *thekedari patta* has been made accordingly for 20 years.

ZAMINDARI AND OTHER TENURES

2. There are no zamindari tenures and no temple or other whole village grants. Among the land grants is a grant of 84 acres of land in Saktikhas held by the Rani Saheba. This is reported to be the only grant but the list of grants I have obtained shows its area as 139.22 acres and there is another area of 23 acres in Mouza Sonthi held by the Rani Saheba. It has been reported that no changes have taken place since settlement. There is no *sanad* and no conditions but the land is shown as *muafi* in the *jamabandi*. The lands are cultivated on annual lease; but no written leases are granted.

Apart from this area a few grants totalling about 14 acres are held for service in temple and masjid. There are service grants given to *kotwars*. There are a few grants given to *baigas*, *chamars*, *nais*, *rauts*, etc., for village service; mostly, these people perform menial services to officers. The area held by them amounts to about 700 acres which could probably be all assessed to rent.

THE RYOTI TENURE

3. A ryot under the *wajib-ul-arz* entitled to hold his land so long as he pays his rent punctually and does not commit any breach of the *wajib-ul-arz* or is not disloyal to the Chief. He can only be ejected by a court and not by the *gaontia*. The ryot is required to stay in his village unless exempted by the State or the *gaontia*. Succession to a holding is restricted to direct male heirs and collaterals cannot succeed unless living jointly with the deceased ryot for "sufficiently long". Widows may succeed for life but daughters are not entitled to succeed; there is a proviso to the effect that the *gaontia* should pay the maintenance charges of minor daughters till their marriage if the property passes to him. Sub-lease for a year, or with the consent of the *gaontia* for a longer period not exceeding the term of the settlement, is permitted but transfer by any other means is not permitted except with the permission of the Ruling Chief. Land may be surrendered through the Revenue Officer who has to make an enquiry whether the surrender is *bonafide* or otherwise; the heirs of the ryot can apply for the surrender to be set aside on the ground that it is not *bonafide*.

4. In respect of transfers, there is nothing to the effect that consent money can be levied, in the *wajib-ul-arz*, but in practice a fee of 15 per cent. of the consideration is levied by the State apart from registration fees and stamp duty on the document. The Ruler told me that the land was put to auction so that a fair price could be obtained for the ryot but in practice the land is not put to auction. The *gaontia* and *panchas* of the village are consulted though this is not prescribed in the *wajib-ul-arz*. The Ruler was far from pleased when I suggested that the *gaontia* was probably levying some thing and denied

Digitized Odisha Revenue Laws – Volume 15 · Page 398 Odisha

it with some remark about his being in Sakti for forty years. Yet, in both the villages of the State I visited, the *gaontias* admittedly levied ten per cent., actually 2 annas per rupee or 12½ per cent. Though the State reported that no other fees were charged, I was told in the village that in addition to the court fee on the application of twelve annas, a patwari fee has to be paid. The total expenses on a sale thus amount to well over 30 per cent. of the consideration. The registration and stamp duties will be mentioned later. In a case of sale I enquired about in village Regjia, I was told that the *panchas* of the village were also treated to refreshment, *biris*, etc., for consenting to the sale. Exchanges of land seem to be freely permitted but mortgages seem to be not common. Land is not sold in execution of civil court decrees.

5. *Nazarana* is not officially recognised but it is believed that when a house site or land for cultivation is allotted the *gaontia* usually takes some *nazarana*; I saw a case in which payment was testified to by witnesses. In respect of land records as communal, encroachment cases are registered when such land is cultivated or built upon and penalty is levied by the State; the State does not levy any rent till the next settlement and this is left to the *gaontia*. In the village of Regjia I found that a nnmber of ryots were cultivating land for which no *parchas* were given at settlement. It appears that *parchas* were not given for land which was under cultivation but in respect of which the formal consent of the Ruler or the *gaontia* had not been obtained, and the land continues to be held without a *parcha*. Obviously the consent necessary cannot be obtained without the payment of a substantial sum and the ryot probably prefers to hold the land without a *parcha* so long as there is no move to eject him. The Durbar charges a payment on encroachments which is greater than the *nazarana* ordinarily charged in the case of allotment and the amount can scarcely be regarded as a simple fine; encroachment is gererally condoned. The payment is rightly shown as a *nazarana*.

6. There is a clause in the *wajib-ul-arz* regarding the acquisition of land according to which land required for the Raj family, State, public or industrial purposes or for inclusion in the State forest can be taken up with reasonable compensation for the land and structures, the rent being remitted. I saw a case of 1942 in which the lands of six persons were acquired for extension of the palace. Notices were simply served on the persons concerned to demolish the houses and surrender possession within a week. One Kisan complained about the amount of compensation pointing out that only a little while before, the State sold a smaller piece of land for Rs. 400. There is a note by the Dewan on the case that the Ruler declined to pass an order on this application and that Kisan had been informed to dismantle his house first. Rs. 40 were paid for this house. Four other persons first refused to accept the compensation on the ground that it was too low but they were paid only the amount fixed which varied from Rs. 9/8/- to Rs. 40. The compensation was said to have been assessed by *panchas* and covered only the superstructure without any addition for even the cost of dismantling.

7. Ryots may dig wells or make embankments or otherwise improve the holding. The *gaontia* is bound to give 1/16 of his *sir* land on sub-lease for the cultivation of sugarcane, if required by a ryot, on 'reasonable' rent.

8. Mango trees planted on holdings belong to the ryots and, if a ryot is ejected, he can continue to enjoy rights in such trees on payment of suitable rent. Otherwise the trees pass to the new owners. Other planted trees also belong to the owner.

9. A ryot has the right to a house site or threshing floor but the *wajib-ul-arz* does not say anything about rent for it or *nazarana*. The *gaontia*'s permission is necessary. If a ryot leaves the village he is entitled to only the materials of the house. In practice homestead lands are rent-free but *baris* are assessed.

10, The ryot has to pay 6 annas per plough for the right to the skin of his animal and this is included in his rent. There are fourteen kinds of trees which are reserved and may not be cut without licence from the State. *Mahua* trees belong to the ryot or *gaontia* and a rate of one anna is levied per tree and is included in the ryot's rent. This rate was ¼ anna before the settlement of 1915-16 when it was enhanced to ½ anna and obviously has been further enhanced later. The tax is fixed for the period or settlement even if the trees die. Villagers seem to enjoy the fruits of trees on waste land customarily.

On village *banjar* or wasteland (this seems to be distinguished on paper from village forests) free grazing is allowed; in any case, in villages without forest no fee is charged for grazing on wastelands in the village.

Digitized Odisha Revenue Laws – Volume 15 · Page 399 Odisha

In villages without forest, trees on waste land may be cut for agricultural implements with the permission of the *gaontia*. In villages with *nistar* forest or having *nistar* forest nearby, a commutation fee may be paid; the commutation is optional for the village but not for individual villagers.

11. *Begar* has been abolished but it is still levied for the carriage of luggage of officials from one village to another though the clause in respect of this has been specifically deleted. The villagers are required to maintain the *gurhi* or camp house, village roads and boundary marks.

12. For the use of water from State tanks an extra assessment is made on the lands. The owners of private tanks have a prior right to the use of the water of those tanks but cannot charge a rate except in the case of sugarcane fields and *baris*. A *panchayat* may control the supply of all tanks in times of drought. Ryots have *rasid bahis* of the Central Provinces type and they are required to pay six annas for each, which seems to be blatant profiteering.

VILLAGE HEADMEN

13. All the villages of the State except nine are held by *gaontias* or *thekedars* under a lease for the period of the settlement. The *gaontia* agrees in his *kabuliyat* to pay the revenue and to be bound by the conditions of the *wajib-ul-arz* given with his *kabuliyat* and signed by him.

There are 36 protected and 80 unprotected *gaontias*. Protected *gaontias* have a right to a renewal of the *theka* on its expiry but unprotected *gaontias* may not get a renewal and the lease may be granted to someone else. Otherwise there is no difference between them. The *wajib-ul-arz* does not say who can earn protected status but the 1916 settlement report says that there were 43 protected *gaontias* then and protected status was conferred on 14 more for improvements to their villages. Thus there seems to have been a fall in the number of protected *gaontias* since 1916 which seems to indicate that the protection is only nominal. An unprotected *gaontia* is not entitled to compensation for improvements made by him if his *theka* is not renewed. A *gaontia* must reside in his village unless he holds several villages in which case he has to maintain a house and nominate a *gumashta* approved by the State. *Gaontias* have no transferable or partible right but the lease can be inherited by one person; inheritance of a *gaontia's theka* till the expiry of the term is not permitted except to direct male heirs or the widow if she does not marry a person other than the younger brother of the deceased. In default of heirs, *theka* lapses. Cosharers may exist but are not recognised. Co-sharers during the term of *theka* may be in cultivating possession of *sir* land and may also be getting a share of the village profits. The *gaontia* can eject a co-sharer for contravention of the terms of the *wajib ul arz* but if the thekedar himself has committed a breach of the *wajib ul-arz* he may forfeit his *theka*. Conditions agreed upon between co-sharers and the *gaontia* can be enforced by civil courts. The result is that there is ample scope for bitter litigation between *gaontias* and co-sharers as in the case of Raigarh.

There are 8 villages which have no *gaontias* and no homefarm (*sir*). These villages were not given on *theka* as *thekedars* were not willing to come forward for them. In one village the home farm or *sir* land is held by the Ruling Chief but the land revenue is directly collected and credited into the State accounts. There is a headman in these villages called *gumashta* or *mukaddam* and he holds *muafi* lands as remuneration, the area of that land being approximately 5 acres. *Mukaddams* bring and credit the revenue into the treasury. Revenue peons do not make any collections. In the village in which the Ruling Chief holds *sir* there is a *munshi* who collects and pays the land revenue. Clearly the Ruler holds the village in the same way as a *gaontia* but without any *theka*.

The *gaontia* is liable to ejectment for non-payment of revenue, for a breach of the *wajib-ul-arz* or for disloyalty to the Ruling Chief. *Sir* land which is the *gaontia's* homefarm is limited to one-fifth of the cultivated area of the village. Land in excess of this up to a limit of 5 per cent. of the village area may be held as *khudkasht*. *Sir* land can be leased out without losing its character but *khuakasht* land leased out becomes ryoti land.

The *gaoutia's* permission is necessary for any person to settle down or cultivate land in a village. Land, whether waste land meant for cultivation or going into the possession of the *gaontia* by escheat or abandonment or surrender, may be allotted by the *gaontia* for cultivation. The rent on such land is as may be agreed upon; in the case of new land the rent is entirely appropriated by the *gaontia* for the term of the settlement or till the expiry of

Digitized Odisha Revenue Laws – Volume 15 · Page 400 Odisha

his tenure but if the land has already been assessed the *gaontia* gets the difference between the settlement rent and that agreed upon. The *gaontia* is not entitled to levy any *nazarana* and the rule in this respect is the same as the half-hearted rule of Khairagarh.

There are 4 villages in which there are two *gaontias* each. There has been perfect partition, *i.,e.* division into two land revenue paying units and there are two *gaontias* in each with tenants and *sir* lands noted separately against them. They pay their revenue separately and hold separate *pattas*. These villages with more than one *gaontia* have been in existence for a long time.

There are some *gaontias* who hold more than one village, the maximum number held by one *gaontia* being 3.

The *wajib ul-arz* states that a lease or *theka* cannot be partitioned and the State recognises only one man as lessee or *thekedar*. The partition of one mouza Louzara however took place in 1927 and seems to have been made as a special case on account of bitter quarrels between the co-sharers. The four villages mentioned above probably had a similar treatment. There are no sub-*thekedars* or lessees of *gaontias*.

In villages in which the *thekedar* does not reside an agent is appointed with the permission of the State. The remuneration of the agent is a private arrangement. No sort of order of appointment is given.

When a *thekedari* succession case arises, a mutation fee of 4 annas for every Rs. 50 of land revenue is levied. No *nazarana* is levied. If a *thekedar* is ejected or removed, the village is settled on a new *theka* on payment of a *nazarana*. The village is not auctioned and no case of auction is said to have occurred during the last ten or fifteen years. The *nazarana* in such cases would be the personal income of the Ruler and does not enter the State Accounts. It is said that at the time of issue of new *thekas* at the last settlement some *nazarana* was paid by the *thekedars* when they received the *thekas* personally from the Ruler.

The *thekedars* get a 'drawback' of 20 per cent. of the total assets of the village. They are required to credit the land revenue of the village direct into the treasury. The assets of the village include *siwai* income consisting of income from the tax on *mahua* trees of one anna per tree (levied by the *thekedar* in *thekedari* villages and by the State in *kham* villages) and the hide rate of 6 annas per plough similarly levied.

Gaontias at Dusserah have to pay a *naza* or *tika* to the Ruler; they are given a piece of cloth by the Ruler. *Rasad* has to be paid for but the rule in respect of the *gaontia* treating people as guests leaves him no option but to give it free.

RECOVERY OF LAND REVENUE

14. Paddy is the main crop of the State and land revenue is payable by the *gaontias* on the 1st March and 1st June in two instalments and ryots have to pay a month earlier. In practice, ryots do not follow these dates strictly. The dates appear suitable but in Dhodki village the ryots said the *gaontia* demanded payment in one instalment.

There are no rules regarding recovery of land revenue and other demands apart from what is contained in the *wajib ul-arz*. The State proceeds against the *gaontia* when he fails to pay the revenue. Formerly the *gaontia* had to proceed against tenants by means of rent suits entirely but now it is proposed to enable him to file applications against tenants for recovery whenever he has himself paid the land revenue.

Gaontias are proceeded against by notice of demand and by attachment of movable property. They may be ejected for failure to pay though this appears to have been done seldom. Arrest and detention has not been followed.

In the case of ryots the rent of holding according to the *wajib-ul-arz* is a first charge on the holding and the ryot may be ejected, but before doing so a notice has to be served demanding payment within a month. This period may be extended for a maximum period of four months. Movable property may also be attached but this is not mentioned in the *wajib-ul-arz*

Interest not exceeding 12 per cent. can be recovered on the arrears. This is prescribed by the *wajib-ul-arz*.

Land revenue collections during last ten years have been practically full and there are no heavy arrears. The statement of processes against *gaontias* shows a total number of 16 in all but I doubt the reliability of these

Digitized Odisha Revenue Laws – Volume 15 · Page 401 Odisha

figures as proper records have not been maintained and the figures are said to have been obtained from a file of warrants.

Attached movable property is kept with a surety in the first instance. If it has to be sold the property is brought to headquarters and the revenue officer puts them to sale.

CESSES

15. In addition to the levies on *mahua* trees and skins, cesses levied in the State are a school cess at one anna per rupee of land revenue and since 1938, when *begar* was stopped, a road cess of 3 annas per rupee was imposed, at present this is 1½ annas in the northern part of the State and 2 annas per rupee in the southern part. There is a commutation tax for *nistar* paid at the various rates from six annas onwards according to the area.

REMISSIONS OF LAND REVENUE

16. There has been no occasion, I am told, for granting remission of land revenue during the last 40 years as it is said that there has never been crop failure. Last year there was some crop failure but it was held to be compensated by the rise in prices, and no remission was granted. This year it is proposed to grant suspension in six villages where crops are less than 6 annas.

I saw a case where villagers petitioned for suspension as the crop outturn was negligible. The *gaontia* also asked for time; the Superintendent of Land Records' crop experiment showed an outturn of no less than ten annas but the patwari reported that the crop was only 6 annas and ultimately suspension was sanctioned. The crop experiment was probably done in a selected good field.

AGRICULTURISTS' LOANS

17. No *taccavi* loans are granted the State. There is a system of grain *kothis* of which there are 20 in the State. These are managed by *panchayats* under the supervision of the tahsildar and others. The grain is lent out on *sawai i.e.*, 25 per cent. interest. These *kothis* were started about 1919 by contributions taken from the cultivators themselves. There are no rules regarding their management. The rate of interest is said to be fixed by the *panchas* themselves.

VILLAGE SERVANTS

18. There are *kotwars* for every village. They are regularly appointed by the State. The son of a *kotwar* is usually recognised for succession. A *kotwar* may work through a *gumashta* if permitted on account of infirmity. In addition to the *muafi* land they hold, *kotwars* are paid in kind by the villagers at the rate of 3 seers per rupee of land revenue. The value of this is about 2½ annas (per rupee).

In the case of other service *muafi*-holders no appointment is made by the State but usually the land remains in the same family. The *gaontia* makes the appointment "in consultation with the State according to the *wajib-ul-arz*." In a complaint by a '*nai*' of ejection by the *gaontia*, the *gaontia* contended that the '*nai*' did not shave his son properly. There was no "consultation with the State" in this case but the Dewan upheld the action of the *gaontia* on the ground that his was "the predominant voice in such matters."

FORESTS

19. There are no special forest rules and the Indian Forest Act is taken for guidance. Certain forests have been reserved recently as 'A' class and apart from reserved forests there is only the *nistar* forests. The area of forest in the State is small and the villagers have a legitimate grievance about this reservation. According to Mr. Mooney's note only about 8 per cent. of the State is forest which is "quite incapable of supplying all the needs of the State itself (meaning?) and of the local people". He considered that if the forest was not reserved it would disappear; from his note there appears to be a better case for protection of the forest rather than reservation. He recommended the gradual abolition of commutation as this would allow the State to control the working of the remnants of the forests. This step may increase the dissatisfaction of the villagers and the Ruler has so far not taken action as suggested.

Reserved species are reserved throughout the State including cultivated area. Trees on cultivated holdings if of reserved species may be taken with permission on payment of royalty.

Digitized Odisha Revenue Laws – Volume 15 · Page 402 Odisha

Unreserved species can be cut without permission. Except in the southern portion of the State where there is no forest, there is a certain amount of forest attached to each village for the purposes of *nistar*.

The *gaontia* is not supposed to allow cultivation in *nistar* forest without application to the State. If land is to be allotted for new cultivation the royalty on reserved species and a *nazarana* (nominally prohibited for *gaontias*) for the land, is levied and the land is allowed to be cultivated without any assessment, till the next settlement.

A commutation fee is charged for *nistar* from *nistar* forests at rates varying from 6 annas to 12 annas with 6 annas extra for every 5 acres of holding over 15 acres. 6 annas per family is charged on non-agriculturists. On payment of this, grazing is free except to professionals, timber is allowed for the repair of houses and implements from unreserved kinds and dead wood of unreserved kinds for fuel, etc. Green wood is not allowed to be taken for fuel. Commutation is optional for a village but not for individuals.

Forest produce is disposed of by contract but the contracts do not appear to extend to agricultural land. A tree tax is charged on persons propagating lac, in the year of propagation only, at one anna per *palas* and two annas per *kusum* tree.

Maintenance of boundary lines is done departmentally through *kamias*, *i.e.*, hired labourers. There is no working plan and the forest is worked according to Mr. Mooney's instructions.

CROP PROTECTION

20. There are no gun licences issued for crop protection. The forest officer says that animals can be killed on fields, if necessary for protection of crops. Jungles not being extensive, damage by wild animals is limited to a few villages but it is said that there are pigs, bears, barking deer and other animals and protection does not appear unnecessary.

REVENUE ORGANISATION

21. The State is divided into 10 patwari *halkas* and there are ten patwaris and a revenue inspector. There is a tahsildar who has civil, criminal and judicial work and supervises the collection work and enquiries and reports on revenue cases. The Dewan is a retired member of the Central Provinces civil service; in addition to civil judicial work he passes orders in all revenue cases except mutation of *gaontias*, sales of land and adoption cases which are submitted to the Ruler for final orders. The Ruling Chief passes final orders on cases submitted by the Dewan and takes appeals against the orders of the Dewan. The accounting of land revenue is done in manner similar to the tahsils in the Central Provinces. The cost of the revenue and land records staff may be taken as about Rs. 2,500 against a land revenue of Rs. 42,000 (excluding cesses) and a total revenue of Rs. 1.09 lakhs.

MISCELLANEOUS

22. There are many disputes regarding the settlement entries.

In the matter of registration and stamps the Central Provinces manuals are said to be followed. In cases of sale of land a registration fee of Rs. 3 is levied on all sale deeds; and the stamp duty is also a uniform rate of one per cent. As already pointed out the total levy on a sale may amount to well over 30 per cent. of the consideration.

Regarding revenue cases, there is no classification of cases and cases are deposited in the record room according to the serial number as they arrive. Copies are granted at four annas per sheet but there are no rules. There are petition writers who are required to charge only 4 annas per petition. No State paper is issued.

No agrarian agitation is said to have taken place in this State.

SARANGARH

REVENUE HISTORY AND SETTLEMENTS.

The settlement report of 1903 of this State gives a fair account of the revenue system which existed formerly. As may be expected from its situation and political history the system is similar to the *gaontia* system of the Chhattisgarh plain and the Maratha system of allotting to each field a factor, from which its proportionate share of the village land revenue could be reckoned, seems to have been known.

Digitized Odisha Revenue Laws – Volume 15 · Page 403 Odisha

Until 1808 villages used to be settled annually with *gaontias* and this period was later extended to 3 to 5 years. For the purpose of assessment, the *khandi* or seed capacity of the field was the unit. "From time immemorial the Sarangarh villages have been divided up by the cultivators among themselves for the purposes of distribution of land and assessment of rent into blocks of land of similar class called *khars*. Each tenant used to hold as far as possible an amount of land of each class proportionate to the size of his whole holding". This is a system known as *lakhabata* formerly prevalent in Chhattisgarh.

The origin of this interesting system is not clear; perhaps it was considered that land in the village belonged to no individual but to the agricultural community as a whole and no one cultivator was entitled to possession of a large share of the good land of the village. The lakhabata involved a periodical redistribution of land so as to eliminate in equalities produced by fluvial action or by alteration in fertility. The system can be explained only on the idea of collective ownership. This anncient custom has long disappeared and it is not clear how and when it disappeared. Probably all that happened was that at a certain time periodical redistribution disappeared and each cultivator remained permanently in possession of the land with him after the last redistribution. It is likely that the introduction of regular settlements after the decline of the Maratha power resulted in the disappearance of this custom.

The ryoti rents constituted as a rule the revenue of the village; at one time the *gaontia* fixed the ryoti rentals and paid the Government what he had agreed to but in later years, when the ryoti rents were fixed, he held the *bhogra* lands of the village as his remuneration. When the idea of a fixed *bhogra* or fixed remuneration arose (this clearly arose as a result of certain *gaontias* holding a very large proportion of the village lands as *bhogra* the *gaontia* came to be regarded more as a collector of revenue than as a person given the sole right of settling ryots and managing the village in return for a certain annual payment.

Enhancement of rents was made at the instance of *pandkhars* whose duty it was to keep themselves in touch with the circumstances of cultivators. The actual enhancement of rents was made by the Raja in consultation with a *panchayat* of neighbouring *gaontias*. The enhancement was fixed in a lump sum for the whole land of the village and even the initial assessment of the village must have been fixed in a similar manner. The tenants distributed the fresh assessments among themselves without difficulty through the system of *khutis* into which the cultivation was divided. A considerable portion of the rents used to be paid in kind formerly, the actual amount being regulated by the Raja's requirements. Payment in cash up to 1869 was in cowries.

2. In 1885 when the State was under government management a summary settlement was ordered. The villages were divided into five classes according to the general excellence and fertility; the situation, soils, crops, existing rents, and rents in neighbouring villages were taken into account. Lands were classified according to position and soil. The average rent rate per acre was then fixed for each class of village; the villages of each class were not grouped together into blocks but were scattered throughout the State. Assessment was according to the rent rate and village papers showing the area, the quality of the land and the rent paid by each tenant were prepared. The *nazarana* of the *gaontia* was commuted into annual payments (and thus made practically an assessment on the home farm). For *bhogra* land which did not exceed $\frac{1}{4}$th of the cultivated area the *gaontia* paid rent at $\frac{1}{4}$th the ryoti rate, for land in excess of this but below half the cultivated area he paid at half the ryoti rate and for areas in excess of this, full ryoti rates. Limitation of the *bhogra* was found necessary as the tenants of the *bhogra* land were practically tenants at will. Measurement of land at the settlement of 1885 was roughly made by a standard rod of 6 feet length. The survey as well as settlement was thus very much on the lines common in Orissa.

3. The settlement was for 10 years but reassessment was postponed till 1904 owing to famine. In 1894—96 a regular survey including traverse and cadastral survey was completed. The settlement was made in 1903-4 and was based on the soil unit system of the Central Provinces. The difference between tihs method and the previous system is correctly expressed by the settlement officer. "The principle feature of the new system is that it is much more elaborate in determining a tenant's rental, that each village is considered separately and is rated on its own circumstances and not with reference to the particular circumstances of other villages falling within the group of which it forms a part. In

Digitized Odisha Revenue Laws – Volume 15 · Page 404 Odisha

other words, the rates are village rates and not rates for the group. The standard rate for a group is at first proposed. This however serves only as a guide in framing the village rates.....". At this settlement, the *bhogra* lands of the *gaontia* were assessed in the same manner as ryoti lands and it was proposed to give them twenty to thirty per cent. of the village assets (total rental value of the assessed lands) as remuneration or 'drawback'. Ten years later this settlement was revised and the previous revenue, enhanced by about 24 per cent. over the revenue of the 1885 settlement, was enhanced by 42 per cent. This settlement was also on the same system. In 1924, a summary settlement was made by the Ruler on the ground that his illness had cost the State much and it was not desirable to make a settlement on an elaborate system. Enhancement seems to have been effected arbitrarily; there was practically no increase in area between the 1914 and 1924 settlements (+125 acres) and little between the 1904 and 1914 settlements. The average rental was enhanced from 9.17 annas per acre to 12.23 annas. The period of the settlement was fixed as ten years but a new settlement has not been made so far.

ZAMINDARI AND OTHER TENURES.

4. There are two zamindaris, *viz.*, Dongripali and Karanpali in this State. The sanads issued to the zamindars are not available. The zamindaris are compact areas. The settlement of the zamindaris was made by the State. The *takoli* fixed has been enhanced at the various settlements and at the settlement of 1924 which is now current it was fixed at about 42 per cent. of the total revenue of both zamindaris.

The *wajib-ul-arz* of the State applies to the zamindaris also.

Gaontias of zamindari villages are appointed by the State and the zamindars are not consulted. If there is default of revenue the zamindar applies to the State. The removal of the *gaontia* is effected only through State courts. When a village falls vacant through removal of *gaontia* or through lack of heirs the village would revert to the zamindar. In a *gaontia* succession case, only mutation fee is realised by the State; *Chouthai* or 25 per cent. of the rental as *nazarana* is realised by the zamindar. The mutation fee is not paid to the zamindar. No case of *gaontiahi* surrender has come up in the last 10 years or so but surrender would be made to the zamindar; the disposal of the village would then be with the zamindar.

The zamindar used to be consulted in *gaontia* mutation cases about 10 years ago but this is not done now, *pattas* are now issued direct by the State. The zamindar cannot eject *gaontias* without the aid of State courts and *gaontias* are proceeded against by rent-suits. The zamindari *gaontias* file suits against their ryots. In the *khan* villages (i.e., villages held directly without a *gaontia*) the zamindar recovers rent through *mukhiars*. The *gaontias* can transfer their villages with the permission of the zamindar and the State but no actual case has occurred within the last 15 years. Before that there was a case in which zamindar got 0-6-0 per rupee of the *nazarana* and the out going *gaontia* 0-10-0.

Cesses levied in the zamindaris are paid entirely to the State. The zamindars do not levy any cesses not imposed by the State. The *gaontias* pay the rents direct to the zamindars. *Takoli* is paid in two equal instalments on 15th January and 15th April. The *gaontias* pay the revenue on the same dates and ryots pay some days earlier. No interest is paid by ryots or *gaontias* or zamindar on arrears.

The zamindars can create their own rent-free grants but the State will have to be intimated. Chowkidars and *baigas* are appointed by the State in consultation with the zamindar. *Gaontias* appoint *narihas* of their own accord.

The State forest staff manages the forest area. Income from these forests goes to the State. No portion of the income is paid to the zamindars. No grazing fee, etc., is charged by the zamindars. They can take forest produce for their own use but with permission. The forest and other *thekedars* (contractors or lessees) of the State operate in the zamindaris also and the zamindars do not create their own monopolies.

The *gaontias* render *tika* in cash according to their ability to the zamindar; every *gaontia* renders a goat at Dusserah but nothing is taken from the ryots. In *kham* villages of the zamindars if rent is not paid by ryots a civil suit is filed.

Zamindars have no right over minerals.

Digitized by Odisha Revenue Laws – Volume 15 · Page 405 Odisha

5. There are many grants in the State, *viz.*, for charities, maintenance, service, *puja*, etc.

In common with the non-Oriya Chhattisgarh States, Sarangarh has no tenures described as *debottar, bramottar* and the like. The Oriyas seem to have a proclivity for a large number of distinguishing names not only in respect of grants but, for example, in describing holders of land by such names as *thani, pahi, chandnadars* and so on. As in Orissa there are grants here also meant for the service of deities and these are simply regarded as *khidmati* or grants made for the performance of certain services. These grants are nothing like so extensive as in Orissa and are held subject to the performance of service; they comprise only about 125 acres; some of them make payments of nominal amounts or cesses. The grantees are responsible for the service and the State has no direct interest.

6. There are only two whole village grants. Where a whole village is held by a *muafidar* or *muafidars* it is held practically in the same way as a *gaontia* except in respect of the land revenue; in fact the *muafidar* was being spoken of as the *gaontia* in the village Kalmi which I visited. The whole village *muafis* are shown as four-fifths of the village or half the village but this means nothing more than that the *muafidar* pays one fifth or half the revenue of the village to the State, really a sort of quit-rent of half or one fifth. The sanad of Kalmi village shows that it is held muafi only for the lifetime of the Ruling Chief. The grant is shown as charitable grant.

7. The "charitable grants" also few in number are made mostly to Brahmins and are really similar to the *brahmottar* grants of Orissa but they are all individual plots and not whole villages. The grantees all pay cesses. There is a grant of 146 acres for maintenance, and a few which are apparently maintenance or charitable grants, the exact purpose being unknown. Among the service grants there is one for the supply of earthen pots.

8. There are 8 villages which are *kham* or held by the Ruler. Of these two were made *kham* since the last settlement when the *gaontias* died heirless. (A statement obtained however shows that seven villages were taken as *khamar* between 1929 and 1940 and of these four villages have been given to *gaontias* again, two of them in 1942 probably since my visit.) Sarangarh (headquarters) is a *kham* village. The Raja occupies the position of the *gaontia* of these villages. The income is credited into treasury as land revenue. The *bhogra* land in *kham* villages is cultivated by or on behalf of the Ruling Chief. There are *kham moharrirs* for collection. There are no sub-*gaontias* in these villages. The tahsildar looks after collection and management (nominal) of these villages. There are other servants also to look after the management and supervise the work. The tahsildar as Superintendent *Kham* issues notices demanding payment from the defaulters. If there are arrears a list is sent to the Ruler who ordinarily sends the list to the tahsildar for recovery in the same manner as State dues.

No *gaontiahi patta* is issued in the Ruler's name. Tenants have the same rights as in other villages and pay the usual cesses. No separate cesses are charged by the Ruling Chief. There are many village service holdings like chowkidar, *baiga, nariha.*

THE RYOTI TENURE

9. The rights of tenants are described in the *wajib-ul-arz* which is attached to the settlement record of every village. The tenant has the right to occupy his holding so long as he pays his rent and cannot be ejected except on the decree of a civil court; a distinguishing feature of the Sarangarh *wajib-ul-arz* is that the vague clause of "disloyalty" for which a ryot may be ejected in many other States is not present; it is provided that a decree for ejectment cannot be enforced at once but attempts must be made to realise the amount by attachment and sale of the movable property or immovable property such as house, trees, garden, etc. Apparently there is no restriction about agricultural implements and cattle. A tenant's holding may be inherited only by male lineal heirs or collaterals who were "sharers" with the deceased. In the absences of such heirs the widow or minor daughter gets a right for life or till marrige.

10. A tenant can transfer his holding by sale or mortgage or otherwise but only with the consent of the thekedar; the *thekedar* takes ten per cent. of the consideration when he gives his consent to a transfer and this is prescribed by the *wajib-ul-arz*; transfer to persons outside the State needs the sanction

Digitized Odisha Revenue Laws – Volume 15 · Page 406 Odisha

of the Ruler. Land can be sub-let for one year without consent but for longer periods the consent of the *thekedar* is necessary and the transaction needs a registered document; a sub-lease may not continue beyond settlement and if a *thekedar* dispossessed his successor may require the lease to be terminated. Transfer of possession in lieu of interest is prohibited.

Land may be mortgaged with or without possession and the tenant can also take back his land at will, in which case for amounts still owed, the mortgagee has to go to the civil court.

11. If a tenant leaves his holding for two years uncultivated and rent unpaid he is deemed to have surrendered his holding unless circumstances beyond his control can be proved. The *thekedar* gets such a holding but is expected to give notice to the State before leasing it or cultivating it.

12. The settlement of waste land requires, in the first instance, permission of the State. If there is more than one applicant an auction is held, otherwise a *nazarana* is fixed by agreement. This is credited to the treasury as '*nazarana*'. The *wajib-ul-arz* prescribes that the permission of the *thekedar* is necessary before a new ryot can take up land in his village or an old ryot extend his cultivation and the rent of such land is fixed by agreement with the *thekedar*. Presumably the *thekedar* appropriates the rent though this is not specifically stated in the *wajib-ul-arz*. If there is no agreement, the land will be held rent-free for two years and will then be assessed to rent at the average rate of the village.

13. A ryot is entitled to make improvements on his holding but tanks may not be made without permission. Permission is necessary for tanks, wells, etc., on village waste.

14. There are no rules regarding the acquisition of land. I could not find any records of land acquisition.

15. House sites in villages are allotted by the gaontia. In Sarangarh, they are sold by auction. The income from the house-sites in Sarangarh forms the personal income of the Ruler.

Under the *wajib-ul-arz* house-sites, to which persons taking up residence in the village are entitled, are held rent-free; they are entitled to a *beara* or threshing floor as well. The *gaontias* in allotting house-sites levy a payment sometimes; this is not prescribed in the *wajib-ul-arz*. The tenant to whom a house-site is allotted does not get a right to the land or trees standing on it but he can take the materials if he leaves the site.

16. There are seventeen species of trees which may not be cut without a licence in village limits. The fruit and flowers of trees without owners may be enjoyed by ryots. If any trees of the unprohibited trees dies the *thekedar* has a right to the timber; on occupied lands existing rights are maintained but trees of spontaneous growth as well as planted trees belong to the ryot on whose holding they stand and he may cut and appropriate the wood if they are detrimental to cultivation except in the case of seven species.

17. The thekedar and tenants are responsible for the maintenance of all tanks and ponds in the village. They are entitled to the free use of water for all purposes.

18. There is a custom of the thekedar allotting portions of his bhogra for sugar-cane cultivation.

19. Subject to the prior right of the owner of the cattle the *ganda* has a right to the skins of all village cattle (*wajib-ul-arz*). Actually there is a hide monopolist who is said to take all hides through paid chamars The system is said to be 7 or 8 years old. Among the villagers questioned some said payment was made while others denied it.

20. There was a *bhandar* cess payable in kind but according to the *wajib-ul-arz* this was not an addition to the land revenue but out of every rupee of rent half anna was payable in kind. Actually the cess was in practice recovered as a cess over and above the land revenue since the settlement of 1924-25 in spite of what is said in the *wajib-ul-arz*. In November last year, this cess, together with half anna per rupee of land revenue was made over to the District council and called an "education cess".

21. Ryots are liable to plant road side avenues on Public roads within village limits and are liable to look after them. The fruits and flowers of such trees will be the property of the person planting them and he may remove dry trees with the permission of the State.

Digitized Odisha Revenue Laws – Volume 15 · Page 407 Odisha

22. Ryots used to render *bhethegar* to gaontias but this was abolished by a proclamation of 1939. *Begar* for the Chief and for State officials prescribed by the *wajib-ul-arz* have not been abolished.

23. Ryots get receipts in *rasid bahis* of the Central Provinces type. These used to cost annas four each and I was told in Kalmi that the price has been raised to ten annas. The price appears to be very much more than the cost of getting them made.

VILLAGE HEADMEN

24. Villages are held by *thekedars* or *gaontias* whose tenure is governed by the conditions of the *wajib-ul-arz* or village administration paper and his *patta*. The *wajib-ul-arz* shows all *thekedars* as having protected status. Only 29 thekedars (out of about 500) have however been reported to have protected status. Protected status simply means protection from arbitrary eviction and a *thekedar* with this status may not be evicted so long as he pays the land revenue fixed at each settlement. The *thekedari* right may be inherited by lineal male descendants living jointly with the deceased or in their absence by the widow for life or till remarriage or by a minor daughter till marriage. This rule appears to apply to protected as well as unprotected *thekedars* though the clause in the *wajib-ul-arz* speaks only of protected status. By a proclamation of 1939, the right of partitioning more than one village among sons of a *gaontia* has been granted, that is, if a *gaontia* has two villages and two sons the sons may get a village each.

Thekedars have no right to partition or to alienate their interest except with permission of the Ruler.

A successor by inheritance to the *theka* of a village pays a mutation fee of Rs. 5 to the State (credited under 'mutation fee'). A *chouthai* of 25 per cent. of the rental demand of the village exclusive of cesses is paid to the Ruler and is appropriated as personal income. A village falling vacant by removal of a *gaontia* or intestacy is disposed of by auction and the proceeds of the auction are generally the personal income of the Ruler; a separate mutation case is then started and Rs 5 is realised as mutation fee. A surrendered village is disposed of in the same way as a vacant village, *i.e.*, the village is auctioned. There is the practice in this State of a *gaontia* surrendering his village to the State for the purpose of the *theka* being settled with some one else and in such cases 0-10-0 per rupee of the auction proceeds is given to the outgoing *gaontia* and 0-6-0 is appropriated by the State as revenue (credited as *nazarana*). This is said to be done under clause 3 of the *wajib-ul-arz* which declares that a transfer, unless made with the special permission of the Ruler on payment of reasonable nazarana, will result in eviction. (The same practice was prevalent in Raigarh till very recently; it has now been abolished.)

25. There is *bhogra* land in all villages without exception. 20 per cent. of the village assets forms the remuneration of the *gaontia*. The village assets include only ryoti and *bhogra* rentals and no *siwai* or miscellaneous income. In some cases there is less *bhogra* than 20 per cent. and in some more. In the former case a drawback is obtained from the rental. In zamindari villages also the position is the same. *Bhogra* lands may be leased out for the period of the settlement but may not be alienated otherwise; they cannot be added to by the '*gaontia*' and other lands held by him are treated as ryoti. *Bhogra* is often held by the relatives of the *thekedar* but their rights are recognised only as a private arrangement.

There are villages where there are two *gaontias* each with a *patti*. *Bhogra* is divided in such cases as well as tenants. There are some *gaontias* with more than one village; the maximum number is three. There are co-sharers in the villages but their rights are not recognised except as private arrangements and if the *gaontia* is ejected all the co-sharers are automatically ejected.

There is frequent litigation between co-sharers and the *gaontias*.

26. *Gaontias* have the right to take possession of lands surrendered or abandoned or left intestate by ryots for their own cultivation or to dispose of it on *salami* and enhanced rent; the excess rent in such cases will be the property of the *gaontia* till the next settlement.

27. *Gaontias* have to provide supplies on payment but there is a clause similar to the Khairagarh clause about guests.

28. The gaontia is expected to stay in his village. There are mukaddams or agents of gaontias in villages where the gaontia is not resident; mukaddams nominated by the gaontia are appointed by the State.

Digitized by Odisha Revenue Laws – Volume 15 · Page 408 Odisha

29. There are 5 ryotwari villages, i e., without *gaontias*, since last settlement. Jamgori village pays revenue through the Sub-Inspector of Police. The patwari reports defaulters for the purpose of coercive proceedings. The *rasidbahis* are passed by the patwari. The Sub-Inspector of police forwards the amount to be credited. No reason could be found for this special arrangement. In other ryotwari villages collection is made by the patwaris. It is not known why these villages remained without *gaontias*. 3 are jungly villages. the other two which are in the plains, have no residential area.

30 There are no villages having any member of the Ruling Family as *gaontia*.

31. Gaontias (and bhograholders) are liable to pay every year at Dasehra a goat, a seer of ghee and a cash *salami* not less than Re. 1 per village according to their means.

RECOVERY OF LAND REVENUE

32. Paddy is the main crop of the State and land revenue is payable in two equal instalments on the 15th January and 15th April. No inconvenience seems to be felt in making payments on these dates. Under the terms of his *patta* the *gaontia* is liable to pay the revenue and his property may be attached and sold or he may be evicted from his village for arrears. In cases against the *gaontia* movable property is generally proceeded against and standing crops are also attached. In cases I saw bullocks, apparently plough-cattle, had also been attached. Arrest and detention is not practised. For recovery from their *gaontias* zamindars have to file civil suits and are not allowed to avali themselves of summary procedure; they consider this unfair.

Gaontias have to file rent-suits against the defaulting tenants. In a rent-suit against a ryot or a *gaontia* only a money decree is passed. The decree may be executed by attachment of movables; civil procedure is followed but the holding is not attached; standing crop may be attached. In *ryotwari* and *kham* villages, the arrear is certified and proceedings start. Ejectment is permitted by the *wajib-ul-arz*.

The *Nazir* executes revenue process. He has 13 process servers and peons who serve revenue, civil and criminal processes. Property attached is kept with a local surety; it is not brought to headquarters except for sale. The nazir auctions the property.

Land revenue credited as a result of recovery cases is sometimes kept by the *nazir* for long periods without credit into the treasury.

33. Collection of land revenue except in 1938 was well over 90 per cent. In the last four years the number of cases started against *gaontias* has been large.

CESSES

34. Cesses prevalent in the State are

(a) road cess imposed in 1942 at 0-1-0 per rupee of revenue by the newly instituted District Council.

(b) *bhandar* cess levied formerly under the *wajib-ul-arz* converted into "education cess" by order of the Ruler, dated the 25th November 1941 0-1-0 per rupee of revenue (see para. 20 under ryoti tenure).

(c) education cess (additional) at 0-0-6 per rupee of revenue levied by the District Council (1942).

REMISSIONS AND LOANS

35. In 1937 a flood of the Mahanadi destroyed crops and remission of land revenue was granted. In 1941-42 suspension in some villages when the crop was less than four annas was granted. The remission of 1937 was given in respect of submerged lands in which crop was totally destroyed. Principles followed in the Central Provinces seem to be roughly followed though much less liberally.

36. No loans are given to agriculturists. *Kham* tenants get paddy loans from khamar at 12 per cent. interest (average). Some private lending also is carried on by Ruler.

VILLAGE SERVANTS

37. There are *gandas* (village watchmen) in each village; they have all *maufi* lands except in Sarangarh where the *ganda* is paid Rs. 7 by the municipality. The *mufi* is from $1\frac{1}{2}$—22 acres. The chowkidar is recommended by the Honorary Magistrate and Sub-Judge and appointment is made by the Dewan. Under the *wajib-ul-arz* the *ganda* is appointed by the *thekedar* with the approval of the State.

Digitized Odisha Revenue Laws – Volume 15 · Page 409 Odisha

There are *baigas* in practically all villages. They are village priests but perform duties similar to that of *ganda* and are appointed similarly.

The *nariha* is a servant appointed and dismissed by *gaontia*. The *wajib-ul-arz* says that he is appointed every year. The *thekedar* has to provide a house for him and provide him also with a portion of the *bhogra* land for cultivation. The *nariha* is supposed to get some grain from tenants for grazing their cattle but in the absence of this custom he gets a handful of rice daily from the cultivator and a piece of cloth from owners of cattle. He is entitled to other customary dues also like milk and cash contributions. His work is to graze cattle and to perform menial services for officials in connection with cooking and cleaning pots and vessels. It is likely that more emphasis is laid on the latter duty. He is of course at the beck and call of the *thekedar* by whom he can be arbitrarily removed.

The *ganda* and *baiga* jointly claim for every rupee worth of grain sold in the village, one handful (or one pice per rupee) from the seller, and 5 *tamis* paddy per plough or one anna per rupee on each tenant's rent; at the threshing season they get grain at rates locally fixed as their wages for watching crops and other property at night. The *thekedar, bhogra* holders and ryots provide each *ganda* and *baiga* with a red and blue pagree respectively at their cost; in Kalmi village I was told that the cost of the dress of the *ganda* and *baiga* was Rs. 3 to 5 and was raised once in three or four years; the villagers themselves purchase and provide the articles.

The dues of the *ganda, baiga* and *nariha* can be recovered through the courts. There are other village servants like *dhobi* and barber but these are allotted lands by the *thekedar* out of his *bhogra* and may be removed by him.

FORESTS.

38. It is said that the Indian Forest Act is followed but this seems to be done only where it is found convenient.

Certain rules are contained in the *wajib-ul-arz*. There are reserve, protected and village forests. Village forest means all village waste land. There is no area classed as village forest outside village boundaries reserve and protected forests are demarcated forests. Reserved species of trees are as mentioned in the *wajib-ul-arz*. Contrary to the usual practice ryots have no rights in protected forests but have rights in forests classed as reserved.

39. There is a commutation fee in all villages except five. This is for *sukhbasis* 0-2-0 per *chula*, 0-4-0 per plough for tenants; *sukhbasis* include all non-agriculturists. Except thorns, fuel and wood for ploughs other things are not free in reserve forest; in village forests also the position is the same and full rates have to be paid for other commodities. The five villages which do not pay are in Sambalpur territory; they use Sambalpur forests.

The forests of this State are not good and much of the waste land is bare rock or scub jungle. Mr. Mooney is not the Forest Adviser for this State; he saw cursorily the forests in 1938 and thought that reservation of about 100 square miles could be made. I am not able to say what the effect of subsequent steps on the *ñistar* of tenants has been as I could visit only two villages on the road side in this State.

40. Boundary lines are cleared departmentally by engaging coolies; 2-3 annas wages are paid.

41. *Darogas* can compound forest offences up to the value of Re. 1 and the Forest officer upto Rs. 5. Other cases go to the Jubraja Saheb. Cases compounded are reported for information to the Jubraj. I do not think composition by *darogas* is permitted anywhere else.

42. No fee is levied for grazing in village forests. For grazing in reserve forest a fee is charged. Grazing is not allowed in protected forest. Plough cattle are allowed free grazing in reserves up to a maximum of four per plough (one plough is reckoned as 8–10 acres). The fee is 1½ annas per cow or bullock and 3 annas per buffalo; the commercial rate is twice this. The same position exists in the zamindaris.

43. No shifting cultivation is practised in the State.

MONOPOLIES.

44. Hides, lac, *tendu*, myrobolams are monopolies. The monopolies apply to all lands in the State. The lac monopoly gives the right to propagate lac on

Digitized Odisha Revenue Laws – Volume 15 · Page 410 Odisha

all trees in the village by employing labourers. No price of wages are prescribed. The other monopolies are similar. The hide monopoly requires that all persons should sell to the monopolist (see para. 19) at rates given in the lease (which expires on 31st December, 1942). Chamars and others are not entitled to purchase hides from the owners of animals and the monopolist can sell the hides at a "concession" rate of four times the purchase price, an indication that the purchase price is purely nominal. The lessee supplies thongs required by agriculturists at a high rate or deducts the amount from the price of the hide. The monopoly fetches about Rs. 6,500.

There is an export duty on all grains levied on any person who takes grain out of State.

CROP PROTECTION.

45. The issue and renewal fee is twelve annas. The number of licences issued in 1941 is 4, obviously an inadequate number. According to a notification issued in 1938 the ryots have been given the right of killing wild pigs by entrapping, or otherwise, and appropriating the meat.

REVENUE ORGANISATION.

46. The Ruler is the highest revenue authority. He passes final orders in mutation cases of *gaontias*, conversion of *bhogra* into ryoti lands, appointment and removal of *gaontias*, and other cases requiring approval under the *wajib-ul-arz*. He hears appeals from orders of the Dewan. Powers of the highest civil court have been delegated to the Dewan till the joint HighCourt is established. The Dewan deals with most other revenue cases in addition to being the High Court and having other administrative duties.

The Tahsildar and Naib Dewan are mostly reporting officers. They have miscellaneous duties as well.

47. The land records organisation consists of the Superintendent of Land Records, two revenue inspectors and 21 patwaris. There are no rules regarding their work but to some extent the Central Provinces rules are folllowed. There is a *kanungo* who looks after annual papers filed by patwaris. The State is divided into 20 circles (patwari) and there is a special patwari for the *sadar*. The total cost of the revenue and land records establishment is given as Rs. 5,496, the land revenue being about a lakh of rupees and the total revenue Rs. 2.46 lakhs.

MISCELLANEOUS

48. Court-fee on all petitions except those addressed to the Ruler is 0-12-0; petitions addressed to the Ruler cost Rs. 2.

Petition writers are appointed under the Judicial Commissioner's (Central Provinces) civil circulars; there are no special rules regarding revenue petitions. Petition-paper used to cost 2 pice but is charged 0-1-0 since 1st April 1942.

There are some special rules for registration of documents, and stamp fees. Stamp duty is Re. 1, up to Rs. 100, Rs. 2 up to Rs. 200 and Rs. 1-8-0 per cent. above Rs 200. Registration fee is one per cent. of the value.

SERAIKELA

REVENUE HISTORY AND SETTLEMENTS

Territorially, the State of Seraikela (the Karaikela sub-division of which is divided from the main area by the Kharsawan State and British territory) forms part of the Chota-Nagpur division of Bihar; it forms on enclave in the district of Singbhum to which it was formerly attached for the purpose of supervision and control. The Ruler was required under his sanad to consult and accept the advice of the Commissioner of the Chota-Nagpur division in all important matters, connected with land revenue and settlement. This territorial and administrative connection has not however resulted in a revenue system in Seraikela to which the Chota-Nagpur Tenancy Act of 1908 could satisfactorily be applied.

2. The information ayilable about the previous land revenue history of the tract is scanty. The land revenue in the adjoining tracts of the Singbhum district seems to have been originally a plough tax; in 1867 it was decided that the land should be measured but the assessment should still be shown as made on the plough, a relation however being established between the area and the plough. Area appears to have been expressed commonly in former days in

Digitized Odisha Revenue Laws – Volume 15 · Page 411 Odisha

terms of the seed capacity of the land, an extremely widespread mode of appraisement of area. A relation also existed between the area measured by seed capacity and the pluogh It may be assumed that the same system was prevalent in Seraikela. Though assessments based upon measurement were thus started early in the adjoining British area, it does not appear that this method of settlement was introduced in Seraikela at a very early date. The early agreements with the British Govenment seem to have been restricted to the treatment of fugitives and there was probably little interference with the revenue system till much later. It would appear that the sanad of 1899 for the first time prescribed control over revenue matters.

I was given to understand that before the regular settlement, one of the Chiefs attempted a *donkat* or approximate measurement of the land and presumably a very rough settlement was made on this basis. It also appears that the former settlements were periodical but there was no classification of land and all classes of land were assessed at the same rate. Also the inferior classes of land described as *gora* were neither measured nor assessed. In 1899-1900 the question of a new settlement was raised and presumably because of the great famine of these years the ryots objected to this new settlement. These objections ultimately led to the Bengal Government deciding that the States of Kharasawan and Seraikela should be settled by Government agency and the formal consent of the Chiefs was obtained. It was decided that a regular survey and preparation of a record of rights should be carried out.

3. Accordingly survey operations were carried out in 1904. It was decided that the settlement should be carried out according to the spirit of Chapter X of the Bengal Tenancy Act and as there was no other law to be followed and, the final record was stamped as having been prepared under the authority of the Chiefs. It was found that the previous uniform rate for all classes of rice land was not fair as the difference between good and inferior rice land was considerable and accordingly separate assessments were proposed for various classes of rice land, four in number, and an assessment was also proposed on the *gora* land which had not been assessed till then. The settlement officer proposed that produce rent which was also prevailing then should be commuted but the Chiefs objected to the proposal which was therefore rejected by the Bengal Government. It was however decided that while the produce rents being paid prior to the settlement should continue to be paid, there should be no further increase on account of the excess area, i.e., while a ryot would have to pay a new cash rent based on the proposed rates he would continue to pay the amount of produce rent he was paying before. The resolution passed by the Goverment of Bengal shows that the total rent of a *pir* was worked out by assuming that the produce rent should be valued at Re. 1 per maund of rice and the total cash and produce rent should approximately equal to the total fair assessment. This settlement was made for 20 years.

At this settlement, for the first time, some sort of record of rights was drawn up by the settlement officer embodying customary rights and liabilities of the cultivators, village servants and the village headman prevalent in the State.

4. The second and current settlement of the State was made in 1925-28. This settlement also purports to have been made under the Bengal Tenancy Act, under the control of the Jubraj of the State. It was laid down before the settlement operations began that the term of the settlement would be for 15 years, no reasons being given. Produce rents were found to be causing great hardship and were all commuted. Homestead and *bari* lands which had not been assessed at the previous settlement were assessed and the ryots are supposed to have been given the right to trees on homestead lands. Assessment was also imposed on tanks and bandhs and waste lands growing only thatching grass which was considered valuable; these were recorded in ryoti rights.

The settlement of Mr. Connolly was made under the supervision of the Bengal Government while the second settlement was made by Khan Sahib Abdul Hakim under the supervision of the Jubraj. The interest taken by this settlement officer in his work may be measured by the fact that one half of his report is almost a *verbatim* copy of the previous report and in the second half there is a meagre discussion of the questions involved.

5. The whole State has been surveyed by plane-table traverse survey and also cadastrally. There are pillars with a heap of stones round each to indicate the traverse marks. The field embankments act as boundaries in the case of wet

Digitized by Odisha Revenue Laws – Volume 15 · Page 412 Odisha

lands but for *gora* lands there are no boundaries; the *amin* measures on payment of fees and identifies holdings if disputes occur. It is said that less than 50 disputes occur in a year.

The *thekedar* is entirely responsible for the maintenance of traverse marks. Between protected forest and villages boundary lines exist; these are maintained by the State and the tenants have no liability.

Land records are not maintained up to date though mutations are recorded (this is a source of revenue); as the *thekedar* is supposed to allot waste land and vacant land, there is need for a *'nayabadi'* settlement for the purpose of recording and assessing new cultivation and this is reported to be done every five years. Similarly changes caused by alluvion and diluvion are not recorded.

ZAMINDARI AND OTHER TENURE

6. The settlement report of Mr. Connolly records the nature of the tenures prevalent in the State at that time. The important tenures are *kharposh*, *nokran brahmottar* and *muafi*.

7. The *kharposh* grants are maintenance grants given by the Chief to his relatives; they are rent-free and pay only a contribution towards the upkeep of the police. The largest of these grants are Ichha, Dugni and Bangsai; they comprise 57, 74 and 34 villages respectively. The status of these *kharposhdars* was decided finally by the Government of India who held that they were maintenance holders but that the grants were not liable to resumption till the failure of male heirs and that the estates were impartible. The estates of Dugni and Bangsai were granted to the ancestors of the present proprietors by the Raja of Porahat simultaneously with the grants of Seraikela and Kharsawan and these two estates are thus as old as Seraikela itself. Ichha was given to the ancestor of the present proprietor by Abhiram Singh, one of the Chiefs of Seraikela. In all these cases it has been held that the grantees are liable to render only such services to the State as the Chief himself is liable to render to the Goverment.

There have been disputes between the *kharposhdars* and the Ruler of Seraikela regarding the rights of the *kharposhdars* and their status and probably there are matters which are still not definite; it is admitted that they have full rights in the forests and that they can allot lands and clear waste land; they do not appear to enjoy any rights over minerals; they probably have rights over ferries. The question whether they can appoint or remove *thekadars* of villages in their holdings without reference to the Ruler came up rather acutely quite recently. The tenure holders have claimed the right to appoint and remove headmen without interference by the State and in actual practice they have not been recognising the claim of the Chief and the provision of the Record of Rights "Act" in this matter; a large number of villages in these *pirs*, have been given to persons who may be described as under-tenure-holders and the original *thekedars* have been ousted; it is alleged that the headmen were ousted so that the under-tenure-holders could hold the villages direct and save the commission payable to the headman. The Ruler claimed the right of appointment of *thekedars* on the ground of administrative needs and the administrative importance of the post. (There is however, much more in this as at the time of appointment a salami is levied; there are many villages outside the *pirs* where there are no *thekedars*, see para. 29). The right of the State to appoint headmen has been upheld.

There are no sanads of the *purpattidars* of Ichha, Dugni and Bangsai available; it does not appear that one was ever issued. The settlement khewat shows that they pay a *'takoli* cess' at 15 per cent. of the total land revenue on all assessed lands and a small police cess (quite nominal).

8. Apart from the *'pirpattidars'*, as the holders of the grants mentioned above are termed, there were 43 villages held as maintenance grants or *kharposh* (1928) 34 entire villages held as *chakran* or service grants and 44 villages held as *Brahmottar*. This makes a total of 286 villages. held by various tenure holders. The figures furnished by the State however, show 393 held dircetly and 334 held by tenure holders at present and thus 48 more villages have been "alienated" since the settlement of 1928 or in less than 15 years. (I asked for a clarification of this but the State has not yet been able to furnish the information). Some villages are held by the Ruler or members of the Ruling Family as private property (like tenure-holders). There is no sanad in respect of these villages (and lands) and thus no conditions; it is said that they

Digitized Odisha Revenue Laws – Volume 15 · Page 413 Odisha

devolve in accordance with custom. The tenants of these villages have *prajali* rights like others and are supposed to be governed by the record of rights.

9. Some of the pattas or deeds of grant issued to grantees have been examined by me. One of the *brahmottar* grants shows that the grantee is required to bless the Ruler on a certain day during his prayers. Another *brahmottar* grant names in addition to the condition mentioned above the contribution of free labour to the palace, two goats to be sacrificed, subscription for worship and police cess. Another document called a *patta hukumnama* is granted on the condition that the grantee remains "at the service of our huzur, and a contribution of two goats for sacrifice, free labour and two maunds of paddy and generally subject to the rendering of good service, in and outside the country. Yet another *patta hukumnama* mentions that good service should be rendered to the palace in addition to a goat for sacrifice and there is a clause about the maintenance of 8 houses (families) of potters. Some of the documents recite that the lands will be enjoyed (including trees, etc., within the boundaries of the village) by personal cultivation or through others, but, as may be expected, are extremely vaguely worded. The grantees of course like to claim that they convey proprietary rights and from the vague wording this interpretation may not be untenable.

Apart from grants of whole villages there are many grants of land for purposes of service or '*pan-pik*' grants which are really for maintenance and not for holding a spitoon as Mr. Connolly described it.

Among the *brahmottar* grants of Mr. Connolly which are really grants to Brahmins were included the temple or *debottar* grants. The grants recorded by him as *maufie* are also maintenance grants. Though in some cases of *brahmottar* grants the liability to furnish free labour seems to be recorded, in practice no such service seems to be rendered. At the present day it is reported that the *debottar* grants of about 159 acres are managed by recorded *Shebayets* under the control of the "House-hold Department".

10. Among the service grants are grants known as *gahandali* or *paik*, a number of which are in existence today. They are grants for military and other service. It was proposed to call upon the *gahandals* to appear for drill and training in musketry and certain new rules which clearly amounted to the imposition of new terms were also framed. The gahandals resented this and the rules have not been enforced.

THE RYOTI TENURE.

11. In 1904 Mr Connolly jotted down a "record of rights" and appended it to his settlement report. In 1928 the Settlement Officer prepared a similar document which contained a few alterations. In 1935, a few more alterations were made in this, mainly with reference to the rights of transfer, and it was provided with a preamble which called it to the Act No. 31 of 1935. This far from perfect document constitutes the revenue law of the State.

12. It was found by Mr. Connolly that the custom in the State was that a ryot who has his name entered in the books of the zamindars as cultivating a piece of land acquires immediately a right in that land known a *prajali* which to all intents and purposes is an occupancy right; this right accrues whether land has been cultivated for a long time or only for a short time. The record of rights says that every ryot whose name is entered in the present settlement records has a right of *prajali*. This means strictly that until a settlement takes place a ryot admitted to the occupation of land will not acquire the right which seems contrary to the existing practice under which the distinction of occupancy and non-occupancy is quite unknown. The *prajali* right exists even in *gora* lands as well as in the house and *bari* lands and the cultivator cannot be ejected except by an order of a court. The rent of a ryot is not liable to enhancement during the term of the settlement except on the ground of increase in the area.

Ryots were formerly entitled to their homesteads, fruit groves, threshing floors and manure pits rent free and a ryot could not be ejected from his homestead lands for failing to pay rent; at the 1928 settlement the homesteads were all assessed to rent.

Alienation of holdings by mortgage or lease for periods exceeding 5 years (there was unrestricted right of leasing before the Connolly settlement) or by sale, gift or any other contract or agreement is not valid except with the sanction of the Ruling Chief, a clause which is probably completely ignored by

Digitized by Odisha Revenue Laws – Volume 15 · Page 414 Odisha

tenureholders. Transfer formerly used to take place by surrender and resettlement with the convenience of the headman; the rules now provide for direct transfer with the consent of the land-lord and the payment of a fee which however is not prescribed in the record of rights. The consent of the land-lord does not eliminate the need for the sanction of the Ruling Chief. A scale of *salamis* levied by the State varying from Re. 1 per bigha to Rs. 30 according to the classification of the land and rising to Rs. 200 in the case of homestead lands has been provided but has not been legally applied to the 'land-lord' of the record of rights. This *salami* like the *salamis* realised from the *thekedars* is not credited to the treasury but forms the personal income of the Ruler or land-lord in addition to other income. In the case of land where the land-lord is not the Ruling Chief there is scope for a second *salami* though I cannot say if this is levied. Recovery of a land-lord's fee with penalty is prescribed in the record of rights. From the scale furnished the *salami* appears to be not less than 25 per cent. of the value. (In addition to *salami* there are mutation, registration, proclamation and stamp fees which will be mentioned later).

The power to pre-empt a transfer exists in the relatives of the ryots concerned; the ryots of the village, or any ryot, in the order given. These persons can exercise their right when a proclamation is issued about the proposed sale within a fixed time; when the proclamation is issued inviting objections, the *thekedar* or other person may record an objection. This allows scope for the *thekedar* to levy payment on his own account the reason for this is explained as clause 5 (2) under which the transferee must be a ryot of the State. Permission for sale will not be given in the case of a simple money decree. Registration of deeds is compulsory.

14. Vacant lands are settled by the headmen with the ryots of the village concerned, or if they do not take it, with other ryots; the levy of a *nazarana* by the *thekedar* is prohibited on paper; where there is no *thekedar* of course the clause is quite useless but even in the case of a *thekedar* it may be assumed that the value of the land if any is realised. *Gora* lands may be converted into rice lands, without sanction and waste lands except jungle, grazing ground and other reserved area may be broken up, after informing the headman and obtaining the agreement of a majority of the ryots, or with the permission of the landlord; new lands are supposed to be held rent free for the first 5 years and after that at half rates till the next settlement, another clause the effectiveness of which is doubtful in the case of *thekedars* while, where there are only landlords, it is clearly not operative.

15. The fruits and leaves of all self-grown trees within their villages but not lying within the jungle area may be enjoyed by the ryots provided they do not damage the cultivation of lac and cocoons. They are not entitled to take timber, fuel or fruits for sale without the permission of the land-lord. The right to the timber of all trees except on homestead lands and *bari*, whether planted or self-grown, is with the land-lord; the ryot can cut and appropriate trees on his homestead or *bari* lands if they do not grow lac or cocoons. (It is reported that similar rights have been given by *rubkari*, dated 12th November 1938 on all lands recorded as *prajali* or ryoti). Lac and cocoon bearing trees cannot be cut by either tenants or land-lords. The fruit of planted trees is claimed by the planter if the trees stand on his own holding and he has a prior right to the timber when the tree is cut or falls down. (It is not known what exactly prior right implies; this wording is used in the record of rights drawn up by Mr. Connolly.) Rights to timber and fruit in the jungles are regulated by *khatian* part II which will be described later, Rearing of lac and cocoon on homestead lands or other lands is subject to such terms as may be agreed upon between the ryots and the land-lord.

The State levies an export tax upon lac; a cess of 8 annas per cultivator is levied for cocoons reared in State forest, if the cultivator is a cess payer, otherwise the rate is one anna per tree. Till about 5 years ago there was a tax of 0-1-0 to 0-4-0 per tree on the propagation of lac.

16. Grazing is free over village grazing grounds, fallow and waste lands and orchards in which no injury can be done.

17. Fishing is free in any stream except in the portions reserved by the Ruling Chief and in tanks in which the fish have been specially stocked or reared by the State or the owner of the tank.

18. At present no chargo seems to be made for the use of the water of streams and State tanks for irrigation; but the use of water from private

Digitized Odisha Revenue Laws – Volume 15 · Page 415 Odisha

tanks is subject to payment to the owner of the tank and the record of rights mentions water-cess fixed by the State. The consent of the land-lord and the headman must be obtained to make a tank or *bandh*.

19. The consent of the headman is necessary to relinquish a portion of the holding during the present settlement; if there is no headman the landlord's consent is necessary; presumably the whole holding can be surrendered but there is no clause to this effect.

20. The land acquisition act is said to be followed here. The Act does not appear to be a State law and I have little doubt that its provisions are not strictly followed. If the land of a ryot in a tenure holder's village is acquired the amount awarded as compensation is divided between the tenure-holder and the ryot.

21. According to the record of rights the *thekedar* allots waste or vacant lands but it is interesting to note that the ryots of Kankada village told me that a salami is paid to the State but not to the *thekedar*. The officials also stated that settlement of new tenants and surrender of lands require the sanction of the State.

22. Alluvion will result in an increase of rent only at the *nayabadi* settlement; there are no rules about this nor about *nayabadi*, or any other settlements. Conversion of agricultural land (it is stated) may be done with the permission of the Collector and without payment; at the time of settlement the rent will be assessed according to the nature of the holding. There are no rules about this also. The status of cultivators who cultivate lands of under-tenure-holders or tenure-holders is not defined but it is said that such persons can acquire *prajali* right and tenure holders can confer such rights.

23. Raiyats can lease out their lands for five years and the lessees do not acquire any rights but *sikmi* ryots with *prajali* rights appear to have been recorded under tenure-holders like *brahmottardars* at the Connolly settlement.

24. The ryots are entitled to free receipts for payments of any fee or rent and the landlord or *thekedar* is liable to a fine of Rs. 100 if he fails to grant a receipt; a landlord is liable to a fine of Rs. 50 only if he fails to grant the *thekedar* a receipt.

25. *Begar* does not appear to have been levied in this State to any appreciable extent for a long time. The report of the first settlement does not contain any mention of this practice and nothing was entered in respect of it in the record of rights. As in many other areas, *gora* lands had not been assessed prior to the 1904-7 settlement, neither were homestead lands which were first assessed at the 1924-27 settlement, and there is no suggestion that these were held rent free in lieu of *begar*.

VILLAGE HEADMEN

26. The system of rent collection prevailing at present is that of collection through the village headman, called *pradhan*, *thekedar* or *munda*. The *pradhan* or *munda* was the original name of the headman; the name '*thekedar*' has its origin in the system of leasing out villages to farmers of revenue or '*thekedars*', which became very common in this region early in the 19th century; the original headmen were ousted in such cases and the oppression of the *thekedars* is given as the direct cause of the great Kol insurrection of 1931-32 in the Chota-Nagpur area. The *thekedars* were apparently being changed freely in former years, but for a considerable time now the principle of heredity appears to have been recognised in this State. The *thekedar* or headman however still gets a '*patta*' or lease given to him for the term of each settlement, and thus in theory the headman must still be considered a lessee.

27. Under his *patta* the *thekedar* is bound by the record of rights and has to realise the land revenue in accordance with the rent roll or *kisthandi* given to him for the village. The responsibility for payment of the revenue rests on him as revenue has to be paid whether ryots have made payments or not and no excuse such as lands abandoned or destroyed is accepted. He is liable to pay an interest of 25 per cent. if he falls into arrears with the land revenue and arrears with interest can be realised by proceeding against the "person and the movable and immovable property" of the *thekedar* (the mode of recovery is not stated in the record of rights and the portion in quotation marks is from the *patta*). In return for the recovery of revenue the *thekedar* either gets a cash commission or a certain amount of *man* land which is held rent free. The *thekedar* is also bound to realise from the ryots such sums over and above the

revenue as the State may order'; this provision apparently refers to all other levies like cesses. The patta also says that the *thekedar* will pay a certain amount of '*indrabethi*'; this *indrabethi* is a cash payment made to the Ruler on Oriya New Year's day and is said to be As. 8 to Re. 1 according to the size of the village.

28. At the time of appointment the *thekedar* has to pay twice his annual remuneration to the Ruler as a personal *salami*. This amount is not credited into the treasury. Under the terms of the *patta* the *thekedar* can also be dismissed if he contravenes any of his terms or of the records of rights. The custom of auctioning the headmanship does not seem to exist at present and no mention of this is made in the first settlement report of the State. (The exact practice in this respect is not clear; in the *pirs*, any way, it is quite certain that the *pirpattidars* are not followed strictly the provisions of the record of rights as is evidenced by their ejection of headman and substitution of under-tenureholders. Formerly they claimed independent status and it is unlikely that they consider themselves bound by the record of rights.)

Though the Connolly record of rights prescribed that the headman should be a ryot of the village, in cases where the original headman was ejected for failure to pay revenue, etc., the appointment of the new headman, if made at all, may have depended on, the *salami* paid, at least in the *pirs*. This, most probably, is the explanation of the refusal of the *pir-pattidars* to recognise the control of the State in the appointment of the *thekedars* and at least one of the reasons why the State wants the control. It has already been stated that on the appointment of a headman a *salami* of twice the remuneration is paid as personal *salami* to the Ruler; I could not find out what the practice in this respect is in the *pirs*.

29. Out of the 727 villages 554 have *thekedars* but there are 612 of them showing that some villages have more than one *thekedar*. The remaining 173 villages have no headman and this shows that it is not only the *pir-pattidars* who have kept villages without headman. Some of the villages may be without *thekedars* as the responsibility for the revenue of the whole village is not acceptable to persons who might otherwise be available as headmen.

I visited two villages where the *thekedars* had been ousted by under-tenureholders. They were maintenance grantees of the tenure-holders themselves and presumably they ousted the *thekedar* and usurped his position. These under-tenure-holders, it is complained, are not amenable to discipline like ordinary *thekedars*; it is certain that they assume proprietary status for themselves and this attitude influences relations between themselves and their ryots. The under-tenures seem to have been created without the approval or even the knowledge of the State and possibly no higher status than that of *thekedars* is claimed by them; certainly they can have no rights which the tenure-holders themselves do not possess.

30. The record of rights jotted down at the time of the Connolly settlement fixed a remuneration of 0-2-6 per rupee of the rental of the village but this rate does not appear to have been applied in the *pir* areas and even in the other areas of the State.

In the Kuchang *pir* (here *pir* means only a fiscal sub-division there are 4 villages with *man* land attached to the *thekedari* and in the Singbhum *pir* there are 37 such villages. In the Kuchli and Keraikela *pirs* the commission is 2½ annas per rupee. In the Singbhum *pir* one-tenth of the total village rental is the commission and is adjusted against the rental of the *man* land, if any. In Gomaria and Khandra *pirs* there are 4 villages with 40 bigas of *man* land in each and the commission is adjusted on the 10 per cent. basis except that Re. 1 for every 5 bigas of *man* land is added to the rent of the headman as a *pancha*. In the tenureholders areas the rate of commission is reported to vary from 0-1-6 to 0-2-6 per rupee. The record of rights however originally prescribed 2½ annas per rupee and made no distinctions between the various *pirs*. There is no provision for enforcement of payment to the headmen in the *pirs*.

RECOVERY OF LAND REVENUE

31. Payment of rent is made in two *kists* in *Karthik* (October-November) and *Magh* (January-February). The main crop in the State is paddy and the area under spring crops is negligible. The harvest begins in October for the early varieties of rice which are not common and the main harvest is in *Aghan* or November-December. The first kist is 6 annas except in the Ichha *pir*

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where it is 8 annas. Payment of the first *kist* is made before the harvest is complete, apparently out of previous savings or borrowed amounts.

32. The Act of the Record of rights does not contain anything regarding the recovery of land revenue. It is said that the State is guided by the Public Demands Recovery Act of Bihar and Orissa and the provisions of the Civil Procedure Code. Arrest and imprisonment, sale of movable property (except necessary wearing apparel, cooking utensils, one pair of plough cattle, ⅛ of the agricultural produce) are the processes in addition to the attachment and sale of land.

33. The headman is responsible for the whole revenue of the village and is proceeded against in the first instance. The statement of demand and collection furnished by the State shows an increasing number of processes issued against headman since 1931, the maximum number of cases being 410 in 1937-38; in 1940-41, 304 such cases were started. This does not include the figures of tenure-holders who filed a number of suits also. The figures show that more than half the number of headmen commit default; the collection of revenue has not been satisfactory in spite of the large number of processes issued and seldom has reached 90 per cent. The State seems to have realised the difficulty of the headmen in bearing the responsibility for revenue; the *thekedar* is now permitted to report within 3 days after the expiry of the date of the kist the names of the defaulting ryots. If he fails to give the list of defaulters within this period the State proceeds against the *thekedar*; against defaulting ryots "certificate procedure" is followed. Tenure-holders realise arrears from the *thekedars* by filing rent suits in revenue courts.

34. It is said that only that portion of the land which is sufficient to meet the arrears is sold; if the land is not sold the State can buy such auctioned land from a "reserve fund". Interest on arrears of rent and other dues is charged at 12½ per cent. from the date of default to the date of filing the suit and at 6¼ per cent. from the day of filing the suit until the date of realisation. The maximum number of cases against ryots apart from rent suits was 375 in any one year (during the decade).

CESSES

35. Apart from the police cess imposed on tenure-holders (it is not known if they recover it from the ryots) and the nistar cess which will be dealt with under forests there are no cesses imposed on land revenue. There is a 'hide cess' which came to my notice while examining the budget and I wrote enquiring about it on the 12th June but a reply has not so far (17/8/42) been received. (No reply has been received in certain other matters also).

REMISSIONS OF LAND REVENUE AND AGRICULTURISTS' LOANS

36. There is no practice of granting loans to agriculturists and no rules exist. It appears that remissions of rent and cesses have been granted in the past on account of crop failure on the application of the tenants but there is no policy in this respect. Loans were also granted when there was a flood.

VILLAGE SERVANTS

37. The village servants, according to the record of rights, are the *dakua*, who is appointed by the headman and chowkidar appointed by the State; a chowkidari tax was levied formerly in the State but the system is not said to exist now. One of the village notes given to me as a sample shows that the *dakua* is paid by the villagers. The record of rights does not prescribe the remuneration of duties of the *dakua*; he is appointed by the headman and seems to perform duties like summoning the ryots and fetching and carrying for the thekedar.

FORESTS

38. There are two kinds of forest, protected and reserved.

The demarcated forests consist of 9.03 square miles of reserve and 44.87 square miles of protected forests and there are 15.04 square miles of village waste regarded as undemarcated protected forest.

In the protected area certain nistar rights can be exercised by cultivators and others.

39. A *nistar* cess is levied from the ryots of Khanders, Gamaria, Adityapur, Keraikela forest circles. This cess is 3 annas per biga of cultivated land (excluding *gora* or waste land) except in Keraikela where the rate is 0-1-4 per biga; in other areas villagers buy their requirements at scheduled rates.

Digitized by Odisha Revenue Laws – Volume 15 · Page 418 Odisha

Land-less labourers in the former three circles pay 12 annas per family and at 4 annas per family in the Karaikela circle. The lower rate is fixed for Karaikela because in the first area the cultivators are better off (on account of Jamshedpur) and prices are much higher. The cess payers are entitled to take fire-wood of unreserved species (there are 11 reserved species at present including timber and fruit trees), fencing materials and a limited amount of timber of reserved species for ploughs and agricultural implements; in Karaikela, in addition to this, sal trees up to 2′ 6″ in girth for house-building from undemarcated protected forest lying within the boundaries of the villages are allowed. The cess payers are allowed to collect and remove jungle roots, fruits, flowers, grass and leaves for their own use. The cess payers can rear cocoons on payment of eight annas per cultivator on any number of trees while others have to pay one anna per tree.

40. Grazing is free in the undemarcated forest areas and in the demarcated areas except closed coupes; grazing fees are levied from professional graziers.

41. The export duty on lac is one anna per seer payable by exporters. The tree tax on the propagation of cocoons has already been mentioned. The tree tax on lac has not been levied for about three years but it is not known if it has been given up in the areas of the *pirpattidars* as well; if not there is double taxation on lac from this area. The Record of Rights contains a clause enabling the levy of fees on the propagation of lac and this has not been altered; hence the abolition is only the present policy of the State, not necessarily binding on the *pirpattidars* even if they did pay attention to the Record of Rights.

An export duty has recently (September 1941) been imposed on the export of rice, at four annas per cart-load; small quantities are said to be exempt.

42. The *pirpattidars* claim full rights over their forests. No shifting cultivation is practised in the State.

CROP PROTECTION

43. Cultivators have no right to protect the fields from the depredation of wild animals; I understand that they are expected to petition the State for the destruction of wild animals. No gun licences for crop protection have been issued.

REVENUE ORGANISATION

44. There is a State Council with the Ruler as the President, the tikayat as one member and the brother of the Ruler as the 'Development Member'. The 'Development Member' deals with all revenue matters. The revenue staff consists of a Collector, an Assistant Collector, a Revenue Officer at Keraikela and two tahsildars in addition to a few clerks. The head-clerk is said to be a trained surveyor and there are two *amins* who are trained surveyors; the two tahsildars are clerks who prepare treasury chalans. There are no revenue inspectors or patwaris and the *amins* do the work of survey when specially sent out. The total cost of the entire revenue and land records establishment excluding the commission allowed to the *thekedars* is given as Rs. 8,520, the total assessment of land revenue exclusive of *tukoli*, cesses, etc., being about Rs. 1,30,000 and the total revenue of the State about Rs. 4,30,000.

The Collector usually disposes of mutation cases, i.e, he has got powers to record mutations. In other cases he has usually to refer to the Ruler. Cases of appointment of thekedars have to go to the Ruler for sanction on account of the *salami* but it is said that the Collector can pass orders ejecting *thekedars*. The collector and Revenue Officer have other duties besides strictly revenue duties.

MISCELLANEOUS

45. As regards rules of procedure, provisions for appeal or revision, etc., there are none in the Record of Rights and the 'spirit' of the British Indian Acts has to be invoked. "The Development Member" can hear appeals and final powers vest in the Ruler. A register of petitions is maintained in the Collector's office in which the petitions are entered serially without regard to subject matter. The maintenance of records is not satisfactory. There are licensed petition-writers under the control of the *munsiffs* and magistrates who write out petitions.

Digitized Odisha Revenue Laws – Volume 15 · Page 419 Odisha

SOENPUR

REVENUE HISTORY AND SETTLEMENTS

THIS State, the westernmost of the Garhjat States included in the Orissa Agency shows to a marked extent the system of farming out villages common in Sambalpur and areas west of it. The Gazetteer of 1910 records that before 1887 villages used to be auctioned for five years as regards the *bhogra* lands and this gave the *thekedar* or *gaontia* the right to hold the village for five years. A history of previous settlements is not available and it is not quite certain that this statement is correct as the practice in these parts was formerly to auction the villages for the annual rental for a certain period. It is recorded that after 1887 the leases became annual, "the amount assessed previously to 1887 having been divided by five". The *thekedar* used to obtain the benefit of all new lands brought under cultivation by the tenants until there was a new settlement. The *thekedar* or *gaontia* also used to reallot abandoned lands receiving a *nazarana* from the new occupier. The *thekedar* was not allowed to sell or mortgage his village or *bhogra* lands.

2. Apart from a crude attempt to measure with rods in 1893 there was no settlement in which the lands were measured and revenue assessed in view of the *thekedari* system, and the settlement of 1907 seems to have been the first of its kind. The whole state was not settled simultaneously but between 1906 and 1910 the settlement of various parganas including zamindaris is said to have been done. Settlement of various areas took place in 1912, 1916, 1925 and 1937, the periods varying from 6 to 15 years. Unfortunately no proper settlement report of any of these operations is available and I have been able to obtain only some notes the settlement officer recorded in the registers of the various parganas at the settlement now said to be current; the general report drawn up by him could hardly be briefer and is not of much value for study of the settlement or the revenue system. From the Gazetteer it appears that there were separate rates on rice lands and uplands and rice land was divided into three grades. The basis of assessment is not known. The term of the current settlement seems to have been fixed as 11 years in some parganas, 12 years in some and in zamindaris, 15 years. The reasons for these different periods are not given in the report and in any case it is difficult to see any reason which would justify a distinction between 11 and 12 years; the zamindaris were settled a few years after the khalsa areas in 1934, and it was perhaps felt that periods of 11 or 12 years were no longer the fashion. Some of the settlement periods have expired but revision has not been taken up. The settlement was done on the soil unit system of the Central Provinces but it is not clear whether the system was totally followed. A 25 per cent. enhancement appears to have been aimed at.

3. The village assets consist only of rentals and no miscellaneous income is included in it. The percentage given to village headmen or holders varies from 6 per cent. to 40 per cent. The *birtias* get the higher percentages. There is no fixed quantity of *bhogra* land in each village.

4. The settlement maps examined by me did not seem to bear the stamp of accurate work and I think the survey must have been definitely of a very low standard.

From the *jamabandi* register of the State it appears that lands have been divided into four classes with grades in each according to double-cropping manure, irrigation, etc.

5. There are no provisions in the *Bhumi-bidhi* (the State Land Revenue Code) regarding settlements.

6. From enquiries in the villages it appears that rent is of two different kinds. At the first settlement, rice was being paid in kind: this was not altered but a cash payment was added and subsequently enhancements have been of this cash payment only. The local Praja Mandal complains that at present market rates the cash and kind assessment together amounts to more than the fair assessment. In the villages visited the ryots were mostly against the retention of this payment in kind. It also appears that the officials of the *bhandar* are guilty of malpractices at the time of collection and this would not be surprising if true. The carriage of the produce to the *bhandar* is also complained of.

ZAMINDARI AND OTHER TENURES.

7. Most important of the tenures in the State are the zamindaris of which there are five. No sanad of the zamindars seems to be available but there is a document dated 1910 drawn up by the Ruler, called the zamindari *wajib-ul-arz* which is a sort of history of the zamindaris. According to this *wajib-ul-arz*,

Digitized Odisha Revenue Laws – Volume 15 · Page 420 Odisha

the zamindaris were granted in return for military service and they are heritable now only as a matter of grace. Succession has to be recognised by the Ruler on the payment of a *nazarana*.

8. The zamindars have no right in forests, mines, rivers, etc., and they can get timber for domestic use only; the quarrying of even stones is not permitted without the permission of the Chief. The zamindars cannot take loans without the sanction of the State and cannot lease out their homefarm or *khamar* lands without sanction. They are required to communicate the names of *gaontias* or lessees of villages The zamindars have the right to income from cattle pounds and ferries. They have no rights over unclaimed or intestate property except cattle. The State settles the zamindari and "*takoli*" is fixed at each settlement. The provisions of the *bhumi-bidhi* (the State Code) are said to be applicable to the zamindars and their *gaontias*. The forest staff in the zamindari is maintained at the expense of the zamindars. The *takoli* is said to be fixed on the actual income of the zamindari in rent, *i. e*, only payments made by *gaontias*, and varies from 33 per cent. in the case of Barapali to 50 per cent, in Kamsara. The rent free grants like *debottar* existing in the zamindaris are not incuded in calculating the *takoli*. The *takoli* is not fixed; in the last settlement the *takoli* of the Barapali zamindari seems to have been reduced. At the first settlement they all paid a uniform percentage of 18 per cent.

From the above it is clear that the appointment of village headmen requires only the formal approval of the Ruler. I was told that there was no case of interference by the Ruler in the last 20 years. A *nazar* or *tika* is said to be charged by the Ruler when a *gaontia* is appointed in the zamindari when they come for mutation and to receive *latpatta* (a piece of cloth) from the Ruler.

The *Bhumi-bidhi* lays down that the zamindar can grant "to some male members of his family some lands for maintenance" but the grant is not binding on his successor; the Ruler has to be supplied with a copy of the sanad. The cost of settlements is recoverable from the zamindars. The dismissal of *lambardars* (headmen) requires the sanction of the Ruler.

The *khamar* villages of the zamindars are just villages without *gaontias*, the zamindar collecting direct.

9. Where villages have been granted as *debottar* muafi, the deity is recorded as the holder of the village and the *sebait* is the *gaontia*. Some *sebaits* have got hereditary status and such a status may be conferred by the Ruler. Sometimes there are joint *sebaits* in which case the Ruler may declare their duties and liabilities but the *sebaits* themselves may not make a division of the properties among themselves. The income of the village is first to be applied to the worship of the deity and the rest may be appropriated by the *sebait*. A shikmi or sub-lease of the village may be created by the *sebait* with the sanction of the Ruler. There is a *debottar* department of the State and the *gaontias* of villages held under the department pay rent and cesses to the department; the cesses are credited to the State. The *gaontias* in these villages are appointed on the recommendation of the department which takes a *nazarana* of 3 to 4 per cent. of the total rental of the village; this is apart from the *tika* or *nazar* payable to the Ruler. In succession cases the *salami* is less. It is said that the villages are not auctioned. One village is held direct by the department without a *gaontia*; the *bhogra* is cultivated directly through servants. The department is said not to levy a *nazarana* on transfer of land. The department proceeds against defaulting *gaontias* by rent suits. The Private Secretary of the Ruler checks the accounts (not the Secretary or Dewan).

A *debottar* sanad obtained by me shows it as an absolute grant in favour of deity with no conditions.

There are 35 entire villages held as *debottar* free of all rent. In addition there are 8 villages paying quit rent.

10. Maintenance grants made by one Ruler may be resumed by another and the conditions of a maintenance grant may be altered by the Ruler. Adoption requires the sanction of the Ruler. Villages revert on the failure of linealmale heirs.

11. *Brahmottar* and *birti* villages are held by Brahmins for religious services, usually blessings. The succession to such a village by a different family may be prohibited by the Ruler on the ground of an unacceptable *gotra*. *Brahmottar* villages can be transferred to person who would succeed at the holder's death by a deed of transfer, with the sanction of the Ruler. *Brahmottar* villages in this State are different from similar villages in other States as the holders are grantees who generally have ryots under them; one of the

Digitized Odisha Revenue Laws – Volume 15 · Page 421 Odisha

brahmottardars is recognised as headman. In *brahmottar* villages there may be land held by the Brahmins which pay no rent. The *bhogra* lands are held by the headman. The recognised cosharers in these villages have separate rent rolls for their respective ryots and recover the rents direct. They pay the cesses to the *lambardar* (a principal cosharer appointed as such) who credits them to the State. A *birti* sanad examined by me shows it as an absolute grant of all lands; certain payments in kind are prescribed but there are no conditions. *Brahmottar* villages are three in number. *Birti* villages are numerous; *birti* villages are similar to *gaontia* villages; usually they pay a smaller revenue than *gaontia* villages (See also para. on headmen).

11. (a). There are villages held by the Ruler or the Maharani as personal property. 4 villages are held by the Maharani as muafi and there are 15 villages held as *khamar* by the Ruler or Maharani. Of these 9 villages seem to be held on payment of a quit rent. As there are no sanads or deeds in respect of these it cannot be said whether they are transferable in any way and even if the provisions of the *Bhumibidhi* are applicable, which is doubtful, the Ruler can sanction anything. The ryots in these villages have no special status.

12. Apart from *khamar* villages there are villages held by the Dowager Rani as *gaontia*. The *muafi* and *khamar* villages are leased out by the Ruler like *thekadari* villages for periods at his pleasure.

13. Villages known as *naukaran muafi* are held for service, the *muafidar* taking the place of the *gaontia*. The Ruler may appoint two *muafidars* in one village and allot separate *bhogra* lands, or both of them may share the *bhogra* which is managed by one only; succession will be as in the case of a protected *gaontia*, *i.e.*, by primogeniture. Cosharers are not recognised and adoption requires sanction. The services seem to be mostly nominal; for instance, in the village of Haldipalli, the tenure holder said he had to guard the palace and visited the headquarters every-day to offer his duties. There was no separate *gaontia* in the village.

The general rule about villages whether in the zamindari or elsewhere is that transfer is not permitted but there are contradictions and circumventions and the Ruler can condone anything. Similarly all classes of holders have to pay State dues on dates fixed by the State.

14. Apart from *naukran muafi* villages there are holdings held for service rent free but liable to pay cesses. Service jagir holders may grant annual subleases for one year or after intimation to the *gaontia* and the tahsil. The jagirs held by potters, blacksmiths, etc., who do not seem to render any service to villagers but only to officials is about 2,500 acres. Narihas hold 2,863 acres and they also render no service to the villagers. The *jhankars* hold 4,696 acres; except in large villages there should be little need for a *jhankar*.

THE RYOTI TENURE

15. The revenue law of the State is the *Bhumi-bidhi* a document hard to beat for its copious verbiage, repetition and consequent confusion. (See para 5.)

Cultivators recorded (or who will be recorded) as such are 'occupancy tenants'. The right is heritable and transferable to a person who would be the next heir: if it is to be transferred by sale or mortgage the consent of the *gaontia* is necessary and if he does not sign the deed it is not valid. The *Bhumi-bidhi* prescribes the maximum fee for consent as ten per cent. of the consideration. The State also charges 15 per cent. but this is not mentioned in the *Bhumi-bidhi*.

Nazrana levied on the transfer of lands is the personal income of the Ruler and not State revenue. Transfer by gift is not permitted. Partition of a holding requires the sanction of the State. The heir of the ryot has a right to apply to a court if the land is transferred contrary to the law or surrendered without due cause. If land is kept fallow for two years and rent is not paid it is deemed to have been surrendered. Surrendered land must be reallotted by the holder of the village in one year but the time may be extended. Land may be subleased for a period of two years and a portion of a holding for five years. Nothing extra can be charged by a village holder besides the rent from a ryot, and if he does so, he is liable to pay a fine not exceeding the sum of rupees five (sic). If in a suit for rent, recovery is not effected in two years, the ryot may be ejected. A ryot forcibly ejected has to file a *civil suit* for possession but the stamp fee is half the normal fee. Lands are not sold in execution of money decrees of civil courts.

Digitized by Odisha Revenue Laws – Volume 15 · Page 422 Odisha

House sites for tenants have to be allotted without *nazar*; the rule does not prescribe the area and permits the levy of *nazar* for extra accommodation. A ryot leaving the village may take the materials of his house in thirty days, otherwise the *gaontia* takes them along with the site.

Tenants are liable to ejection if the lands are converted to non-agricultural purposes.

16. Ryots and village-holders under the *Bhumi-bidhi* are liable to pay, *haldian patti* a special tax on the occasion of festivals. This tax used to be levied formerly for meeting travelling expenses of the Ruler outside the State and on domestic festivals of the Ruler, the Yuvaraj, the eldest daughter of the Ruler and in respect of all the eldest sons and daughters of the heirs and heirsapparent. The Ruler has I think been advised to abolish this levy.

Ryots have to supply rations and labour to officers at rates to be fixed by the State when they are touring.

In lieu of road and public works *bethi*, a cess of 1½ annas per rupee of rent is levied on tenants but village-holders are required to pay only one anna per rupee of the rental of the *bhogra*. Villagers are required to maintain a *dera-ghar* (camp house for officers) and village roads without payment. Certain religious services have also to be rendered and registers are said to be maintained at the tahsil but these services are not mentioned in the *Bhumi-bidhi*. Ryots have to render *bethi* of two ploughs and two sickles to the village holder; if they do not wish to render personal service they have to pay -/14/- per plough and -/2/- per sickle. *Rath-bethi* for constructing the deities car is also said to be levied (by the Prajamandal) They have also to render services on certain festive occasions or pay -/1/6 per day, (number of days not specified). Raiyats have to provide straw free of charge for officials on tour.

17. The hides and horns of dead animals are appropriated by the chowkidars as remuneration for disposal but they are bound to sell them to the State monopolist and cannot keep them.

18. There is a clause in the *Bhumi-bidhi* regarding payment of compensation for lands, or houses acquired by the State and it says that if any compensation be required to be made it will be paid according to the value. If a holding is acquired the person concerned is entitled to a rabate of rent on it. It is said that there has been no case of acquisition of land in the last 20 years and no records were available.

19. Ryots have the right to the fruits of trees on wasteland. Dry trees belong to the *gaontia* or village-holder. On cultivated lands the trees which are not of reserved species belong to the ryot but reserved species can be taken only with permission of the forest officer and on payment.

The *kharipani* of the village, *i.e.* water carrying, washings of manure, is the special privilege of the village holder and ryots are not entitled to make use of it for their own fields by obstructing the flow of water even if it passes over their fields, but the village holder cannot divert the water also. Villagers are entitled to the water of tanks not owned by any person; they are also entitled to the fish in such tanks but not to fish in rivers and nullahs.

The towns of Sonepur, Binka, Tarbha and Subalaya are not regarded as villages and are governed by special rules. Lands in these areas are allotted by the State and the *Bhumi-bidhi* says that such lands are the private properties of the holders but it also lays down that transfer of the lands requires sanction of the State and transfer without sanction entails ejectment and confiscation. No permanent rights accrue in lands given for pan cultivation. vegetable gardens (not kitchen gardens) etc., and these are regarded as held on temporary lease. The Praja Mandal alleges that a *tika* has to be paid to the Ruler when a lease is granted; I did not have an opportunity to question the State officials about this.

20. There are no provisions in the *Bhumi-bidhi* regarding the grant of receipts or punishment for failure to grant one but receipts are granted by *gaontias* as far as can be seen free of charge.

21. Rent is paid in kind to some extent and is shown at settlement. This produce rent is deposited in the *bhandar* and separate accounts are said to be maintained. The value of the rent in kind is shown in the demand and realisation register. The produce rent is used partly as elephant fodder, for pujas and festivals (some temples which have no endowments are supposed to get a portion) State guests, and partly, it is appropriated by the Ruling family in short, as may be expected, the bulk of it is probably appropriated for private purposes or misappropriated.

Digitized Odisha Revenue Laws – Volume 15 · Page 423 Odisha

22. Sub-tenants of *bhogra* lands cannot acquire occupancy rights by virtue of length of possession but the Ruler can grant permanent rights to any sub-tenant of *bhogra*. Service tenure holders can lease out their lands by annual lease with intimation to the *gaontia* and the tahsildar but subtenants do not seem to acquire any rights, and for violation of the rules by transfer for a long period, the tenureholder is liable to be evicted. It is reported that only 6 sub-tenants were granted occupancy rights at the settlement under ordinary ryots and only one under *khamar*. The basis of this recognition is not known. Apart from sub-tenants there are cultivators known as *thica* tenants *i.e.*, lessees hold lands in State forest areas, beds of rivers or nullahs etc. These lessees hold on such rent as may be settled.

Sub-tenants are liable to pay their principals the rent contracted for at times agreed upon or on dates fixed for the payment of rents.

VILLAGE HEADMEN

23. Village headmen are known as *gaontias*, *thekadars* or *thekadar gaontias* and *garhtias*. The *gaontias* are village headmen, apparently former *thekedars* who have been granted 'protected status'. The *Bhumi-bidhi* says that nobody can raise a question as to why such protected status has been granted and it can be granted only by the Ruler; it is however stated that the status will be granted if the village has been loyally held to the satisfaction of the Ruler; improvements to his satisfaction and 'other reasons deemed fit'. Clearly, *nazrana* may play no uncertain part. 'Protected *gaontias*' hold their villages permanently. *Thekadari gaontias*, on the other hand, hold their villages on a terminable lease; in the *thekadari* village visited the lease was for three years. There are *thekadari* villages in the zamindari also; 22 villages are shown as on *theka*.

24. When a case of succession arises in a protected gaontia's post, a *tika* or *nazar* generally not exceeding Rs. 50 is charged. This *nazar* or *tika* is the personal income of the Ruler and does not enter the State accounts. If a *gaontia's* village falls "vacant" the post is filled by auctioning the village; the *tika* in such a case is discretional. *Thekedari gaontias* posts are filled by auction when a lease expires. The auction bid in this case is credited to the treasury; a separate *tika* is also taken in these cases and does not enter the treasury. In the zamindaris also the posts of village headmen are filled in a similar manner but the Ruler is also said to levy a *tika* from *gaontias* appointed to zamindari villages. In the case of ordinary succession to a protected *gaontia's* post only an order of appointment is issued but when a new *gaontia* is appointed a '*patta*' is issued. A lease or *patta* is issued to a *thekedar*. When a '*patta*' is issued, a separate *tika* of one or two rupees may be levied when the patta is actually delivered. A *gaontia* cannot be recorded till he has received *lat patta* from the Ruler (a piece of cloth).

25. Villages may not be transferred by the *gaontia* by sale, gift etc., and the *gaontia* is liable to be ejected for such an act. The Ruler may however condone the act by the levy of a suitable penalty. The succession to *gaontia* villages is governed by personal law but only one person may succeed. The *gaontias* and *thekedars* hold *bhogra* lands in the village. Cosharers in the *bhogra* lands may be created by the *gaontia* as a private arrangement and this will not be interfered with by the State usually; the *gaontia* cannot eject cosharers except through a court on the ground that management of the village is interfered with but if the *gaontia's* post passes to another family the cosharers lose their rights. *Bhogra* lands cannot be leased out for a longer period than one year without the sanction of the Ruler but a portion may be leased out for three years. If a *thekadar-gaontia* dies during the term of the lease, his successor, subject to the sanction of the Ruler (which probably means *tika* or *nazrana*), may hold the village till the expiry of the lease.

There is no village with more than one *gaontia*. Some villages are held by the Ruler's relatives as gaontias.

26. The special liabilities or privileges of *garhti* and *birti* village headmen are not given in the *Bhumibidhi* and it is stated that they are mentioned in the settlement records. *Garthi* headmen, as the name indicates, are headmen of villages consisting wholly or mostly of paiks or the old feudal militia. These village headmen are not radically different from *gaontias* and the *Bhumibidhi* lays down that the rules of *gaontia* tenure apply wholly to them. The *paiks* hold *jagirs* for rendering military service but the ordinary ryots in these villages are the same as in the *gaontia* villages. *Garhtias* are required to attend

Digitized by Odisha Revenue Laws – Volume 15 · Page 424 Odisha

the Ruler with sepoys when he is travelling, and on Dusserah day. They are also required to perform guard duties. The *paik* lands pay a quit rent usually.

27. *Birti* headmen (birtias) are in a way tenureholders rather than simple headmen. They are all Brahmins and received their villages on special terms and they are said to be the founders of the villages in some cases. The *bhogra* lands of *birti* villages may be partitioned and sold among cosharers and mortgages are permitted with the sanction of the Ruler. Not only the *bhogra* but the village profits may be partitioned among cosharers and these are recognised by the State and recorded. One of the cosharers is appointed a *lambardar* and an order of appointment is issued in his favour. The holder of a *birti* village may, with the sanction of the Ruler, execute a deed of transfer in favour of a person who would inherit the village as *birtia* at his death; a portion of the village may also be transferred. It is also said that cosharers in a *birti* village can get their share partitioned separately by application to the State and the revenue of the portion is paid separately. The ryots in *birti* village are all ordinary ryots. The villages are on the whole similar in nature to *brahmottar* villages of this State. If a *birti* village loses its character and becomes an ordinary *gaontia* village, a *lambardar* is recognised ; the cosharers are not interfered with but payments to the State will all be made through the lambardar. The *birtias* have to perform services like rendering coconuts, sacred thread, etc., and their attendance and due discharge of duties are enforced by means of tahsil registers in which details are recorded.

28. Village holders may be ejected for non-payment, want of loyalty, damage to the village lands or forests, non-acceptance of the assessment, transfer etc.

29. All village holders have the right to allot waste land for cultivation if it is not grazing land or reserved for other purposes, and they are not required to pay any rent on it till the next settlement, that is, the rent will be wholly appropriated by them. Occupancy rights accrue in lands allotted by village headmen. Village headmen charge a *nazrana* of ten per cent. of the consideration when land is transferred. The gaontia's consent is necessary and a deed is not valid if he has not signed the deed. Village headmen can accept surrenders of land and reallot the lands ; it is said that arrears are recovered and a percentage of the value is also charged. A village headman cannot hold ryoti lands in the village but the position is doubtful as there is a clause in the *Bhumibidhi* that new lands cultivated by the *gaontia* will become ryoti at the settlement. The *gaontias* however evade this by settling such lands in the names of relatives. In respect of *birtias* and *garhtias* it is said that there is no such prohibition. The *gaontias* cannot allot land set apart as grazing land at the settlement for cultivation.

The *lambardar* or an agent approved by the State, if he is incapable of performing duties or lives in a different village, known as the mukaddam, has to perform certain duties of the village headman such as looking after sanitation, reporting crimes, supplying rations for officers, etc.

For the new year's ceremony the *gaontias* are required to pay a small portion of their rent in kind (about Rs. 2 or Rs 4) to the Ruler *i.e*, a portion of the rent is taken by the Ruler in kind apart from the amounts shown in the budget.

RECOVERY OF LAND REVENUE

30. Recovery of land revenue is made from gaontias by "certificate procedure". Zamindars have to apply to courts for recovery. Arrest and detention is not employed and standing crops are not attached; crops on threshing floors are attached. Movable property other than agricultural implements, seed and similar articles are attached. If recovery cannot be made by attachment of movables, the *gaontia* can be ejected but the Ruler can grant him time. Interest at 12 per cent. (?) is levied for default.

Gaontias and other holders of villages file rent suits against ryots for recovery. Interest at 6 per cent. (recently reduced from 12 per cent.) is charged. Ryots can be evicted from their lands if the decretal amount is not fully recovered in two years.

There are no provisions in the Bhumi-bidhi regarding the conduct of sales. By a new clause all State dues (not merely rent) are made a first charge on the property of the defaulter.

The number of processes issued against headmen and rent suits filed for recovery are very small but the records of the States are maintained in very unsatisfactory way and I have doubts about the reliability of the figures.

Digitized Odisha Revenue Laws – Volume 15 · Page 425 Odisha

The *nazirs* (*Jamedar* at headquarters) who have process serving peons under them are responsible for service of processes and they and the *jamedars* conduct the sale of property. Movable property is generally kept with a surety and sold on the spot. For recovery of arrears from *gaontias*, if the gaontia is ejected the village is auctioned but arrears from ryots not found to have paid are proceeded against for recovery. Sales of property are expected to be conducted in the presence of respectable local people.

The collection of land revenue during the past ten years has not been good.

Land revenue and *takoli* are payable on the 1st January and 1st March (7th March for takoli) in two equal instalments. The Prajamandal complains that the dates are not convenient but in the villages visited no complaint was made. As rice is the main crop, however, I am of opinion that the 1st of January is definitely too early for the first kist. Ryots seem to pay the first kist on the 20th December.

CESSES.

31. The cesses existing in the State are the education cess at -/1/- per rupee of rental, nistar cess at -/1/6 per acre of paddy lands and -/1/- per acre on uplands, the road cess recently imposed (1939) of -/1/6 per rupee (-/1/- on *bhogra* lands). Cesses are payable by muafidars. All persons living within five miles of forest have to pay the forest cess. The income from the road cess is about Rs. 25,000.

The Prajamandal of the State complained, *inter alia*, that a cess called the *chatsala* cess was being levied in addition to the education cess and that this cess was not shown in the ryot's parchas and the headmen simply got an order to collect it till further orders. On enquiry from the Darbar (I did not come to know of this cess while in the State) I am informed that it is a voluntary contribution made by people in some localities for the maintenance of a few *pathasallas* in addition to the elementary schools. The Prajamandal's insinuation that the so-called education cess is not really known by that name is supported by the fact that in the budget there is a "cess" bringing in about Rs. 1,600 and an "education cess" bringing in Rs. 16,000 (the demand of this cess seems to be about Rs. 20,000).

REMISSIONS OF REVENUE

32. No remissions have been granted during the last ten years and there are no provisions in the *Bhumi-bidhi* regarding any remission. It is said that during the last ten years there has been no failure of crop.

AGRICULTURISTS' LOANS

33. Loans are granted to agriculturists from the *khamar* granaries of the Ruler at 18 per cent. (reduced in 1939 from 25 per cent.) and some cash also at 6 per cent. (reduced from 9 per cent.) There are rules regarding these loans and the granaries are supposed to be managed by a "department" of the State under supreme control of the Ruler. The net income derived from the *bhandar* after deducting all costs as directed by the Ruler is tendered to the Ruler for personal appropriation and distribution to members of the family who are partners. Applications for these loans must bear a stamp of one anna. Thus the money lending of the Ruler and members of the family are given legal sanction. Recovery of loans is presumably effected by certificate procedure. When loans are granted as well as recovered the measurers charge a fee; no fee is charged for receipts.

VILLAGE SERVANTS

34. Village servants recognised by the State are the chowkidar, *jhanker* and *nariha*. The *jhanker* is a sort of assistant to the chowkidar. The *nariha*, as his name implies, supplies water. These servants hold jagir lands. The villagers are required to pay the chowkidar and *jhanker* some paddy (one bundle of paddy and one kula of dhan). They are also required to bear the expenses of their dresses.

There are other jagir holders like potter, washerman, blacksmith, etc., in the villages. The potters have to supply pots to officials free of charge. The *nariha* and others do not serve the villagers without payment and the villagers would not mind if the jagir is assessed.

FORESTS

35. Mr. Mooney is not the Forest Adviser of this State. There is no working plan for the forests. Certain rules were framed last year by the present

Digitized by Odisha Revenue Laws – Volume 15 · Page 426 Odisha

forest officer. Forests are supposed to be divided into reserve, protected and village forest but there has been no demarcation.

According to the new rules there are no principles on which reservation may be made. The rules seem to consist mainly of penal clauses.

CROP PROTECTION

36. There are no gun licences given for crop protection. Licences for shikar are given to pardhis on payment of Rs. 2 a year (reduced from Rs. 6). There are no rules regarding protection of crops but it is said that there are no restrictions.

EXPORT DUTIES AND MONOPOLIES

37. There is an export duty on rice varying from -/1/- per head load to -/8/- to Re. 1 per bag in cart loads. There is an export duty on other grains also.

38. Hides and horns are a State monopoly as already stated; the monopoly fetches Rs. 3,500. Kendu leaves are also a monopoly but private consumption is said to be allowed; the monopoly fetches Rs. 14,000.

REVENUE ORGANISATION

39. The revenue administration consists of the Maharaja, the Secretary, Deputy Secretary, three sub divisional officers, who are also tahsildars, and two tahsildars. The Ruler is the final authority in all matters and he passes orders in cases concerning the appointment of village headmen, mutation and transfer of lands; ejectment of gaontias, etc. The Secretary deals with cases of recovery of land revenue; he has civil and other work to do as well. The sub-divisional officers and tahsildars mostly look after the collection of land revenue in addition to doing civil and criminal work and they enquire and report on the cases in which the Ruler or Secretary passes final orders. As in most of the important cases the Ruler passes final orders, there seems to be no such thing as an appeal.

The staff in charge of land records consists of a Settlement Officer, an assistant settlement officer, four revenue inspectors, 2 amins and 6 patwaris. The Settlement Officer reports on cases concerning mutation, transfers of land, legal and illegal, partition of holdings and maintenance of settlement records. The revenue inspectors and amins are the actual field staff doing such work as partition, survey and demarcation. The patwaris, unlike the Central Provinces patwaris are in charge of office work consisting of maintenance of registers. All of them seem to do various miscellaneous duties.

The annual cost of all this staff comes to about Rs. 15,000 against a land revenue of Rs. 1,79,000 excluding cesses and total revenue of nearly 5 lakhs. The officers mentioned above are probably mostly occupied in criminal and civil work.

MISCELLANEOUS

40. There are no rules regarding the grant of copies or regarding maintenance of records. The records are mostly very unsatisfactory and the arrangement of papers unsystematic. Sometimes, amounts recovered are not mentioned on the record at all, and *chalans* are not to be found on the record. There were surprisingly few records in the record room, and it is doubtful if all subjects of revenue administration are matters of record.

Mutation fees are levied in cases of succession at the rate of three fourths of the rental value of the land. In cases of transfer no mutation fee is charged apart from the *nazrana*. In a case of 1941 I saw, the brother of a gaontia applied for mutation of a field which had been resettled with him after its surrender by a ryot. Mutation was granted on payment of Rs. 2 as *tika* and annas two as *chanda*: there was nothing on the record to show what the *chanda* was for: the same *tika* and *chanda* were levied in another case of mutation also.

Some of the grievances of ryots mentioned by the Prajamandal have been mentioned already. Briefly they are about high assessment, recovery of straw to thatch houses, levy of minor *bethi* in spite of its abolition and imposition of a cess, lack of full rights in trees on holdings, export duty on grain and cattle, recovery of land revenue without remission even if there is crop failure, levy of a caste *tika* at -/2/- to Rs. 5 per house, (this is denied by the State) levy of a tika of Re. 1 by the Maharaja for each application presented to him (also denied) and levy of ghee and goats at Dusserah for worship of Durga and high mutation fees. Some of these grievances are based on facts noted already but about the caste *tika* and *tika* realised by the Maharaja on application I have not

Digitized by Odisha Revenue Laws – Volume 15 · Page 427 Odisha

been able to make any local enquiries as the Prajamandal's note was received long after I left the State (other complaints concern resumption of villages for mortgage of *bhogra* and similar complaints of orders probably passed under colour of the rules).

Stamp duties on documents are said to be charged according to the Indian Stamp Act. (Registration fees not reported).

Petition paper is sold at one pice per sheet. There are some rules regarding petition writers. Petition writers have to pay a licence fee of six rupees per year.

SURGUJA

REVENUE HISTORY AND SETTLEMENTS

This State, the second largest in the Agency in area, with a shape recalling that of France was formally a tributary of the Bhonsalas of Nagpur whose influence however seems to be slight. Like Korea, which it adjoins, this State, in spite of a fairly large revenue, has only just found it necessary to make a regular settlement and survey which is now going on and is interesting as an area where conditions existing many years ago may still be studied to some extent. Little information as available in the Gazetteer about the previous revenue history but the *gaontia* finds mention as the intermediary between the proprietor and the cultivators. It is recorded that the *gaontia* throughout the State was regarded as merely a paid servent of the proprietor and held *manwar* lands as his remuneration. The Gazetteer also mentions *thekedars* with leases for a period of three years. The gaontia's post was not hereditary though in practice it descended from father to son. Enquiry in the villages of the State shows that round about 1,900 many *gaontias* were given *pagris* on payment of *nazrana* which apparently conferred rights to hold the villages according to the law of inheritance.

Land in this State, as practically throughout Chhattisgarh and Orissa, was formerly quantitized by its seed capacity, and even now this is the common method, particularly in the unsurveyed areas. The quality of a field was governed by its position rather than by its soil and land in a position to receive and retain moisture longest had the greatest value; three classes of fields were thus known and assessment was made only on wet lands in former days. In the unsurveyed portions of the State this is still the case and enquiry in the villages shows that there is no idea that these lands were held free in lieu of anything else. In other villages many people do not know what land has been assessed and what the rates are and usually they regard the total amount payable by them as the assessment of the entire holding of all classes of land.

Local enquiry shows that there have been summary settlements from time to time, the seed capacity of the land being estimated with the aid of the *gaontias*. There are no records of the previous settlements and the *gaontias* have only a schedule of rents. No records of settlements in the *ilaqas* are available at Ambikapur. The *ilaqadars* disputed the right of the State to make settlements and apparently former settlements in the *ilaqas* were made by the *ilaqadars* themselves.

2. The present survey and settlement operations began in January 1937. It is proposed to survey and settle the entire State and this is the first regular survey and settlement. The traverse survey of all the villages of the State has been completed. Cadastral survey operations are going on in Semri tahsil and in Surajpur tahsil cadastral survey has yet to be taken up. With the exception of these two areas survey has been completed. Sitapur, Sadar, Pratabpur, Ilaqa, Dharpur and Lundra areas covering the area of 1,800 sq., miles have been completely settled so far, and the record of rights has been finally published. Lakhanpur, Khilmilli, Janakpur records are nearing completion.

The traverse of the village has been laid by plane-table and compass.

The settlement officer worked as kanungo in the Orissa settlement and as Assistant Settlement Officer in Patna State and Chota Nagpur. The settlement records are being prepared according to the instructions in the Bihar and Orissa Settlement Manual.

In making the assessment, villages have been placed in 5 classes and land in 13 classes. Formerly there were 3 classes of land—*bahara, chaour* and *bhata*. *Dand*-lands which are uplands were unassessed. All these lands have now been subdivided into grades, the *dand*-lands having no less than three. In addition

Digitized by Odisha Revenue Laws – Volume 15 · Page 428 Odisha

to these garden lands and lands formed out of river silt have been classified separately and assessed. *Bari* lands were formerly assessed in certain areas but are now divided into ordinary and irrigated. Baghichas were not assessed formerly. The house sites of businessmen are being assessed at this settlement but tenants' homesteads and labourers' homesteads, whatever the area, are free. 20 decimals of bari also where it exists already are given free. Formerly there was no classification of villages.

Developed villages on lines of communications with well-to-do cultivators and fertile soil are classed as first and second, ordinary villages come as third class, jungly villages as fourth, and remote villages on hill tops as 5th class. While I am inclined to doubt from what I saw whether there is any real practical justification for so many grades of lands of the same type (the classification would in many cases be affected by personal equation) the table of rates drawn up does not show any considerable enhancement of rents and I came across cases where the net effect was a reduction of the rent. The new assessment of *dand* lands is likely to act as an appreciable enhancement in the jungly tracts where such lands are extensive but I have not been able to visit these areas. Villages of the first class are confined mostly to the headquarters tahsil and in villages round about headquarters the villagers had no complaint to make.

ZAMINDARI AND OTHER TENURES

3. There are 688 villages held by *khorposhdars, ilaqadars* and other tenure-holders. The *khorposh* and *ilaqa* tenures are the most important but there is a muafi known as *gurutter muafi* of Bodhgaya camprising 17 or 18 villages which is of equal importance. There is little difference in the khorposh and *ilaqadari* grants; the *khorposh* grants are purely for maintenance but the *ilaqadaris* are supposed to be rewards for good services. Sanads are available for some of the grants. The older sanads are of course very vaguely worded. In 1919 there was the question of enhancing the *takoli* of the *Ilaqadar* of Jhilmili and in respect of this the Government of India in Foreign and Political Department letter No. 3757-1A, dated 29th August 1919, ruled that according to the *sanad* the *takoli* was fixed in perpetuity and could not be enhanced but in view of the increased cost of administration which the Ilaqadar could reasonably be expected to share the imposition of an administrative cess would be justified. This was of course a circumvention but practice in the State is now based upon this ruling. The Jhilimili, Lakhanpur and Ramanujnagar tenure holders pay a cess now of ten per cent. of the gross income in addition to a nominal *takoli*, the Lundra and Sukhri *ilaqadars* pay 13 per cent. and Dhaurpur, Durgapur, Jaradih and Jamdi *Khorposhdars* pay 23-25 per cent. Some of the *khorposh* and *ilaqa* grants are recent and the total gross income in the *ilaqadari* and *khorposhdaris* alone is well over Rs. 2 lakhs. Including other grants the total alienation of State income seems to be between three and four lakhs, that is thirty to forty per cent. of the revenue of the State. The practice of a nominal *takoli* and a cess seems to have been applied to practically all grants in the State. The majority of the grants are under 20 years old.

3. (a) It is not possible or desirable to give a detailed account of the rights of various grantees and I have enquired into these only to get an idea of the conditions prevailing and the factors which it may be necessary to take into consideration in framing the law. Generally speaking, *ilaqadars* (which tenure for brevity is used to include *khorposh* and other large grants as well) have a right to minerals and to forests. They have been imposing various *abwabs*, taxes upon trees, export duties, etc. They have their own monopolists of lac, tendu, hides and other commodities. From the 1st April of this year the right of charging separate export duties has been disallowed by a special order and the collections of export duties will be made only by the State officials but the *ilaqadars* will get a share of the revenue. This share has not yet been fixed.

The ilaqadars have been creating their own *gaontias* and *thekedars* and exercising full powers over them. It would appear that they have even been fining their ryots and taking action for the recovery of revenue by coercion. They were asserting their right to make their own settlement. They had powers of compulsory purchase of ghee and other commodities. Last year the Durbar tried to restrict some of these powers but it appears that the *ilapadars* are taking little notice of the Durbar's exhortations. In the Lakhanpur *ilapa* I found that settlement of some villages has been already announced but the *ilaqadar* has not given effect to it as it involved a reduction of revenue saying that it would be given effect when the settlement of the whole *ilaqa* was complete.

Digitized Odisha Revenue Laws – Volume 15 · Page 429 Odisha

4. The following information collected by me in respect of the Sukri Pachora *ilaqa* and Lakhanpur *ilaqa* is given to show conditions prevailing there: In the Sukhri Pachora ilaqa there are 10 villages. Except Bhitti all villages have thekedars. *Gaontias* who have not paid *salami* have no *pattas* and only in two villages where *salami* has been paid there are *pucca gaontias*. (The position regarding gaontias without pattas seems to be that they can be removed at any time). No *patta* has been given even now after the settlement. Proceedings are not taken against the gaontia when payment of revenue is not made but rent suits are started against tenants direct. The *ilaqadar* has given out the lease of hides, harra and lac. The *ilaqadar's* own guards are maintained in his forest, and he has created his own reserve forest.

The *ilaqadar* pays about Rs. 800 as *takoli*. Formerly he was paying Rs. 1,400 as *takoli* but this has been reduced three years ago by the Maharaja to Rs. 800. The amount has been fixed for 20 years. The total rental of the *ilaqa* is about Rs. 4,500. The *takoli* has to be paid in two *kists* but payment is made as recovery is effected.

For new cultivation permission of the *ilaqadar* has to be taken and application is made to him on stamped petitions (State stamps). So far, it is said, there has been no case of *nazrana* being levied. (Land in the State has little value and this may be correct). Land revenue on new lands is recovered after 3 years, and is paid to the *ilaqadar*. *Salami* has to be paid for house sites newly granted. Intestate and abandoned or suspended lands are taken by the *ilaqadar*. The *ilaqadar* levies a consent money of 25 per cent. upon sales. It is said that no actual case of sale has occurred.

The grazing fees are appropriated by the ilaqadar. Permission of the State is not necessary for the appointment of a gaontia. Chowkidars and other village servants are appointed by the *ilaqadar*.

5. In the Lakhanpur *ilaqa* there are 206 villages in two tappas. The *ilaqa* is said to be over a hundred years old. There is a sanad of Maharaja Amar Singh's time with the sanction of the government. The two *tappas* are Rampur and Mahari. In the first *tappa* there are about 40 villages without *gaontias* and in the latter there are nearly 50 villages for which *gaontias* cannot be found. Some of the 206 villages are uninhabited and some are not even cultivated. The whole *ilaqa* has not been traversed and surveyed at the present settlement. In the deserted villages only a traverse has been made. The *gaontia* of a village is appointed with the approval of the villagers; the villagers nominate their own *gaontia*.

There are three different kinds of pattas issued to the gaontias. In the socalled '*pushti*' *patta* the *salami* is twice the rental of the village. In the second kind of *patta* the period is 5 years and 10 per cent. of the *malguzari* (revenue) is taken as *salami*. In the third kind a *pagri* only is given and any *salami* which can be paid is recovered. The first kind of *patta* has been introduced only recently since it was introduced in the State. The other two kinds of *theka* are being continued from former times.

The recovery of land revenue in villages without *gaontias* is made by the tahsildar with the aid of *pradhans*, *kotwars*, etc. There are chaprasis also who help the collection. The rent till the present settlement was fixed 20 or 25 years ago and intermediary settlements of newly cultivated lands have been made and the land revenue of abandoned villages reduced. In *gaontiahi* villages recovery is made from the *gaontias* through civil proceedings. In '*sir*' villages action is taken direct against the ryots.

For the management of the jungle in the *ilaqa*, the *ilaqadar* has appointed his own guards and staff and these are quite apart from the State staff. A portion of the jungle has been made reserve. Mr. Mooney has recorded his opinion about this forest but the management of the forest is done by the *ilaqadar*.

17. State villages take their nistar from the zamindari jungle and pay half the dues to the zamindar and half to the State; 2 of the zamindari villages obtain their nistar from State forest and pay half to the State and half to the zamindari. all the zamindari villages the forest dues are recovered at the rate of Re. 1 per plough. The whole of the income goes to the *ilaqadar*.

Lac, Kendu, harra, hides and skins, khair and chiranji are leased out. On mahua trees a tax of 2 annas per tree was being levied but this year it has been abolished. No lease of fruit trees is given out. On tussar propagation a rate of Rs. 5 per *haswa* (implement for cutting) is levied.

Digitized by Odisha Revenue Laws – Volume 15 · Page 430 Odisha

The cost of the present settlement has been recovered from the cultivators. An export duty is levied upon commodities like sarso, ghee, til, lac and rice. No lease of fisheries is given. The *ilaqadar* has the right to a share of the fishes captured by people locally.

Nayabadi lands are said to be granted free for cultivation and land revenue is assessed when the land is ready for cultivation. It is said that nothing is paid even for the forest growth on the land. No payment is recovered for house sites newly allotted. The sale of land is prohibited. Mortgages are sometimes effected and there is no restriction.

Takoli paid to the State is Rs. 10f. The whole land revenue of the *ilaqa* is Rs. 60,000. In addition to the *takoli*, a cess of 10 per cent. of the total income of the zamindari is paid. *Takoli* and cesses are paid sometimes in one instalment and other times in several instalments.

Village servants are appointed by the villagers, It is said that there are some schools and dispensary run by the *ilaqadar* out of his own funds.

6. The Both Gaya or *gurutter muafi* has already been mentioned. Here also the grantee exercises forest rights, has created his own reserve and charges grazing and other fees. While reservation of forests by the State generally means an addition to general revenues from which all people benefit it is questionable whether reservation and exploitation of forests for the exclusive benefit of certain individuals should be permitted.

7. There are no *khas* lands (see below) in the State but the Maharani Sahiba holds the Pilka Estate for her life-time and this grant is similar in tenure to the grants held by some of the *khorposhdars*. This is an old grant and was renewed in favour of the present Maharani Sahiba after the death of the late Maharani. There is a sanad issued in respect of this grant. In the settlement records the villages are shown with 'State Sarkar' as proprietor and the Maharani as the life-holder. The conditions are that the grant is terminable on death and liable to pay *takoli* and cesses. The cultivators enjoy the same rights and privileges as in other villages.

Though it is reported that there are no *khas* lands belonging to the Ruler there are certain lands known as *zirat* which to all intents and purposes are enjoyed by the Ruler. The lands are cultivated by *bhandar* servants and the income goes to the Ruler's *bhandar*. The lands are recorded separately as *zirat sarkar* in the settlement records. The Maharaja was inclined to call the zirat cultivation "demonstration farms" but I am afraid this is not the case.

8. Apart from the whole village *muafis* and other lands there are muafis known as *turka muafis* or plots of land held rent free. Some of them are charitable grants, others, reward for services, and some are held as remuneration for services performed at the palace. The total area of these grants is about 430 acres and most of them are recent, that is, within the last twenty years. These grants are different from the jagirs held by village servants.

THE RYOTI TENURE

9. There has been no revenue law in the State or any documentary prescription of rights and liabilities of ryots except certain clauses in the *pattas* of *gaontias* issued recently. In 1939, it was proclaimed that the Centra provinces Land Revenue and Tenancy Acts were adopted but this was little more than a nominal declaration and in fact the conditions in the State are by no means such that either the Land Revenue Act or the Tenancy Act could be adopted without modification here. In addition to this a *wajib-ul-arz* has been drafted which is similar to the wajib-ul-arz of some of the Chhattisgarh States. The *wajib-ul-arz* is not applicable to the *ilaqas* and the question of the *wajib-ul-arz* for them has not yet been decided. It would be of little value to examine this *wajib-ul-arz* the authenticity of which has not yet been established and the State itself is contemplating modifications. Some of the tenures like "absolute occupancy rights" arise out of nothing in the existing ryoti tenure and I shall therefore try to give the position as it existed before the *wajib-ul-arz* and as it exists in fact now. Reference will also be made to the clauses of the *wajib-ul-arz* where nothing else exists.

10. I have been able to get copies of *pattas* issued to gaontias in 1914 and 1938. These are practically indentical and it may be taken that the practices mentioned there are fairly well established. The pattas lay down that the gaontia can settle ryots in the villages; he has no right to levy anything in excess of the rents fixed by the State which means that the ryot was entitled

Digitized Odisha Revenue Laws – Volume 15 · Page 431 Odisha

to hold at a fixed rate during the period of the Settlement. As the *gaontia* was entitled to settle ryots the rent of new ryots was fixed and appropriated by the *gaontia* during the term of the *patta* or settlement. Ryots were liable to render *bethi* and *begar* to the State. Certain fruit and timber trees could not be cut in the village forest. The *gaontia* was entitled to *begar* for two days for his cultivation. He was required to keep his ryots contented which meant that arbitrary ejectment of ryots was not contemplated though it could happen. The *patta* does not lay down any restrictions in respect of the sale of land, abandonment, surrender or inheritance. Cases of sales and mortgages are known in the villages and in the absence of any definite settlement records these seem to be mostly oral. Surrendered, abandoned and intestate lands were at the disposal of the *gaontia*. In the absence of restrictions land seems to have passed by inheritance according to personal law. This position has been affected by changes made during the last four or five years. The power of the *gaontias* to allot waste lands and dispose of abandoned or surrendered holdings have been taken away and this is now done by the State. Transfers of land require the permission of the State and consent money at 12½ per cent. of the consideration or 2½ times the rent whichever is higher is said to be levied but cases of 1941 which I saw showed that this was being levied at 25 per cent. of the consideration and the reduction of the percentage must have been made early this year. On exchanges, a consent money of one year's rent is levied. Mutation fee is four annas for every Rs. 10 of the rental. (It is not clear whether the restriction on transfer is a newly imposed one as stated already. Villagers used to effect sales and mortgages where the land has value; land in this State has little value and the Maharaja has written that for new cultivation inducement is necessary and *salamis* cannot be levied.)

11. Enquiry in the villages shows that the fruits of trees are generally enjoyed in common by all villagers even if the trees are on cultivated holdings. In some villages this was said to apply to all trees and in one to *mahuá* trees only; in the latter case there was a definite distribution of trees and not of the produce. The settlement record shows cases where the rights of one person over trees on the fields of another have been recorded.

12. *Begar* and *rasad* are said to have been abolished but this does not appear to be an accomplished fact. *Begar* for cultivation of *manwar* lands was mentioned in nearly all villages visited and ryots are required to maintain the portion of the road contained within the limits of the village. Fuel and straw have to be supplied for the camps of officers and in some cases food was also mentioned as given free. Liability to construct and maintain *gurhis* and the planting of road side avenues is prescribed in the new *wajib-ul-arz*.

13. There is no rule at present regarding building houses upon agricultural lands. Unassessed homestead lands and *bari* lands do not form part of the ryoti holdings. But the assessed portion of the *bari* is a portion of the ryoti holdings. At the current settlement the entire occupied homestead in the village and bari up to 20 decimals has been recorded as rent free. In respect of future allotment the *wajib-ul-arz* lays down 25 decimals for both homestead and bari as rent free. It is said that ground rent has not been recovered before but during the last 3 years the settlement officer has proposed rates based upon classification. These rates are 8 annas, 4 annas, 2 annas and 1 anna per decimal of land. The classification has been made according to the situation of the land. *Sukhbasis* or landless labourers have not been shown as occupants of the lands held by them as homestead but the land has been recorded as State Land with the name of the *Sukhhasi* in possession recorded in the remarks column. This is in accordance with Bihar and Orissa practice.

14. The position regarding the rights of ryots over trees on holdings is not clear. According to the ryots they can enjoy the fruits of trees on their holdings but cannot cut them. The old *gaontiahi patta* prohibited the cutting of *palas* and *kosom* trees which seem to have been a total prohibition and fruit trees and certain timbers are also mentioned as prohibited though the clause may be interpreted as applying to the village forest only. Under the new *wajib-ul-arz* the ryots have absolute rights over the trees, growing on their holdings except that they cannot cut green mahua and a number of lac bearing trees without the permission of the State. In the settlement records trees standing on holdings are sometimes shown as belonging to persons other than the holder of the land.

15. Ryoti tenures are all of one kind and there are no "*shikmi*" tenants with permanent rights.

Digitized Odisha Revenue Laws – Volume 15 · Page 432 Odisha

16. No fisheries are auctioned. In one of the villages visited it was said that there were no rights of fishing in the State tanks but they could make use of the water. No charge is made upon minor minerals for the cultivators' own use or for the manufacture of bricks, tiles, etc.

17. There is nothing in the old *pattas* of the *gaontias* regarding acquisition of land for State purposes. The Land Acquisition Act was shown as having been adopted in 1939 but a case of that year did not show proceedings according to it. Land was required for a school. The proceedings do not show how the land was acquired ; a report on record shows that a portion of the land was given up by the person concerned (as it had apparently been encroached upon by him) and on the rest there was a well and compound for which compensation was to be paid. The tahsildar valued them at Rs. 87/12/0 and the Minister sanctioned Rs. 85.

18. The new *gaontiahi patta* requires that receipts should be given free of charge. In some villages I visited no receipts were given on account of the illiteracy of the *gaoatia* but the villagers had no complaint to make (relations in this village between the *gaontia* and the villagers were extraordinarily good and he was not even taking *begar* for his *manwar*). In other villages charges were being made at one pice to one anna per receipt by the *gaontia* or tenure holder.

VILLAGE HEADMEN

19. Some of the powers of *gaontias* have already been mentioned. The position in respect of these also is to some extent involved and new practices have been introduced during the last few years. *Gaontias* as well as *thekedars* are mentioned in the gazetteer. Hereditary *gaontias* who were given *pagri* on payment of *salami* have been mentioned already and there are *gaontias* with *pattas* also, usually for seven years but for different periods in the *ilaqas*. In some villages I visited the *gaontias* seemed to have been changed by the villagers or by the tenure holder practically at will.

20. The position in the *khalsa* portion of the State is roughly that out of 1,059 villages 201 have no *gaontias* and these are known as '*sir*' villages. In 55 villages *gaontias* have been recently (last year) appointed who hold the *manwar* on payment of rent but without any permanent rights and get a commission of 3 to 5 per cent. on the rental demand of the village, the commission being deducted by the *gaontia* before payment. These *gaontias* are known as ‚commissioner *gaontias*'. In the remaining villages there are *gaontias* who hold the *manwar* lands rent free and get no commission or 'drawback'. In a number of *sir* villages there is a *mukhia* who cultivates the manwar and pays the rent of the village after realisation from the ryots; he has no responsibility for the revenue of the village and pays in only what he is able to collect. In other *sir* villages the *manwar* is given out on lease and the tahsildar makes the collection.

The *patta* issued in 1914 to *gaontias* is said to have been issued for the first time and before that the *gaontias* used to get *pagris*. The 1914 *patta* is said to have been issued to all *gaontias*. Pattas have now been issued to *gaontias* including commissioner *gaontias*.

21. In the *ilaqas* where the *ilaqas* and *khorposhdars* have rights to appoint their own *gaontias* or *thekedars* however existing pattas have been issued for short periods, five to seven years. The *pagri* system also seems to be prevalent to some extent. These are villages without *gaontias* and collection is made direct by the *ilaqadars*.

According to the *patta* of *jagir* grants of whole villages, the *gaontia*, if already appointed at the time of the grant, generally continues ; otherwise the grantees have the right to appoint their own *gaontia*. There is no condition imposed upon them regarding the manner in which they should appoint *gaontias*. The right of the *gaontia* has always been impartible and inalienable. The *gaontias* are resposible for the revenue of the whole village. Under the new *patta* which is for 20 years while the new *gaontia* has no powers to settle ryots on land he is expected to improve the village and help ryots to settle. He cannot ask for a reduction of the village land revenue and is liable to ejectment if he fails to credit the revenue in time or if he attempts to alienate his village. (The new *wajib-ul-arz* contemplates a sub-lease with the sanction of the State for a period of seven years). *Manwar* lands may be subleased annually ; if the *gaontias patta* is not renewed or he is ejected he loses all rights in the *manwar*. Abondoned and surrendered lands have to be brought to the notice of the State. The *gaontia* is required to give receipts free of charge. He cannot cultivate or

Digitized Odisha Revenue Laws – Volume 15 · Page 433 Odisha

allow others to cultivate new lands without the sanction of the State. He is required to reside in his village or if this cannot be done for any reason he has to nominate an agent with the approval of the State. A *gurhi* has to be maintained by him with the help of the ryots. There are duties like reporting offences, suspicious deaths and the like prescribed for him and he is required to look after forests, tanks, and village roads.

22. In cases of succession to gaontiaship arising out of the death of the previous holder (succession is usually to the eldest son) a mutation fee of 5 per cent. of the rental of the village is charged. No other *salami* is said to be charged but cases I have examined show a charge of Rs. 6 as *patta salami*. 'Commissioner' *gaontias* have no right of succession. The mutation fee is ten per cent. in the case of indirect heirs.

23. If a village falls 'vacant' by removal of the *gaontia* or by intestacy the village is settled with a new *gaontia* by levying one year's full rental as *nazrana*. Formerly 2 years' rental used to be levied. The person chosen by the villagers and supported by the tahsildar is appointed and in such cases auction are not held. *Nazrana* and mutation fees are both credited into the treasury and are not regarded as the personal income of the Ruler. This position is only in respect of *khalsa* villages and in the *ilaqadari* villages the *ilaqadars* dispose of their villages as they please.

24. There are no village with more than one *gaontia*. There are instances of some *gaontias* holding more than one village and there was a case of separate allotment of the villages held by one gaontia in favour of the sons. There has also been a case of village being transferred with the permission of the Durbar to the *gaontia's* brother.

25. There are no villages of which the members of the Ruling Family are *gaontias*.

The manwar lands in the sir villages are cultivated by any ryot who desires to do so with the permission of the tahsildar on payment of the assessment. The ryot who cultivates the land does not acquire any right in it. The same ryot may cultivate continuously. The rents of these lands are paid into the treasury along with the land revenue.

Gaontias have to pay a Dasserah *salami*. This is not being recovered from the ryots at present. *Rasad* is usually supplied free by the *gaontia*.

RECOVERY OF LAND REVENUE

26. Land revenue is collected in two kists on the 15th January and 15 April. The gaontia is expected to make payments of the kists even if he has not recovered the entire amount from the ryots. Regarding proceedings for recovery of rents by the *gaontia* from the ryots, no cases previous to 1941 are available and it is said that no coercive processes have been ever issued in the past against the gaontias or tenants. It is true at least that no records were maintained before 1941. The statement of recovery of land revenue during the last ten years shows considerable arrears (Rs. 65,000 in 1934). It appears that peons used to go to the villages for recovery. It seems unusual that coercive processes were necessitated only when the maintenance of records began in 1941. Recovery on behalf of gaontias in the cases I saw has been effected through the issue of revenue processes. It has been pointed out already that *ilaqadars* hitherto did not use to apply to the State.

CESSES

27. No cesses are prevalent now except the commutation tax locally known as *haratka* (which has been in force for a long time). Formerly it used to be levied at Re. 1 per plough (and in some *ilaqas* it still is) and in lieu thereof the tenants were entitled to get free *nistar* from the village jungles. This tax or cess is now levied at annas two per rupee of rental. The tenure holders who have forest rights appropriate the whole of the income from this cess.

REMISSIONS

28. In 1918 there was an instance of suspension of revenue owing to famine conditions. In 1942 certain remissions were granted. The tahsildar's report on which remission was based shows that the outturn of dhan crops being unsatisfactory a sum of Rs. 147/8/0 or half the revenue of the land which could not be cultivated was to be remitted for the year 1942. I saw large areas lying fallow.

Digitized Odisha Revenue Laws – Volume 15 · Page 434 Odisha

The cost of the settlement operations was recovered in the first instance from the ryots on the understanding that one fourth of the cost recovered from each tenant would be deducted from his rent every year. 2 instalments were thus recovered and in the current year the other two instalments have been remitted altogether on account of the poor crops.

LOANS

29. Taccavi loans appear to have been granted in the past. About Rs. 5,000 are provided in the budget now as agriculturists loan.

There is a certain amount of grain lending from *bhandar* also on the *deodi* system of 50 per cent. interest. These loans do not enter into State accounts and are really the Ruler's private lending. In the *ilaqas* the *ilaqadars* do a certain amount of grain lending.

VILLAGE SERVANTS

30. Throughout the State village servants like *pradhan, baiga, bargarh, kotwar* and *lohar* are appointed by the villagers and no formal orders of appointment are issued. The Chowkidar who is appointed by the State does not hold jagir land; he is usually nominated by the villagers. The chowkidar and *gudait* are the two persons who are made use of for State purposes and the rest are entirely the servants of the villagers paid by them for services rendered to them. The chowkidar as in other State is the village official responsible for carrying reports, assisting in recovery of land revenue, and so on.

The gudait is probably meant to be a sort of second chowkidar but seems to be made use of mostly for personal menial services by officers and *ilaqadars*, such as cleaning pots, carrying articles and the like. Both the chowkidar and *gudait* are paid paddy or rice by the villagers and an annual contribution which seems to vary from 3 to 6 rupees for clothes. If the chowkidar or *gudait* leave the village to go to the thana or elsewhere where he is required, the ryots have to pay him a sort of travelling allowance of paddy or rice.

The question of abolishing the *gudait's* post was considered last year but it was decided to retain it till the tenants asked for its removal.

Among the other village servants the *pradhan* seems to be regarded as a sort of assistant to the *gaontia*. The retention of many of these jagirs seems unnecessary.

FOREST

31. Mr. Mooney is the forest adviser of this State. The forest 'rules' of this State are dated 1935 and contain little more than schedules of rates; so far no working plan has been prepared and one is now under preparation.

The forests are divided into three classes *shikargha*, reserve and *katait*. The *shikargha* forests are meant exclusively for shikar and they are not worked by any timber or other contractors nor is any grazing allowed in this area. In the reserve forests after the working plans are prepared proper working will be started. *Shikargha* and reserve forests will be demarcated; the traverse of every village has been completed but it is likely that the village boundaries will be altered, here and there by the inclusion of portions of village forest in reserve jungle. There was no consultation between the forest officer and the settlement officer regarding the demarcation of these forests. In the 1935 rules the *katait* jungle is defined as jungle from which the villagers take their nistar and the village waste is not included in it. The idea seems to be to consider as forest only such village waste as has got forest growth on it.

32. For the clearing of forest lines, now no payment is made but the ryots are allowed to take the timber free of charge as remuneration in areas where timber has value, as for instance round Ambikapur, but in the distant *ilaqas* the forest adviser has advised that provision at the rate of Rs. 7 or 8 should be made. It is proposed to make provision in future for the maintenance of the lines.

33. The reserved species of trees are the lac bearing trees, fruit trees, and 8 species of timber. Bamboo is one of the protected species of trees but under special orders, for the last two years, 100 bamboos are allowed free per plough.

34. Forest offences are compounded under the orders of the Maharaja. The forest officer is a retired ranger from the Central Provinces.

35. Shifting cultivation is being practised by pahari korwas in certain portions and attempts are being made to discourage this cultivation and bring them down for settled cultivation.

Digitized Odisha Revenue Laws – Volume 15 · Page 435 Odisha

Shifting cultivation has been prohibited and people who do this cultivation are liable to punishment. The State is offering help for ordinary cultivation in the shape of bullocks, seed, etc. I could not visit the pahari korwa villages.

MONOPOLIES

36. Hides, harra, tendu and some other items of forest produce are monopolies. In respect of hides there was formerly a cess levied upon tenants known as chamarahi for the skins of their dead animals. This cess was abolished in 1939 and the hide *theka* introduced. The *thekedar* has the right to purchase skins and he is not expected to take the skins which are required for the local needs. In the *theka* of the contractor, the rates are prescribed. In practice however the villagers not only complain of the *theka* but also about the behaviour of the *thekedar*.

Lac is auctioned to several contractors by areas and the contractor has the right to purchase lac from the growers. According to the new *wajib-ul-arz* the ryots have the right to grow lac upon trees in their holdings; in practice however the thekedar gets the lac propagated through other persons called *pandos* and in two *ilaqadari* villages, the villagers said they were prohibited from propagating lac themselves. An export duty is levied upon lac when it is exported from the State. Rates payable to the growers are not fixed in the lease and these are left to be fixed by the contractor.

The *kendu* leaf monopoly gives the lessee the exclusive right to cut, collect, purchase, remove and export the leaves. This is said to be a new monopoly. The monopoly exists in the *ilaqas* also. Rates payable are not fixed in the lease.

37. Export and import duties are charged by the State. As already stated *ilaqadars* used to charge their own duties but it has been decided this year (March 1942) that the State alone should impose export duties, payable on agricultural produce of various kinds including rice and other food grains and cattle also. Agriculturists are charged a lower rate than traders. Import duties are charged on metallic articles, articles of clothing, salt, kerosene oil, cattle, etc.

CROP PROTECTION

38. There are no rules regarding the shooting of animals in protection of crop at present but crop protection licences have been issued and shooting of animals other than tiger and panther in crops is permitted. The licences are issued on payment of a fee of Re. 1 and the renewal fee is also Re. 1. A certain maximum number of licences is fixed for each tahsil according to the need for crop protection and when application for licences are received enquiry is made from the tahsildar regarding the need for a licence in the village or additional licence in the village and then a reference is made to the police regarding character, etc., of the applicant.

The total number of licences issued is 677.

The *ilaqadars* are not supposed to place any restrictions regarding the shooting of animals other than what the State has done but in practice the *ilaqadars* are not keen on taking orders from the State.

OFFICERS

39. The Ruler is the highest revenue authority and in nearly all cases either he or the Heir-Apparent passes orders.

No powers to pass orders have been delegated to the Chief Minister or to the tahsildar. The tahsildars generally enquire and report into the cases which pass through the Chief Minister.

The tahsildars who reside at their respective headquarters have got subtreasuries and their primary function is supervision of the collection of revenue.

The present land record staff consists of a Settlement Officer, 2 Revenue Inspectors, 17 patwaris and 2 peons. The Central Provinces Patwari System has been introduced for Sitapur and Sadar tahsils and it is proposed to introduce this system throughout the State. The Central Province rules are followed.

The process serving organisation consists of peons at various tahsil headquarters. It is said that before 1941 no warrants were issued and no process register was maintained. Now process registers have been introduced.

The total cost of the revenue and land records establishment is given as Rs. 18,300 the land revenue being Rs. 3,53,700 and total revenue Rs. 8 lakhs,

Digitized Odisha Revenue Laws – Volume 15 · Page 436 Odisha

NAZUL

40. In Ambikapur the abadi (residential) area is said to have been under the control of the Ruler himself for a long time. In 1939 the residential area became a municipality; before that there was a committee for the purpose of sanitation which used to get the entire income from the residential area. This committee was instituted many years ago and it is said that in addition to the cesses imposed by it the income from the sale of residential lands formed part of its income. The lands were being auctioned by the Secretary of the Sanitation Committee and the auction was subject to the approval of the Ruler. The income from the sale was credited to the Committee. Under the new practice introduced this year the sale of the lands is conducted by the tahsildar and the income is credited to the State but it is provided that a share of the income should go to the municipality.

In Ramanujganj a nazul area was constituted last year and before that the gaontia was managing the village abadi with the exception of the bazar area. The nazul area includes the entire basti. There are no other nazul lands in the State.

MISCELLANEOUS

41. The Indian Stamp Act and Registration Act have been adopted. The *schedule* of rates is however not the same.

There was no record room formerly and petition with orders, etc., need to be deposited in a miscellaneous bundle. Some of the records are in a most unsatisfactory condition and many proceedings were probably not recorded at all. Since last year a register of cases has been introduced but as yet the record room is still to be organised. Only a court register of cases is maintained. Copies are granted at 4 annas per sheet. The Central Provinces Judicial Commissioner's circulars regarding copying are followed and there are no separate revenue rules. In respect of petition writers Judicial Commissioner's rules are followed. Petition-writers pay a licence fee of Rs. 2 and petition paper costs one anna per sheet, the highest charge in the Agency.

The Central Provinces Treasury Manual and Civil Account Code are followed.

TALCHER

REVENUE HISTORY AND SETTLEMENTS.

No detailed information is available about the previous revenue history of Talcher. The first settlement of the State seems to have been made in 1898, when the State was under the administration of the Government owing to the minority of the present Chief. This settlement was for a period of 15 years, *i.e.*, up to 1912. The settlement fixed four instalments for the payment of revenue in February, May, July and December. The *sarbarakars* received a cash commission on collections and were responsible for the whole revenue of the village, It appears therefore that the system of rent-free holdings as remuneration for the *sarbarakars* has not been in existence in the State for many years. In the settlement which followed, in 1912, no appreciable changes seem to have been made in the system. In the 1928 settlement the major portion of the enhancement of the revenue was due to the assessment of *nayabadi* lands. This settlement is current at present. There are 5 classes of villages and some five or six classes of land. Lands which are double cropped were given a special classification as "super-first class" and sugarcane growing lands were also assessed at a special rate though sugarcane is not always grown on such lands and there is usually rotation of crops. The 1928 settlement, like its predecessors, was for 15 years and is due to expire in 1943. The State seems to be well cultivated and is not a backward area like Bonai. There has been the development of coal mining since the last settlement and a railway now connects Talcher to Cuttack. But the interior of the State does not appear to be much affected by these developments and it is doubtful if a short period settlement is justifiable. The settlement has been made upon the Orissa system. The State has been surveyed fully by traverse and cadastral survey though a theodolite survey has not been done. The settlement officer who is at present examining proposals for a new settlement stated that the previous settlement appeared to have been satisfactorily done, The settlement records prepared at the last settlement consist of the *khasra*, the *khatian* and the *ekpadia* in addition to the village map and such documents

Digitized Odisha Revenue Laws – Volume 15 · Page 437 Odisha

as *purcha* and *patta*. The *khasra* contains the circle, the plot number, the *khata* number, the name of the ryot, kind of land, class of land, the area of the holding and remarks. The *khatian* gives the *khata* number, the name of the ryot, the right in which the land is held, the circle of *khasra* number; the boundaries of the holding, the number of fields in it, the kind of land and the class, the area, the total of each class of land in the holdings, the rate per acre and the rent on the holding together with remarks. The *purchas* show the circle number, the plot number, the number of fields, boundaries, the kind of land, the area and remarks. The *ekpadia*. is the village rent roll and gives the name of each ryot, his status, the area of his holding, the assessment and cesses. The *patta* gives the conditions on which the ryot holds his lands, the area and the rental.

ZAMINDARI AND OTHER TENURES.

2. There are no zamindaris in the State but in common with the other Orissa States there are numerous rent-free and other tenures. Out of a total number of 434 villages, there are 7 *debottar* and 28 *khanja* or maintenance villages. In addition to whole villages, there are considerable areas of land under these two grants, all held free of revenue. There are numerous *brahmottar* grants also some of which pay quit rent. There seems to be only one village which is entirely *brahmottar* but another village *Talbeda* which I visited was also said to be an entire *brahmottar* village.

3. The land is the property of the State. Between the ryots and the State there are the tenure-holders, if any, the *berapradhan* of each *pargana* (generally one of the *sarbarakar*) and the *sarbarakar*. The other rent-free holders are *lakhrajdars* who are mostly holders of service holdings. It does not appear that the *kharposhdars* have anything more at present than a mere right to the revenue of the village. The allotment of wasteland, the appointment of *sarbarakar* (or in the case of brahmottar villages, *mukaddams*) are done by the State, and even the village chowkidar is appointed by the State *brahmottardars* and others are consulted. The sanads obtained, however, show that the grants are similar to other absolute grants. A complete statement of all grants has not been made available.

4. *Brahmottar* lands held by Brahmins are liable to pay quit rent and cesses; according to the terms of the *pattas* they are heritable, not transferable except under will or gift without the previous sanction of the Darbar, and liable to lose their character as *brahmottar* and become ryoti after any transfer other than by succession, will or gift unless otherwise permitted by the Darbar. *Lakhrajdars* including *brahmottardars* can create ryoti or under-ryoti rights in the tenure or holding.

5. *Debottor* lands are held rent free and cess-free for religious purposes and can be transferred only with the permission of the Darbar. They are impartible; ryoti and under-ryoti right can be created with the sanction of the Darbar. Some portion known as State *debottar* seems to be managed by the Ruler.

6. *Kharposh* lands are heritable, not transferable, and the Darbar can convert any *kharposh* land into ryoti after 7 generations from the original grantee or leave it rent-free for an unlimited period. Ryoti and under-ryoti rights can be created in the tenure.

7. *Chakran* jagirlands are held rent-free and cess-free for the purpose of rendering free service to the Darbar, are not transferable, are impartible and generally go to the senior member of the family by succession. *Chakran bajiafti* tenures are jagir lands which pay rent and cesses. Such *jagirdars* are bound to render service but are entitled to receive wages also. There is another type of jagir known as *bhalloke jagir* which does not entail rendering of service to the Darbar ; the land is ryoti land leased out and the lessee is said to hold the position of a ryot though the implications of this are not clear.

8. While there is no definite revenue law in the State a number of rules and regulations issued as orders exist in respect of revenue matters in a fairly detailed manner. The rules are, however, most loosely worded and confusingly arranged. The rules lay down that the Darbar has the sovereign and proprietary rights in all lands in the State. Lands are divided into 8 classes including *khas dakhal* (which means lands directly under the possession of the Darbar) the various kinds of *lakhraj*, *kharposh*, *bogra jagir* and

Digitized Odisha Revenue Laws – Volume 15 · Page 438 Odisha

ryoti lands and under-ryoti lands. The *khas dakhal* lands are either leased out or managed directly by the Darbar and are recorded in the name of the Darbar in the settlement records; all waste lands (including "protected Forest") are assumed to the *khas dakhal*. The Darbar reserves the right to make personal use of all waste lands or to lease them out to any class of tenants on any terms which the Darbar thinks fit and proper. This means that waste land can be leased out by the Ruler on rent which cannot be fixed at settlement and the ryots can continue indefinitely as tenants at will, liable to be ejected at any time.

THE RYOTI TENURE

9. Among the ryots, though the terms *thani* and *pahi* are used to describe resident and nonresident ryots in a village, there is no distinction whatever in the rights of these classes of ryots and the names have no special significance; residents of a village who do not possess any agricultural holding are called *chandnadars*. Ryoti lands, according to the regulations in force in the State, are held by ryots for use or occupation but the nature of such use or occupation is not defined and presumably both agricultural and non-agricultural uses are contemplated; this is why even persons without agricultural holdings are described as ryots.

10. Ryoti lands carry with them a liability "to render services to the Darbar when required on receipt of due payment". A ryot, being a holder of such land may hold the land so long as he pays the rent and "discharges the duties regulated by the Durbar, unless the said lands are required for any public purposes", when the land may be acquired "on payment of a reasonable compensation to the holder". Under-ryots hold from ryots or tenants on conditions such as payment of half the produce, a fixed produce rent or a fixed rent by agreement; an under-ryot acquires "occupancy right" if the land is held continuously for more than 12 years. The term "occupancy right" is not otherwise used in the rules and there is no definition of what it means.

11. Ryoti lands can be partitioned or transferred by sale on payment of a *salami* with the permission of the revenue officer. Mortgages and exchanges etc. are also permitted.

The rules regarding the transfer of lands require the revenue officer to be particular that the whole or greater part of the good land of the owner is not sold because the remaining portion may not be sufficient to support the transferor and his dependents and also to see that the lands are sold at reasonable price. The *salami* is 12½ per cent. (reduced from 25 per cent. in 1941) of the consideration recoverable from the transferee (in the land acquisition case for the railway, the *salami* was actually recovered from the ryots or transferors).

Under an amendment of 1941 the Revenue Officer is also asked to "be particular to see that an aboriginal is not generally allowed to transfer his land", Such permission may be granted only when there is enough land left to support him and his dependents.

12. Mutation seems to be called land registration. A person acquiring ryoti land is required to get his registration done within three months and fees are charged at the rate of Re. 1 for lands up to Rs. 5 rent, Rs. 2 for Rs. 10 rent and for more than Rs. 10 an additional fee of 8 annas for each Rs. 10. Failure to register within the prescribed period means double the normal fees.

When land is acquired by succession, will or gift or deed of sale, a proclamation inviting objections is issued when the case comes up and the transferee is also noticed at the cost of the applicant. This is done inspite of the fact that transfer requires permission and before granting such permission a notice inviting objections etc. is issued. When land is registered in a person's name, a new *patta* is issued and entries made in the settelments records.

13. The ryots have now got full rights over the trees in their holdings except in the case of toddy palms which are the State's monopoly. (This right has been modified since under the advice of Mr. Mooney and a charge is made if a ryot wishes to sell the timber of his trees). In the tanks and streams they have the rights to fishery and the use of water for irrigation purposes. The State has got some irrigation canals for which no rate is charged though in making the assessment of land revenue the fact that the land is irrigated is probably taken into consideration.

Digitized Odisha Revenue Laws – Volume 15 · Page 439 Odisha

14. For the lease of forest lands, an application has to bear a court fee of Rs. 2 as amin fee and if a settlement record is required to be referred to, a fee of Rs. 2 more for each settlement record will be charged. A local enquiry is made on the application in consultation with the forest officer. The land is classified at the discretion of the revenue officer. After a period of two years allowed for reclamation during which a reduced rent (not specified) is charged, full rent according to the class will be assessed. Before granting the land the villagers concerned will also be informed while inviting objections; the *sarbarakar* is also asked if he has any objection. In granting the lease, the lessee (ryot) is bound to reclaim the whole of the land if, the area is not more than 15 acres and at least $\frac{3}{4}$ of the area if it exceeds 50 acres whithin three years from the date of the lease. If this is not done, a compensation not exceeding Rs. 300 may be charged in view of the loss suffered by the State. The value of the trees on the lands assessed by the forest officer is recovered from the applicant but if he does not want to buy these trees, the trees cut by the applicant will be sold in public auction by the forest officer. The nearest relatives of the Ruler's family may be exempted from the payment of rent of jungle or wasteland until the next settlement. The lessee of a large area of land may apply to make a new village and be the *sarbarakar*. In leasing waste land of the village the revenue officer is enjoined to take particular care "to see the pasture land of the village".

Cultivated land which has lapsed to the State and become *khas* on account of arrears of rent may be leased out to an applicant who pays the arrears and also a reasonable *nazar* or *salami* to the State which will be determined by the revenue officer. If the land is profitable it cannot be leased out unless *salami* or *nazar* exceeds the arrears. Other *khas* lands recorded in the name of the Darbar in the settlement records may be leased out on payment with a reasonable *nazar* or *salami*. Alluvial land is dealt with by auctioning locally after 7 days' notice.

15. Formerly there used to be the system of *bethi* and *begari* in the State. This was commuted to a cess of 5 annas per rupee of land revenue and the cess was being levied at this rate since 1911; and as far as I could find out there are no complaints of *bethi* and *begari* at present. The commutation was in lieu of ten items of free labour and contributions like thatching grass, carrying loads, supplying rice to the Ruler's kitchen, supply of timber for the deities' car, contribution towards expenses on festive occasions, *rasad* to the Ruler on tour, fuel for the kitchen, etc The cess called miscellaneous cess for *bethi* and *begari* has now been reduced by order of the Crown Representative to three annas per rupee.

16. The ryots have to pay one pice for each receipt they get from the *sarbarakar*. They have to pay interest at 2 annas per rupee if they do not make payment on the due date. They also have to pay the rent of the chowkidar's jagir lands and if any tanks exist in the village the rent of the area covered has also to be paid in common by all the tenants. Lands paid for in common by the ryot are known as *'deshkot'*.

17. In return for the nistar cess the ryots pay, they are entitles to free grazing in the village forests but they have to pay half the royalty if they cut any reserved species of trees whether in village forest or in reserved forest. The reserve species are usually required for agricultural implements. Fuel is obtained free.

18. In the *paikali* villages the holdings of the *paiks* do not descend according to the personal law of the holders but the eldest son of the holder is usually appointed as *paik* in succession. He gets the whole holding but the land is not *jagir* and held free of rent. The *garhnaik's patta* lays down that if the *naiks* are called upon to serve at any time, the land will be exempted from rent. The *paiks* all hold land of the rental value of Rs. 8 under these conditions. Land in excess of this rental may be transferred or partitioned and is held as "ryoti *paik*" whatever that means. Presumably there is no condition regarding service or inheritance attached to it. The *paikali* tenure required attendance on ceremonial occasions. In other respects such as cesses, deshkot, forest concession etc. the *paikali* tenure is just the same as ryoti tenure.

VILLAGE HEADMEN.

19. The sarbarakars who are responsible for the revenue of the village hold rent-paying *bhogra* land which is an incident of the tenure and passes

Digitized Odisha Revenue Laws – Volume 15 · Page 440 Odisha

to the next incumbent who may not always be the son of the *sarbarakar*. The *patta* of the *sarbarakar* is issued for the term of the settlement.

Interest is charged from him for failure to pay land revenue on the due date. The *sarbarakar* has to pay interest of Re. 1 per cent for a week's default and thereafter at one anna per rupee per month. He has to pay Rs. 1-2-0 for each set of village forms and receipts he has to maintain. Formerly *sarbarakars* used to pay a *salami* on appointment but this practice appears to have been stopped now and a "land registration fee" is levied.

20. In *brahmottar* villages the village headman is known as *mukaddam* and in *paikali* villages he is known as *garhnaik*. In the *brahmottar* villages the *mukaddam* is appointed in consultation with the *brahmottardars*. The *pattas* issued to *sarbarakars* and *garhanaiks* and *mukaddams* are similar except that the *patta* of a *garhnaik* contains a special clause regarding the liability to render service when called upon.

21. In *kharposh* villages the rent is not paid by the *sarbarakar* to the *kharposh* holders but payment is made into the treasury into the *kharposh* account.

22. The *sarbarakar* is required by his patta to make Dusserah presents to the Ruler. He has to look after the "*khas dakhal*" lands and arrange for their lease etc. The *patta* also lays down that village roads and temporary bridges should be done up by the villagers without payment.

23. For each *pargana* there is a *berapradhan* appointed; he is expected to supervise the work of the *sarbarakars* in his pargana but his appointment and duties are not prescribed in the rules and he has no specified duties, nor does he get any remuneration though he enjoys certain forest concessions. The appointment simply seems to be a relic of the time when there used to be *pargana* officials and the *bera pradhan* is at present one of the influential *sarbarakars* of the *pargana* appointed as such. It is said that the State work will not suffer if the appointment is discontinued. The appointment of the *berapradhan* is made in consultation with the *sarbarakars*.

When a successor to a *sarbarakar, berapradhan, garhnaik*, etc., has to be appointed, the *berapradhan* has to pay Rs. 10, a *sarbarakar* Rs. 5, and the *garhanaik* and other jagirdars and khanjadars Re. 1 for land registration. Though no rights are granted in these lands the opportunity of levying a fee is not lost.

RECOVERY OF LAND REVENUE

25. Paddy is the main crop in the State and the harvest takes place in November—December. The land revenue is payable in two instalments, on the first of December, and the first of March. The payment of the first instalment is inconvenient as the harvest is not complete and prices are low. Most of the villagers are indebted as far as I could find out; the *sarbarakar* has himself to borrow in some cases when the tenants make default.

The liability to pay rent of the whole village rests upon the *sarbarakar* and he is expected to file a list of defaulters after the date for payment has expired when the State will proceed to take action. According to the rules the *sarbarakars* can file suits only when the number of defaulters exceed 25 per cent. of the total ryots of the village. He is entitled to levy interest from the ryots. By a notification, the Bihar and Orissa Public Demands Recovery Act has been included in a list of laws "the spirit of which has been adopted to be followed" in the State. Rent suits are tried by sub-divisional officers. The sales are conducted by the *nazir*, a ministerial official.

CESSES

26. In addition to the miscellaneous cess already mentioned (para. 15) there is a school cess of one anna in the rupee (apart from the cess called the full cess at one anna per rupee of rent in return for forest facilities). The miscellaneous cess and the school cess amount to a sur-charge of 25 per cent. on the land revenue. A road cess is said to be under contemplation in connection with the proposed settlement operations.

VILLAGE SERVANTS.

27. The village servants are chowkidars who hold land rent-free but the rent of this land is recovered from the villagers in common; other village servants such as barber, *dhobi* etc. also have "jagir" lands but these are all rent paying.

Digitized Odisha Revenue Laws – Volume 15 · Page 441 Odisha

FORESTS

28. The forests in the State are not under the control of the Agency Forest Adviser though he has been consulted specially regarding the forests and rules. According to Mr. Mooney's opinion there is quite enough village forest for the *nistar* of the villagers except in a few villages bordering on Angul, and even here people can get their supplies within a radius of 5 miles. The ryots were granted full rights on recorded trees by the Durbar in 1939 but it was not clear if in the case of reserved species the trees could be sold; Mr. Mooney advised that it was undesirable to give this right as it would result in the needless destruction of trees and that royalty at half rates should be levied as "a mild deterrent". The reasons given in support of this restriction are not very convincing. If the trees are to be protected in the interest of the ryots themselves it is possible to do so without the recovery of a fee. Grazing was not being charged for in the State outside reserve forest, but Mr. Mooney has advised the imposition of a grazing fee on cattle other than plough cattle in the interests of animal husbandry. I fear that the good intention behind this step will be lost on the cultivators who will not regard it as anything else than an additional burden on them; and far from improving the conditions it is likely to reduce any capacity the cultivator has to feed his animals or buy better animals. In its new forest rules the State proposes to levy half the ordinary royalty on trees of reserved species. I notice now that the Durbar does not appear to have accepted the advice of Mr. Mooney as the forest rule permits free grazing for all tenants in the village forests.

29. Payers of *nistar* cess may take trees of unreserved species up to six times the equivalent of the fee paid by them. (In other States this restriction does not exist). In the protected or village forests they have to pay a royalty for the reserved species of which there are ten at present, even if the wood is required for agricultural implements; this charge is said to be a concession rate.

30. As stated above, Mr. Mooney considered that there was enough village forest but advised the conversion of some of these into B class reserves in the interests of posterity and the cess paying tenants. From the bitter complaints I heard in the villages the net effect of this advice has been to reduce the area available for *nistar*. Another complaint was that the reservation of forests was made in such a way that cattle going along usual paths could not be prevented from straying into them and actions for illicit grazing resulted. The ryots of Kalamchuin which I visited seemed to have a very real grievance about this. The attitude of the Patait who is the Chief Executive Officer towards this complaint seemed to me quite unsympathetic.

31. Under the new forest rules I notice a feature which is not common to other rules; it is provided that from the village forests timber is generally not to be sold for export outside the State, a recognition, although not unqualified, that village forests are meant for the villagers. The export duties proposed to be levied on numerous items among which were cow, buffalo, goat, ram, hen, ass, camel, swan and cotton, classed as forest produce, seem to have been dropped.

CROP PROTECTION

32. In respect of shooting the State used to levy fees on every animal shot in protection of crops but this has been altered and it has now been provided that animals may be shot while actually doing damage in crops but the skins and horns are the property of the State; the flesh may not be sold. Professional shikaris may be engaged but the animals are to be handed over and a fee paid.

Licences for protection of crop are generally issued mainly on the conditions incorporated in the amended Forest Rules 1942. The number of gun licences issued for crop protection in 1941-42 is 86. The amount of issue and renewal fee for such licences is Rs. 2 per annum.

REVENUE ORGANISATION

33. The State is divided into 5 fiscal divisions called *parganas* and the collection of land revenue follows these fiscal divisions, there being a *thouzi* for each. There are two main sub-divisions with Sub-Divisional Officers and Tahsildars. As in the case of Seraikela, the administration of the State is to a considerable extent a family affair, and the Chief Executive Officer is the younger son of the Ruler and appeals from his decisions go to the elder son who is the

Digitized Odisha Revenue Laws – Volume 15 · Page 442 Odisha

principal appellate authority; the Ruler has the final powers. The cost of the entire revenue establishment is shown as Rs. 6,772 against land revenue (excluding cesses) of Rs. 90,656 and a total revenue of Rs. 3,40,256. There is no separate land record staff and only amins and kanungoes exist. In the villages the *sarburakar* keeps a copy of *khesra* and *ekpadia*.

MISCELLANEOUS

34. There is an export tax upon rice which is purchased by outsiders for commercial purposes, and this must have the effect of reducing the prices obtained by the cultivators. There is also a monopoly of hides.

In addition to fees payable on application for permission to transfer, and *salami*, stamp duty is payable on documents at the rate of 8 annas for the first Rs 50, Re. 1 up to Rs. 100, and Re. 1 for every Rs. 100 or part thereof up to Rs. 1,000. Petitions are to be written upon papers specially issued by the State for which a fee is levied at three pice per sheet. A registration fee has also to be paid when land is transferred (see para. 12).

TIGIRIA

REVENUE HISTORY AND SETTLEMENTS

This diminutive State of 46 square miles does not seem to have had any system of land revenue assessment based on measurement of land in spite of it proximity to the developed tracts of Orissa till fairly recent years. The first record of revenues derived from land seems to have been made in 1854 but there was no measurement of land. In 1876 a settlement based on measurement is said to have been made out but no details are available. In 1910 a settlement was made, the land being measured with the *padika* common in Orissa. The villages were divided into three groups according to their advantages or disadvantages for agriculture. There seems to have been no definite classification of land at this settlement. A considerable enhancement (nearly 100 per cent.) was made, the people protested and the rents were reduced by 12½ per cent. Produce rent was abolished at this settlement. The system of village management was through *sarbarakars* who were practically collecting agents getting a commission of ten per cent. of the collections. They do not appear to have had any responsibility for the revenue of the village. In the next settlement which was made in 1931-32, villages were divided into three classes and a regular cadastral survey was made. The reduced rates of the previous settlement were applied. There was some reclassification of lands for various reasons. On the whole the settlement does not appear to have been a great advance on the previous settlement in quality except that a cadastral survey was made. The term of this settlement has been fixed as twenty years and it is current now.

2. It is not possible to say to what extent the settlement is proper and equitable without a detailed knowledge of the State but local people complain about the classification of land as well as villages. In particular it is said that *dalua* lands which have been assessed to a specially high rate on account of a late spring crop obtainable from it do not yield such a crop on account of lack of irrigation facilities.

ZAMINDARI AND OTHER LANDS

3. There is no zamindari, and no whole villages have been alienated. There are the *debottar*, *brahmottar*, *paik*, service *jagirs* and other grants common in the Orissa States. The *debottar* grants which are the most important of the grants in the State consist of an area of 1,262 acres held rent free and about 376 acres held on quit rent or *tanki*. Some of these are held by individual grantees over whom there is no control or supervision and others are held by the Darbar in the so-called *debottar* department. The lands are cultivated partly directly and partly on temporary leases but there are also certain recorded tenants who have rights to hold the land permanently on the rents recorded at settlement. The tenants right is alienable with the sanction of the grantee and the State who levy 6¼ per cent. of the consideration each. The tenants cannot be evicted except through a civil court fee reasons such as non-payment of rent. Some of them seem to pay a produce rent.

4. Lands held rent free by the Ruler and ladies of the Ruling Family are known as *khanja* and *khamar* and are about 2,000 acres in area. There is no *sanad* or deed of grant in respect of them. They are recorded in the ordinary village *jamabandi* register as *khanja nishkar*. There is no condition regarding

Digitized Odisha Revenue Laws – Volume 15 · Page 443 Odisha

resumption or liability to assessment or quit rent. There are some recorded tenants under these lands who pay rent and cesses or *bhag* or *sanja* rent in kind as fixed in the settlement records to the *khanjadars*. No whole village are held as *khanja* or *khamar*.

5. *Brahmottar* grants, as their name implies, are grants given to Brahmins. These are mostly rent free but there are some on quit rents also. There are various other grants like *biradari*, *mahatran*, etc., which may all be regarded as maintenance grants. Most of them are held on quit rent. There is a grant known as *hatidhana* comprising about 6½ acres meant for the feed of elephants which seems to be peculiar to this State.

6. *Paik's* lands which were probably once rent free have all been assessed to rent but liability to service remains and the lands cannot be alienated.

Chowkidars and *defedars* all pay quit rent on their service lands at three fourths the normal assessment.

7. The total rental value of land under the various grants other than village service grants is about Rs. 14,000 of which a sum of about Rs. 1,300 is levied as quit rent. Cesses are paid by the grantees.

Lands under the various tenures mentioned above cannot be transferred but the Ruler may permit a transfer in special cases.

THE RYOTI TENURE

8. Ryots are referred to as *pahi* or *thani* according as they reside in a village other than the one in which they cultivate or reside in it but there is no difference in the status of the two. Persons holding homestead land only as known *chandna* ryots.

Ryots have a customary right to hold land permanently subject to payment of rent and land is also inherited by the heirs of the ryoti. Ryoti lands may be transferred by sale subject to the permission of the State which is granted if there is no objection under a number of restrictions. Land could not be sold if the portion to be sold exceeded one-fourth of the whole holding but under a modification of 1939 approved by the Political Agent, no part of a holding measuring four acres or less may be sold unless the ryot has other lands which makes the total holding more than four acres. Land cannot be sold to a non-agriculturist and the officer sanctioning the sale has to be satisfied that the transferor has not sufficient immovables for the maintenance of his dependents and the transfer is not intended for his leaving the State for good. The officer has also got to see that the best part of the land is not sold away because by such transfer the transferor will not be able to maintain himself and the State dues may also fall into arrears. While these rules are apparently intended to be for good of the cultivator, the State levies a *salami* of 25 per cent. of the consideration money (reduced in 1940 to 12½ per cent.). The rule about holdings of four acres or less is apparently meant to prevent fractionation of holdings but obviously it cannot achieve this purpose. To begin with, fragmentation of holdings is not caused so much by sales as by the law of inheritance. Secondly, if a holding is twelve acres and the holder wants to sell 9 acres the rule would not apply as it applies only to holdings of four acres or less. There are 8,088 holdings in the State of which 7,785 are less than 4 acres in area and 503 holdings are of four acres. Thus there is only a negligible number of holdings of over four acres and the rules as they are applied, deny the right of transfer to nearly all the tenants of the State. Fragmentation is not prevented if the ryot has, say, three acres of land in one place and three acres in another and he wishes to sell two acres, as the total holding would still be four acres. Cases examined show permission to sell quite small holdings of a few decimals.

Mortgages are governed by the four-acre rule and prohibition of sale to 'non-agriculturists'. (The term non-agriculturist is meant to apply to a person who by caste is not habitually a cultivator, but an examination of census figures will show that there are cultivators among all castes these days). No *salami* is charged on mortgages. Mortgaging by a cultivating tenant is restricted by a rule of 1940 to usufructuary mortgages. In the case of tenants who have been granted permanent rights, the rules require that permission of the *malik* as well as the State is necessary. The *malik* is entitled to 1/16th of the consideration and the State to 1/16th but the actual rule prescribes that the *malik* is entitled to 25 per cent. of the consideration and the State to its usual fee. The rule has not been amended to make the four acre rule applicable and one-fourth of any holding can be sold.

Digitized Odisha Revenue Laws – Volume 15 · Page 444 Odisha

Exchanges of land also require sanction. No fee is charged but permission is confined to sufficient reasons necessitating such an exchange. By an order dated 1937 the willing or gift of ancestral property is not permitted but self-acquired property can be so transferred.

Mutation fee on land is charged at Re. 1 for every five rupees of rent or part thereof. Mutation forms cost one anna each and court fee on application is four annas.

9. When new land is asked for, the forest ranger and the *kanungo* are consulted, the latter for demarcation, and the former; whether the land can be given out for cultivation. A general notice inviting objections is issued and if the land is to be given out a *salami* is charged. *Salami* is charged according to circumstances. The rate of *salami* fixed by rules is Re. 1 per *gunth*, that is, Rs. 25 per acre. The rent is assessed immediately according to the purpose for which the land is to be converted and no time limit is allowed to expire. Under the rules, all forest growth on the land is put to auction after it has been cut by the cultivator who himself can bid. The *sarbarakar* is consulted when new wasteland is required for cultivation but he is not allowed to allot the land himself. The rule allows a period of 15 years for cultivation of the land and a penalty can be levied if it is not cultivated in that time. Land can be surrendered to the State; the *sarbarakar* is consulted but he is not entitled to accept a surrender. Surrendered land is disposed of by the State.

House sites in villages are allotted by the State and not by the *sarbarakar*. The rules however are silent on the point. A resident ryot is allowed one decimal (.01 acre) of house site free of rent but a *pahi* ryot does not get any free house site. In Nuapatna, a big village with wealthy *chandnadars*, Rs. 30 has to be paid as a *salami* per *gunth* (.04 acre) for house sites. In Tigiria or Nijgarh a *salami* is said to be levied on homesteads but no rent is charged. There are other villages also where a change is made for house sites. House sites do not appear to be transferable but the rule says "No part of a homestead land shall be sold", etc., which may mean that the whole of it may be sold. The 1910 settlement report records that the *chandnadars* of Nijgarh do not pay rent on their homesteads but contribute annually for illumination during the car festival. Lands left intestate or abandoned (desertion for two years constitutes abandonment) are resettled by the State with tenants by sale or levy of *salami*. Lands for which no bidders appear in a sale for recovery of land revenue lapse to the State and may be resettled similarly. If a person has abandoned his holding and a claim is established by legal heirs a *salami* of Rs. 12/8/- per acre may be levied.

10. The rules do not say how "*shikmi* tenancies" can arise and there is no provision regarding the subletting of ryoti or other lands. *Shikmi* ryots therefore seem to be those recognised and recorded at settlement. *Shikmi* ryots may be ejected through a civil court for arrears outstanding for three years. The rule about transfer of land held by *shikmi* tenants says, "a tenant who has been in possession of his *shikmi* lands for a *pretty long time* x x x" (my italics.)

11. There are no rules regarding conversion of agricultural land into non-agricultural land.

12. *Sukhbasis* or agricultural labourers and non-agriculturists have to pay a tax for fuel they utilise for professional purposes.

Fruit of trees on wasteland can be enjoyed free and such produce is not leased out. Ryots can cut unreserved species of trees on their holdings without permission but for reserved species a charge is made. Mango trees can be cut on payment of Rs. 3.

Laterite stones are charged for at one pie per cubic foot from village forests. No laterite is found on other wasteland. No charge is made for clay, sand, etc.

The rights to fisheries in certain tanks recorded as "*rajsarkar*" are leased out but fisheries in streams are not auctioned. In the village of Balipur it was complained by a ryot that a lease of fishing rights had been granted over certain waters which accumulate in his holding during the rains and the lessee would not permit the fields to be drained. This lease was said to have been granted regularly for many years. The case seems to be similar to the one reported in the neighbouring State of Athgarh.

Alluvial lands in the beds of streams are leased out annually.

13. Receipt books are issued to *sarbarakars* at Rs. 1/4/- per book of 100 leaves. The actual cost of printing is less and the State thus makes a profit.

Digitized Odisha Revenue Laws – Volume 15 · Page 445 Odisha

The *sarbarakar* charges one pice per receipt. In the village of Pindanima the ryots said that two pice was being taken by the collection moharrir for each receipt; this levy includes a payment to the chowkidar.

14. There are no rules regarding land acquisition. In a case of 1934-35 when land was acquired for a tank the persons affected were offered other land. The applicants requested that house building materials and other compensation should be given to them but no orders were passed and nothing paid.

15. Ryots have to render *bethi* for making roads but other *bethi* has been abolished except for extinguishing forest fires, repairing of primary school buildings and embankments.

VILLAGE HEADMEN

16. There are *sarbarakars* who hold under a *kabuliyat* and are responsible for the land revenue of the village.

Thirty-three *sarbarakars* hold 42 villages. Seven villages, including 2 villages under the tahsildar, are managed by the State directly and there are no *sarbarakars* in these villages. The *sarbarakars* used to get a commission of 10 per cent. on the whole demand of the village including cesses since the settlement of 1910-11; but since 1933-34 this has been altered to 10 per cent. on the revenue and 5 per cent. on the cesses of the actual collections. The commission is deducted by the *sarbarakar* himself and there have been cases where the *sarbarakar* retained 10 per cent. of the whole demand instead of on the actual collections and cases had to be started for recovering the excess from them. The headmen have got service holdings called '*bhogra*' which are fully assessed to rent and partition or other alienation is not allowed. Co-sharers are not recognised.

17. When a *sarbarakar* dies, applications are invited for new candidates and a 'suitable' candidate is appointed. Before the State came under management the villages used to be auctioned and the proceeds were the personal income of the Ruler. There was no record of the auction and the person ordered by the Ruler to be appointed was appointed as *sarbarakar* of the village. (Even now there is no satisfactory record of *sarbarakari* cases.) Now no auction is held and a report is submitted to the Political Agent for appointment of one of the candidates who apply. When possession of the *bhogra* land is given, a *salami* of Rs. 5 per acre of the *bhogra* land is realised. In choosing candidates financial stability and influence in the village are the main criteria. In a recent case where a *sarbarakar* held 3 villages, on his death 2 villages were given to one candidate and the third village to another. The two villages given to one candidate were small with a total land revenue of Rs. 200 and the other village had a revenue of about Rs. 1,000. The small villages had no *bhogra* lands at all while the big village had 7 acres *bhogra*. Therefore out of the *bhogra* of the big village 2 acres were given to the *sarbarakar* of the small villages. The two small villages are situated close together but the big village is at a distance. The candidates approved were not the relatives of the deceased *sarbarakar*. Examination of this case shows that the *sarbarakar*'s son was allowed to work as an agent during the former's life time as he was too old to work. After his death the son was actually allowed to work pending formal appointment. Later however during the proceedings the Dewan wrote to the Political Agent that one *sarbarakar* would find difficulty in managing the work of the three villages and proposed to make a division as stated above. The Dewan recommended one Madhusudhan Patnaik, a prominent Congressman of the State, for the larger of the three villages, 'Sonepara' and offered the smaller ones to the son of the deceased *sarbarakar* Joginath Patnaik. The idea behind this appears to be get a 'hold' on the congressman. Actually the *sarbarakari* posts are held hereditary in the State in practice and the arguments of the Dewan about the villages not being managed satisfactorily seems to be nothing but an invention. The suggestion that Joginath Patnaik was living at a long distance from Sonepara seems to have equally no good ground as Madhusudhan also seems to live the same distance away. What seems to have been overlooked in this case both by the Dewan and the Political Agent is that in attempting to buy off a political agitator a new potential agitator as well as good material for agitation has been created. The creation of *bhogra* for a *sarbarakar* of one village in another is, I should think, unprecedented, and if the *sarbarakar* wishes to cultivate the fields himself, might hinder either the cultivation or the proper discharge of duties.

Digitized Odisha Revenue Laws – Volume 15 · Page 446 Odisha

No *sarbarakari patta* was issued at the last settlement. The *patta* issued at the 1910-11 settlement has been modified recently and a new *patta* has been issued. The revenue rules do not contain any provisions about the *sarbarakar's* appointment as well as duties. An innovation in the *patta* issued now is that the *sarbarakar* will hold on probation for one year.

RECOVERY OF LAND REVENUE

18. There are some provisions regarding the recovery of land revenue in the revenue rules of the State. The *sarbarakar* is held responsible for the revenue of the village and his movable and immovable property may be attached and sold for recovery of dues. A penalty of *kistkhilapi* is charged from him till the amount is credited into the treasury. A *sarbarakar* who has paid the revenue is entitled to file an application against the tenant. The rule says that a decree should be passed against the tenant but in practice it is not followed and recovery is effected by attachment of his movable property. The other rules regarding execution of the decree are also not followed in practice. The ryoti holding may also be put to sale for recovery. Cases of these I have seen show that the date fixed in the proclamation for the sale is not at all adhered to. Interest is at present levied at 12½ per cent. Part of a holding measuring four acres or less is not sold according to a rule made in 1940 for recovery of arrears; the previous rule was that the entire holding should be sold, and the present modification does not materially alter the position as nearly all holdings in the State are four acres or less in area. There seems to be a separate proposal, however, to "temporarily eject" a person from such a holding for the purpose of recovery. The crop is attached in such cases or the land is leased out for recovery for one year.

Agricultural implements may be attached for recovery as well as plough cattle. The rules do not prescribe any exemption and it is said that if grain is attached and the ryot pleads that a portion is necessary for agricultural purposes, that portion is in practice not put to sale.

Where shikmi ryots are concerned the ryot has to apply to the civil court against him for rent.

Sarbarakars are not usually evicted. Recovery is effected by attachment of property.

Movable property is attached by the revenue peons and kept with the *nazir*. The property is put to sale in the presence of the revenue officer if it is to be sold after proclamation. Immovable property is auctioned after proclamation at headquarters in the presence of the revenue officer. In the case of a *sarbarakar* his ryoti land may be proceeded against if sale of movables is not successful. Sub-tenants are liable to eviction for recovery by the civil courts.

Collection of land revenue is satisfactory on the whole but during the last four or five years the number of cases started is large.

Land revenue is payable in three kists of one-fourth, one-half and one-fourth in April, December and February respectively. As paddy is the main crop, the April and December kists are not convenient to the people for payment.

CESSES.

19. Cesses levied in the State are the school cess, medical cess and nistar cess. The school cess is at one anna per rupee and was imposed during the currency of the 1910 settlement; the medical cess is 3 pice per rupee of land revenue and the nistar cess is one pice per rupee of land revenue.

REMISSION AND LOANS.

20. No remissions or suspensions are granted except in case of irrecoverable arrears, surrenders of lands, etc. There is no practice of granting agricultural loans from the budget but year before last Rs. 1,000 was set apart with the sanction of the Political Agent. Grain loans are granted out of the Raja's *khamar* and out of debottar *khamar* granary also. The rate of interest is 25 per cent.

VILLAGE SERVANTS.

21. The village servants other than the *sarbarakar* are chowkidars and *dafedars* There is a chowkidar for each village though some of the chowkidars manage several villages. The *dafedar* is a sort of head chowkidar. Chowkidars

Digitized Odisha Revenue Laws – Volume 15 · Page 447 Odisha

and *dafedars* have both got *jagir* lands on which they pay three-fourths of the normal assessment. The chowkidar's appointment is done at present by the Political Agent on the report of the Dewan. Generally the son of the previous chowkidar is appointed on receipt of a report from the police. In appointing *dafedars* no such practice is followed. The chowkidar gets in addition to his *jagir* land half a pice per receipt of land revenue which is not given unless this contribution is made; usually it becomes a payment of one pice. This levy is unique. In some villages the chowkidar gets a bundle of paddy also from each tenant at harvest time.

The chowkidar assists the *sarbarakar* in making collections. The *dafedar* gets nothing apart from the jagir lands. His function is to supervise the work of the chowkidars under him.

FORESTS.

22. Mr. Mooney is the forest adviser to this State. There are some old forest rules with a mass of amendments as a result of reform introduced since 1940 which makes them unreadable.

There are no 'A' class reserves at present. There are 'B' class reserves and village forests; the village forests are about 900 acres. All waste land and scrub jungle is included in village forest There are nine reserved species including bamboos; there were 25 before. The reservation extends to trees on cultivated holdings. There are 3 blocks of 'B' class forest. Each block is divided into 30 coupes one of which is opened every year, *i.e.*, there are three coupes open each year; a coupe is about 70 acres. Before 1940 there were 3 classes of forests. In 1940 fifty acres of village forest were included under B class reserve, and this seems to have caused some dissatisfaction among the ryots.

Nistar cess payers take unreserved species from village forests free and for reserved species they pay half the usual royalty. In 'B' class forests the same rights are exercised by nistar payers. The complaint is that no large trees of any species are allowed to be taken. People of all villages pay the *nistar* cess but it was complained that some 16 villages got no benefit out of it; I could not verify this complaint.

Free grazing is allowed throughout the forests except coupes less than 8 years old. Even non-nistar payers do not pay grazing fees and there are no professional graziers here in respect of whom grazing fee can be charged.

On non-agriculturists who follow professions like basket making, sweetmeat manufacture, etc., a fee per house of As. 12 to Rs. 2 is levied. Some basket makers complained to me that this was being levied on each person in the same family; if true, and I have no reason to disbelieve it, it would be an example of the tyranny of forest subordinates.

For clearance of boundary lines coolies are engaged and paid As. 2 to 2½ a day.

There is a system of composition but the person concerned is brought to the court and expresses his willingness to compound. The matter is arranged before. The magistrate or Dewan before whom the case is brought assesses the composition fee in consultation with the Ranger.

MONOPOLIES.

23. Monopolies are hides, horns, kendu, kochilla, khair (licence for one or two months). The hides and horns monopoly means that the *thekedar* (contractor) is the sole buyer but he has to pay for the purchase. There are people known as *hadis* who appropriate the skins of the dead animals and sell them to the *thekedar*. People have to report the death of animals as otherwise they are liable to fine.

The *kendu* leaf monopoly does not apply to village lands and cultivated lands. It is restricted to forest of all kinds. *Kochilla* and *khair* monopolies do not extend to cultivated holdings and homestead lands.

There are no export duties and no ban on the export of any commodity.

CROP PROTECTION.

24. Licencees can shoot animals while doing damage to crops. Skins and horns have to be made over to the State; the flesh may be consumed in the village but not sold. Rs. 2 is charged for the ordinary gun licence. There are no licences for crop protection as such but licences for self-protection which includes crop protection exist.

Digitized Odisha Revenue Laws – Volume 15 · Page 448 Odisha

REVENUE ORGANISATION.

25. The State is under administartion and appeals and important cases go to the P. A. The Dewan and a recently appointed revenue officer make up the revenue organisation. The revenue officer has no civil judicial powers and he enquires and reports on cases mostly. Otherwise the revenue and civil judicial functions are combined. The collecting staff apart from *sarbarakars* consists of a tahsildar and some *asul moharirs* who collect in villages where there are no *sarbarakars*. The salaries of these range from Rs. 4 to Rs. 11 (tahsildar). The revenue peons were getting only Rs. 5 each but this has been increased now. Process serving is done through the three peons and *dafedars*.

The total cost of the revenue staff is given as Rs. 3,000, the land revenue being Rs. 24,000 and total revenue, Rs. 54,000. There is no staff for maintenance of land records.

MISCELLANEOUS

26. Petition-writers pay a licence fee of Rs. 3 annually. Petition paper costing 2 pice is issued by the State.

Stamp duty on documents is charged at a scale which works out to about two per cent. of the value, Registration fees come to about 4 per cent. In cases I examined, I saw parties filing a petition written on petition paper and stamped with court fee of annas four to indicate their appearance in court, the production of a witness or the credit of money, etc. I learn that parties are not required to file such an application when they come to court.

UDAIPUR

REVENUE HISTORY AND SETTLEMENTS.

This State, populated to a considerable extent by aboriginals, was formerly a part of Surguja State. Its past political history is similar to that of Jashpur and the revenue system has been influenced in the past by Maratha practices and, later, by the Central Provinces administration.

According to the Gazetteer the land revenue was formerly fixed by arbitrators selected from the *gaontias* who were State servants appointed, one in each village, with the approval of the general body of ryots, to superintend village affairs. The revenue payable by a village was first determined and then a panchayat consisting of the *gaontia* and leading tenants distributed it between the holdings, each holding being split up into *khuntis* according to its seed capacity ; a *khunti* was the area which could be sown broadcast by one *khandi* of paddy and this area differed according to the soil and position of the field. Assessment was confined to the rice lands only. The *gaontia* was allowed to cultivate, free of payment an area equal to 1/10th of the occupied area and his land was usually the best available. The net result of the assessment therefore was that the revenue was borne entirely by the tenants and the *gaontia* paid only a *nazrana* at each settlement: even this *nazrana* was, if possible, levied from the tenants. The land revenue however is characterised as trifling and averaging only about Rs. 5 for a village. Most of the payments were in commodities like ropes, baskets, fish and rice or in cowries as coin was virtually unknown.

The system continued till 1876 except that the land revenue was practically doubled. After 1876 Raja Dharamjit Singh began to collect the revenue in cash and raised the average assessment of each village to Rs. 50; a *khunti* of the best rice land paid Re. 1, second class land about 10 annas and third class land 8 annas. In practice the incidences were lower than this because newly cultivated areas escaped assessment for long periods. Raja Dharamjit Singh appointed *thekedars* whose duty it was to report to him the condition and revenue paying capacity of the villages under their jurisdiction and he paid them by levying a cess of Re. 1 from each village.

2. The first settlement based upon measurement took place between 1909 and 1912; there was no proper survey and measurements were very rough. Between 1916 and 1921 (zamindaris 1925-26) a resettlement was made but was not much different in character from its predecessor as there was no survey. This settlement is current now. Between 1931 and 1934 in the khalsa, and 1934-35 in the zamindaris, the new cultivation and land unassessed at the settlement was assessed and revised *pattas* were issued.

There was no traverse survey of villages and the measurement of the fields was done by means of a standard rod.

Digitized Odisha Revenue Laws – Volume 15 · Page 449 Odisha

3. There are crude maps showing approximately the cultivated fields and roads and paths, tanks, etc., also have been recorded. The areas of jungle and scrub have also been shown but these must be totally unreliable as they were obtained by means of the acrecomb from the crude sketches. The present land records staff has with the assistance of special peons laid out the traverse of sixty villages, and in forty villages the fields have been surveyed. This work commenced 2 years ago but stopped owing to the census. The traverse now laid out shows that the sketches of 1921 are quite useless. It is proposed to take up the survey again next year.

The settlement records consist generally of *khasra*, *khewat* and *jamabandhi* along with other subsidiary papers common in the Central Provinces. The sketch of the village forms part of the record.

4. The current settlement was to expire in 1939 but has been extended for 5 years till the 31st December 1944. No settlement reports were prepared and details of the settlement are not available except by reference to scattered records. The settlement seems to have followed practice in the Central Provinces. Classification of soils was not made but fields were graded according to levels only (which means according to ability to retain moisture)

ZAMINDARI AND OTHER TENURES.

5. There are two zamindaris in the State, namely, Bagbahar and Sur. There was another zamindari named Chal the zamindar of which died intestate in 1940 and the zamindari was resumed. A minor illegitimate son of the late zamindar has, however, claimed the zamindari and the claim is under investigation.

The zamindars have absolutely no special forest rights and no rights whatever to minerals. They have the right to nominate their *thekedars* (*gaontias*).

There are some *khorpashdars* of the zamindars and these seem to hold the village in the same manner as the zamindar; the settlement record of a *khorposhdar's* village shows that the *thekedar* was appointed by the *khorposhdar*: the *patta* was however issued by the State with a note that the village is held by a *thekedar* of the *khorposhdar*. The sanad of the Bagbahar zamindari examined by me shows that rights in all trees and waters have been conveyed subject to payment of revenue and proper behaviour.

The *takoli* of the zamindars has been fixed at settlement. The zamindar of Sur who holds only one village pays 166-6-0 out of a total revenue of Rs. 466-6-0; the Bagbahar zamindar pays 2049-2-0 out of Rs. 5,379-2-0. The Chhal zamindari which has been resumed used to pay Rs. 1497-8-0 out of Rs. 3,922-8-0.

6. Apart from the zamindars, grants of wholevillages are few in number.

There are two whole villages granted in 1924 on a written sanad to the Rajguru and his male descendents as a gift for the grant of *diksha* to the members of the Raj family. The villages cannot be sold, mortgaged or leased out. The forest commutation dues and mineral rights belong to the State; a nominal quit rent of Re. 1 is fixed for each village.

In 1916 a grant of a village was made to Babu Ramsharan Singh and his descendents is consideration of his services as the guardian of the Ruling Chief, on an annual payment of Rs. 5 only (cesses seem to be appropriated by the grantee). Forest, mineral and other rights vest in the State.

Another grant of a village was made in 1918 orally to one Mahapatra on the death of the Ruling Chief's mother as a religious grants; it is said that the grant is heritable. No payment is made to the State.

All these villages are apparently to be held in the same manner as a *gaontia* holds his village. There are no separate *gaontias* in these villages.

7. There are lands held by the Rani Saheba of this State in ordinary ryoti right but some *bhandar* lands (land regarded as State lands) are shown as held in subtenancy rights with or without rent. There is no written deed or sanad. The lands are recorded in the ordinary village *jamabandhi* in the name of the ladies concerned in *khunti* (ryoti) right. No condition regarding resumption or liability to assessment or quit rent is shown against them. The lands are generally cultivated by the holders but sometimes they are given to other tenants on *regh* (sub-lease).

No lands are held by the Ruler or any of his other relations.

8. There are no other lands held as *muafi* except village service lands.

Digitized Odisha Revenue Laws – Volume 15 · Page 450 Odisha

THE RYOTI TENURE.

9. The rights and liabilities of ryots, *gaontias* and others is given in the *wajib-ul-arz* which is attached to the *kabuliat* of the *gaontia*. The *wajib-ul-arz* is very similar to the Khairagarh *wajib-ul-arz* and some of the provisions are identical.

10. A ryot holds his land permanently so long as he pays revenue and observes the provisions of the *wajib-ul-arz*. The law of inheritance is the same as in the neighbouring States of Raigarh and Sakti but partition between heirs requires the consent of the *gaantia*.

11. Transfer of land requires the consent of the *gaontia* and the permission of the State. It is said that transfer is permitted only to agriculturists but there is nothing in the *wajib-ul-arz* about it. No transfer fee is realised beyond that payable for registration of the sale deed by the State. The *gaontia*, however, is entitled to 25 per cent. of the consideration money under the provisions of the *wajib ul-arz*. Subletting for the period of the settlement is permitted but the lessee must be a person approved by the *gaontia*.

12. Rights regarding improvement of lands, house sites and threshing floors are the same as in neighbouring States of Raigarh and Sakti; surrender of lands is not separately provided for and land in respect of which the revenue has not been paid for a year by a ryot who has left his village are regarded as surrendered and passes into the possession of the *gaontia*. The village residential area is not surveyed in detail and house sites are held free of rent.

13. Under the *wajib-ul-arz* all trees yielding edible fruits and *mahua, harra, achar, kosom, bar* and *pipal* are reserved and may not be cut except with the permission of the State. A ryot has the right to propagate lac on *kosom* trees and to collect the produce of *mahua* trees on his holding. For this right the *wajib-ul-arz* prescribes a payment of one pice per *mahua* tree and Rs. 1-8-0 per *kosom* tree; the number of *kosom* trees over 3-ft. in girth and *mahua* over 2-ft. in girth have been counted and entered in the *gaontia's kabuliat* and he is allowed a drawback of 6¼ per cent. The tax on *mahua* trees was actually 2 pice per tree and this was abolished by a proclamation, dated 1st July 1939, bus it was stated in the proclamation that if any person wanted to get *mahua* trees recorded in his name he would have to pay the customary tax. Apparently following this objectionable proclamation, some *gaontias* appear to have applied to get all *mahua* trees recorded in their name but the forest adviser did not approve of this and considered that a ryot should have the right to enjoy the flowers and fruits of trees on his lands. The present position in respect of these trees appears, however, to be extraordinary though nothing really surprising considering the confusion prevalent in the States.

The forest officer and Superintendent have reported that the landless *sukhbasis* of the State have been enjoying the fruits and flowers of all trees in the village and if ryots are given the right to enjoy the produce of trees on their holdings these would be hard hit as there are no good *mahua* trees standing on the village waste, and consider that this problem should be solved before ryots are given rights on the trees on their holdings. Very clearly this custom, if any, is directly contrary to the provisions of the *wajib ul arz*, as well as inequitable; not only is a ryot made to pay for a tree on his own holding but he is not given the exclusive right to the fruit as well. I doubt if any real problem regarding *sukhbasis* exists; such a problem does not exist elsewhere and it is in the highest degree unlikely that any great hardship will be caused to *sukhbasis* and tenants without *mahua* trees on their holdings. The *wajib-ul-arz* of the last settlement clearly vested the rights over trees on holdings in the ryots and it is admitted also that *mahua* trees on holdings do damage to the paddy crop. Reading the report of the forest officer closely he seems to suggest that common rights arose with the abolition of the *mahua* tree tax. If so this privilege of *sukhbasis* can have arisen only less than three years ago and there is no case in their favour.

The position in respect of *kosom* trees seems to be exactly the same though the tax has not been abolished. Lac is propagated by *sukhbasis* on trees on ryoti holdings and it is the ryot who pays the tax. This is nothing but a sheer encroachment on the ryots' right and there can be no ground for any hesitation in recognising to the fullest extent the rights of ryots on trees standing in their holdings.

14. Wasteland is allotted by the *gaontia* or *thekedar* but if there is forest growth the permission of the State has to be taken. Cases of allotment of

Digitized Odisha Revenue Laws – Volume 15 · Page 451 Odisha

land are treated in the first instance as forest cases. Though ostensibly only the royalty of the forest growth is supposed to be recovered, in the cases I saw, much more than this has been recovered, clearly a premium on the land. In one of the cases a payment was recovered though the petitioner was not willing to take the trees which were cut and stacked.

In another case land was proposed to be given out and a proclamation for auction was issued. After the auction was over a condition was imposed that the forest growth would all belong to the State and *mahua* and *kosom* trees should not be cut. This seems to be an unfair dealing, for though the condition was according to the previous recommendation of the forest officer, it does not appear to have been made known before the auction. In the forest officer's report it was mentioned that one Arjun Kawar was already cultivating some lands and paying Rs. 5 rental; this does not appear to have been taken account of.

15. Under the *wajib-ul-arz* ryots are required to give *begar* of one day in the year for ploughing *manwar* lands and one day for harvesting the crop. *Begar* for carrying luggage of officials is also prescribed in the *wajib-ul-arz* in addition to *begar* for *shikar*. Some payment is made at the present time and this is acknowledged by ryots. In a *muafi* village I visited the ryots said they had to render fuel to the *muafidar*. Fuel has to be rendered in several villages near headquarters though this is not mentioned in the *wajib-ul-arz*, and payment made by the Rajbati and police thanas (apparently fuel for officials) is said to be one anna per day. In Kadagaon village the villagers said they had to render four days *begar* to the *gaontia* and *sukhbasis* (agricultural labourers) also rendered *begar*. In this village the ryots also said two goats were being rendered by the *gaontia* as Dusserah *salami* of which they had to bear the cost of one; they further said that when a marriage took place in the village it was customary to pay the *gaontia* Re. 1 but he was taking Rs. 2 Further if, the *gaontia* was proceeded against by the State for default in payment of the revenue, the costs of the process were recovered from defaulting ryots (without reference to the State.)

16. Under the *wajib-ul-arz*, the hides and horns of animals belong to the owners of the animals to dispose of as they please. A monopoly for the purchase of hides has, however, been created in contravention of this provision.

17. Ryots get receipts for land revenue in *rasid bahis* of the type common in the Central Provinces. These cost 2½ annas and patwaris are allowed to sell them for three annas. In villages I visited, however, the ryots said they were paying four annas. The Superintendent of Land Records who was with me said that this must be the *badmashi* of the patwari, an unusual thing as in most other States where I found anything of this sort the tendency was to call the ryots liars. In one village the ryots said the patwari was charging one pice for cash *rasid bahi* written up for the ryot and in two others one anna each.

18. The Land Acquisition Act has been shown as in force since 1931. (There is no State Gazette, and no notification to this effect; orders, etc., are promulgated through thanas and tahsils and land record officials). Under the *wajib-ul-arz* compensation has to be paid when land is acquired for State-purposes or for the Chief.

VILLAGE HEADMEN.

19. Of the 277 villages 3 khalsa villages are without *thekedars* (*gaontias*). One of these has a *thekedar* in 1911 but the other two villages have been without a *thekedar* since then. These villages have no special collectors and the patwari of the circle collects the land revenue and credits it into the treasury. Some times revenue is credited direct also by the ryots.

In the zamindaris three villages are without *thekedars*. Two of the villges, Baghbahar and Godikuruthi, are of the Baghbahar zamindari; the third village is the only village of the Sur zamindari left; it is said that other villages were given up to the State on account of debts. Collection in these villages is made through agents.

20. The *thekedar* of Dharamjaygarh is a minor and a revenue peon is appointed for the collection, and payment of his wages is made out of the income of the *gaontia*. There are two other villages where the *gaontias* are minors and the management of the *manwar* and ryoti lands of the *gaontia* as well as realisation of the rent is done by the State. I have not come across this practice of managing villages on behalf of minor *gaontias* anywhere else.

21. After the 1935 settlement all *thekas* were issued for a period of 5 years as settlement was expected to be taken up in 1939. All *thekedars* have

Digitized Odisha Revenue Laws – Volume 15 · Page 452 Odisha

manwar lands. The position regarding *manwar* is similar to that in other Chhattisgarh States and the area is limited to one fifth of the total cultivation. (On account of the vagueness of the *wajib-ul-arz* and the absence of a revenue law complications are caused by the decisions of courts. The Assistant Political Agent in a recent case ordered the creation of a permanent subtenancy in *manwar* lands in which the general principle is that such rights cannot be created). The rental of *manwar* lands is included in the village assets on which the land revenue is fixed. *Siwai* or miscellaneous income is not included in the village assets; the *thekejama* or land revenue varies from 50 per cent. of the assets (in a few cases) to 80 per cent.; in most of the villages it is between 70 and 80. The rentals of *muafi* lands are included in the village assets.

22. On the death of a *thekedar* the son is usually appointed. There are no *thekedars* with 'protected status.' No charge is made when a *thekedar* is appointed as successor to a deceased *thekedar*. (There is an order of the Political Agent, dated 1926, that *nazrana* should not be levied in *gaontiahi* succession cases while the State is under management). If the village becomes 'vacant' through intestacy or removal of a *thekedar*, the *theka* is disposed of by auction and the auction proceeds are credited as *nazrana*; in a case I saw, the Superintendent permitted certain non-agriculturists to bid though he had no intention of accepting their bids (obviously to put up other bids); the bid of one Botsahi was accepted but shortly afterwards the Superintendent found that this man was strongly objected to by the ryots and had already demanded salami from a new-comer to the village in anticipation of being appointed *gaontia*; a *thekedar* acceptable to the villagers was then recommended. In the zamindari villages the approval of the zamindar is necessary for the appointment of the *thekadar* and the nominee of the zamindar (who pays *nazrana* to the zamindar) is accepted without question.

23. There is no State village with more than one *thekadar*. There is a *thekadar* with 4 villages. In the villages where the *thekedar* does not reside a *gumastha* recognised by the State is appointed. Residence is not strictly enforced and, in the village of Kadagaon, one of the grievances of the ryots was that the *thekadar* did not reside in the village and all the burden which he should bear fell upon them.

There are no villages held by the members of the Ruling family as *thekadar*. There is no practice in this State of the *gaontia's* right being put to auction by the State for the purpose of an indirect transfer like the former practice in Raigarh (State officials apply sometimes for appointment as *gaontias*; this is done in other States also.)

24. The rights of the *thekedar* in respect of allotment of waste or surrendered or abandoned lands or lands left intestate are the same as in Raigarh or Sakti and there is a clause nominally prohibiting the levy of *nazrana* indentical with the one in the Khairagarh *wijib-ul-arz*. (In mauza Kadagaon which I visited the *gaontia* got a *dhoti* from a ryot to whom new land was allotted. In villages without *thekedars* the State auctions abandoned or surrendered lands and new lands are also sold by auction). I saw some cases in which a *thekadar* practising money-lending used to take the land of the ryots claiming that they had been surrendered. The greed of *gaontias* for land is also shown by another case in which the *gaontia* offered to pay up the taccavi-arrears of a ryot if he was allowed to take the latter's land.

25. The *thekedar* is not required to render fee *rasad* by the *wajib-ul-arz* but the clause regarding it is the same as the Khairagarh clause and leaves him probably no option but to be a host. He has to render a Dusserah *salami* in cash and one or two goats according to the size of his village. He is not supposed to pass this payment on to his ryots but as already stated, the *gaontia* of Kadagaon is said to recover the cost of one goat.

RECOVERY OF LAND REVENUE.

26. Land revenue is payable by ryots in two instalments in January (15th) and April (30th). The *gaontias* are allowed to pay one month later. Paddy is the main crop and the dates are not complained of but in practice ryots seem to pay later than 15th January. The *gaontia* is responsible for the revenue of the village and may be proceeded against whether ryots have made payment or not. The provisions of the Central Provinces Land Revenue Act are said to be followed to a certain extent for coercive proceedings. Ejectment of tenants is resorted to. There are cases in which arrears of the village have been recovered from the *gaontia* after his ejectment by attachment of his property. Gaontias usually file petitions against ryots for recovery. They can file civil

Digitized Odisha Revenue Laws – Volume 15 · Page 453 Odisha

suits also. In recovery ryots are liable to be ejected from the entire holding even if a portion of the arrears remain. In a case which I saw, the order of the Assistant Superintendent ejecting the ryot from a portion of his holding was set aside by the Superintendent who ordered ejectment from the entire holding. Ryots are sometimes proceeded against by attachment of movable property.

Zamindars file applications for ejectment against gaontias. Arrears are usually recovered by issue of notice but if they are not recovered by this means attachment of property is not provided for in the wajib-ul-arz and property is not proceeded against in the zamindaris.

In cases where movable property of the gaontia is attached which cannot be sent to court, sales are effected locally by the Sub-Inspector of Police, otherwise the property is brought to the headquarters and is sold by the nazir in the presence of the court. (In a case I saw, the Head Constable was ordered to auction the property attached; I saw a case also in which the nazir was asked to sell the property but he had to be reminded twice, a clear indication that the property is not put to sale before the presiding officer). The property is normally left with a jimedar or surety at the village. There is no case of sale of a house and other immovable property.

27. Collection of revenue during the last decade has been rather unsatisfactory in some years in spite of a large number of cases against *thekedars* and ryots. There have been some cases of *gaontias* collecting money and absconding without payment of State dues.

CESSES

28. There is a cess of one anna per rupee of land revenue levied in the State including zamindari villages but it is for no specific object and is known as 'land cess'. This cess was imposed in the year 1911-12. It is paid by the zamindars also on the amount of takoli paid by them, not upon the actual rental of the villages; it is apparently levied on the land revenue which means that the zamindar appropriates a portion. In the muafi villages the whole amount of the cess is paid to the State. The cess is not paid on the *manwar* land or upon nazul (town residential) lands.

There is a forest rate of 8 annas per plough. Four annas per family is levied upon non-agriculturists. The *gaontias* and zamindars also pay the forest rate according to the number of ploughs held by them. Though the forest commutation rate is based upon the number of ploughs, there is no restriction or limitation upon the amount of *nistar* a man might take nor any graded scale; it is expected that the nistar will be reasonable. It is probably limited by what the forest can provide.

REMISSIONS

29. There have been no cases of remission or suspension within the last ten years but this year suspension of revenue has been ordered in 3 villages where the crop was below 6 annas.

LOANS

30. *Taccavi* and Land Improvement loans are given by the State but not annually. Amounts up to Rs. 3,000 are provided. This year Rs. 1,500 have been provided (1941–42). The rate of interest charged is 9 per cent. There are no special rules and the Central Provinces rules are followed. Under the C. P. rules interest is 6¼ per cent.)

Grain is lent from the *bhandar* department; the rate of interest is 25 per cent.

Bhandar income accrues from the *manwar* lands of villages without *thekedars* and certain lands recorded as *bhandar muafi* in other villages. (These lands were shown as Ruler's lands in the 1911 settlement records but they are not so shown in the subsequent settlement). The rate of interest was 50 per cent. some 3 years ago. Rs. 7,000 worth of grain is said to be lent every year. Formerly a portion of the grain was being used as elephant fodder, for jails, etc. (It is said that no portion of the grain was being given to the members of the Ruling family except by sale.)

VILLAGE SERVANTS

31. There are chowkidars known as *gudaits* for every village (including zamindaris). Sometimes there is more than one chowkidar in one village and there may be also more than one village under a chowkidar. All chowkidars have no got *muafi* lands. Each ryot has to pay six to seventeen *thambis* of

Digitized Odisha Revenue Laws – Volume 15 · Page 454 Odisha

paddy per plough and the thekedar has also to pay upon ryoti lands and, if the remuneration of the chowkidar is not considered sufficient, on his *manwar* land as well. No other remuneration is paid to the chowkidar. For the uniform of the chowkidar also a rate of Rs. 5 per village has to be paid every third year. (In one village I visited the villagers said they were paying between Rs. 10 and Rs. 12; even agricultural labourers were paying at the rate of one anna per house; in another village Rs 6 were being collected.)

The chowkidar is appointed by the Superintendent on the report of the tahsildar. The son usually succeeds his father. A *gumastha* is appointed during minority *Panchas* and *gaontia* are consulted. The police are sometimes consulted about the character of the applicant. (One of the cases I was showed a false objection by the police.)

The minimum remuneration of a *gudayat* or chowkidar is 35 *khandis* of paddy per year. The value of 6 to 10 thambis of paddy is about ten annas to a rupee and the value of 35 khandis of paddy is now Rs. 60; formerly it was rather less. The remuneration of the *jhankar* and *raut* is fixed by the *panchas*. The remuneration of the *gudayat* is recorded in the settlement record.

Other village servants are *jhankar* and *rout, lohar* and others; they are appointed by the *gaontia* in consultation with the villagers. Their remuneration for services rendered to them is fixed by the villagers. Some of these servants hold muafi lands.

FORESTS

32. Mr. Mooney is the Forest Adviser. There are forest rules, dated 1939. There are A. and B. reserves and village forests. A. and B. class forests have been demarcated. The village forests have not been demarcated. All village waste is included in village forest known as *kamosi*. B. class forests are meant only for nistar of villagers and it is said that contracts are not given in B and village forests. There are 14 reserved species.

All the villagers pay commutation dues. The fees are eight annas per plough for ryots, four annas per hearth for sukhbasis. State servants are exempt, for some reason which I do not understand (this exemption exists in some other States also). Villagers have the same rights in class B. forests as in the village forests. There are some villages which have no adequate village forest and the longest distance of any village from B. class forest is 4 miles.

B class forests, where there is insufficient *komosi*, are open for the villagers.

33. Grazing fees have been abolished since 1940 for all except professional graziers and people who trade in ghee, etc., as a profession. Grazing fees are not prescribed in the wajib-ul-arz for persons paying commutation fees.

34. Trees of reserved species can be cut on payment of half-royalty but timber for two ploughs is supplied free. The villagers enjoy the fruits of trees on wastelands and no lease or auction is made. In mauza Shahpur a *kham* village, villagers told me that there is a piece of land with trees on it which has been auctioned this year; they said that the contractor claimed not only the trees on this land but on their own holdings as well and mentioned it as a grievance.) The village forest boundary lines are cleared by villagers on payment of Rs. 2 per mile.

35. Forest offences up to Rs. 25 are compounded by the forest officer; in all cases involving larger sums the Superintendent passes orders.

36. Inside the area shown as reserve forest there is a village for which no settlement record is available. This village—Dahidand—was established before 1931. There are 11 tenants (mostly korwas) and no gaontia The tenants pay annual rent of Rs. 22 to the forest Department. There is no record available in the forest office regarding the reclamation of these lands.

There is another village Rampur which has been recently formed. This was formerly an inhabited village and the lands have been allotted again to ryots. Land has been allotted by the State though there was a suggestion to 'sell the whole village' to one man. Certain concessions in the matter of forest produce and rents have been allowed. These villages are not "forest villages", of the type known in the Central Provinces.

MONOPOLIES

37. Harra, hides and skins, gum, tendu leaves and chiranji lac, etc., are monopolies. The tendu leaf monopoly extends to all lands in the State; so does the harra monopoly.

Digitized Odisha Revenue Laws – Volume 15 · Page 455 Odisha

There are licenced purchasers for lac. The selling price has not been fixed by the licence but the royalty has been fixed. The position regarding kosom trees on ryots' holdings has already been mentioned. I should not be surprised if this has been created by the high handedness of monopolists as in the case of Surguja. Propagators of lac in the villages adjoining the Bilaspur district where there is no monopoly get one anna per seer less than in that district; these people are fortunate in being able to check up the prices they get readily. The ryots are subjected to double taxation as there is a tree tax as well as a monopoly. The tax of Rs. 1-8-0 per kosom tree is astonishing.

The *harra* lease is for three years from 1939 and covers the whole State. There is a clause in the lease that the purchaser shall not enter occupied lands without the consent of the owner, nor any huts or structures or property, etc. Another clause requires that he should employ as far as possible local labourers and pay them at reasonable rates. The *wajib-ul-arz* is silent on the point of rights in *harra* trees on holdings but the clause about *nistar* gives the right to ryots to collect fruits of harra trees if they are paying commutation dues.

The *tendu* leaf monopoly is given by circles and may be given to different thekedars. The lease grants the right to collect and export tendu leaves from the village forest of the circle but the thekedar collects from cultivated areas as well. The purchaser is required to employ local labour as far as possible. He is not to interfere with the rights of the ryots of the State to use tendu leaves for their own domestic purpose but export by the ryots is prohibited. The lease does not fix any rate for tendu leaves and the rate is said to be paid according to the locality. From my enquiries in the villages I find that one pice is paid for 400—700 leaves.

The hide monopoly gives the right of purchase of the hides of cows, bullocks, buffaloes, etc., for three years. No new lease had been settled yet for this year. There is a clause that the purchaser shall not encourage cattle killing or poisoning. Hides and horns belong to the owners of cattle according to agreement and may be used for their own requirements. They may also be sold to ryots or chamars within the State for domestic and agricultural requirements but may not be exported except by sale to the contractor. In villages where chowkidars are entitled to get the skins as remuneration for their service those rights must not be interfered with but the chowkidar can sell only to the purchaser for export purposes. Price payable is fixed in the agreement and varies from 4 to 10 annas. As already pointed out, the hide monopoly is in contravention of the wajib-ul-arz.

Certain export duties are charged by the forest department on articles such as oil seeds, etc.

Ordinary minerals like sand, stone, clay, etc., are given to the villagers free.

CROP PROTECTION

38. The total number of crop protection and self-protection licences issued is 48 which appears inadequate. The rules regarding crop protection are the same as in Daspalla and animals may be fired at while in crops but in practice only pigs are permitted to be killed. The thekedar of mauza Kadagaon said that he was fined Rs. 50 last year for slaying a panther which had killed three village cattle. The licence fees for muzzle loaders is Rs. 1-8-0 and breach loaders Rs. 5 (Renewal fee is half the issue fee).

REVENUE ORGANISATION

39. The State has been under administration from 1920 owing to the minority of the Chief. The Superintendent exercises the appellate jurisdiction of a District Judge. He has administrative duties and passes final orders in chowkidari cases. Sale of land, reclamation of land, mutation cases of gaontias, appointment and ejectment cases of gaontias are referred to the Political Agent for orders. Other officers are an Assistant Superintendent, a tahsildar and a Superintendent of Land Records. The tahsildar deals with miscellaneous recovery cases and enquires and reports in other revenue cases. The Superintendent of Land Records looks after land records including nazul and he does *bhandar* work also such as leasing *bhandar* lands in some villages and collection of loans from *bhundars*.

Except the Superintendent of Land Records these officers have criminal and civil judicial work as well.

There is a Revenue Inspector and the State is divided into 16 patwari circles (the Central Provinces system) including the zamindaris. The patwari

Digitized Odisha Revenue Laws – Volume 15 · Page 456 Odisha

of the circle which includes the headquarters does nazul collection in addition to his other work. The Central Provinces Land Records Rlues are followed in so far as they are applicable to conditions in the State. Patwaris do *girdawali* annually and maintain 2 5-year khasra. One of the patwaris has got 27 villages, and two have 21 each; the rest have between 13 and 20 villages. If records are to be maintained properly on the C. P. system these are unmanageably big charges.

The total cost of the Revenue and Land Records staff including the Superintendent and Assistant Superintendent who devote most of their time to other work may be estimated as Rs. 10,000 including temporary staff engaged for survey if these are excluded it will be only about Rs. 8,000. The land revenue excluding cesses is about Rs. 70,000 and the total revenue Rs. 2.36 lakhs.

NAZUL

40. Dharamjaygarh with the exception of about 800 acres (classed as nazul), is a thekadari village. The nazul area has been surveyed and mapped. It is said that there is little demand for land here and no charge is made for a house site. The assessment of nazul rent was decided on in 1937; before that no nazul rent was being levied.

There is a certain amount of ryoti land and bari land included in the nazul area. The rent of half an anna per rupee on the upset price of land was proposed but as this was objected to it was decided to levy only quarter anna per rupee. Nazul rents are levied from the Rani Saheba who is holding land. Land has been divided into 3 classes with rates of 200, 100 and 50 per acre. The nazul rent assessable at one anna per rupee on the first class, ½ anna on the second class and ¼ anna on the third. It said that instances of sale of land in the town are rare. A fixed sale price has been introduced rather than on upset price.

The collections of nazul revenue are made by the Patwari.

MISCELLANEOUS

41. In respect of registration and stamps the Indian Acts are followed along with the schedule. 12 annas court fee is recovered for all petitions. There are 2 licensed petition writers. Petition paper costs one pice per sheet and should be written on one side. No licence fee is recovered from the petition writers. The provisions of the Central Provinces circulars regarding petition writers are said to be followed.

The courts classify cases according to major and minor head which seems to be on the C. P. lines. In the record room however records are deposited according to the court in which the cases were disposed of a clearly inconvenient arrangement from the point of view of persons seeking to inspect records. In respect ot copying, application has to be made with 2 annas court fee stamps; a charge of 4 annas per sheet is made for copying; the rules in the P.C. Judicial Commissoner's circulars are said to be followed.

In 1934 after the third settlement, some gaontias and tenants stopped the car of the Assistant Settlement Officer to protest against the enhanced assessment. A telegram was subsequently sent to the Political Agent to intervene and reduce the rent but the Political Agent rejected the applications and ordered that individual cases would be enquired into and genuine grievances redressed but mass demonstrations would be severely dealt with. After due enquiry the Superintendent reduced the rents. There has been no other mass agitation.

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Digitized Odisha Revenue Laws – Volume 15 · Page 457 Odisha