CHAPTER XI

REVENUE ADMINISTRATION

EARLY REVENUE ADMINISTRATION

The history of Baleshwar (excluding Nilagiri ex-state) as a separate district commenced from the year 1828 upto which time it had formed a portion of Cuttack district under the administration of a single Collector. There are, therefore, no district records as such previous to that year. Such information as is available regarding revenue history under the Hindu kings, the Mughals and the Marhatas exhibit few details specially applicable to this district. However, before coming to some accounts of early British settlement it may be necessary to glance cursorily at the earlier revenue systems.

Hindu Administration

In the time of Hindu kings of Orissa, the country was broadly divided into two administrative Divisions, i.e. military fiefs composed of the hilly tracts on the western border together with a strip along the coast on the east and the crown lands consisting of the more fertile alluvial plains running through the centre of the province. The former had been granted to military chiefs by the reigning sovereign on condition that they protected the border and furnished contingencies to the State Army in the time of war. They were regarded as "proprietors" having title of Bhuyan or as translated by the Mughals "Zamindar". The other more valuable portion of the country comprising the greater part of the present districts of Cuttack, Baleshwar and Puri was regarded as the property of the crown. The rents were collected from the cultivators and paid into the royal treasury by the hereditary officials who were also entrusted with the police administration of the villages under them. The Hindu rulers recognised no middle-men between them and their subjects. Every cultivator was in theory bound to pay to the sovereign roughly about 1/6th of the produce of the land. The residents of each village paid their quota to the headmen of the village called Padhan. The unit of collection was the revenue village consisting of a collection of houses and the land, cultivated or waste, attached to it. A group of villages made up the district called Khand or Bisi. The names of some of such fiscal divisions still survive in certain Parganas as Noa-Khand or Derabishi. Over each Khand or Bisi, were the supervising officers, viz., the Khandapati who was charged with general management including control of police and the Bisoi (also called Bhoimul), who was charged with collection of revenue, though both were jointly responsible for the payment to the royal treasury. The others were miscellaneous servants and officials. Each revenue village had also two officials,

the Padhan and the Bhoi. It was the job of the Bhoi to check the village accounts. All these officials were in practice though not in theory hereditary. They enjoyed free of all payments a certain share not exceeding 1/20th of the total land revenue under collection and were also allowed to retain some part of the collection as perquisite of their offices. This was the system in the regular provinces of the Hindu kingdom but along the hilly borders and on the scantily populated littoral sea-coast the land was held by the military chiefs who paid tributes to their suzerain and were independent as regards the internal administration of their areas.

Mughal Administration

The Khandapati and Bisoi who held hereditary office appear to have been confirmed by Todarmal, Akbar's victorious General who in 1568 annexed the province after it had been over-run and plundered by the Afghans during some 50 years before. Henceforward the Khands and Bisis were called Parganas. The nomenclature of "pargana" as a fiscal division survived the period of Maratha and British administration. The Khandapatis received the title of Choudhury. The Bisois or Bhoimuls became Kanungos. The Padhan became the Makadam and the revenue village was known as Mouza. The Parganas were divided into two or more subdivisions called Taluks and the officials were known as Talukdars, a name subsequently applied to all Pargana officials. The Parganas were grouped under three main divisions or Sarkars as Cuttack, Bhadrak and Jaleshwar, each of which was incharge of an Amil or Chief ExecutiveOfficer.It was Todarmal who consolidated the Mughal rule in Orissa. One of his first acts as administrator was a detailed survey and settlement of the crown lands, now called Mughalbandi, taken up in 1580 in all the three Sarkars of Cuttack, Bhadrak and Jaleshwar. Rates of rent were fixed for each village. This settlement was concluded in 1591 by Raja Man Singh. The revenue as given in the Ain-i-Akabari was fixed at Rs. 17 lakhs for the whole of the province (According to Stirling the revenue of the province under the Mughals was 15·89 lakhs of rupees). In the Ain-i-Akabari the revenue for the four Sarkars of Baleshwar district which then included a portion of Jajpur has been stated as follows:—

		No. of Mahals	Revenue in Rs.
Bhadrak Sarkar	...	19	4,02,131
Soro Sarkar	...	15	1,97,814
Remuna Sarkar	...	20	2,18,458
Basta Sarkar	...	10	1,18,752
Total	...	64	9,37,155

The border chieftains were left untouched. The hereditary Hindu officials of the Parganas were confirmed in possession of their lands. The revenue system of the Hindus was maintained almost intact by Todarmal and Man Singh, both being of Hindu stock. The hereditary officials while being entrusted with the collection of revenue were also vested with other rights and liabilities of zamindars for the portion of the Pargana or Taluk under their direct management. The village headman now called Makadam who had the customary right to hold one acre in twenty free of assessment was now given a definite quantity of land as Jagir. Where there were no hereditary headman or where the Padhan had been dispossessed, collections were often made through an agent or farmer called Sarbarakar appointed by the Talukdar and many of them developed into hereditary tenure-holders with rights almost equal to those of Makadams. The Talukdars and superior officers were nominally appointed by the sovereign or his representative and could be removed from their office for bad conduct. But under the two centuries of misrule and revolt that followed Akbar's reign, their hold on the land grew stronger and the right to appoint lapsed into a purely formal custom of confirming the heir of the deceased official. Even the Amil and the Sadar Kanungo came to hold large estates stepping into the shoes of dispossessed Talukdars for whom they stood security and they all claimed proprietory right. This was the origin of the myriads of proprietory, sub-proprietory and proprietory tenure-holder rights which we find during the long period of British rule in Orissa. Their office was abolished by the Marathas who appointed Amils and Sadar Kanungos of their own and at British conquest those ex-officials were found as holders of a large and valuable estates.

Besides the Talukdars there were also a few land-holders in possession of a whole Pargana. They alone were officially styled as zamindars as they were generally either descendants of old reigning princes, as in case of Zamindar of Utikan, who was the Raja of Kanika, or were border chiefs (Khandait or Bhuyan) such as those of Darpan, Madhupur, Balarampur or Ambo. Besides a good many superior officials of the status of Amils were also appointed as zamindars in return for special services. Like the Talukdars, they also held under deeds of appointment. Though their position was more honourable, their rights and liabilities did not in any way differ from those of Pargana officials. In fact, there was a general fusion of rights and titles of the hereditary zamindars, officials and officially created zamindars. Whilst Talukdars became exalted to the rank of zamindars, the proper zamindars mounted a step higher and styled themselves as Rajas.

Maratha Administration

In 1751 Orissa became a Maratha province under the control of a Subedar. The new conquerors made in theory no change in the fiscal organization and recognised people whom they found to be in possession of land without asking inconvenient questions. Baleshwar was divided into three Chakalas or circles, i. e. Bhadrak, Soro and Baleshwar. These were again subdivided into 150 Parganas each of which included a varying number of Taluks. The revenue administration of the whole area was entrusted to 32 officers called Amils. Each Amil was responsible for the revenue of each Chakala and he was assisted by a Sadar Kanungo under whom there were Gumastas also known as Villayati Kanungos, who made the muffasil collections. The Maratha Subedars racognised only those Talukdars who regularly paid revenue without any trouble. They commenced to oust the Talukdars on the ground of non-punctuality in payment of revenue and towards close of their rule, it also became a common practice to take engagements direct from the village headmen or Makadams who had previously paid through the Talukdars. About 1/8th of the total revenue paying area was so held by Makadams. Though it had previously been the custom to make the yearly detailed computation of rentals on which the Makadami was allowed a percentage for collection expenses, towards the close of the century the Amils found it convenient to take engagements from them for a lumpsum. This custom was also followed to some extent with those Talukdars who were fortunate enough to be left in possession of their estates. It was Raja Ram Pandit, described by Stirling as the most enlightened of the Maratha Subedars, who first commenced to dispense with the Talukdars as collection agents in 1773. This resulted in disappearance of a large number of those hereditary officers. The Sadar Kanungo who generally stood security for payment of revenue by the Talukdars was allowed in cases of default to take over the Taluk on payment by him of the arrears. At the British accession both the Sadar and Villayati Kanungos were found in possession of a large number of estates, who later claimed proprietory right over the lands held by them during the enquiries held by the British officers and were recognised as such in most cases.

Early British Administration

When the British conquered Orissa in 1803 it comprised an area of 8085 sq. miles (20940 sq. km.). It was divided into two districts, viz., Cuttack and Puri. (The revenue administration of Baleshwar, excluding Nilagiri ex-state, finally acquired its present

dimensions in 1870 when the northern boundary was defined and the Baitarani and the Dhamara rivers were made the southern limit of Baleshwar. No revenue documents worth the name were obtainable from the officials of Maratha Government except certain Jamabandi papers or records of assessment. The Kanungos and Patwaris who were the depositories of all information and other relevant materials about land revenue administration were not only indifferent but also hostile towards the new Government.

The first British proclamation about the land revenue administration of Orissa was made on the 15th September 1804. This was later embodied in the Regulation XII of 1805. Before this, an area of 186 square miles (482 sq.km.) in 150 permanently settled estates towards extreme north of Baleshwar was originally a part of the district of Midnapur in West Bengal, as early as 1760. Therefore, this area lying between two rivers of Rupnarayanpur and Subarnarekha came within the purview of the Permanent Settlement Regulation of 1793 enacted by Lord Cornwallis. As a result, before Orissa was conquered a part of Baleshwar district had come under the touch of Permanent Settlement. The rest of the area of the district was subjected to as many as eleven annual, biennial, triennial, quinquennial and decennial settlements till 1837. This was completely a new experience to the people as Orissa was subjected to long term settlements during the pre-British days.

All authorities have agreed that the early British revenue administration was disastrous in its effect on zamindars and raiyats alike. If to the errors of administration be added the severe natural calamities to which the district was subjected in the early part of 19th century, it is not difficult to understand and concur in the assertion that the people were not better off under the British rule than they had been under the Marathas. The causes contributing to the wretched state of affairs of the district in the early part of the 19th century may be summed up as follows:—

(1) Disorganization of the administration

(2) Severeity of assessment

(3) Introduction of Bengal Sale Laws

(4) Natural calamities to which the district was subjected

(5) Promise of a permanent settlement eventually denied

Stirling's minute of 1821 was the first attempt made to deal exhaustively with the principles of revenue settlement but it was not until the settlement of 1837—45 that the rights and titles of the land

owners were finally settled and adjusted. Meantime there was utter confusion. Maratha officials, viz., Amil, Sadar, Kanungos, Talukdars and Makadams were all intent on preserving for their own use the information which should have been at the hands of Government. Those persons in whom the actual collection of rent was vested were not interested in disclosing the real amount of their collection, while their supervisors used their knowledge as a means of extortion by threatening to disclose to the authorities the fact of under assessment. Some were busy in establishing a zamindary title which had never existed, others in furthering the claim to hold lands liable to assessment as rent free. "The hands of the most were against their neighbours and every man's hands was against Government". The early Collectors being accustomed to the stringency of Bengal Regulations were not at all inclined to admit claims for reduction of the demand on various grounds admitted by Marathas such as failure or shortage of crops owing to drought or flood. No reductions were allowed on ground of abandonment or non-cultivation though such reductions had hitherto been customary. The demand at the earlier British settlement was considerably in excess of that of Marathas. The severity of early settlement was subsequently fully recognized and in settlement of 1837—45 large reductions were made in previous revenue in certain parts of the district.

Since assessments were severe it was not surprising that there were many defaults in payment. The introduction and enforcement of the Bengal Revenue Sale Laws was perhaps the most unfortunate feature of the early British rule. At least half of the estates in the district changed hands between 1805 and 1822. The policy was certainly disastrous as regards old hereditary official families as very few of them were left at the settlement of 1837—45. (These measures have often been stated to have resulted in the extinction of the Oriya zamindars as the predominantly land-holders of Orissa. They were supplanted in Cuttack and Puri districts generally by Bengalis who were some times wealthy absentees, but very often Amlas of the Collectorate. This problem was not so severe in Baleshwar district, because Baleshwar was not made a separate district until 1828 and until that time revenue administration was centred at Cuttack. It was natural that the Bengali Amlas being residents of Cuttack, preferred the acquisition of estates nearer their homes. The proximity was convenient and they were much better aware of the circumstances of the properties. Trade interests on the other hand drew a considerable number of Bengali merchants to Baleshwar and only after 1828 they began to turn their attention towards acquisition of estates, when with Rickets as Collector, the old sale policy of selling the estates of the defaulters was put aside in practice.

The families of Raja Baikuntha Nath De, the Kars and Bhagaban Ch. Das of Baleshwar town date their rise as zamindars from this period. During the settlement of 1837—45 out of 1,509 recorded proprietors only 174, i.e., 21 per cent were Bengalis as against 78 per cent Oriyas).

In this confused and disturbed state of the province the question of permanent settlement was mooted in 1806. In fact, orders were actually given to make preparations for its introduction. But this proposal was strongly resisted by the local officers. Though Regulation VI of 1808 held out to the proprietor hopes which were frequently renewed in the subsequent regulations the decision was postponed from year to year, until eventually in 1816 it was practically withdrawn. The policy for making a number of short term settlements each of which was intended to be a preparatory for a permanent one was most ruinous in its effect. The proprietors were interested in concealing their collections and throwing lands out of cultivation in order to get better terms at the permanent settlement. Some, whose estates were extremely over assessed did not like to forsake the property which was seen to be settled with them for ever. None were desirous for improving the conditions of their lands and their tenantry. Regulation VII of 1822 which extended the previous settlement for a period of 5 years provided also rules for revision of that settlement. It was proposed that each year a certain number of estates should be taken up in hand, information should be collected and recorded with reference to interests of all persons in the land from the Raiyats upwards, that tables of rates should be prepared and this work should be undertaken by the Collectors in addition to their routine works. As a consequence scarcely anything was done and in 1831 the Collector of Baleshwar, Rickets, had completed the settlement of only one small estate and was about to undertake that of the Government Khasmal of Nananda. Rickets in his explanation had stated "That he saw no prospect whatever of a settlement under Regulation VII ever being completed. It was 9 years since that Regulation had been passed and in that time 1/400th had been settled, a rate of proceeding which would require three thousand five hundred ninety one years for the completion of the district". He, therefore, recommended for a separate set of officials to be employed exclusively for settlement work under the supervision of the Collector. The recommendation was finally accepted by the Board but the work of revision did not commence until appointment of Maffat Mills as Special Commissioner in 1837.

Settlement of 1837—45

The unit of revenue assessment during the British period right from the beginning till the abolition of the estates under the Estates Abolition Act, 1951, was the "estates". This was defined in the Bengal Tenancy Act and repeated in the Orissa Tenancy Act as

"Estate means land included under one entry in any of the general registers of revenue-paying lands, and revenue-free lands prepared and maintained under the law for the time being in force by the Collector of a district, and includes Government Khasmahals and revenue-free lands not entered in any register; and including also the sub-proprietary interests....." During the settlement operations, this was described as "mahal" or tauzi, meaning revenue paying lands and "lakhraj bahal" or simply "bahal" meaning revenue-free lands. The interest of a sub-proprietor who executed an agreement in course of settlement of land revenue to make payment of his land revenue through a proprietor or another sub-proprietor was also termed as "estate". During the Mughal and Marhatta period it has already been stated that parganas were sub divided into taluks which still remained as collection centres. But owing to alienations or combination of land of various taluks many "estates" became possessed of areas outside the border of their proper pargana; those areas were *de-facto* included in that pargana. It became the custom to regard any village greater part of which belonged to an estate in another pargana as a "tahasil-alahida" village of that pargana and the same confusion was imported into the designation of small portions of villages which belonged to an estate holding a neighbouring village, these being regarded as "tahasil-alahidas" of that village. The pargana or estate division therefore bears little reference to physical or other factors considered as a local division. They are confusing. The number of parganas existing in Baleshwar district was 67, divided into five groups, viz., northern parganas (12), upper central parganas (18), lower central parganas (4 including Banchas-egar group), south-eastern parganas (10), south-western parganas (12), the Banchas-egar group itself consisting of 12 parganas. At the time of 1837—45 settlement, there were 953 estates including 150 permanently settled estates in Baleshwar. Excluding killas Ambo (since transferred to Kendujhar district after merger), Mangalpur and Patna, the revenue of which amounting to only Rs.1725 was fixed under special orders, the previous revenue of the district which amounted to Rs. 3,41,332/-was settled for Rs. 3,83,498. The net increase was, therefore, only Rs.42,166 of which Rs.35,434 was contributed by resumed lakharaj holdings. Some reductions (31,867) in revenue were allowed in estates along the sea coast and in the north of the district and some increases (73,853) were made in south-western parganas where there had been greater extension of cultivation. This settlement had not been undertaken with any view to benefitting the exchequer, but to equalise the assessment "which had been fixed and augmented haphazard without reference to the capabilities of the estates, to fix boundaries and decide disputes relating to them on the spot, to settle all questions of rights and tenures between landlords, and

tenants, and to enquire into the validity of the maltitudinous rent-free tenures". The total settlement cost incurred in this district was Rs. 5,11,896 and a large share of this expense was assignable to the resumption proceedings. In fact no less than 81,673 claims to hold land revenue free were investigated. In this settlement in Baleshwar, the cultivated areas dealt with amounted to 2,10,963 hectares of which 1,99,753 hectares were assessed, i.e., a little more than half the total area of the temporarily settled estates. The Regulations provided for the investigation of all claims to hold land revenue free. In this settlement systematic recordings were undertaken to decide these claims and those found valid were confirmed in perpetuity. The class of tenants known as Bajyaptidars originated in the failure of some of these claims. Out of 81,673 claims to hold lands Lakharaji or revenue free more than half, i.e., 42,200 were found to hold on invalid titles and therefore were resumed and assessed on Bajyapti tenure.

In the discussion about term of the settlement, the authorities considered various aspects from theoretical and practical stand points. A period of 30 years was considered to be advantageous for agricultural improvement. That would balance the vagaries of natural calamities and currency depreciations. The first thirty years of settlement was to expire in 1867 A. D. when Orissa was in the grip of a serious famine, i.e., "Na-anka Durvikhya". The famine had completely dislocated the administration and shattered the economy of Orissa. The authorities were not in a position to undertake the responsibility of a new settlement. Moreover, even if there were a new settlement, the Jumma could not have risen more than what it was in 1837 settlement, because vast areas were left uncultivated. It was, therefore, decided to extend the first thrity years settlement to another 30 years instead of making a new settlement. Thus the settlement of 1837 which was to end in 1867 was extended to 1897. Those who later advocated against the prolongation for another thrity years contended that "this extreme leniency was scarcely needed, and that a resettlement might well have been made some twenty-five years ago, to the advantage of Government and without undue harrassment of the people. The result of the excessive prolongation of the former settlement was the exclusion of Government for a lengthy period from its fair share of the produce of the soil, and retention by the landlord classes in Orissa during the same period of profits to which they had no equitable right".

During the period of long settlement there was all-round progress in agriculture, communication and trade. The prices of staple crops were trebled securing considerable profits to the cultivator.

Settlement of 1889—1899 (Provincial settlement)

The next settlement was made during the years 1889—1899 which is generally known as Maddox Settlement or Provincial Settlement. This was the work of a great magnitude. The operation extended over a period of 10 years from the end of 1889 to the end of 1899 and over an area of 12,949·50 sq. km. It covered the whole of the temporarily settled areas in Cuttack, Puri and Baleshwar districts including the revenue free estates, as well as the Killas of Darpan, Madhupur and Aul. The area under settlement in Baleshwar was 1,710·75 sq. miles (4,430·92 sq.km.) computed as follows:—

Area of temporarily settled estates	..	9,59,100	acres
Area of Lakharaj Bahal lands	..	1,09,000	acres
Area of Government lands	..	13,600	acres
		10,81,700	acres
Deduct lands of Baleshwar estates in Cuttack district	(—)	7,700	acres
Balance	..	10,74,000	acres
Add lands of Cuttack estates in Baleshwar district	..	+ 20900	acres
		10,94,900	acres
		=4430·92	sq. km.

(The area of the district as stated in Maddox Report is 2076·88 sq. miles or 5379·00 sq. km. which includes 1,11,923 acres or 452.93 sq. km. of permanently settled estates of Kanika in Baleshwar district and 1,21,376 acres or 491 sq. km. of permanently settled estates where settlement was not done). The revenue was fixed at Rs. 6,26,177/- giving an incidence of 92 paise per acre in 1,417 temporarily settled estates (19 Khasmahals included) including Killas Ambo and Mangalpur, the revenue of which were fixed nominally at 440 and 1130 respectively under special orders of Government. The settled assets were 11,51,400 the revenue being fixed at 50 to 55 per cent of the gross assests. The enhancement made in the land revenue was as much as 67 per cent which appears *prima facie* large. It must be remembered that where the zamindars received an income of about Rs. 1,88,000 at the time of previous settlement, in this settlement they received an income of about Rs. 5,23,300. Thus, while the revenue had been enhanced by 67 per cent their income increased by 163 per cent. The revenue of the temporarily settled areas was revised

and fresh engagement taken for a period of 30 years from 1897. The rents of the tenants were settled under section 104 of the Bengal Tenancy Act, 1885. The total area of the temporarily settled estates increased in this settlement during the last sixty years from 3,81,539 hectares to 3,88,257 hectares, or by rather less than 2 per cent where as the cultivated area increased from 2,10,963 hectares to 2,82,188 hectares and the assessed area increased from 1,99,753 hectares to 2,80,786 hectares.

Revision Settlement (1906—1912)

After completion of this provincial settlement the first revision settlement which is generally known as Jame's settlement started in 1906 and continued till 1912. In this settlement the revenue was unaffected, but settlement of rent was done by application of the parties under section 105 of the Bengal Tenancy Act. This revision settlement was undertaken primarily to clear the way for continued maintenance of records, but the maintenance scheme was ultimately ordered to be abandoned by the Government of India. This revision operation brought prominently to notice the unsultability of the Bengal Tenancy Act to Orissa conditions and led to enactment of the Orissa Tenancy Act in 1913. Some of the permanently settled estates which had not been included in the provincial settlement were taken up during this operation.

Dalziel Settlement (1922—1932)

The next comprehensive survey and settlement operation covering both permanently and temporarily settled estates was conducted during the period 1922—1932 which is known as Dalziel Settlement. The area included in this revision settlement operation covered an area of 2056 sq. miles (5325 sq. km.) in this district, computed as follows :

Permanently settled estates	...	336 sq. miles
Temporarily settled estates	...	1,512 sq. miles
Revenue free estates	...	172 sq. miles
Government lands	...	36 sq. miles
		2056 sq. miles
		(=) 5,325 sq. km.

By Dalziel Settlement also there were still some estates in the Tauzi roll of Baleshwar and Cuttack which had lands partly in Cuttack and partly in Baleshwar district as given below :

	No.	Area
Lands in Cuttack included in Tauzi of Baleshwar.	109	5,241·02 acres (2,121 hectares)
Lands in Baleshwar district included in Tauzi of Cuttack	158	5,496·34 acres (2,224 hectares)

Partitions since last settlement led to an increase in the number of temporarily settled estates from 1398 to 2394. The area assessed in those estates during this settlement was 7,41,703 acres (3,00,158 hectares) and unassessed area was 1,98,199 acres (80,208 hectares). As a result of the settlement of rents in this settlement the gross assets rose to Rs. 15,45,438. The revenue of the temporarily settled estates rose by 37·5 per cent to 8,20,404 representing 53·1 per cent of the gross assets. The proportion of assets taken as revenue remained practically unchanged in keeping with the approved policy of the Government, i. e., the revenue percentage should lie between 50 and 55. The third settlement which started in 1962 is still in progress. It will be discussed in separate paragraphs.

Settlement in ex-state areas of Nilagiri

The previous revenue history of the ex-state of Nilagiri is obscure. The first settlement was undertaken in the year 1849 during the time of Raja Krushna Chandra Mardaraj Harichandan and was concluded in the year 1853.According to this settlement the revenue of the ex-state was Rs. 15,233 on an assessed area of 12, 255 acres (4,960 hectares). One Bengali officer was deputed to do the settlement. He applied certain Bengal rates which the cultivators accepted. No record is available regarding the principles followed in applying these rates. The second settlement was done by the same raja after a lapse of 33 years in 1886 and was completed in 1897. This settlement showed an increase of about 50% both in revenue and in area. The revenue came up to Rs. 49,412 on an assessed area of 26,169 acres (10,590 hectares). In both these settlements the unit of an area was a Mana which is equivalent to 0·62 acres (0·25 hectares). Lands were measured by means of a rod of 8'-3" in length. No maps were prepared. Records prepared were Khasra, Khatian, Jamabandhi and Ekapadia or rent roll. A copy of the

land records was given to each headman of the village for the purpose of collection of rent. The period of this second settlement was 20 years on the expiry of which a third settlement was udertaken in the year 1917 and concluded in 1922. In the third settlement survey was done with more delicate instruments to obtain greater accuracy. Village maps and detailed record-of-right of the tenants were prepared on the area. For the first time in the history of the ex-state, a copy of the Khatian called Parcha was granted to each raiyat. The documents were very much appreciated by the holders. The village boundaries were laid by plain table. The maps and records prepared were very much reliable. Lands were classified on the basis of nature of the soil, situation and advantage and disadvantages. Rates of rent fixed were on the productivity of different classes of lands and on the basis of the produce. Rent was enhanced under section 32 of the Bengal Tenancy Act in consideration of the rise in prices. The gross rental was Rs. 83,994 on an assessed area of 32047 acres (12969 hectares). The net revenue of the state after deduction of collection of charges was Rs. 73,496. The period of this settlement was 14 years, which expired in 1936. No new settlement was taken up thereafter owing to economic circumstances until the ex-state merged in Orissa on 1st January 1948. The next settlement was taken up in 1962 alongwith other areas of Baleshwar district which will be discussed in separate paragraphs.

LAND TENURES

Land tenures in Baleshwar district excluding Nilagiri

Interests in the land in the state were made more complicated in the early period of the British and they varied with minor distinction between rights of different classes which led to litigations in various courts. The series of settlements and tenancy legislations have since gone a long way in reducing their number and variety. Prior to the enactment of land reform and tenancy legislations various kinds of interests in land were existing in the districts of Cuttack and Puri as well as in this district. They were as follows:

(1) The so-called 'proprietors' directly responsible to the state for the revenue of the land they own, i.e., zamindars and revenue free proprietors called Lakharaj Baheldars.

(2) Tenure holders with quasi-proprietory rights, holding under the proprietors, viz. Maqadam, Padhans and Sarbarakars, etc.

(3) Holders of resumed revenue free tenures or Bazyaptidars.

(4) Purchasers of waste lands, reclaimed and settled called Kharidadars.

(5) Resident cultivators, whose right to hold at a rent fixed for the term of settlement was recognised, viz., Thani and Chandana raiyats.

(6) Cultivators who had no such recognised rights, i.e., Pahi-raiyats, occupancy and non-occupancy.

(7) Persons holding land free of rent in consideration of their services to an individual or to the community, i.e., Jagirdars.

(8) Under tenants of classes (3) to (7)

(9) Government estates or Khasmahals.

Incidence of their rights and liabilities are described in brief as follows;

Proprietors

There were several classes of persons who under the Mughal and Maratha rules were directly responsible for payment of revenue to the state. They were the following;

(1) Ancient zamindars or Rajas of the Killajat estates.

(2) Zamindars of Mughal or Maratha creation.

(3) Choudhuri and Kanungo Talukdars.

(4) Mazkuri Makadams.

(5) Mazkuri Sarbarakars.

(6) Holders of Kharidagi (purchased) land.

None of them except only the zamindars and the Khandayats of the border had before the British conquest any recognised proprietory right, although a custom of hereditary succession had grown up. On the acquisition of the province by the British engagements for payment of revenue were taken from the holders of several classes of estates borne on the revenue roll of the Marathas and also from the holders of the small Taluks and zamindars included in large estates and from the hereditary Makadami who for five years past had paid their revenue directly into the public treasury. To these were subsequently added the holders of lands of more than 75 acres in extent which were alleged to have been held rent free or on a quit-rent but were resumed and assessed during general enquiry. Though not so stated all these persons appear to have been regarded as "actual proprietors of the land" under section VI of Regulation XII of 1805. Either purposely or owing to misunderstanding of their true position, these collectors and payers of revenue were allowed all the rights of proprietors subject only to the liability to sale of their estates for default and to dispossession for improper conduct. Their various titles of

Choudhury, Kanungo and Makadams soon merged into the more honorific appellation of "Zamindar". They held three classes of estates, viz., permanently settled estates, temporarily settled estates and revenue free estates. The incidence of rights of the proprietors of these three classes of estates was more or less similar except in respect of revenue. In the permanently settled estates, the revenue was fixed for ever. In the temporarily settled estates, the revenue was fixed for the term of the settlement subject only to reduction for acquisition of land by Government and in the revenue free estates, no revenue was payable by the proprietor to the Government but only cesses were paid. The incidence of their rights and duties as grown up during the British rule were as follows:

(1) Right to inherit according to the personal law of the proprietor.

(2) Right to transfer the whole or any portion of the estate.

(3) Right to partition subject to the security of the revenue.

(4) Right to receive rent fixed in the settlement and to all profits of new cultivations and to lawful increment of rents.

(5) Right to all profits from the jungles and waste land, and other unassessed areas and from fisheries and forest, subject to the prescriptive rights of the community.

(6) Right of co-sharers to open a separate account and pay their revenue separately into the treasury.

(7) Obligation to treat ryots well and not to collect unauthorised cesses.

(8) Obligation to give information to the police for breach of peace and certain cognisable offences.

(9) Liability of the estates for sale in the event of default in payment of revenue before the latest date.

(10) Obligation to supply Rasad (supplies) under Regulation XI of 1806.

From the British period, the proprietors were permitted to enjoy the right of inheritance according to Hindu Law and not according to the law of primogeniture which was in force previous to the British conquest. They were also given almost unlimited right of partition and absolute right of sale and transfer. This led to multiplication and tininess of the estates and placed in their hands the instrument of their own destruction. It is only in the Killajat estates that the law of primogeniture was followed in which the estate passed on to the eldest son, others being provided by grant of Viradar Jagir lands.

Although there were 150 permanently settled estates in Baleshwar (Dalziel Report speaks of 189 such estates), none of them were governed by law of primogeniture. But unlike in Cuttack there were a few Killas in Baleshwar.They were only four in number, namely, Ambahata, Patna, Mangalpur and Ambo (Ambo has since been transferred to Kendujhar district after merger). They were held on military tenures subject to payment of a tribute and their circumstances differed little from those of the tributary states, until the British accession. Although assessed with special leniency the latter 3 Killas have been held on same terms as estates of ordinary zamindars. Killa Ambahata was resumed by the Maratha and so it ceased to be a Killa except in name. The Killa Patna was sold in 1897 under a civil court decree for debt. The Bhuyan of that Killa was in wretched circumstances and maintained himself with difficulty from the income of his Debottar lands. Besides, another permanently settled estate Killa Kanika which is borne in the revenue roll of Cuttack district, a part of which lies in Baleshwar (453 sq. km out of 1140 sq. km) is also governed by the law of primogeniture and was therefore impartible.

Revenue Free Estates (Lakharaj Bahal lands)

Previous to the British conquest, alienation of land for religious and charitable purposes was very common. The Pargana officials of the pre-British period freely exercised the right of gift, thus creating an enormous number of rent-free tenures. Some of these tenures were resumed at the first regular settlement of the district in 1837, but a great many more were confirmed, as it was laid down that all lands which had been held rent free during the two years 1802-1803 and 1803-1804 and continued to be so held during the currency of the settlement, were to be settled with the persons in possession on their executing agreement. During the last years of their reign, the Marathas had little leisure to devote to the details of the revenue business. The consequence was that every one from the Amil to the Makadam took advantage of the confusion to appropriate the land under his charge. Documents, if called for, were easiy forged and the burden of proof that they were invalid was thrown upon the Collector. Many of these claims were known to be fraudulent and invalid but no attempt was made to sift them till 1837 when a systematic enquiry was begun. As much as 1,06, 015 acres or 429.0 sq. km. of area in some 33,600 estates in the temporarily settled areas of Baleshwar were confirmed as Lakharaj Bahal (without revenue) or more shortly "bahal" as opposed to resumed or Bazyapti lands, in the course of resumption proceedings as they were found to be held on valid titles. But in provincial settlement, 1,09, 036 acres or 441 sq. km. which is roughly 19 per cent of the total temporarily settled areas were recorded as revenue free estates or Lakharaj Bahal lands, the holders of which possessed permanent right

to hold them free of land revenue and were independent of the zamindars, except in so far as they were bound to pay cesses through them. In the Provincial Settlement they were situated in 3,368 out of 3,607 villages in the district and the number of recorded proprietors were about 70,000. 24 villages were entirely Bahel being held under a single general number in the Collectorate B Register. In the revision settlement, 1,09,841 acres (444.51 hectares) were so recorded in 34,627 revenue free estates, the average area of a revenue free property being only 3 acres (1.2 hectares).

The main classes of revenue free estates in Baleshwar district were Debottar, Pirottar, Brahmottar, Khairat and Mahatran. Debottar properties forming the bulk of the area of revenue free estates, being 58,340 acres (23,609 hectares) as per Maddox Settlement Report. As per Dalziel Settlement Report, the Debottar lands were 60,032 acres (27,294 hectares) out of a total of 1,09,841 acres (444.51 hectares) of revenue free properties. These fall under two main heads according as they were assigned in trust for a charitable or religious purpose or were the absolute property of the individual. The first class consisted mainly of lands bestowed on the Gods such as grants to Hindu idols, and Muhammadan shrines called as Debottar or Pirottar respectively. The managements of these religious grants to deities or Pira lay with trustees who were designated as Sebaits or Marfatadars in the case of Debottar properties and Matawalis or Darogas in the case of Pirottar grants. In the eye of law these grants were of the nature of trusts. The land was the absolute property of the temple, idol or monastry. In practice, however, all these revenue-free grants were being treated as the private property of the trustees, and the religious grants were used for secular purposes and freely bought and sold, nominally in the interest of the deities. It was not uncommon to find a grant of land belonging to a Hindu idol in possession of a Muslim or land dedicated to a Pir in possession of a Hindu. In most cases the original object of the charitable grant was entirely lost sight of and the endowments were misapplied or misappropriated and though there was provision in the law for correcting such abuses, it was no one's business to take action.

The second class included lands originally assigned for the support of individuals, such as grants to Brahmanas, i.e., Brahmottar or Mahatran or "deliverance", i.e., small grants to Hindus other than Brahmanas. Such grants were the absolute property of the grantees. He could transfer the whole or any part of it by sale, mortgage or lease. He paid rent to no one and only rendered to Government taxes and cesses according to the value of his property.

Abwabs (Illegal cesses)

Although the earlier Regulations and the terms of the Kabuliyats executed by the proprietors stipulated that they should not collect unauthorised cesses from their tenants, in practice, however, besides the lawful cesses, many illegal cesses called Abwab continued to be collected. These extra collections were more prevalent in Baleshwar district. It was estimated during provincial settlement that powerful zamindars were able to extort about 2 annas (Re 0·12) more per rupee in the form of extraordinary demands in addition to regular cesses which was about 4—5 annas (Re 0·25 to Re 0·31) on rupee of rent. Imposition of a new cess was attended with less difficulty than enhancement of rent. The cesses recognised by the law were (1) road cess at 2 pice per rupee or rent from raiyats, one anna per rupee from rent-free holders and at intermediate rates from tenure-holders, (2) public works cess at 2 pice per rupee and (3) zamindari dak cess at one pice per rupee. Kingsford in his provincial settlement report of Baleshwar district instances the following demands which were being regularly levied by the zamindars.

(1) Road and Public Works cess at rates varying from one to one-and-a half anna (Re 0·25 to Re 0·28) per rupee.

(2) Bisodhani — at rates varying from six pice to one anna per holding on receipt by the tenant of a Bisodhan or full acquittance of the year's rent.

(3) Bibahachina or Bahachina — A marriage fee paid by the father of the bride or by the parents of both the parties separately. Some Mahaprasad or betelnuts accompanied the fee varying from Re. 1 to Rs. 4.

(4) Suniabheti — Paid on the first day of the Oriya year as an acknowledgement of the zamindar's authority mostly in shape of presents according to the profession and circumstance of the raiyat. The zamindar, however, did not get much profit on this occasion since he had to distribute clothes, to feed the villagers and to hold an expensive Puja. In some estates the fee in cash payment was made with the rent at rates varying from two annas to several rupees.

(5) Magan — These are miscellaneous subscriptions raised for meeting various expenses of the zamindar and includes Bibaha-magan, for marriage in his family, Karma Magan for a funeral and Magan for the festivals of Durga Puja, Dol Jatra, Chandan Jatra and Rahas

Jatra or for the purposes of erecting a shrine. The rate varied from three paise to four annas per rupee of rent or from eight annas to Rs. 2 per plough.

(6) Salami or Nazarana — This was paid when a tenant took a new land for cultivation or the zamindar first visited the village or came to it after a long interval or when the raiyat paid his first visit to the zamindar or invited the latter to his home, the tenant who returned from Calcutta with savings or domestic servant returned from Calcutta to his home on leave. The amount varied from eight annas to 50 rupees or more according to the circumstances of the tenant and the strength and capacity of the zamindar. It is not that every zamindar practised these extortions. They varied in proportion to his ability to extort them and his power of inflicting punishment for refusal. Besides being rendered subject to the touch of low caste peons, they were declared Niapaniband, i.e., debarred from fire and water which no villager might supply to them without incurring the zamindar's displeasure. They were denied the aid of the village servants and could obtain neither the Dhoba to wash clothes for them nor the Bhandari to shave them. It is not surprising that they usually ended in purchasing the comfort by submission to the demand.

(7) Dakhal Kharaj or mutation — This was a fee collected for entering the name of the transferee or the successor of a holding in the zamindar's records. This was being regularly levied until it was abolished by an amendment to the Orissa Tenancy Act in 1938 and it varied up to 25 per cent of the consideration money.

(8) Tahasil Kharacha — A fee varying from half-an-anna to two annas (Re 0·03 to Re 0·12) in the rupee of rent, levied for maintenance of collection staff.

(9) Piyadamiadi or Talwana — A fee varying from one and a half-anna to three annas (Re 0·08 to Re 0·19) per day realised from a tenant by the peon sent either to demand rent or to summon him to zamindar's Kacheri.

(10) Jorimana — Petty cases were often enquired into and disposed of on complaint by either of the parties or by agreement between them when referred to the zamindar for decision. A fine was inflicted on the aggressor which was pocketed by the zamindar.

(11) Patsala Kharacha — A fee to defray the cost of maintenance of a school at the residence of the zamindar, generally three paise per head.

(12) Nacha Salami — A fee to enable the zamindar to keep a party of dancing girls at the same amount.

(13) Rahadari — A fee for covering the cost of sending money to treasury with escort.

(14) Thani Kharacha — A fee realised from the Thani raiyat to retain the services of the Gumasta or Amin for the purpose of remeasuring the holding or laying down the boundary of fields, it amounted to 2-3 annas (Re. 0·12 to Re. 0.19) per holding.

Khas mahal

Khasmahals are those estates which were managed directly by Government without intervention of any intermediaries. They arose out of either recusancy or out of failure of bidders at revenue auction sale for non-payment of revenue at Kist dates in which case Government took over the estate for a nominal sum of rupee one only. In 1845 the number of Khasmahals was 8 and in 1855 the number had risen to 12 with a gross rental of Rs. 16,170 of which Rs. 15,076 was contributed by Nuananda alone and the remaining by petty estates. In Maddox settlement period there were 19 Khasmahals with settled rental of Rs. 39,675 with a total area of 21,797 acres (8,821 hectares). By Dalziel settlement period there were 11 Khasmahals, the largest being Nuananda bearing Tauzi No. 1316. It had a total area of 17,975 acres (7,274 hectares) in 104 villages and were purchased by Government for Re. 1 at a sale for arrears of revenue in 1818. This estate contained the important market at Mirzapur. The Chandbali Khasmahal covering a non-agricultural area at the port site had only 135 holdings under Patadari status with an assessed area of 72 acres (29 hectares). The Bichitrapur Khasmahal (on the river Subarnarekha) was a permanent lease taken by Government from the proprietor of Berapal estate for the purpose of salt manufacture for which it was never actually used. Government paid the rent of Rs. 799/- from 1,809 onwards but derived no income from the estate till 1872 when it was sublet to one Babu Kailash Ch. Ray Mahasaya as an Ijardar.

Sub-proprietors and tenure-holders

It is doubtful whether under the Mughal and Maratha rule the zamindars of the plains had any right to create permanent intermediate tenures between themselves and their raiyats. None-

of them appears to have been created by the zamindars with the exception perhaps some Sarbarakars and Sikimi zamindars. The other tenures have grown concurrently with the growth of zamindar's interest inspite of the opposition of the zamindars during the British period. The village headman was transformed into Makadam, the purchasers of the waste land grew into Kharidadars, the zamindar's subordinate rent-collector ripened into Sarbarakar just as the master, having originally been rent collector of a higher grade, crystalized into a permanent zamindar. During the Mughal period the idea of centralization found favour with the ruling kings. The tables were turned during the Maratha rule when the latter favoured the village headman at the expense of the zamindars. In the earlier days of the British conquest even-handed justice was done to both the classes to save themselves from the zamindars. Many Makadams and Sarbarakars applied to be admitted into direct engagements with the Government and their prayers were allowed. This accounted for the large number of petty estates not only in Baleshwar but also in two other districts — Cuttack and Puri. Elaborate enquiries were made in 1837—45 settlement and the rights of the tenure-holders were settled once and for all.

Fortunately for the district the chain of middlemen between Government and the cultivators was not very long. In most of the estates only zamindars intervened between Government and the raiyats and even where there were tenure-holders they were comparatively few. In Baleshwar there were mainly three classes of proprietory tenure-holders, viz., Makadams, Sarbarakars and Kharidadars who were admitted to engagements. In Maddox settlement their total number was 882 covering an area of 95,556 acres (38,670 hectares). The break-up of each tenures was as follows :—

Makadams ...	112	with 32,574 acres (13,182 hectares.)
Sarbarakars ...	731	with 61,267 acres (24,795 hectares.)
Kharidadars including Sikimi Kharida, Kharida Jamabandi.	39	with 1,715 acres (694 hectares.)
Total	882	with 95,556 acres (38,670 hectares.)

All these tenure-holders except the Sikimi-kharida and Kharida Jamabandis (their number was very few) were treated as sub-proprietors in Maddox settlement.

(In Dalziel settlement there were 1046 sub-proprietory tenures of which 157 were Makadams, 802 Sarbarakars, 85 were Kharidadars and 2 Sikimi zamindars). They executed Kabuliyats for payment of revenue assessed at the same time as the zamindars and no attempt was made to curtail their existing rights and privileges, except in so far as they were set forth in the Kabuliyats. They were also placed in the same position as zamindars as regards their relation with their tenants. But differences were maintained from tenure to tenure as regards their relations with their landlords and their own circumstances. The Makadams were considered to have a quasi-proprietory right and were generally allowed five per cent as Malikana besides 15 to 20 per cent for collection expenses while the Sarbarakars got only the latter amount as "kharacha". In the event of a Sarbarakar or a Makadam refusing to hold his village at the Jama assessed at a settlement he would be dispossessed and his village taken Khas. On purchase by the superior landlord a Makadami-tenure did not lapse but remained separate and distinct whereas a Sarbarakari-tenure riverted to the zamindar in case of default in payment of the Jama. Kharidadars enjoyed the rights of the persons from whom they purchased. Each tenure was again sub-divided into several classes with varying incidents of rights and liabilities. Makadams were of three classes—(1) Maurasi or hereditary, (2) Kharidadars, i.e., those who purchased the right from another Makadam, and (3) Zati, i.e., appointed by the people of the village as their representative or sometimes created by zamindar. Similarly Sarbarakars were of two classes (1) Maurasi, i.e., held uninterruptedly from a period antecedent to British accession (14-10-1803), and (2) Miadi, i.e., held at the time of settlement. Kharidadars were similarly divided into two classes (1) first class, i.e, those who had derived their title from the zamindars and second class, i.e., those who had derived their title from Makadams or other tenure-holders. These differences were substantially obliterated in course of time owing to tendency towards uniformity in the position of various classes of sub-proprietors or tenure-holders. The tenures were generally held to be hereditary and divisible, but no division of rent could be made without the consent of the proprietor.

There were certain classes of tenure-holders whose position approximated to that of a proprietor of an estate until the passing of the Orissa Tenacy Act in 1913. Those "sub-proprietors", as they were called, had suffered from degradation owing to their not being recognised by any statutory law. They were in danger of becoming merged in the common body of tenure-holders. The Orissa Tenancy Act restored them to their proper position. They held their lands on temporary engagements to pay land revenue through a proprietor or in a few cases through another sub-proprietor. The tenure-holders of such proprietory class were described in settlement papers with

their special designation of Makadam, Padhan, Sarbarakar, Kharidadar, Sikimi zamindar, etc. All these classes were placed in the same footing by being given permanent status and were allowed to hold privileged (Nij-jot) lands over which occupancy right could not accrue. All of them except the Sarbarakars got statutory powers to transfer their tenures without the consent of the landlords subject to payment of a mutation fee. Other tenure-holders had no special privilege such as freedom of transfer. They arose out of the definition of tenure-holder in the Tenancy Act which reads as follows :

"A tenure-holder means primarily a person who has acquitted from a proprietor or from another tenure-holder a right to hold his land for the purpose of collecting rent or bringing it under cultivation by establishing tenants on it". Further when the area held by a tenant exceeded thrity-three acres, the tenant was presumed to be a tenure-holder until the contrary was shown. Such temporary tenure-holders, where found, were recorded as Ijradar (lease-holder) or Miadi-madhya-satwadhikari. Such cases were, however, extremely rare.

Bajyaptidars

These tenures formed the surviving land-mark of the attempt made by the middle classes to create revenue from lands for themselves in the name of the ruling power. When the British took over the province all persons claiming to hold Lakharaj or revenue free were invited to register their claims in the office of the Collector for investigation of their titles under section 18 of the Regulation XII of 1805. It was not until the settlement of 1837—45 that systematic proceedings were undertaken. Frauds on an extensive scale were attempted. In Orissa claims over 3 lakh acres were disallowed and those lands were resumed. But they were very liberally dealt with and most of them assessed at half rates. Such tenures were called Adhajama or Nisfi-bazyapti and the holders—Bajyaptidars. Such concessions were granted with a view to avoiding wide-spread discontent and hardship. Others were allowed to hold at nominally full rates (bu not at full rates). They were called Purajama or Kamil Bajyaptidars and the holders commonly described as Kamildars. The Bajyaptidars were for the most part Brahmans and took pride in calling themselves Lakharajdars. Those whose claim to hold revenue free was disallowed were recorded as Bajyaptidar tenure-holders and those whose claim to hold rent free was disallowed were recorded as Bajyaptidar raiyats. In Maddox settlement the total number of Bajyapati holdings resumed was 42, 200 in Baleshwar covering an area of 1,13,400 acres (45,591 hectares) and they were assessed at Rs. 51,700. Of this Kamil-bajyapati tenancy was 14, 100, covering an area of 38,200 acres (15,459 hectares) and the rents assessed amounted to Rs. 28,400. The number of Nisfi-bajyapati holdings was 28,100, covering an area of 75,200 acres

(30,432 hectares) with a rental of Rs. 23,300. In revision (or Dalziel) settlement the area of Bajaypti holdings in temporarily settled estates decreased to 1,08,224 acres (43,796 hectares) as encroachers on Bazyapti holdings perfecting their title by adverse possession were not recorded as Bajyaptidars but as Stithiban raiyats), but the number of holdings increased to 1,73,114 due to unrestricted partition and transfer.

Other Tenants

The principal tenantry who held beneath the proprietors or proprietory tenure-holders may be divided roughly into five classes, i.e., (1) Thani raiyats or resident cultivators whose rents were fixed for the term of the settlement, (2) Pahi raiyats or non-resident cultivators who were practically tenants-at-will, (3) Chandanadars who held only homesteads and whose rent was also fixed for the term of the settlement, (4) holders of service or other Jagirs who held their land rent-free either in consideration of service rendered or as rewards for service in the past, and (5) under-raiyats of tenants (1) to (4). Of these, the most numerous and important were the Thani and Pahi raiyats.

Raiyats

The actual cultivators of the soil at the time of the British conquest were found to be divided into two classes, viz, Thani or resident and Pahi or non-resident raiyats. The term Thani is a corruption of Sthani or Sthaniya, i.e. local. The Thani raiyat had a hereditary right of occupancy in his lands, while the Pahi raiyat was a mere tenant-at-will. The advantages enjoyed by the former were briefly as follows:

He held his homestead and garden land rent-free, his lands were the best in the village, and he had the preferrence in the reclamation of new lands. He had communal rights to pasture, fire-wood and thatching grass. He could not be ousted so long as he paid his rent. The possession of these advantages increased his importance in the eyes of his neighbours and strengthened his credit with the money-lender. On the other hand, his rent was much higher than that paid by the non-resident raiyat; and he groaned under the extra contributions and impositions exacted from him by his landlord. These demands were often so excessive as to swallow up all the profits of cultivation, and the Thani raiyat, reduced to despair, was often compelled to abandon his home. The Pahi raiyat paid a much lower rate of rent, but on the other hand, he was liable to be turned out of his holding at any moment.

While giving proprietory status to the zamindars the then ruling power, i.e., the East India Company, had hoped that the zamindars would continue themselves with good faith and moderation towards their raiyats, and provided this in the earlier Regulations which was

also reiterated in the Kabuliyats executed by them. The Governor-General-in-Council had power to enact such Regulations as he might think necessary for the protection and welfare of the raiyats and cultivators of the soil. This formed the basis for subsequent attempts at land reform legislations during the British period. In the beginning this did not present much difficulty as there were more lands than the raiyats could cultivate and it would not pay a proprietor to drive the raiyat to despair. The competition in those days was not for the land but for persons to cultivate it. But the situation changed rapidly as population and pressure on land increased. The hopes of continuance of good relationship between the proprietor and the raiyat expressed in the earlier Regulations did not materialise. This led to agrarian discontentment as there was no law to prevent rack-renting and eviction of the tenants. In 1837—45 settlement, only Thani raiyats were recorded and no record was made for Pahi and under-raiyats. The Rent Act X of 1859 laid down for the first time the law governing some relationship between the landlord and his tenants and contained for the first time some description of rights of occupancy. A raiyat was defined as primarily a person who had acquired a right to hold land for the purpose of cultivating it himself or by a member of his family or by hired servants or with the aid of partners. It introduced the principle that by possession of the same land for twelve years one would automatically acquire a right of occupancy. Further improvement on this Act was effected by the Bengal Tenancy Act, 1885 which extended this principle much further by providing that any person who had continuously held land as a raiyat in any village for twelve years became a settled raiyat of that village and that every settled raiyat shall have a right of occupancy in all lands held by him as a raiyat in that village. This part of the Bengal Tenancy Act was extended to Orissa in 1891 by which time Maddox Settlement had started. The old distinction between Thani and Pahi raiyats thus became obsolete. Therefore such terms were not used in subsequent settlements. But as old habits die hard, the benevolent intention of the law and the boon offered by it were not known in many parts of the mufassil. So the ancient custom that the Pahi raiyats had no occupancy right prevailed in many parts of the district. Even at the commencement of Maddox settlement the word Pahia continued among the raiyats as a term of reproach indicative of absence of rights. When on conclusion of the Maddox settlement proceeding copies of Khatian (called Pattas) were distributed to the Thani and Pahi raiyats showing their occupancy right, then only the great mass of Pahi raiyats could believe that they had definite rights and were not merely tenants-at-will. In this settlement Thani rents remained almost unchanged while the Pahi rents rose almost to the level of Thani rents, as the competition in the land became keener.

Bulk of the substantive law of landlord and tenant applicable to Bengal under the Bengal Tenancy Act 1885 had been extended to Orissa before the James Revision Settlement. Thus the Orissa raiyats obtained the benefits of the new principle regarding accrual of occupancy rights. Occupancy raiyats were protected from ejectment for arrears of rent and from enhancement of rent beyond certain limits, they were given the right to apply for commutation of produce rents, the rights of non-occupancy raiyats were also placed on a definite footing and the power of landlord to oust them and to enhance their rents was limited. Granting of proper rent receipt free of cost was made compulsory and all tenants were given the right to pay rent into court. But the Revision Settlement brought into focus a large number of defects and omissions such as right to make improvements, surrender and abandonment of holdings and contract and custom, etc., and the need for a self-contained agrarian code for Orissa which resulted in the passing of the Orissa Tenancy Act in 1913. Under this Act there were only three classes of raiyats, i.e., (1) settled raiyats (Sthitiban), (2) occupancy raiyats (Dakhal Satwa Bisistha), (3) non-occupancy raiyats (Dakhal Satwa Sunya). Besides there were another class of raiyats called raiyats holding at fixed rates who held lands at a rent or rate of rent fixed in perpetuity and whose incidence of rights regarding transfer and succession were similar to those of a permanent tenure. But their number was small. All settled raiyats under the law have occupancy right in their holdings but not *vice-versa*. Various incidence of occupany rights were gradually extended by evolution, the main component of this right being that an occupancy raiyat could not be evicted except in accordance with the law nor could he be rack-rented. He could be evicted only if he used the land comprised in his holding in a manner which rendered it unfit for agriculture. Though heritability was an important incidence of occupancy right from the very beginning the right of free transfer was not so recognised until recently by an amendment of section 31 of the Orissa Tenancy Act in the year 1938. Prior to this name of the successor-interest in the landlord's papers could be mutated only on payment of a mutation fee, the amount of which varied from estate to estate and was generally 25 per cent of the consideration money. Similarly rights in trees in raiyat's holdings had not been codified. This is a matter which the Tenancy Act left to custom. The usual (but not universal) custom was that the landlord and tenant each had some share in the fruit and/or timber. Besides, if a third person had a share in the fruit and timber detailed entries were made in the record of rights in settlement specifying the exact shares in fruit and timber. Although the practice varied from estate to estate in general the occupancy raiyat had the right to take the fruit of trees, but not to cut the timber or even to appropriate it when the

tree was dead or dry, except when it was required for communal purposes such as cremation. But bamboos could be planted and appropriated by the tenants without permission or fee even though it came within the definition of timber according to a ruling of the Patna High Court. But according to an amendment of the Orissa Tenancy Act, 1938, in section 27-A an occupancy raiyat got the right to plant, enjoy the flowers, fruits and other products, to fell and to utilise or dispose of the timber of any tree standing on his holding without permission or interference from his landlord except where an entry to the contrary had been made in the record-of-rights published before 1938. The raiyats not having the right of occupancy in their holdings were defined as non-occupancy raiyats. Such a raiyat was liable to pay such rent as might be agreed upon between himself and his landlord at the time of his admission as a tenant. The rent could also be enhanced by registered agreement. An ejectment suit could be brought by the landlord for failure of the raiyat to agree to an enhancement of rent. The raiyat could either face the ejectment or agree to the enhancement. He could also be ejected for failure to pay arrears of rent, and for the reason that the term of the lease (if such a lease had been registered) has expired. Harsh as they might appear, these provisions did not affect many people because less than one per cent of the land was held by non-occupancy raiyats as per Dalziel Settlement Report, and persons who held continuously the same land as a non-occupancy raiyat for twelve years later automatically became a settled/occupancy raiyat. The number of holdings and area held by settled/occupancy raiyats and non-occupancy raiyats as per Dalziel Settlement Records in Baleshwar district were as follows:

	No. of holdings	Area in Acre
Settled/occupancy raiyats	5,79,000	7,93,800 (3,21,240 hectares)
Non-occupancy raiyats	3,456	6,429 (2602 hectares)

This included the settled/occupancy holdings under proprietors, sub-proprietors and tenure-holdings in permanently-settled, temporary settled and revenue-free estates. It also included the raiyats of Nij-jot (private) lands of the proprietors and sub-proprietors who had acquired raiyati right and who were recorded as Nij-jot Babat-Sthitiban. They also included 41,714 Bazyaptidars with 36,776 acres (14,883 hectares) who for all practical purposes were regarded as occupancy raiyats, but were recorded as Bazyaptidar raiyats. This covered cash-rented, produce-rented and also rent-free holdings. There were 16,438 produce rented holdings with 11,295 acres (4571

hectares) who were recorded as 'Dhulibag' which meant that the produce was to be divided 50:50 between the raiyat and his landlord. But he had all other incidence of occupancy right like cash rented holdings and had also the right to apply for commutation of rent. But as the raiyats in the rural areas were ignorant of their rights under the law, they had a lower social status than cash-rented raiyats as if they were tenants-at-will or Shikim-raiyats even till the abolition of the estates in early fifties.

Chandanadars

In the case of the cultivating classes, their homesteads generally formed part of their agricultural holdings, but the shopkeepers, artisans, and the labouring classes, who had not arable land in the village, but only homesteads were called Chandanadars. The term originally implied inferiority in status as on this class fell the obligation of supplying forced labour. But this obligation having fallen into disuse, the word "Chandana" came to be used for all homestead land paying rent separately from the arable lands. At the provincial settlement, Chandanadars were given leases securing to them fixity of rent for the term of the settlement. Under the Orissa Tenancy Act their status was recognised and defined, and they were protected from eviction except in execution of a decree for arrears of rent. Save for these express provisions the incidents of the tenancy continued to be regulated by local custom and usage. The term Chandanadar is strictly applicable only to the Chandanadars in the temporarily-settled estates. Homestead tenancies which exist in the permanently-settled and revenue-free estates (recorded under Ghar-bari status) are governed entirely by contract and custom. But by an amendment of Orissa Tenancy Act (Orissa Act X of 1946), the Chandanadar's right in respect of his homestead has been made synonymous with the right of an occupancy raiyat both in the permanently settled and temporarily settled areas. There were 8507 Chandana holdings with an area of 1786 acres (723 hectares) as per Dalziel Settlement Records.

Jagirdars

A Jagirdar is one who holds land rent-free or on low rent in return for services rendered. There were two classes of Jagirdars, i.e., (1) those who rendered services to the landlord and were liable to ejectment on failure to perform such service, and (2) those who performed services to the village community. Such Jagirs were called Desheta or Chakran Jagirs. The system of giving Jagir land to village servants such as barber, washerman, carpenter, potter, astrologer, etc., had prevailed in Orissa from ancient time. In a small or newly established village where

the number of inhabitants was too small to offer sufficient remuneration to the barber or the blacksmith, these were induced by grants of small areas of land rent-free to take up their residence and thus complete the formation of the village community. It was never intended that these Jagirdars should supply the needs of the villages without payment. The general custom was therefore that these village servants would also receive some small payments of paddy or cash annually from the raiyats. On special occasions they received doles of rice, cloth or money for performing duties connected with religious or social observance of the people. The lands given rent-free to the servants of the landlord were, however, valued for the purpose of revenue assessment. In Dalziel Settlement, 1615 acres (635·59 hectares) were recorded as personal Jagirs and 2399 acres (971 hectares) as Desheta Jagirs in the temporarily settled areas. In the permanently settled estates of north Baleshwar 602 and 18 acres (243 and 7 hectares) were recorded as personal and Desheta Jagirs respectively.

Under-raiyats

Tenants holding whether immediately or mediately under raiyats (occupancy, non-occupancy and Bazyaptidar raiyats) are classed as under-raiyats. These are commonly called Shikimi raiyats. Besides, persons cultivating protected or Nij-jot lands of proprietors or sub-proprietors to whom occupancy right could not accrue under the law were also treated as under-raiyats. In Dalziel Settlement there were 24,316 under-raiyats with an area on 12,857 acres (5203 hectares). Of these there were 19,490 cash-rented holdings with an extent of 8470 acres (3428 hectares).

Although the Orissa Tenancy Act included under-raiyats as a class of tenants, it did not define their rights vis-a-vis their landlords and left them to be governed by contract or custom. Thus the custom or usage under which an under-raiyat could, under certain circumstances, acquire a right of occupancy was saved by section 237 of the Orissa Tenancy Act. They were given occupancy right over their homestead only by an amendment of the Orissa Tenancy Act under section 236 in the year 1946. Not until the passing of the Orissa Tenancy Protection 1948, they could be statutorily protected against arbitrary eviction and reck-renting. Under-raiyats paying produce-rent whether recorded or not were commonly called Bhag-chasis, and most of them were not recorded. This Act protected the Bhag-chasis from arbitrary eviction by their landlords and limited the quantum of their rent to 1/3rd of the gross produce if they had occupancy right and to 2/5th if they had no occupancy right. This was substituted by the Orissa Tenants

Relief Act, 1955 which made more stringent provision against their arbitrary eviction and further reduced the quantum of Bhag to 1/4th of the gross produce subject to over-all limit of four, six and eight standard maunds of paddy or value thereof respectively for dry, wet and cash crop lands. Many religious and charitable institutions depending on produce rent, were hard hit by this law. This brought about a complete change in the agrarian life of the villages with great repercussions on their social life. The marketability of lands under cultivation of temporary tenants was affected very much. The effect of the subsequent legislation on rights of under-raiyats or Bhag Chasis brought about by the Orissa Land Reforms Act, 1965 will be discussed separately.

Lands of other statuses

In Dalziel Settlement, 10,762 acres (4,353 hectares) were recorded under Kharida Jamabandi tenures, 62,102 acres (25,132 hectares) under Bajyapti tenures, and 33, 299 acres (13,475 hectares) under other tenures. 26,926 acres (10,596 hectares) were recorded as Nij-jot lands of proprietors/sub-proprietors which were in their Khas possession and being their private lands, raiyati right could not accrue. 84,556 acres (34,219 hectares) were recorded as Nij-chas (lands in possession of proprietors/ sub-proprietors which were not private lands), 55,665 acres (22,527 hectares) were recorded as Rakshit(reserved for communal purposes) and 12,437 acres (5033 hectares) as Sarbasadharan. 1,85,171 acres (74,936 hectares) were recorded as Abad Jogya Anabadi (culturable waste) including 1,37,871 acres (55,795 hectares) of old fallow and 28,989 acres (11,731 hectares) of jungle. Besides, 25,141 acres (10,174 hectares) were recorded as current fallow, 3,94,171 acres (1,59,516 hectares) were recorded as Abad Ajogya Anabadi not available for cultivation.

Land tenure in Nilagiri ex-state

The system of tenures prevalent in Nilagiri ex-state before merger is given in the Final Report on the Nilagiri Settlement, 1917-22. Raiyats were divided into five classes, viz.,

(1) Thani (resident cultivators of a village—28,539.7 acres or 11,711·53 hectares.

(2) Pahi (non-resident cultivators)—13,502·01 acres or 5,464·26 hectares.

(3) Chandana (resident non-cultivators occupying homestead lands only)—138·70 acres or 56·13 hectares.

(4) Bajyapti (resumed Lakharaj lands assessed on full-rent) —4530·47 acres or 1833·42 hectares.

(5) Kotha Chas (Khas lands sublet to tenants on payment of Sanja paddy)—357·08 acres or 144·5 hectares.

There was no law or record showing the rights enjoyed by the raiyats. But during the last settlement some rights and liabilities could be ascertained with due regard to establish usage in the state. The Thani raiyats got one Guntha (1/20 acres) of homestead land free of rent on every Man (0·62 acre) of wet land. No class of tenants had any right to transfer the lands without permission of the state. However, numerous cases of illegal transfers were detected during the last settlement. Mutation fee varying from 1 anna to one rupee was charged for recording transfers, inheritance, sale or gift. Delays or defaults in intimating inheritance, sale, etc., were penalised by charging double the prescribed rates. No raiyat whether Thani or Pahi had a right of occupancy over his holding, but he was not to be evicted except on satisfactory evidence of disloyality to the state or on failure to pay arrears of rent. The raiyat was also liable to be evicted if he failed to bring under cultivation any waste land for which lease had been taken by him. Rent assessed was not liable to be enhanced or commuted during the term of the settlement. The raiyati holding was heritable but could not be divided among the heirs without the knowledge of the state authority. No raiyat could cut or utilise any tree standing on his land but was entitled to fruits of the trees. No unauthorised cess or Magana could be levied on any pretext. For default in payment of rent on due dates, the raiyat was liable to pay Kistikhilapi and his lands were liable to be sold for the arrear dues. As per last settlement there were 24,649 raiyati holdings with an area of 47,088·98 acres (19,056·32 hectares), average area per holding being 1·91 acres or 0·77 hectares in the state.

Besides the raiyati lands there were Jagir lands. As per last settlement records there were 36 different classes of Jagirs covering a total area of 2,370·76 acres (959·44 hectares). A Jagirdar had no transferable right. Possession over the land continued so long as the specified duties were faithfully performed. Fruits standing on Jagir holdings were enjoyed by the Jagirdars but they had no right over the trees. Among the Jagirdars were the village Choukidars locally called Chatias. They depended more on the charity of the villagers than upon any aid from the state. They received a few sheaves of paddy from every cultivator at the harvest time and every resident supplied them one bowl of cooked rice every month. There were 143 Choukidars who held 368 acres (148·93 hectares) of Jagir lands. There were another set of Jagirdars called

Bethias. They were of low-castes. They carried luggages, etc., of the ruling chief and the officers on tour. They also helped ruling chief in Shikars.

There were as usual Lakharaj tenures. These were grants made by the former rulers for different objects, and they fell under the following categories:

(1) Debottar, (2) Baishnobottar, (3) Brahmottar,
(4) Khairat, (5) Khorakposhak, (6) Mahatran,
(7) Jati Bruti, (8) Anugrahi, (9) Sirakata,
(10) Dahijya and (11) Dutta.

Of these, Debottar and Baishnobottar were religious endowments. Entire villages or detached holdings were granted for the Sevapuja and up-keep of the temples. The ruling chief exercised his control over their management and reserved the right to dismiss the Marfatdar if the conditions of the endowments were not fulfilled. The successor-in-interest required the approval of the ruling chief. The Thakur-mahal was the largest endowment in the state consisting of 152 villages. The senior Rani was recognised as the Marfatdar. But the management was subject to the control of the state. The Debotter money was kept as a separate fund and not merged in the state revenue. The Brahmans got Brahmottar lands for religious and intellectual pursuits. They were required to present cocoanuts and sacred thread to the ruling chief on Gahma Purnima festival and offer benediction thrice daily. Other grants granted to relations or favourites for maintenance were of less importance. Like ordinary raiyats they were required to take permission of the state to transfer their holdings. They had no right over the trees standing within their holdings. The Lakharaj Control Order 1932 was issued "to ensure loyalty of the holders of Lakharaj tenures to take an indirect measure for gradual resumption of rent free lands and to ensure proper application of the income of the Debottar grants to the purpose for which they were originally made". Resettlement meant ejectment of the grantee and resettlement on Salami and rent.

It will thus be seen that the tenants in the ex-state were subjected to numerous restraints unlike their counterparts in the adjoining British territory where there were codified laws defining occupancy right. This undoubtedly led to some agitation among the tenants not only in Nilagiri but in all Garhjats. The situation did not very much improve until the merger of the state with Orissa with effect from November 1947. Under the administration of Orissa States Order 1948, various rights were conferred on the

occupancy tenant which brought him on par with his counterpart in the Mugulbandi area. He was given the right "(1) to freely transfer his holding subject to the restriction that no transfer of a holding from a member of an aboriginal tribe to a member of a non-aboriginal tribe shall be valid unless such transfer is made with previous permission of the Subdivisional Magistrate concerned, (2) to have full right over all kinds of trees standing on his holding, (3) to use the land comprised in the holding in any manner which does not materially impair the value of the land or render it unfit for the purpose of the tenancy; (4) to presume that the rent for the time being payable by him is fair and equitable until the contrary is proved".

Besides, a "Sukabasi" would be entitled to the rights of the occupancy tenant over his homestead notwithstanding any law or custom to the contrary.

By an amendment of the Orissa State Order issued in July 1948 persons holding land on service tenure either under the ruler or any member of his family were discharged from the liability to render such service, were protected from eviction and would on payment of rent to be assessed by Government acquire occupancy right on the land. It also provided that persons holding Khamar, Nij-jot or any other private land of the ruler would not be liable to eviction and on payment of rent fixed by the competent authority would acquire occupancy right on the land. These provisions were subsequently enacted as clauses (g) and (h) of the Orissa Merged State (Laws) Act IV of 1950.

The cultivated area in Nilagiri subdivision as recorded in the last settlement was 60, 851.93 acres (24,626 hectares) of which 52,461·38 acres (21,230 hectares) were paddy lands, 749·08 acres (303·15 hectares) were Pala lands, 3101·97 acres (1386·58 hectares) were Taila (Bajefasal) lands, and 4285·3 acres (1734·26 hectares) were Kala (homestead) lands, 254·20 acres (102·87 hectares) were orchard, 26,958·23 acres (10,910 hectares) were recorded as uncultivated (Anabadi) lands of which 3244 acres (1312.84 hectares) were culturable waste (Abad Jogya Anabadi), and 4413 acres (1785·90 hectares) were unculturable waste (Abad Ajogya Anabadi). Out of a total area of 284 sq.miles (735·56 sq. km.) of the ex-state 137 sq. miles (354·83 sq. km.) were surveyed in 312 villages and the rest 147 sq. miles (380·73 sq. km.) comprised forest, hills and scrub jungles which were not surveyed.

Revenue and Rent settlement in the past

In October 1803, the British occupied Orissa and in 1804 made the first settlement under the instructions of the Commissioners subsequently embodied in Regulation XII of 1805. S. L. Maddox

has given the comparative figures of annual revenue for 312 estates that existed under the Maratha and the early British period in Baleshwar district as follows;

Maratha revenue	..	Rs. 1,50,285
Revenue in 1803-05	..	Rs. 1,54,381
Revenue in 1805-06 to 1808-09	..	Rs. 1,62,218
Revenue in 1809-10 to 1811-12	..	Rs. 1,79,450
Revenue in 1812-13 to 1814-15	..	Rs. 1,80,072

Immediately prior to 1837-45 settlement the revenue was Rs. 3,41,332. In this settlement the revenue was settled at Rs. 3,83, 498. The net increase was mostly due to assessment on resumed Lakharaj holdings. As had been stated previously this revenue remained unaltered till it was revised in Maddox settlement. The total revenue of the temporarily settled estates as assessed at Maddox settlement in 1899 was Rs. 5,96,737 representing 53·3 percent of the gross assets mostly due to extension of cultivation during the last 60 years. But in (Dalziel) Revision Settlement (1922-32) the revenue of these estates (the number was 2304) was Rs. 8,20,404 representing 53·1 per cent of the gross assets (Rs. 12,54,454). To this may be added the total ravenue of Rs. 34,835 which was permanently fixed in respect of 150 permanently settled estates in the north of the district. The incidence of revenue per acre of assessed lands in Dalziel settlement was Rs.1·10 as compared with Re. 0·87 at Maddox settlement. Calculated on total area, the incidence was Re. 0·87 in Dalziel settlement as compared with Re. 0·63 in Maddox settlement.

In the provincial settlement the assessed area in temporarily settled estates was 6,78,393 acres (2,74,537 hectares) of which the settled/ occupancy tenants held 4,35,200 (1,76,120 hectares). The then existing rental of 7,23,500 of these tenancies was raised by Rs. 60,800 to Rs. 7,84,300 giving an average incidence of Rs. 1·77 per acre (Rs. 4·37 per hectare). In Dalziel revision settlement the assessed areas in these estates was 7,39,804 acres (2,99,389 hectares) of which the settled/ occupancy raiyats held 5,42,575 acres (2,19,573 hectares). The normal enhancement of four annas in the rupee was applied and the average incidence of rent rose to Rs. 2·22 per acre (Rs. 5·48 per hectare) in Dalziel settlement. But in the permanently settled estates the average incidence of rent on occupancy tenants (68,940 or 27,899 hectares) was Rs. 2·00 per acre (Rs. 4·94 per hectare) while in the reveue-free estates (34,627 estates) with 59,982 acres or 24,275 hectares it was

Rs. 1·83 per acre (Rs. 4·52 per hectare). There were varying rates of rent for different classes of tenancies from Rs. 5·22 per acre (Rs. 12·90 per hectare) in case of Chandanadars to Rs. 1·26 per acre (Rs. 3·11 per hectare) in case of Bazyaptidars.

In the beginning there was no law governing principles of rent settlement in Orissa. Rent settlement was done under executive orders of Government. In Maddox settlement, rent settlement was done under section 104 of the Bengal Tenancy Act, 1885, The same provision of law was followed in James settlement. In Dalziel settlement, this was done under section 119 of the Orissa Tenancy Act, 1913. In the first instance the quantum of rent payable by a raiyat was fixed by agreement between the landlord and the tenant at the time of induction of the tenant for cultivation which was determined on the principle of supply and demand. Periodical enhancement in rent was made mainly owing to rise in prices of paddy or in acreage of the holding, both under the Bengal Tenancy Act and also under the Orissa Tenancy Act. The existing rent was presumed to be fair and equitable until the contrary was proved. The rent of a holding was not correlated to the classification/productivity of the land but to its extent. Even during Dalziel settlement the principle approved by Government in 1924 regarding rents of ordinary raiyats was "it will ordinarily be sufficient to impose an enhancement of 25 per cent on the rents fixed at the last revenue settlement (Maddox settlement and of 12 $\frac{1}{2}$ per cent on those fixed in the revision operations (James settlement). These enhancements, of course, will be independent of any alteration of area under section 60 of the Orissa Tenancy Act. They will also be liable to modification in the areas subject to injurious inundation". The fallacy of the procedure was obvious. When a tenancy was created the landlord (roprietor, sub-proprietor or tenure-holder) fixed the initial rent on the basis of several personal and irrelevant factors like amount of Salami paid, social and economic status, personal relationship, etc. It was not, therefore, surprising that lands having more or less the same productivity with the same advantage or disadvantage and situated in the same village were paying different rates of rent to the same landlord. The Orissa Tenancy Act, 1913, no doubt, had prescribed certain procedures for rent settlement. Even then the emphasis was on existing rent and agreement between the parties to be the basis for rent settlement rather than on a rate of rent for each classification of land. No doubt the Act provided for a table of rate to be prepared and applied for fixation of fair and equitable rent of a holding, but that was never applied in practice. This anomaly was not removed until passing of the Orissa Survey and Settlement Act, 1958 which for the first time fixed definite principles regarding settlement of fair and equitable rent on the basis of productivity of land and other relevant

factors like situation of a village, communication and marketing facilities, liable to vicissitudes of seasons, etc. The on-going settlement operations in Baleshwar is being carried on since the year 1962 under provisions of this Act, and this will be discussed separately in this chapter.

So far Nilagiri is concerned, the first settlement was made between 1849 and 1853. The officer deputed to do the settlement was an officer of the Bengal Government. In the absence of previous records this officer was unable to find out on what principle or at what rates the tenants were paying rents. But he himself seemed to have applied certain Bengal rates which apparently the cultivators accepted. No record is available to show the principles followed in applying these rates. The next settlement was commenced in 1886-87 and was completed in 1897 after a lapse of about 10 years. In this settlement 93 different rates were adopted but there is no record regarding the principles and the reasons for the various rates. The settlement officer was guided by certain rules framed by the Manager of the ex-state and approved by the raja, but the rules did not appear to have the sanction of Bengal Government. The rates varied from Re.0-10-0 to Rs. 8-0-0 for Kala (homestead) land, Re. 0-3-0 to Rs. 3-12-0 for Jala (rice) land, Re. 0-8-0 to Rs. 4-0-0 for Pala (river-side) land and Re.0-6-8 to Re. 0-13-4 for Dahi (Bajefasal) land. The next settlement was commenced in 1917 when the previous settlement expired after a period of 20 years. Certain rules were approved by the Political Agent regarding the principles of which the settlement was to be conducted. Villages as well as lands were classed according to the nature situation, advantages, disadvantages, etc. The rates proposed were based on the productivity of the different classes of land situated in each group of villages and the price of the produce. The rates varied from Rs. 1-10-0 to Rs. 8-0-0 in case of Kala (homestead) land, Rs. 6-11-0 to Rs. 3-5-0 In case of Jala (rice) land, Rs. 1-4-0 to Rs.5-0-0 in case of Pala (river-side) lands and Re. 0-6-0 to Re.0-13-0 in case of Dahi (Bajefasal) lands. Special concessional rates were fixed for aboriginals. The application of the above rates gave an increase of about 30 per cent on the total rental which was mostly due to rationalisation of rent on scientific principles and extension of cultivation since the last settlement. The settlement was for 15 years which expired in 1936 as the settlement was given effect to in 1921. No new settlement was taken up owing to economic circumstances and the old settlement was extended. The present survey and settlement operation started in Nilagiri subdivision in the year 1963 under the provisions of the Orissa Survey and Settlement Act 1958 and the fixation of rent was done on sound principles prescribed in the Act.

Extension of Cultivation

In the temporarily settled areas of Baleshwar the assessed areas in Maddox settlement was 6,92,200 acres (2,80,125 hectares) out of a cultivated area of 7,76,000 acres (3,14,837 hectares). But in Dalziel settlement this rose to 7,39,800 acres (2,99,388 hectares) out of a cultivated (cropped) area of 8,46,600 acres (3,42,600 hectares), showing an increase of 9·1 per cent in the areas under cultivation. This increase was 13 per cent in Sadar subdivision and 3·5 per cent in Bhadrak subdivision. In the entire district covering temporarily settled, permanently settled and revenue-free estates the cropped area in Dalziel settlement was 9,21,707 acres (3,73,002 hectares). These figures do not include an area of 9·30 sq. miles (24·08 sq.km.) excluded from settlement, i.e., 6.00 sq. miles (15·54 sq. km.) of Chandinipal jungles in Killa Kanika, and 2·50 sq. miles (6·68 sq. km.) of Khasmahals borne in the revenue-roll of Midnapur district. In the temporarily settled estates there were 1,65,000 acres (66,773 hectares) of culturable wastes including 1,13,000 acres (45,730 hectares) of old fallow and 22,700 acres (9,186 hectares) of jungle. Dalziel estimated that the additional areas available for cultivation is 16 per cent of the total area. The area actually brought under the plough since Maddox settlement was 49,400 acres (19,992 hectares) in the temporarily settled areas of Bhadrak subdivision although Maddox settlement report states that only 40,000 acres (16,187 hectares) were open to future cultivation. Dalziel reported that even after extended cultivation there were still large areas in the sea coast available for reclamation. A large area that was previously scrub jungles in the coastal Parganas was opened for cultivation since last settlement. The coastal tracts were depopulated in the terrible cyclone of 1831 from which it could not recover for a long time. The Oriya cultivators never ventured to re-settle there. It was left for speculators from Midnapur to bring the lands under cultivation by taking settlement of large blocks from zamindars and getting them reclaimed by the Santal labourers from Mayurbhanj and by Muslims from Midnapur. These settlers were known as Chakdars. Although small embankments had to be erected, the cost of cultivation was low, the soil being very good. The productivity of the land led to keen competition. The rate of Salami in late twenties rose to Rs. 50 and Rs. 100 per acre.

Subsequent to the last settlement extensive areas were added to the coastal belt of Baleshwar as accretion from the sea. Those were not surveyed. The ex-intermediaries took advantage of this for settling them with persons mostly belonging to Midnapur and other districts of Bengal by getting higher Salami in preference to the claims of the local people. Some of these leases were made

retrospectively after abolition of the estates by giving back-dated Pattas which attracted the penal provisions contained in section 5 (i) of the Orissa Estates Abolition Act. Under this law if any settlement has been made after the 1st January 1946 with the object of defeating any provisions of the Estates Abolition Act or for obtaining higher compensation thereunder the Collector can set aside the lease after making proper enquiries. By law these accretions should have formed part of the holdings of the adjacent raiyats subject, of course, to payment of additional rent. These illegal leases led to a lot of commotion in the affected villages. To mitigate the effects of cyclone the Government have taken a decision to take up casuarina plantations within one kilometre belt from the high water mark of the sea under the Coastal Belt Afforestation Scheme. But this scheme ran into rough weather owing to large scale cultivation of the coastal lands by way of encroachments or by illegal leases made by the ex-intermediaries. The Subdivisional Officer, Bhadrak reports that in his two coastal Tahasils, viz., Basudebpur and Chandbali, there are 33 coastal villages. He has started 697 encroachment cases in Basudebpur Tahasil involving 1,553·05 acres out of which 416 acres are linked up with proceedings under section 5(i) of the Orissa Estates Abolition Act. Similarly in Chandbali Tahasil, there are 858 encroachment cases involving an area of 4,39·26 acres. Information in respect of other coastal Tahasils, viz., Soro, Baleshwar, Basta and Jaleshwar is not available, but there are also similar cases of illegal leases and encroachments.

In Nilagiri an area of 55,214 acres (22,344 hectares) were recorded as cultivated and occupied in 1886—97 settlement. But in 1917—22 settlement an area of 60,851.93 acres (24,626 hectares) were so recorded giving a rise of 5637.93 acres (2,282 hectares) as the extension of cultivation during the course of 30 years. This 10 per cent increase is the cultivated area in a period of 30 years shows that apparently there was not much room for reclamation.

Landlord— Tenant Relationship

Baleshwar was a district of small estates except in respect of a portion of Kanika ex-state which lay in this district. Barring a few relationship between the landlord and the tenants in most of the estates was never satisfactory during the British period. As has been already stated previously they denied in many cases their legal right of occupancy in land and realised various forms of Abwabs (illegal exactions) in addition to legal rent details of which have been given elsewhere in this chapter. John Beams, who was the Collector of Baleshwar during the period 1869—1873 has given some interesting instances of such Abwabs in his book

called "Memoires of a Bengal Civilian" posthumously published by his grandson Christopher Cook, which may be worthwhile to quote here:

"Very heavily oppressed they were, and it is wonderful how they contrived to exist at all under the numerous exactions to which they were subjected at the hands of their own countrymen. We did our best to protect them, but a mere handful of foreigners in so large a country cannot even hear of many of the things that are done behind their backs. The people are afraid to complain, knowing that if compelled by the English Magistrate to compensate their victims, the powerful oppressors will be able to find many opportunities for revenging themselves. It is only by accident that we find out many abuses, and it is necessary to practise the greatest caution in remedying them lest we should do more harm than good by our wellmeant interference. Such a case occurred about this time, and caused much excitement. It was known as the Illegal Cess Agitation.

One day my Assistant, Fiddian, in-charge of the Bhadrakh Subdivision which comprised the whole southern side of the district, was out in camp on one of his usual tours of inspection. In a very remote corner of the district, where the people understood little or nothing about the principles of British administration, a ryot came up to him as he was riding alone through the fields and asked him, 'Is it ordered that we are to pay tikkus?'

What do you mean by tikkus ? asked Fiddian.

Many things, replied the ryot, our Zamindar makes us pay what he calls tikkus, he says he has to pay it to the Sirkar, and we are to pay it to him, one rupee each house; then there is "tar", one rupee, also "maggan", one or two or even three rupees each whenever he has a son or a daughter married, or wants to give a toast to Brahmans on some religious festival day' 'or wants to go on pilgrimage to Jagannath, or to repair his house, or many other things'.

'No, said Fiddian, you have to pay your rent and nothing else'. The man went away, apparently well pleased.

But this set him thinking, and he made elaborate inquiries from wich he found out that the Zamindars were in the habit of levying contributions from all their ryots on all sorts of pretexts. 'Tikkus' was their pronunciation of the Engilish word 'Tax'. The Zamindars had to pay the newly introduced and extremely unpopular income tax, and recouped themselves and more than recouped themselves by levying a rupee per house from all their tenants.

When the telegraph line was set up all along the Trunk Road, although the Zamindars had not to pay anything towards its construction, they pretended that they had, and made a levy from all their tenants. This was the 'tar', the telegraph being known as 'tar bijili' or 'lighting wire'. Many other things were made occasions for raising contributions, so that the wretched ryots were ground down to the dust and lived in the direct poverty. I took the matter up earnestly and made inquiries from which it appeared that the practice of levying these illegal cesses was common all over the district, reported the matter to Ravenshaw, the Commissioner, and he caused inquiries to be made in Cuttack and Puri, from which it came to light that the same practices were in vogue there also. He then reported it to Government. Meanwhile the news that the hakims had declared the 'tikkus' to be illegal spread all over the country and up into Bengal where it caused great commotion. In some districts it gave rise to rioting.

Various schemes were proposed for putting a stop to this, none of which were very effective. The Lieutenant-Governor then proposed legislation, and prepared a draft of a law declaring the practices illegal and laying down punishments for such offences. This was, however, stopped by the Government of India on the advice of Sir Richard Temple, then a member of Council, who knew absolutely nothing whatever about the matter or about Bengal, but who, as he afterwards told me, chose to consider it as a mere petty local agitation which it was not wise to encourage.

This was a great disappointment to us, but we did not give up the same. Seeing that the Government would not help us, we determined to help ourselves. We knew that the Government of Bengal was on our side though the far-off, ignorant India Government', as it is called, would not help us. So Fiddian and I commenced a series of tours into all parts of the District, in the course of which we assembled the ryots of each estate together with the Zamindar himself, or if he were an absentee, his agent, found out by questioning the people and examining the Zamindar's books what exactions he was in the habit of making, and explained to the people which of them was illegal. In this way we succeeded in opening their eyes, and stirring them up to resist illegal demands. For a time, there was much confusion, underhand attempts at extortion by the Zamindars, forcibly resisted by the peasants, in a few cases rioting and broken heads. But by degrees the strife ceased; most of the Zamindars gave up their exactions finding they could not enforce them, and though with so timid a peasantry, so masterfed a proprietary body, and so wily a crowd of agents, we could never

be sure that exactions were not practised, we soon had abundant proof that they had everywhere very much diminished, and in most places entirely ceased. The result, was, on the whole, considerable increase of material prosperity and comfort for the peasantry and acknowledge of their rights which would render a return to the old state of grinding extortion impracticable in the future. Had we been properly supported, the movement would have grown into a great revolution which would have been fruitful of unspeakable good for the down-trodden agricultural population. However, we did what we could and for the results we were thankful".

Late Rajendra Narayan Bhanj Deo, ex-zamindar of Kanika estate had imposed as many as 64 Abwabs in his estate during his rule on tenants which had practically broken their economic condition. This was strongly resisted by the people in his entire estate covering part of Baleshwar and Cuttack districts. The peasant revolution in Baleshwar porton of Kanika was spear-headed by late Chakradhar Behera in the early twenties of this century. Utkalmani Gopabandhu Das and Utkal Keshari Dr. Harekrushna Mahtab had courted their first arrest by taking part in this peasant movement. Repressive measures of the Raja also attracted attention of Mahatma Gandhi. During his second visit to Orissa, in the year 1927, he sailed in Matai river from Charbatia in Basudebpur Thana to Panchutikiri. He heard the stories of exploitation and harassment of the tenants of Kanika estate but advised the leader Chakradhar Behera and his associates to continue their struggle against such repressive measures in a non-violent manner.

In fact this peasant revolution was the precursor of the non-co-operation movement or independence struggle in Orissa. Some people in certain areas ceased to pay rent to raja and deposited the amount in the Government treasury. They also brought their complaints to the notice of the British Government. But no step was taken to redress their grievances. The situation gradually worsened and finally the raja took the help of the police contingent from Cuttack. Some people died and many were wounded by the police action in April 1922. At the intervention of raja the British Government took it as a part of non-co-operation movement and as such tried to suppress the movement by all means without making proper enquiries into the state of affairs. The raja also tried his level best not to introduce survey and settlement operations during the last Orissa Settlement by Dalziel. Due to agitation of some leaders like late Chakradhar Behera the Government ultimately agreed to take up survey and settlement operations in Kanika estate which facilitated recording of rights of tenants

and fixation of fair and equitable rent on their holdings. A book titled "Dukhini Kanika" was circulated containing various forms of exactions and instances of repressive measures which evoked strong sympathy not only among the people of the estate but also among the people of Orissa in general. The relationship was so strained that at the time of harvest a police force with a Magistrate was being deputed invariably to remain present at the time of appraisement of the paddy in respect of the lands cultivated by the tenants under Dhulibhag status or Nijchas or Nij-jot lands of the proprietor even till the advent of independence. As has already been stated there were hardly any consciousness among the tenants that under the law Dhulibhag raiyats and the tenants of Nijchas lands had occupancy right and they could apply for commutation of rent which right was never exercised.

The situation did not change very much even after independence except that the temporary lessees under the ex-intermediaries were granted ryoti right under the Orissa Land Reforms Act after abolition of the estates. The oppression of the zamindars ceased and illegal exactions stopped. But the consciousness of the tenants regarding their rights over lands cultivated by them on Bhag basis was never roused. Under the Orissa Tenant's Protection Act, 1948 the Bhag-chasis were protected against arbitrary eviction and rackrenting by their landlords and this was also reiterated and strengthened in the Orissa Tenants Relief Act, 1955. Bhag-chasis in general did not come forward to enforce this right particularly for payment of lawful rent (1/3rd of the gross produce for occupancy tenants, 2/5th for non-occupancy tenants under the Orissa Tenants Projection Act and 1/4th of gross produce under the Orissa Tenants Relief Act) rather than the customary Bhag of 50 per cent of gross produce. The practice of Bhag-chas was quite rampant in the past and continues unabated even till today in spite of statutory restrictions under the Orissa Land Reforms Act since 1st October 1965.

In the ex-state of Nilagiri a peasant agitation started in the year 1928 for demanding abolition of Bethi (forced labour) and other forms of Abwabs. Here also many cesses and fees were collected forcibly some of which went to the private treasury of raja and were not credited to the state treasury. On special occasions, such as Shikar, Kheda, preparing roads for Shikar, carrying wood, coal and straw for the palace, attending to the tours of the officials, extinguishing fire in the jungle, carrying luggage of the officers, and clearing the aeroplane ground, a paltry sum (2 to 6 pice) was paid to labourers. Rasad which means forced supply of articles demanded by the raja or his officers played its part of oppression

along with Bethi. Sarbarakars were fined for failing to supply Rasad to raja's camp. Fruits, sweetmeats, soda water, lemonade, No. 555 cigarettees, foreign liquor and food articles which were not available locally were also supplied free of cost by the people procuring these either from Baleshwar or Calcutta. He-goats, fowls, and milch cows were also supplied free of cost to the raja. Besides these taxations, Magan was collected on the occasion of raja's marriage, marriage ceremony of any of the sisters or near relatives of the raja and the sacred thread ceremony at the rate of 50 per cent to 75 per cent of rent. Suniya Bheti was given to the raja on the day of Suniya (Oriya New Year's Day) by all the officers, Sarbarakars, Bhadraloks (respectable men), Lakhrajdars, Purohits and distant relatives of the raj family. There was a Puncha system which means people must supply fuel and straw for use in the palace at nominal price.

In 1928, the Raja of Nilagiri assessed on the tenants a heavy Abwab in connection with the celebration of the marriage ceremony of his daughter. There had already been discontentment among the tenants due to high taxation and extraction on various pretexts as indicated earlier. So, they did not ageee to the assessment of further enhancement of Abwab and revolted against it. The raja started oppression. The tenants on the advice of Dr. Harekrushna Mahtab left the state and came in thousands to Baleshwar. Dr. Mahtab wired Rev. C. P. Andrews to come Orissa and look to the situation himself. It was at his intervention that a settlement could be arrived at and the raja agreed to pay proper remuneration for services obtained from the people. The tenants then closed down the agitation and returned home. In the book "India and Simon Commission", Rev. Andhrews wrote, "shortly after the departure of Mahatma Gandhi from Orissa for the Madras Congress about a thousand residents of a neighbouring Garjat ran away to Baleshwar with stories of relentless cruelty and oppression perpetrated on them. Their allegation was that the Raja was squandering away everything in luxury; that there were no accounts maintained of the rents realised, that people's suffering had exceeded all limits and many of them had left the State in search of justice. They were waiting at Baleshwar for months together with endless patience which could be compared with the patience of Job in the Bible." They were firm that they would not return home until their sufferings were remedied. At Baleshwar some Swaraj workers had also helped these poor people by saving them from starvation. The situation changed after merger of the state in Orissa with effect from the 1st January 1948 when the raiyats came directly under the State Government.

LAND REFORMS

With the implementation of land reform measures various incidence of land tenures described in the preceding paragraphs have only historical significance. The incidence of rights and liabilities, etc., of those tenures have either been obliterated or substantially modified since the attainment of independence in August 1947 owing to abolition of intermediaries. Pending enforcement of comprehensive land reform measures certain ad-hoc enactments like of Orissa Tenants Protection Act, 1948 and the Orissa Tenants Relief Act 1955 were enforced to prevent arbitrary eviction and rack-renting of the tenants by the landlords. Land Reforms in its proper sense began with the enforcement of the Orissa Estates Abolition Act, 1951 (Act I of 1952), which may be considered as the greatest revolutionary measure in the field of land reforms. The objective of bringing the actual cultivation in direct relationship with the state was achieved in two phases. The first phase consisted of enforcement of the Orissa Estates Abolition Act which sought to abolish all intermediaries between the state and the raiyat, and the second phase was the enforcement of the Orissa Land Reforms Act with effect from the 1st October 1965 which aimed at abolishing all raiyat-intermediaries between the state and the actual cultivator where the raiyat himself was not in cultivating possession of the land, by prohibiting Bhag-chas.

The broad feature of these two revolutionary legislations are described in brief in the following paragaphs with their impact on the land tenures in Baleshwar district.

Orissa Estates Abolition Act, 1951

This Act came into force with effect from the 9th February, 1952 and it provided for abolition of all rights, title and interest in land of all intermediaries by whatever name known between the riayat and the state of Orissa and authorised the State Government to issue notification from time to time declaring that any estate has passed to and became vested in the state free from all encumberance. An intermediary with reference to any estate was defined as proprietor, sub-proprietor, landlord, land-holder, Malguzar, Thikadar, Gaontia, tenure-holder, under-tenure-holder and included an Inamdar, a Jagirdar, Jamindar, Illaquadar, Kherposhdar, Praganadar, Sarbarakar and Maufidar including the ruler of an Indian state merged with the state of Orissa and all other holders or owners of interest in land between the raiyat and the state. A raiyat was defined as a person having right of occupancy according to the tenancy law or rules or custom prevalent in that area. On publication of the notification,

the entire estate shall vest absolutely in the State Government free from all encumbrances and the intermediary shall cease to have any interest other than the interest expressly saved by or under the provisions of this Act for which he will get compensation as fixed under the Act. What was saved in favour of the intermediary was the homesteads in possession of the intermediary which he will retain on payment of rent as an occupancy tenant (Section 6 of the O. E. A. Act). Besides he will also retain all lands used for agricultural or horticultural purpose which were in his "khas possession" on the date of vesting which will be settled with him on raiyati status on payment of fair and equitable rent (Section 7 of the O. E. A. Act). Such lands held by temporary lessees were also to be settled with him on similar terms if he was the owner of less than thirty-three acres of land in total extent situated within the state. Temporary lessee (tenants without occupancy rights) under the 'intermediary,' owning more than 33 acres on the date of vesting and Jagir-holders who are village servants would be deemed to be tenants under the State Government and hold their lands under the same terms and subject to the same restrictions and liabilities under which they held the lands before the date of vesting (all such tenants were to attain raiyati status under provisions of the Orissa Land Reforms Act). But Jagir-holders for rendering personal service to the intermediary shall be discharged from the conditions of such service and lands in their possession will be settled with them on raiyati tenure. All such persons claiming raiyati status under the Act were to apply for settlement of lands before the Tahasildar within a prescribed period. As many persons failed to apply within the period prescribed, Government extended the period from time to time by executive instructions and ordered to treat the application for settlement as lease applications. The Collector was given the authority to cancel any lease given or transfer made of any land by the intermediary at any time after the 1st January 1946 if such lease or transfer was made with the object of defeating any provisions of the Act or obtaining higher compensation therunder after making necessary enquiries and after giving opportunity to the parties concerned to appear and be heard (section 5 (i) of the O. E. A. Act). Subsequently from May 1986, Deshata Jagirs (village servants holding Jagir lands) were also abolished and the Jagirdars were treated as occupancy raiyats.

On the 27th November, 1952 the first batch of notification under section 3 of the Act vesting 271 permanently settled and temporarily settled estates were issued. The zamindar of Kanika whose estate partly lay to the extent of 453 sq. km. in Baleshwar filed a writ petition in the High Court of Orissa for directing the State Government not to interefere in his rights and not to take possession of his estate which was ultimately dismissed. In the next batch

of notifications 472 temporarily estates vested in 1953. In 1954, 2651 estates vested. Between 1956-64, 11 estates vested. Thus a total of 3405 proprietory estates vested in the State Government under the O.E.A. Act. It may thus be seen that in Dalziel Settlement period the number of temporarily settled estates was 2394 and the number of permanently settled estates was 150. Against 2544 estates, the number of proprietory estates increased to 3405 mainly due to partition among the co-shares of the temporarily settled estates. Besides the right, title and interest of sub-proprietors, tenure-holders, and revenue-free tenures and revenue-free estates were also abolished in different phases. One sub-proprietory estate vested in 1957, 257 such estates vested in 1958 and 895 in 1959. Thus interests of 1153 sub-proprietoy estates vested by 1959 (in Dalziel Settlement period there were 1046 sub-proprietory tenures). Between 1956-1963 interests of 40,502 tenure-holders were abolished. (In Dalziel Settlement period there were 35,917 tenure-holders in temporarily settled estates and 2820 in permanently settled estates). 334 tenures in Nilagiri ex-state vested in 1963. The records maintained in the Collectorate relating to the particulars of revenue-free and tiny estates were hopelessly out-of-date. Since notifications have to specify particulars regarding the estate to be vested it was thought that mentioning incorrect particulars may lead to serious legal difficulties. The Act was therefore amended authorising the Government to issue general notifications for vesting without mentioning the name of any intermediaries, but only describing the class to which the estates belong. After this amendment general notifications were issued abolishing all intermediary interests including interests of revenue-free estates. Three revenue free estates had vested in 1959 and two in 1960. But in 1963 as many as 34,231 revenue-free estates in Baleshwar proper and 5054 in Nilagiri vested. (Dalziel had recorded 34,627 revenue-free estates in Baleshwar.)

Out of 39,285 revenue-free estates that vested in the entire district of Baleshwar, 5739 were religious and charitable institutions some of which could come under the definition of "trust estate". A "trust estate" as defined in the 1955 amendment of the Orissa Estates Abolition Act was an estate the net income of which was dedicated exclusively to charitable or religious purposes of a public nature without any reservation of pecuniary benefit to any individual. Initially trust estates were treated on par with other estates without being given a separate treatment. They therefore vested along with other estates in the state and so the Jagir lands given for Seva-puja of the deities could not be saved. But in 1970 the O.E.A. Act was amended eliminating the religious and charitable trusts from the ambit of vesting notifications as properties of such estates

constituted the main source of income of the trust. Thus Jagirdars who were rendering various service to the public deities were allowed to continue as before. But again in 1974 Government decided to abolish all intermediary interests including those of trust estates. This decision was prompted by an important development in the field of revenue administration. Land revenue rent payble to Government was abolished in 1970. But this benefit was not available to raiyats holding land under the trust estates. By virtue of notification dated the 18th March 1974 all these trust estates were again abolished. As usual the holders of ex-trust estates were allowed to file claims for settlement of lands in their Khas possession under sections 6 and 7 of the O. E. A. Act within a prescribed period, and thereafter the revenue officers were authorised to start *sou-moto* cases without waiting for applications. All the incidence of rights and obligations created under the O. E. A. Act continued to be applied to the trusts. Trust estates except the Jagir-holders holding lands for Seva-puja of the deities would continue as before in spite of the vesting and further the property of the nature of Sairat like, Hat, bazar, orchard, mine, quarry or tank, etc., which were needed for carrying out the purpose of the trust efficiently would not vest but would be settled with the trust on payment of fair and equitable rent. The Orissa Land Reforms Act recognised their right to give lands on lease if they were declared as privileged raiyat" within the meaning of section 2 (24) of the O.L.R. Act. But this benefit was not extended to Maths as Maths were treated differently from trust estates. In the district of Baleshwar 4,142 institutions have been declared as trust estates under section 13-D of O. E. A. Act and 1687 have been declared as privileged raiyats under section 2 (24) of the O. L. R. Act. Out of this 1483 are temples, 15 Maths and 187 wakf properties. Compensation to the extent of Rs. 2,01, 22,465/-has so far been awarded to all intermediaries including trust estates. An arrear annuity of Rs. 40,221/- has been awarded in favour of 2791 trust estates.

In Baleshwar district 93,784 compensation cases were started, out of which 90,019 have been disposed of. Compensation of over 2 crores of rupees has been awarded till the end of March, 1987. Cases instituted and disposed of in all the Tahasils of the district under various sections of Orissa Estates Abolition Act are given below;

40,167 cases were started for settlement of lands under sections 6 and 7 of the Orissa Estates Abolition Act in Khas possession of the ex-intermediaries including trust estates and all these cases have since been disposed of by March, 1987. No information or statistics is available regarding the extent of land, the number of beneficiaries and the amount of rent settled. It was, however, found that some intermediaries of petty and small revenue-free estates and tenures could not

avail of the opportunity of filing their claims/petitions in time due to their ignorance of law. Moreover, by the time settlement operation started many cases had not been disposed of by the Tahasildars. Alj such cases have been recorded under Bebandobast (ବନ୍ଦୋବସ୍ତ) status in the current settlement records.

3,204 cases were started under section 8 (3) of Orissa Estates Abolition Act for settlement of lands in favour of Jagirdars doing personal service. All such cases have also been disposed of. No information is available regarding the extent of land settled, and the number of beneficiaries. Where cases had not been disposed of by the time settlement operations started, such Jagir lands have also been recorded in Bebandobast status. The Settlement Officer reports that in 3,305 villages completed so far from settlement operations in the district (This does not cover 418 villages transferred to the Consolidation Organization), as many as 57,309 holdings with an extent of 53,809 acres have been recorded in Bebandobast status. These lands if not covered by proceedings u/s 6,7 and 8 (3) of the Orissa Estates Abolition Act will either vest in Government or be settled with the beneficiaries by the Tahasildars on fixation of fair and equitable rent. Government is losing a lot of money by not settling them in favour of persons who are entitled to such settlement or by not starting encroachment cases against persons in possession if they are not covered by the proceedings under the Orissa Estates Abolition Act.

11,268 cases were started under section 5 (i) of the Orissa Estates Abolition Act, out of which 11,048 have been disposed of leaving a balance of 220 by March, 1987. No information is available regarding the extent of land in which the leases have been declared void and the extent of land confirmed. It has been observed elsewhere that there was substantial accretion of land from the sea after the last revision settlement. The ex-intermediaries had leased out most of these lands in favour of persons from outside Orissa in preference to the legal claims of the villagers. Most of these lands appear to have been leased out after vesting by giving back-dated receipts/documents. The district administration should take steps for declaring all such illegal leases void.

As stated above many ex-intermediaries/Jagirdars could not file claim petitions within the prescribed period for settling lands in their possession in their favour. All such cases were ordered to be treated as lease cases under Orissa Estates Abolition Act. 66,600 cases were started either on application or *suo motu* by the Tahasildars. Out of this 66,219 have been disposed of by December, 1986, having a balance of 381 . No information is available regarding the extent of land settled and the number of beneficiaries.

Before enforcement of Land Reforms proper the private land (lands held on the date of merger by a ruler free of rent) of rulers of ex-states were made liable to assessment and levy of rent under the Orissa Private Lands of Rulers (Assessment of Rent) Act, 1958. Under this law private land belonging to the Raja of Nilagiri and his relatives and dependants were assessed to rent. Chowkidari system was abolished under the Orissa Offices of Village Police (Abolition) Act, 1964. The Jagir lands held by the Chowkidars were resumed and vested in State Government but they were settled with rights of occupancy on fixation of fair and equitabe rent but free of Salami in favour of the Chowkidars or his co-sharers or tenants as may be found in possession of such lands on the appointed date. Government later ordered that if any Chowkidar had no Jagir land, Government waste land and even Gochar lands could be settled with them, if available, free of Salami in the same or in the neighbouring village.

These Chowkidars who held offices more or less on hereditary basis were later re-placed by Grama Rakshis appointed under the Orissa Grama Rakshi Act, 1967.

Orissa Land Reforms Act, 1960

This Act came into force with effect from the 1st October, 1965 except Chapters III and IV. Chapter III providing for resumption of land from temporary tenants for personal cultivation and for the giving raiyati rights to the irresumable lands to such tenants became effective from the 9th December 1965. Chapter IV relating to fixation of ceiling and disposal of ceiling surplus land became effective from the 2nd October 1973. The main features of the Act as subsequently amended from time to time and its effect on the land tenures in the district are summarised in the following paragraphs;—

Chapter II relates to raiyats and the tenants under them. It enumerates the different categories of persons who shall be deemed to be raiyats for the purpose of the Act. In addition to all the persons having right of occupancy, it includes in the category of raiyats (where they had not already acquired such right under the relevant laws)—

(a) persons entitled to acquire right of occupancy in the Khammar lands of the rulers in any ex-state and persons holding lands on service tenure under the ruler or under any member of his family;

(b) temporary lessees in the personal cultivation of lands in vested estates except 'Char' and 'Diara' and Utbandi lands; and

(c) recorded sub-tenants and under-raiyats except those recorded after the 30th September, 1965 in respect of lands belonging to a person under disability or to a privileged raiyat.

In order to acquire the right of a raiyat, the temporary lease, the sub-tenant or the under-raiyat, as the case may be, or his successor-in-interest (heritability to such temporary tenant was conceded for the first time by an amendment of the Act in 1976) has to apply to the Tahasildar for settlement of the land with him within a prescribed period as extended from time to time and on payment of compensation at the rate of eight hundred rupees per standard acre of land to be paid in five equal instalments as may be fixed by the Tahasildar (originally this was fifty per cent of the market value). 13,425 persons got raiyati right over 13,685 acres of land in Baleshwar district till the 31st December 1986 under this provision of law. A raiyat liable to pay produce rent shall not pay more than 1/8th of the gross produce or equivalent thereof. The right of a raiyat is permanent heritable and transferable but he shall have no right to lease out his lands unless he is a "person under disability" or is a "privileged raiyat". The right of transfer of raiyati land has been made void from 1976 for a period of ten years without obtaining prior permission from the Tahasildar in respect of lands settled for agricultural purposes, except transfers made in favour of Scheduled Bank or a co-operative society by way of mortgage. He is liable to eviction if he,

(a) has used the land comprised in his holding in a manner which renders it unfit for the purpose,

(b) has leased out the land in contravention of the provisions of the Act, or

(c) has used the land for any purpose other than agriculture

Conditions (b) and (c) are new obligations of the raiyat which were not there either in the Orissa Tenancy Act or in the Merged State (Laws) Act. Although Bhag-chas has been prohibited since 1st October 1965, raiyats who are neither "persons under disability" nor "privileged raiyats" continue to lease out their raiyati lands in full or in part to tenants and are realising about fifty per cent of the produce with impunity. Not a single case has been started for eviction of the raiyat for leasing out his land in contravention of the law. No tenant is willing to enforce his right of acquiring raiyati right over such land by applying to the Collector for fear of being evicted by the landlord. The cost of personal cultivation has become prohibitive owing to sharp increase in cost of agricultural labour and inputs. Bag-chas is likely to continue indefinitely till personal cultivation

continues to be unremunerative and till the tenants remain unaware of their rights or are unwilling to enforce them. Enforcement of their right in litigation is not easy. Similar is the case with regard to use of land for purposes other than agriculture. Although large scale conversion of agricultural land for non-agricultural purposes has taken place, no step has yet been taken for evicting the raiyat. These two provisions of law have, therefore, remained inoperative in practice.

The transfer of land by a raiyat belonging to a Scheduled Tribe/Caste shall be void unless it is made in favour of a person belonging to a Scheduled Tribe/Caste or with the previous permission in writing of the Subdivisional Officer*. The Revenue Officer shall not grant such permission unless he is satisfied that a purchaser belonging to a Scheduled Tribe/Caste and willing to pay the market price is not available. The S. D. O. *suo motu* or on application by any person interested shall cause restoration of the property thus illegally interested to the transferer or his heirs after causing necessary enquiry. The transferee after being evicted from such land shall not be entitled to the refund of any amount paid by him to the transferer by way of consideration money. Similar provisions apply to unauthorised occupation of the whole or part of holding of a S. C./S. T. raiyat by way of tresspass or otherwise. In such cases, the adverse possession in favour of the occupant will be "thirty" years instead of "twelve" years as provided in the Limitation Act, 1963. 1,065 cases were started for restoration of S. C./S. T. lands illegally transferred or forcibly occupied out of which 993 cases had been disposed of by the 31st December, 1986 in which 273 acres were restored in favour of 469 persons. This provision of law in the O. L. R. Act is not applicable to Nilagiri Block No. 1 which has been declared as a Scheduled Area under the Scheduled Area (Constitution) Order in 1977. A similar law, namely, the Orissa (Scheduled Areas) Transfer of Immovable Property (by Scheduled Tribes) Regulation, 1956 (Regulation 2 of 1956) is applicable to this area, in respect of lands belonging to the Scheduled Tribes.

A raiyat or a tenant of a village having no permanent and heritable right in respect of any site on which his dwelling house or farm house stands is entitled to get raiyati right on it or on a portion thereof not exceeding 1/5th of an area. 768 such persons have got raiyati rights over 110 acres of homestead lands under this Act up to the 31st December 1986.

A tenant with temporary right (Bhag-chasi) shall not be liable to pay more than 1/4th of the gross produce of the land or value there of as produce-rent subject to a maximum of 8, 6, 4, 2 standard

*Now designated as Sub-Collector.

maunds of paddy or value thereof respectively for 1st, 2nd, 3rd and 4th classes of land. This right has been made heritable (but not transferable) under the Orissa Land Reforms (Amendment) Act, 1976. The landlord has right to evict such a tenant only if the tenant—

(a) has used the land in a manner which renders it unfit for the purpose of agriculture; or

(b) has failed to cultivate the land properly or personally; or

(c) has failed to pay or deliver to the landlord the rent within a period of two months from the date by which it becomes payable, there being no dispute regarding the quantum of such rent.

Besides the tenant shall also cease to have the right to cultivate the land if the landlord is a "person under disability" at the end of the year during which the disability ceases or if the landlord being a privileged raiyat/person under disability ceases to be the landlord. A person under disability is defined as a-

(a) widow, unmarried or divorced woman;

(b) minor;

(c) person incapable of cultivating by reason of some mental or physical disability;

(d) a serving member of the Armed Forces;

(e) a person, the total extent of whose lands held in any capacity does not exceed three standard acres (till 1976 this limit was five standard acres).

A standard acre is defined as equivalent to one acre of class-I land (irrigated land capable of growing two or more crops a year). $1\frac{1}{2}$ acres of class-II land (irrigated land in which not more than one crop could be grown in a year), three acres of class-III land (unirrigated land capable of growing paddy) and $4\frac{1}{2}$ acres of class-IV land (any other land). A privileged raiyat is defined as (a) a co-operative society, (b) Lord Jagannath and his temple and (c) any trust or other institutions declared as such under the Act before commencement of Orissa Amendment Act 17 of 1973 or by a competant authority under the Orissa Estates Abolition Act or by the Tribunal to be a religious or charitable trust under section 57-A or any public financial institution. 1687 religious and charitable institutions have been declared as "privileged raiyat," but the number of persons declared as "persons under disability" is not available.

Chapter III provides for resumption of land by the landlord for personal cultivation. Protection to temporary tenants from arbitrary eviction had continuously been given since 1948 when the Orissa Tenancy Protection Act was passed. A right to resumption of land for personal cultivation upto seven standard acres was given under the Orissa Tenants Reliefs Act, 1955. But the time allowed for exercising the option was very short. Under the Orissa Land Reforms Act provision was made to the effect that landlord wishing to resume land for personal cultivation should indicate his desire to do so both to the Tahasildar and to the tenants concerned within a specified time. This right of resumption was somewhat restricted in the sense that a landlord was entitled to resume not more than a fixed portion of the land from the tenant. Where the landlord failed to cultivate the land personally after resumption, the land would revert to tenant who can acquire raiyati right on payment of compensation. If the tenant does not acquire tenancy right in the resumable land which is not resumed by the landlord on payment of compensation within a specified period the land will revert to the landlord. A tenant was also given similar right to apply for raiyati right on non-resumable land. Besides, the Tahasildars were given *suo moto* powers to confer raiyati right on tenants, if they failed to apply in time. Bhag-chas having been prohibited with effect from the 1st October 1965 except by "whom persons under disability" or by "privileged raiyats", any to whom land is leased out after the 1st October 1965 in contravention of the provisions of the Act is entitled to get raiyati right either on application or by *suo moto* action by the Tahasildar. An extent of 5,865 acres have been settled on raiyati basis in favour of 5,486 tenants till the 31st December 1986 under Chapter III of the Orissa Land Reforms Act but the extent of land resumed in favour of raiyat-landlords for their personal cultivation is not available. Out of 14800 cases instituted, only 13 cases were pending by the 31st December 1986.

Chapter IV relates to fixation of ceiling and disposal of ceiling surplus lands. As originally enacted, the ceiling was 20 standard acres per person which included within its definition a joint Hindu Mitakshara family. But its operation was stayed as the ceiling limit was considered excssive which would defeat the objective of distributive justice. To pevent transfers of surplus lands in excess of the reduced ceiling to be fixed later, an Ordinance was promulgated with effect from 17th August 1972 prohibiting transfer of lands by owners having more than ten standard acres. After effecting necessary amendments the amended Act became effective from 2nd October 1973 in which the ceiling limit was fixed at 10 standard acres for a family of not more than five members. Where a family consists of more than five members the

ceiling erea will be increased by two standard acres for each member subject to a maximum of 18 standard acres. A family in relation to an individual means the individual, the husband or wife, as the case may be, of such individual, and their children, whether major or minor, but does not include a major married son who as such had separated by partition or otherwise before 26th September 1970. After determination of ceiling surplus lands in the prescribed manner by filling returns within a prescribed period or *suo moto* by the Tahasildar, as the case may be, the said lands shall vest absolutely in the Government free from all encumbrances. For the vested lands the owners will get certain amount (no compensation) varying from Rs. 800/- to Rs. 200/-per standard acre depending on the extent of ceiling surplus land to be vested. 70 per cent of the ceiling surplus lands will be settled with persons belonging to Scheduled Tribes and Scheduled Castes and 30 per cent in favour of others according to a certain order of priority, preference being given to landless agricultural labourers, up to 7/10 standard acres of land on payment of Salami at the rate of Rs. 400/- per standard acre of land. Payment of Salami has been ordered to be waived with effect from 1st November 1985 on the occasion of first death anniversary of the late Prime Minister, Indira Gandhi. Till 31st March, 1986 an extent of only 1865.78 acres of ceiling surplus lands have been allotted in favour of 3880 beneficiaries, of whom 1847 are Scheduled Castes and 637 Scheduled Tribes. To raise the poor landless allottees above the poverty line a central scheme of financial assistance for improvement of the allotted land and for purchase of inputs is in operation from the year 1975-76. The quantum of assistance which was Rs. 1000/-per hectare has been raised to Rs. 2500/- per hectare from the year 1983-84. Till 31st March 1986, an amount of Rs. 2,38,053 has been released in favour of the allottees both by the Central and the State Governments on 50: 50 basis.

BHOODAN

In the early part of fifties, Acharya Vinoba Bhave initiated a movement called Bhoodan Yagna for acquisition of land through voluntary gift with a view to distributing the same to the landless persons. To facilitate donation of lands in connection with Bhoodan Yagna and to provide for distribution of such lands and for matters of ancillary there to, the Orissa Bhoodan Yagna Act was enacted in 1953 which if implemented with the spirit with which the movement was ushered in, would have brought in a revolutionary change in the ideas of land ownership. It provided for the establishment of a Bhoodan Yagna Samiti in favour of which donation of land could be made by the land-owners. Distribution of donated land was made through the Samiti in the prescribed manner. Certain restrictions were placed on the allottees

in the matter of transfer and disposal of the allotted lands. The total extent of land donated and distributed to the allottees under Bhoodan/ Gramdan is 1424 acres till 31st December 1986. 968 Bhoodan cases were started, out of which 374 were confirmed, and 517 rejected. 77 cases are still pending for disposal by 31st March 1986.

WASTE LAND SETTLEMENT

As has already been stated there were no intermediaries with landed interest between the state and the raiyat in the ex-state of Nilagiri. In this ex-state waste land allotment was being made directly by the Durbar Administration The rest of the district was a zamindari area excepting a small area of 18, 558 acres (7510.19 hectares) in 19 Khasmahals and allotment of land was made either by proprietors, or by sub-proprietors or by tenure holders or their officials according to the degree of ownership each class of tenure had over the estate. Thus the landlords had the absolute power to lease out waste and forest lands including in some cases reserved lands like Gochar until this power was restricted by the Orissa Preservation of Private Forest Act 1947. This Act was followed by the Orissa Communal, Forest and Private Lands (Prohibition of Alienation) Act, 1948 (Act I of 1948), which was enacted to prohibit retrospectively from 1st April 1946 alienation of communal, forest and private lands without prior permission of the Collector. Section 61 of the Orissa Tenancy Act provided that no waste land could be reclaimed by the raiyat without the written consent of the landlord. But the consent of the landlord was presumed if within 4 years from the date on which the raiyat commenced reclamation the landlord has not made any application to the Collector for his ejectment. Thus all encroachments over wastelands could be legalised as raiyati lands, as no landlord had exercised this right of filing application for ejectment. This law also applied to government lands in Khasmahal areas where the Government was the landlord until section 61 was made inapplicable to the Government lands under section 5 of the Orissa Government Land Settlement Act 1962. After abolition of the estates there was no law authorising any appropriate authority to lease out wastelands for agricultural or other purpose, except what was contained in a set of executive instructions in the Government Estate Manual. Government for the first time prescribed a set of principles for settlement of wastelands in their order dated 26th Ocober 1964 called Approved Lease Principles". This rule prescribed a priority of settlement outside reserved areas in favour of the Scheduled Castes and the Scheduled Tribes having lands less than five acres to the extent of 5 acres only including homestead lands. The landless persons belonging to other backward classes and other landless persons would get preference next to the landless S. Cs. and S. Ts. Persons having lands exceeding five acres were not to get any settlement of wastelands but all encroachments prior to 13th September, 1961

which were not objectionable were to be settled with encroachers irrespective of the area owned or encroached on payment of a nominal Salami of Rs.50/-to Rs.150/-according to the quality and productivity of the land. Under this rule the Tahasildars appear to have freely exercised powers to lease out government lands including those with good forest growth even in favour of persons who were not agriculturists. This happened because definition of "landless person" was not correlated to the source of livelihood. The definition of "landless person" was subsequently modified on 29th May 1965 to mean a person having no profitable income or livelihood other than agriculture if he owns either as tenant or as raiyat less than five acres of land including land held as such by any member of his family living with him in one mess. The Approved Lease Principles" were followed by the Orissa Government Land Settlement Act 1963 which came into force from 1st January 1965. This Act was supposed to supercede the executive instructions contained in the Approved Lease Principles", but the lease principles being more exhaustive were followed in toto as the O. G. L. S. Act as enacted in 1962 contained a lot of lacunae. Major changes removing most of the lacunae were effected in the Presidential Act 22 of 1973 which came into force from 1st February 1974. This Act also underwent further amendment in 1975 and in 1981 to make its implementation more effective. Government also amended the lease principles by issuing executive instructions from time to time. Under the revised instructions encroachments made prior to 16th August 1972 could be settled with an encroacher to the extent he was landless. In the definition of landless 2 acres was substituted for 5 acres for settlement of unobjectionable encroachments. But for S. Cs. and S. Ts. the limit of five acres for landless remained unaltered. The lease principles besides making provisions for settlement of land for agriculture also made provisions of settlement of homestead lands in rural, semi-urban and rapidly developing areas according to a certain order of priority. Settlement of land in urban areas was made under the Orissa State Urban Land Settlement Rules, 1959.

The present law regarding settlement of government lands is that 70 per cent of the settleable lands shall be settled with persons belonging to the Scheduled Castes and the Scheduled Tribes in proportion to their respective population in the village in which the land is situated, and the remaining shall be settled with other persons in the following order of priority:

(a) co-operative farming societies formed by landless agricultural labourers;

(b) any landless agricultural labourer of the village in which the land is situated or of any neighbouring village;

(c) ex-servicemen or members of the Armed Forces of the Union, if they belong to the village in which the land is situated;

(d) raiyats who personally cultivate not more than one standard acre of land;

(e) in the absence of persons belonging to any of the foregoing categories, any other person.

No government land shall be settled in urban areas for agricultural purposes. Lands covered by forest growth or recorded as forest shall not be settled for any purpose whatsoever without prior approval of Government In each village, land for homestead purpose shall be demarcated separately and no settlement shall be made outside the demarcated areas. The statutory rules now provide for settlement of house-sites in urban areas. The powers of sanction of settlement of government land for various purposes have been specified in the Schedule II of the Orissa Government Land Settlement Rules 1983. Power for settlement of land beyond the delegations made there in for purposes other than agriculture shall lie with the Government. The Tahasildar's power of settlement for agricultural purposes in favour of landless agricultural labourers is limited to one standard acre and for homestead purpose up to five decimals subject to confirmation by S. D. O. (Sub-Collector.)

No reliable figure is available regarding extent of land settled under the lease principles or under the Orissa Government Land Settlement Act prior to 1974-75. But from 1974-75 up to 31st March 1986 the extent of land settled with the landless persons is 4,727 acres in favour of beneficiaries. Out of them the number of S. T. beneficiaries is 2,724 who have got 1,785 acres and the number of Scheduled Caste beneficiaries is 1802 who have got 1473 acres. Providing homestead to homesteadless persons is included in the 20-point Programme and Government also have laid emphasis on providing homesteads free of cost to poor people in the villages. Even in some urban and fast developing areas the homesteadless persons are being given land up to 4 decimals free of cost. From the year 1974-75 to 31st March 1986, 10,764 families have got 509 acres of land out of which 5,299 Scheduled Tribes got 266 acres and 3,221 Scheduled Castes families got 138 acres. Section 6-A of the Orissa Land Reforms Act prohibits transfer of such lands within a period of 10 years without the permission of the Revenue Officer (Tahasildar) and Section 3-B of the O. G. L. S. Act, authorises him to resume such lands if it is used for any purpose other than that for which it was settled. No case has yet been started for taking action for enforcement of this provision of law.

Encroachments

Encroachment on wasteland was always being encouraged by the zamindars in the interest of realisaton of rent from the cultivators. Encroachments on communal/reserved lands were being dealt with as public nuisance under provisions of the Criminal Procedure Code or the encroachers were being prosecuted under section 290 of the Indian Penal Code which was an indirect method. But under section 61 of the Orissa Tenancy Act an encroacher could acquire an occupancy right even if the land was Rakshit. After abolition of intermediaries which resulted in vesting of all waste/jungle/ Rakshit/ communal lands in the State Government free from all encumbrances, the Orissa Prevention of Land Encroachment Act was passed in 1954 for prevention of unauthorised occupation of Government land which included in its definition lands of local authorities/corporations/ companies owned or controlled by the State Government. This Act was replaced by the O. P. L. E. Act, 1972 which has since undergone several amendments, one in 1975, another in 1976, a third in 1979 and a fourth in 1983. This Act gave summary powers to Tahasildars for eviction of encroachments and for levy of assessment, penalty and for imprisonment in civil jail. This Act also provides for settlement of land in favour of encroacher, if the encroachment is unobjectionable in favour of certain categories of poor persons up to one standard acre in rural areas for agricultural purposes and 1/20th of an acre in urban areas for homestead. In spite of such stringent provision of law, encroachments both in rural and urban areas are rampant. In spite of the circulars issued by the Board of Revenue and the statutory provision in O. P. L. E. Rules to cover all cases of encroachments by O. P. L. E. proceedings, encroachment cases are started only in respect of a few encroachments. Whatever cases are started are not pursued and they continue indefinitely from year to year. According to entries in the encroachment case registers of the Tahasildars, 40,163 cases were started, out of which only 2,509 were disposed by 28th February 1987, most of which were probably ended in settlement rather than in eviction.

SURVEY AND SETTLEMENT

The current settlement operation in the district started in the year 1961 for simultaneous operation (survey, record-of-rights preparation and settlement of rent) under section 36 of the Orissa Survey and Settlement Act, 1958, just 30 years after the last revision settlement was finalised in the year 1932. Notifications bringing different area of the district within the purview of the settlement were issued between the years 1960 and 1979. The programme covered the whole district including the ex-state of Nilagiri, excluding 345 villages of Basta police-station and 1 village, namely,

Nampo of Jaleshwar police-station. (These 346 villages were subsequently intended to be covered under the Consolidation operation which were notified in the years 1974—1976). Baleshwar district formed a wing of Baleshwar-Mayurbhanj Major Settlement with headquarters at Baripada, with one or two Charge Officers at Baleshwar. Initially it functioned as a part of Cuttack Major Settlement until its separation on the 1st April 1964. Before taking up Survey and Settlement operation the district had a total of 4,442 villages. 345 villages of Basta police-station and 1 village of Jaleshwar police-station were covered by the Consolidation operation before settlement operation was taken up in these areas. Another batch of 91 villages consisting of 71 villages of Bhadrak police-station and 20 villages of Singla police-station were taken up by Consolidation Organization while settlement operation was in progress. Thus 4,005 villages were left for completion of settlement operation. 73 villages were amalgamated with the neighbouring villages and 29 villages were newly formed from the existing villages with the approval of Board of Revenue by resorting to Boundary Change Proceedings under Rule 61 of the Orissa Survey and Settlement Rules, 1962. The total number of villages thus were reduced to 3961 villages. These villages were divided into seven blocks (A, B, C, D, D-I, E, F.) according to the year of initiation of operation. By the end of December, 1987, settlement operation has been completed in respect of 3,315 villages between the years 1969 and 1978, leaving 646 villages which are at different stages of operation. (In this settlement there has been a great time-lag between initiation and completion of settlement very much unlike the work in all other previous settlements. The period has varied from 8 years in case of Soro, Bant, Remuna, Khaira police-stations to 24 years in case of Dhamnagar and Bhandaripokhari police-stations). Out of 646 villages, 13 villages are at the stage of Bujharat and attestation, 93 under Draft Publication and Objection Hearing and 540 villages are awaiting the last stage of operation, i.e., Final Publication and Patta distribution.

The Settlement Officer has reported that the Sabik area of villages comprising the district was 1,324,486 acres (536,003 hectares). The Hal area after the settlement has been increased to 1,422,642 acres (575,725 hectares). Increase in the area is attributed to inclusion of 31 villages (41 villages of Mayurbhanj district and 1 village of Kendujhar district included and 11 villages of Baleshwar district transferred to Kendujhar district), survey of unsurveyed areas and amalgamation of some lands accreted from the sea. (The information furnished by different agencies with regard to the area of the district do not agree with each other and it is difficult to

reconcile these figures. However, the area furnished by the Settlement Officer can be taken to be reasonably reliable). The area occupied by the Reserved Forests are not included within the village area during the settlement operation.

During the current round of settlement operations, lands have been recorded mainly under four categories :

(1) raiyati land, i.e., lands held by raiyats under Sthitiban status.

(2) Government land under four Khatas, viz. Abad Jogya Anabadi, Abad Ajogya Anabadi, Sarbasadharan and Rakshit.

(3) Departmental lands, i.e., lands held by different Departments of Government.

(4) Bebandobasti, i.e., lands vested with Government under the provisions of the Orissa Estates Abolition Act, 1951 (Act I of 1952) but right, title and interest not yet decided.

There are also some lands under Chandana, Jagir, Chirasthai Jama Bisista (fixed rent) and Sikim statuses. During the last settlement operations, lands were recorded under a large number of statuses. But as a result of various land reform measures statuses have been rationalised to a great extent.

Settlement operation is being done under four stages, i.e., (1) Kistwar and Khanapuri (2) Bujharat and Attestation, (3) Draft Publication and Objection Hearing, and (4) Final Publication and Patta Distribution. Under the first stage of operation the village is surveyed and lands held by different persons, institutions, departments, etc., are separately mapped and preliminary record-of-rights prepared by causing local enquiries. In the next stage of operation extracts of preliminary record-of-rights are supplied to the land owners as well as landlords and record-of-rights explained, called Bujharat. Mistakes, omissions and commissions are enquired into and records corrected and attested. During the third stage of operation, the attested records together with assessment of rent holding-wise are put to draft publication for a period of 60 days. Objections are received and decided by offering opportunities of being heard to all interested persons and maps and records, wherever necessary, corrected. The statute provides opportunities to the aggrieved persons to file appeal and revision before the competent authorities. Lastly, record-of-rights are finally published and extract of record-of-rights supplied to the land owners.

Settlement of rent is an important work during survey and settlement operations. Rent is fixed in accordance with the principles laid down under the Orissa Survey and Settlement Act, 1958 and Rules framed thereunder. For fixing rent the villages are first grouped into 3 classes (Class I, Class II and Class III) keeping in view situation of the village, communication and market facilities, depredation by wild animals and liability to vicissitudes of season. Lands are then classified with due regard to crop or crops grown on the land, nature of soil, situation of the land in the village and source of irrigation. They have thus been classified into 36 classifications, viz., Sarad (I, II & III), Sarad Dofasali (I, II & III), Sarad Jala (I, II & III), Taila (I, II & III), Biali, Biali Dofasali, Pal (I, II & III), Baje Fasal (I & II), Bagayat (I, II & III), Jalasaya (I & II), Dalua (I &II), Ghar-bari (I & II), Rayati land used for commercial purposes, miscellaneous land, Puratan Patita, and homesteads (rural, urban and semi-urban). Varying rates of rent have been fixed (approved by Government) for each such class of land for each group of villages for each Thana so far completed from rent settlement. The variation is chiefly due to the time-lag in fixation of rent in different areas. Rent on agricultural land is fixed taking into account average price of crop or crops normally grown or land, situation of the land and the nature of the soil and maximum rent assessed on land of similar quality and productivity in the state. Rent is linked with the net profit which a land-owner derives from the land. The lands used for any purpose other than agriculture including all kinds of homestead land both in urban and rural areas is fixed having regard to situation of the land, purpose for which it is used, communication and marketing facilities and market value of the land. A statement showing Sabik and Hal rent of the police-stations completed so far from settlement operation is given below :

Sl. No. (1)	Name of the police-station (2)	Sabik rent (3)	Hal rent (4)
		Rs.	Rs.
1	Raibania	84,636·38	3,49,833·00
2	Baleshwar Sadar	1,84,123·00	4,63,284·00
3	Baleshwar Town		
4	Nilagiri	1,31,893·99	3,65,300·00
5	Berhampur		
6	Tihiri	1,49,708·00	3,88,230·00

(Contd.)

(1)	(2)	(3)	(4)
7	Bhograi	1,77,411·50	7,52,708·00
8	Baliapal	57,609·30	2,10,656·50
9	Soro	4,44,113·58	10,29,331·00
10	Remuna		
11	Khaira		
12	Bhadrak	6,64,422·00	17,25,673·00
13	Chandbali		
14	Dhamnagar		
15	Bhandaripokhari		
16	Bansada		
17	Similia	85,860·00	2,02,496·00
18	Bant		
19	Basudebpur		
20	Singla	67,449·68	3,20,720·36
21	Jaleshwar (R)	85,501.78	4,34,914.40
22	Jaleshwar (Town)		
		21,32,729·71	62,43,145·76

The increase is to the extent of 290 per cent which also takes into account fresh assessment of areas which were not assessed previously. But this has no practical implication on the raiyats as land revenue (rent) has been abolished since the 1st April 1967 except for the year 1976-77. Rent settled is notional but cess is assessed at 50 per cent of the "annual value of land" which is defined as rent fixed at the time of settlement.

There are 82 villages on the inter-state boundary, i.e. 27 villages of Raibania police-station, 18 villages of Jaleshwar police-station, 37 villages of Bhograi police-station which adjoin 90 villages of Midnapur district of West Bengal. Till December 1987 boundaries of 75 villages have been passed. Boundaries of the remaining 7 villages (3 villages of Bhograi police-station and 4 villages of Raibania police-station are in the process of reconciliation. The discrepancy in the

boundary in Sahabajpur with the adjoining village Padima in Midnapur district is at a strategic point near Digha, a recently developed tourist spot in West Bengal.

In the Bay of Bengal there are five small islands known as Shortt's and Wheeler Island. They are situated roughly at a distance of 20 km. from Chandbali. These islands were surveyed during the last settlement and the total area was 277·60 acres. Meanwhile there has been substantial accretion to 3 of these Islands. Now the total area of these islands is 465·01 acres. These are occasionally used by fishermen who go to the deep sea for catching fish. Large-sized pillars have been embedded demarcating these islands. Each pillar bears the emblem of Ashok Chakra to establish the ownership of the Government of India.

Towns have been surveyed with great care. Each town has been divided into convenient units taking boundaries along roads, lanes and other natural boundaries. The rate of rent is quite substantial being 1/4th per cent of the market value in respect of lands used for commercial and industrial purposes. Baleshwar and Jaleshwar towns have been traversed by theodolite process.

CONSOLIDATION OF HOLDINGS

As in other coastal districts of Orissa land holdings in Baleshwar have been increasingly fragmented due to unrestricted sale, partition and successions, etc., over the years. Individual holdings lie widely scattered making their cultivation laborious and expensive. This has not only reduced the productivity of land but has made onfarm development impossible resulting in increasing impoverishment of the rural life. The law regarding consolidation of holdings and prevention of fragmentation of land which is called the "The Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972" came into force with effect from the 30th November 1972. The objective is not merely to consolidate the scattered holdings to compact blocks but also planning of the rural village to co-ordinate all developmental activities in the village by providing onfarm developments like field irrigation, access road to Chaka plots, reservation of lands for community needs like schools, play ground, hospital, veterinary centre, Panchayat Ghar and house-sites for Harijans, Adivasis, etc. The pre-consolidation work in the district started in the year 1974. The programme at present (as on 31st December 1987) covers 807 villages with 1,05,226 hectares. The Director of Consolidation with headquarters at Cuttack is the Head of Department for implementing consolidation programme in the state. In Baleshwar there are two Deputy Directors, one at Bhadrak and another at Baleshwar with supervising and appellate powers for conducting this work.

600 villages with 63,459 hectares have been completed from consolidation operation. As a result of this, scatteredness of the holdings have been reduced in the following manner:

No. of sample villages taken	Total area of sample villages in hectare	Total consoli-dation plots	Total No. of Chakas formed	Total No. of land-owners
24	4,891	23,574	8,339	5,995

The remaining 207 villages with 4,1767 hectares are pending in various stages of operation.

AGRICULTURAL CENSUS

The Agricultural Census, a comprehensive sample survey is being conducted once in every five years since 1970-71 in all the states and Union Territories of India with a view to studying the entire perspective of the agricultural panorama mainly on a few salient features, namely :

(1) Number and area of operational holdings,

(2) Land Utilisation,

(3) Cropping pattern,

(4) Irrigation and tenancy.

The findings in respect of Baleshwar district for the last agricultural census conducted in the year 1980-81 is as follows:

Baleshwar district has got 4.61 lakh hectares of operated area belonging to 3.23 lakh of operational holdings the *per capita* holding size being 1.43 hectares(In the first Agricultural Census of 1970-71 the operated area was 5.91 lakh hectares belonging to 3.50 lakh operational holdings, the average size of each holding being 1·69 hectares). The Scheduled Castes and the Scheduled Tribes have possessed 0.57 lakh holdings with operated area of 0.53 lakh hectares and 0.19 lakh holdings with operated area of 0.14 lakh hectares respectively. The

per capita holding size of the above two social groups is 0.93 hectares and 0.74 hectares respectively. The number and area of operational holdings by size belonging to different social groups is given below:

Sl. No.	Size class of operational holdings (hectare)	Category	Scheduled Castes	
			No. of O. H.*	Operated size
(1)	(2)	(3)	(4)	(5)
1	Below 1.00	Marginal	38658	15364·03
2	1.00-2·00	Small	11255	14645·73
3	2.00-4.00	Semi-medium	5636	1444·37
4	4.00-10.00	Medium	1420	7479·52
5	10.00 & above	Large	114	1414·76
6	All sizes	..	57083	53348·41

Sl. No.	Size class of operational holdings (hectare)	Category	Scheduled Tribes	
			No. of O. H.	Operated size
(1)	(2)	(3)	(6)	(7)
1	Below 1.00	Marginal	13957	5905·71
2	1·00-2·00	Small	3189	4053·89
3	2·00-4·00	Semi-medium	1260	3046·63
4	4·00-10·00	Medium	140	688·66
5	10·00 & above	Large	..	..
6	All sizes	..	18546	13694·41

Sl. No.	Size class of operational holdings (hectare)	Category	Total Incl. S. C. & S. T.	
			No. of O. H.	Operated size
(1)	(2)	(3)	(8)	(9)
1	Below 1·00	Marginal	163551	74799·10
2	1·00-2·00	Small	79572	106189·24
3	2·00-4·00	Semi-medium	58832	152626·49
4	4·00-10·00	Medium	19453	105517·43
5	10·00 & above	Large	1662	22310·95
6	All sizes	..	323070	461443·21

*O. H. means Operational Holding

It may be seen from the table that half of the operational holdings (general), 2/3rd operational holdings (Scheduled Castes) and 3/4th of operational holdings (Scheduled Tribes) are marginal.

Out of 3·23 lakhs of operational holdings of the district 3.06 (that is 94.65 per cent) are wholly owned and self-operated. Wholly irrigated holdings are 37,842 in number and the total operated area irrigated is 44,916 hectares. The number of partly irrigated holdings is 12,174 and their irrigated area is 10,987 hectares. The net irrigated area is 55,904 hectares which is about 13 per cent of the net area sown. Canal is the major source of irrigation and about 91.00 per cent of the net irrigated area is irrigated by canals. The gross cropped area is 4.9 lakh hectares and the gross irrigated area is 0.66 lakh hectares. The gross area under paddy which is the major crop of the district constitutes about 89.77 per cent of the gross cropped area.

Mutation

Record-of-Rights called Khatian or Khata or Patta is the most useful and valuable document in possession of a land owner as it exhibits identity of his ownership, status under which he holds the land, extent and classification of the land, rent and cess payable, etc. This he requires very often for various purposes like getting loan from Government or financial institutions, dispute over landed property, establishing his identity and ownership in Court of Law, etc. It is, therefore, absolutely necessary that it should be kept up-to-date. Before abolition of the estates it was the responsibility of the landlords to mutate the names of the successor-in-interest of a tenant due to transfer, succession or partition, etc. Customarily 25 per cent of the consideration money was payable when a sale took place for entry of the name of the transferee in landlords records. But the Orissa Tenancy Act was amended in 1938 abolishing this fee and making it mandatory on the landlord to recognise the transfer on receipt of a copy of the notice of transfer from the Registering Officer specifying the names of the transferer and the transferee and the division of rent. On abolition of the estates the landlords handed over list of tenants from which they were collecting rent immediately before abolition (called Ekapadias) to the Tahasildars. Therefore, maintenance of the record-of-rights to keep them up-to-date (i.e., mutation work) became the most important work of the revenue administration. This process also got statutory recognition by prescribing a procedure for maintenance of record-of-rights in Chapter IV of the Orissa Survey and Settlement Rules. Detailed executive instructions were also provided for in the Mutation Manual. But somehow this most important item of work did not receive as much

attention as it ought to have in the hands of the Tahasildar s and supervising officers. Fortunately for Baleshwar, Survey and Settlement operations took over the work of making the record-of-rights up-to-date from the year 1962 during which time the mutation work of the Tahasildars remained suspended. But after final publication of the record-of-rights in most of the villages mutation by Tahasildars was revived. Still 45,664 mutation cases were pending in the Courts of Tahasildars for disposal by 31st March 1986 where settlement proceedings have been completed. As stated earlier some 58,746 holdings have been recorded in Bebandobast (ବନ୍ଦୋବସ୍ତ) status as applications for disposal of cases for settlement of land under sections 6, 7, and 8 (3) of the Estates Abolition Act were pending for disposal by the Tahasildars at the time of preparation of draft record-of-rights. As a result 55.020 acres of land are in occupation of persons entitled to settlement which are escaping rent and cess with serious loss of revenue to Government.

Rent/Cess/Nistar Cess

As per Dalziel Settlement Report (1922—32) the settled rent in revisional settlement in the permanently settled areas was Rs. 1,52,239. In the temporarily settled areas including Khasmahals it was Rs. 15,95, 744. In the revenue free estates it was Rs. 90,304 and in the sub-proprietory tenures it was Rs. 1,61,791. In Nilagiri as per 1917—22 Settlemnent Report it was Rs. 73,496 for the ex-state and Rs. 20,802 for the tenants of Thakuar Mahal. So the total settled rent for the district as per last Settlement Reports was Rs. 20,94,376. On vesting the words "Revenue" and "Rent" became synonymous. Rents were settled in respect of Khas possession (Nij-jote and Nij-chas) lands of the proprietors/ sub-proprietors and for personal Jagir lands on conferrment of raiyati right under sections 6, 7 and 8 (3) of the O. E. A. Act. Wastelands were also settled under the Approved Lease Principles. So by the end of 1966-67 when land revenue was abolished with effect from 1st April 1967 the rent demand had substantially increased. Under the Orissa Land Revenue (Abolition) Act no raiyat or tenant is liable to pay land revenue in respect of any land held by him directly under Government provided such land was used for purposes of agriculture, horticulture or pisciculture or for purposes of any small scale industry located outside the limits of the municipality or Notified Area Council. Thus only homesteads and industries situated in urban areas are liable to pay land revenue. Land revenue was re-imposed in the year 1976-77 but was again abolished from the year 1977-78. On abolition of the land revenue the cess which was 25 per cent of the rent demand was increased to 50 per cent. New rent has been settled under O. S. S. Act in respect of 3,754 villages which took effect at different periods beginning from the year 1967-68.

According to the report of the Settlement Officer against the existing rent of Rs. 21,23,729 in 3,305 villages completed from rent settlement under his organization (excluding villages transferred to consolidation) the settled rent was Rs. 62,43,145 giving an increase of 192.75 per cent over the existing rent.

Besides the cess payable under the Orissa Cess Act, 1962 the tenants of Nilagiri ex-state also pay another cess called "Nistar Cess" or forest cess. It is a commutation fee paid annually by the inhabitants of an ex-state area for free use, for use at concessional rate of timber and other forest produce from the Khesra or B-Class reserved forests for their own use and not for sale or barter. In Nilagiri, Nistar cess was levied at 1/2 annas per 'Man' (2/3 acre) of land on persons holding rent-free lands and one anna per Man by raiyats. They were entitled to take trees of species not declared reserved free for their own use from Khesra forests. This cess continued to be levied after merger. The Demand/Collection and Balance (D. C. B.) position of land revenue (rent)), cess and Nistar cess of the district during the five years from 1981-82 to 1984-85 is given in Appendix I of this Chapter.

Irrigation Revenue

In the matter of supply of water for irrigation and assessment of water rates the Bengal Irrigation Act, 1876 was followed in Baleshwar. The first canal built in the district was known as Churaman or Rickets canal in the year 1826 and the Orissa Coast Canal which was opened for traffic in 1885 were meant for navigation and not for irrigation. Both canals fell into disrepair and did not serve the purpose for which they were constructed. The High Level Canal which was taken up in 1867 as a famine relief measure by the East India Irrigation and Canal Company was designed to provide navigable trade between Cuttack and Calcutta and also to irrigate the country through which it passed. This great scheme was later abandoned and only three reaches were completed—Reaches I and II being in Cuttack district, Reach No. III lying between Akhuapada and Bhadrak has a length of 30·5 km. in Baleshwar district. This was completed in 1891 at a cost of Rs. 9,87,000 including the cost of seven distributaries of 109 km. It was proposed to extend the canal up to Baleshwar but this project was abandoned as it was found that there were no rivers of sufficient size to afford adequate supply of water to the canal. It was fed from the river Baitarani at Akhuapada and was available both for irrigation and traffic. This was the only irrigation system in the district till the year 1981-82 when Salandi Project was completed. In the beginning of 20th century it theoretically commanded an area of 57,500 acres (23,270 hectares) of which 44,000 acres (17,806

hectares) could actually be irrigated out of which about 42,000 acres (16,997 hectares) were under rice. But the area actually irrigated was much less and it varied from year to year depending upon the willingness of the raiyats to apply for irrigation because at that time they did not consider canal irrigation so valuable as to make it worth while to pay anything but a small water rate or to have all their fields irrigated. So the demand for it was not ordinarily very great. In this connection O' Malley's observation in the district gazetteer of Balasore (1907) makes interesting reading.

"The present state of affairs is very different from that prevailing before the introduction of the canal system. No provision existed against the calamities caused by want of rain. The tanks and other receptacles of local drainage were not used for irrigation and the rivers were allowed to carry their waters unused to the sea. The people generally were reluctant to resort to artificial irrigation and as an instance of this feeling mention may be made of the course of events in 1869 in pargana Randhiya-orgara which suffered severely from want of rain in that year. The river Salandi runs through the centre of this tract and when the drought made itself felt and the people were praying for help the Collector asked them why they did not use the river water as a means of irrigation. They only replied that it was not the custom, that the proprietors of lands on the river's banks would object to channels being cut through their lands for the purpose of carrying water to fields further inlands; that it would be very hard work; that it would not pay; and that river water was not so fertilizing as that which came from heaven". At all events the river water was not used and the crops perished in consequence".

This irrigation system was under the control of the Superintending Engineer, Orissa Circle who was assisted by the Executive Engineer-in-charge of Akhuapada-Jajpur Division. A special establishment was entertained for the assessment and collection of revenue and for this purpose there was a revenue division in charge of a Special Deputy Collector for assessing and collecting water rates under the orders of the Superintending Engineer. Under the Bengal Irrigation Act levy of water rate was not compulsory. The irrigated areas was divided into blocks and the lease of all the lands in each block being so arranged as to lapse in the same year. Water was supplied to the cultivators on application on a prescribed form, the area being divided into three seasons, the hot weather from March to June, Khariff from 16th June to end of October and Rabi season from November to end of March. A leave or permit granted for the season was in force for that particular period. Besides these seasonal leases there was also the system of long term leases up to 10 years granted at somewhat reduced rate for supply of water from 16th June to 31st March

each year. These long term leases were only granted for compact blocks defined by well-marked boundaries of such a nature that the leased lands could be clearly distinguished from the adjoining unleased lands and also so situated that the unleased lands could not be ordinarily irrigated by water supplied for the leased lands included in the Block. These boundaries were mentioned in the application for the lease. After approval of the lease by the Executive Engineer a detailed measurement of each cultivator's holding was made. Thereafter the Executive Engineer issued the permit. Fields which could not be ordinarily irrigated or for which water was not ordinarily required could be excluded from the block at the discretion of the Executive Engineer. In the long term leases water rates were charged for the area measured and accepted by the cultivators whether water was used or not. But in Rabi area and in hot weather leases water was supplied on application and water rates were levied on the actual area irrigated. The rate initially was Rs.1-8-0 per acre but it was raised to Rs.1-12-0 in 1902-03. From 1912 the rate of water for long term leases on Khariff season was Rs.2-0-0 per acre but in 1920 it was increased to Rs.2-8-0 and in 1922 to Rs.3-0-0. For Dhoya or water-logged lands the rate was lower, i.e., Re.0-10-0 in 1912 to Rs.1-8-0 in 1920 and Rs. 2-0-0 in 1922. But this rate was again introduced in 1931 as the raiyats considered the existing rates to be high and did not come forward to sign agreement for supply of water and so the area under irrigation was reduced. For the high level canal range-III it was Rs. 2-8-0 and Rs. 1-8-0 respectively. The rate for seasonal leased lands for the Khariff season and also for provisional lease the rate was reduced in 1931 from Rs. 4-8-0 to Rs. 4-0-0. The rate for Rabi water was similarly reduced from Rs. 2-8-0 to Rs. 2-0-0. For sugarcane there Was a special rate i.e., Rs. 7-8-0 for the period of cultivation, Rs. 8-0-0 for the period from 1st April to 16th June and Rs. 1-5-0 for single irrigation. Higher rates were charged for single seasoned leases or for water taken between the 1st April and 16th June. The total mileage of the canals had not increased till 1932 although there was some increase in the mileage of distributaries. But the extent of area irrigated in 1930 from the high level canal range No.III was reduced to 23,822 acres (9,640 hectares) due to increase in irrigation rates in 1922 as people did not think it profitable to utilise canal water by paying these water rates. The receipt hardly covered the working expenses let alone any return on investment.

The Orissa Irrigation Act 1959 came into force in the district on the 1st June 1963. It repealed the Bengal Irrigation Act, 1876. This Act provided for levy of compulsory basic water rate for irrigation of the staple cereal crop and optional water rates (or simply water rate) for supply of water for any crop other

than staple cereal crop. Special rates are prescribed for non-agricultural use of water from irrigation works. Compulsory basic water rate was abolished in the year 1968-69 making it optional for the owners and occupiers of lands to use water from any irrigation works as before. If they desired to do so they were to make applications to the Tahasildar in the prescribed forms. Tahasildars were notified as Irrigation Officers. The regulation of water to fields, assessment of water rate and cess and collection thereof is the responsibility of the Revenue organisation through the normal revenue agency of Collector, S. D. O. and the Tahasildar. During this period the annual demand of water rate fell sharply. The compulsory water rate was therefore re-imposed in the year 1974-75. Initially the compulsory basic water rate for Orissa was very low when compared with other states and the total irrigation revenue was not sufficient to cover the cost of maintenance of irrigation works. The Government therefore enhanced the basic water rates by 100 per cent and water rate by 50 per cent which was made effective from the 24th September 1981. The rates of compulsory basic water rate for staple cereal crop as now applicable to different classes of irrigation works are as follows:

Classes	Period of supply	Depth of supply to be guaranteed	Rate per acre
(1)	(2)	(3)	(4)
1st Class	June to November	28"	Rs. 16.00
2nd Class	July to November	23"	Rs. 12.00
3rd Class	July to October	18"	Rs. 8.00
4th Class	July to October	9"	Rs. 4.00

Dalua crop carries a water rate of Rs. 36.00 per acre, sugarcane Rs. 40 per acre, wheat Rs. 13.00 per acre and potato Rs. 22.50 per acre. Mung carries the lowest water rate of Rs. 2.50 and other pulses Rs. 4.50 There are thus varying water rates for different crops. Even with this increase in compulsory basic water rate and water rate which is still lower than those in some other states like Uttar Pradesh and Punjab the receipts do not cover the working expenses.

Certified and assessed area of major and minor irrigation works in the district are as follows :

(There are no medium irrigation works in the district)

	Certified Ayacut area in acres	Assessed Ayacut area in acres
Major	1,70,802	1,41,801
Minor	10,543	7,784

The discrepancy between the certified area and the assessed area is partly due to non-assessment in the field by the revenue agencies and partly due to over-certification by the Engineering agencies. The current annual demand of irrigation charges for the assessed area as on the 1st April 1986 is as follows :

1. Compulsory basic water rate ..	Rs. 20,23,281
2. Water rate (for Rabi cultivation) (fluctuating).	Rs. 7,06,555
Total ..	Rs. 27,29,836

The D. C. B. position for water rates as on the 1st April 1986 is given below :

Demand	Collection	Balance
74,69,797	14,39,169	60,30,628

REVENUE ORGANISATION

The Collector is the head of the Revenue administration in the district. There is hardly any Central or State legislation which does not embrace the scope of action of the Collector. Although after independence the emphasis on the role of the Collector has been shifted from collection of revenue to development, the designation of the Collector continues till today. In the subdivision the Subdivisional Officer* is the counterpart of the Collector. Like Collector he has both the statutory and administrative functions. He is assisted by one or more Deputy Collectors according to work-load in the subdivision. The Second Officer is generally designated as the Revenue Officer. The subdivision was the lowest revenue territorial unit till the abolition of the zamindaries. On abolition, the estates were formed into Anchals as envisaged in the Orissa

*Now designated as Sub-Collector.

Estates Abolition Act. Each Anchal was placed in charge of an Anchal Adhikari who was either a Deputy or a Sub-Deputy Collector. The O. E. A. Act originally envisaged consisting of local authorities called Anchal Sasan consisting of an Anchal Sabha and an Anchal Adhikari. On subsequent thought Government decided not to enforce this provision of Act regarding constitution of local authority. The O. E. A. (Amendment) Act, 1957 provided that the Anchal will be managed according to the laws, rules and regulations for the time being in force for management of Government estates. The Collectors were placed in direct charge of the administration of Anchal subject to control of the Board of Revenue. To bring uniformity in the matter of territorial units and their nomenclature throughout the state, the Orissa Revenue Administration (Units) Act, 1963 was passed which provided that the units for purpose of revenue administration throughout the state shall be the Revenue Division, District, Subdivision and Tahasil. The subdivision is divided into as many Tahasils as the State Government may deem fit provided that the State Government may also declare the whole area of a subdivision to be a Tahasil. Therefore we will find that the entire Nilagiri subdivision has been constituted into one Tahasil. The Tahasil system of administration was introduced in 1963. Each Tahasil is headed by a Tahasildar who is assisted by one or more Additional Tahasildars according to workload. For convenience of revenue and land administration each Tahasil is divided into a number of Revenue Inspector Circles. The number of subdivisions, Tahasils and R. I. Circles in the district is given below :

Name of the Subdivision	Name of the Tahasil	No. of R. I. Circles
1. Baleshwar	1. Baleshwar	77
	2. Banta	
	3. Soro	
	4. Jaleshwar	
2. Bhadrak	1. Bhadrak	73
	2. Dhamnagar	
	3. Tihiri	
	4. Basudebpur	
	5. Chandbali	
3. Nilagiri	1. Nilagiri	7

The Revenue Inspectors are assisted by revenue Moharirs for collection work and by a peon for helping him in miscellaneous duties. They are invariably survey trained persons but where the

workload is heavy they are assisted by one or more survey knowing Amins to help them in identification and subdivisions of plots, correction of record-of-rights and in miscellaneous enquiries, etc. For assessment of compulsory basic water rates and water rates special Amins are appointed under the Tahasildars. For correction of record-of-rights in the Tahasil office two Amins are also appointed. At present there are 44 Amins, 156 Moharirs and 157 Revenue Inspectors in the district. To supervise the Revenue Inspectors, there are 19 Revenue Supervisors working under the Tahasildars.

The Tahasildar is the representative of the State Government so far as land administration in the Tahasil is concerned. He is the custodian of Government land in the Tahasil and it is his duty to see that government lands are not encroached upon and steps are taken for removal of encroachments, if any. He is also the authority to deal with all revenue cases under various Acts such as,

(1) Orissa Land Reforms Act

(2) Orissa Prevention of Land Encroachment Act

(3) Orissa Public Demands Recovery Act

(4) Orissa Estates Abolition Act

(5) Mutation cases under Orissa Survey and Settlement Act

(6) Lease cases under the Government Land Settlement Act

(7) Orissa Bhoodan Yagna Act

(8) Regulation 2 of 1956

(9) Orissa Irrigation Act

Besides he deals with a large number of revenue miscellaneous cases for issue of income certificates, solvency certificates, caste certificates, succession certificates, etc. He is responsible for collection of land revenue, irrigation revenue and miscellaneous revenue, etc. Besides doing the normal revenue work, he is required to do a lot of non-revenue work in his Tahasil. Apart from pre-occupations with special time-bound programmes like census, agricultural census, election and relief operations during flood, drought and other natural calamities his services are requisitioned whenever a special programme or special item of work has to be taken up in his area regardless of his pre-occupations with normal revenue work. He is also to attend a number of meetings in subdivision or district headquarters. He represents the Collector in a number of site selection and other such meetings and has to do a lot of miscellaneous work during

visits of V. I. Ps. In fact the Tahasildar has become an all-purpose officer. Heavy pendency of revenue cases in Tahasils is largely attributable to the engagement of the Tahasildar in non-revenue items of work. Similar is the case with regard to Revenue Inspectors.

ADMINISTRATION OF OTHER SOURCES OF REVENUE

There are other sources from which the Central Government and the State Government collect revenue in the district. The Central revenue is realised from income-tax, central excise, central sales tax, etc. The State Government collects stamp revenue, sales tax, motor vehicle tax, entertainment tax, State excise, etc.

Central Income-tax

In 1970 one Income-tax Circle was created for the district with headquarters at Baleshwar. The Baleshwar Circle is managed by an Income-tax Officer who looks after the assessment work of the district.

The table below shows the demand, collection and balance figures of income-tax during the years 1981-82 to 1985-86.

(Rupees in thousands)

Assessment year	Demand	Collection	Balance arrear
1981-82 ..	3574	2724	850
1982-83 ..	2873	1768	1105
1983-84 ..	3179	2115	1064
1984-85 ..	3667	2524	1143
1985-86 ..	2458	1432	1024

Central Excise

There are two Range Offices at Baleshwar and Bhadrak to look after collection of duties and other administrative works associated with it in the district.

The collection figures of Central Excise department for five years 1981-82 to 1985-86 are furnished below :

(Rupees in thousands)

1981-82	1982-83	1983-84	1984-85	1985-86
2364	2057	4537	4778	8099

Central Sales Tax

Central Sales Tax is collected by State Commercial Tax Department. The collection figures of Central Sales Tax from 1980-81 to 1984-85 are given below:

Year	Rupees in lakhs
1980-81 ..	17·85
1981-82 ..	24·34
1982-83 ..	19·11
1983-84 ..	22·54
1984-85 ..	28·23

State Excise

The Superintendent of Excise, Baleshwar, looks after the excise administration of the district under the District Collector. He supervises the work of his subordinates, i.e., Inspectors and Sub-Inspectors of Excise. The table below shows the collection of State Excise revenue of the district for the last five years ending 1985-86.

Year	Collection in rupees
1981-82 ..	37,96,372·00
1982-83 ..	38,69,833·00
1983-84 ..	43,22,955·00
1984-85 ..	59,54,524·00
1985-86 ..	57,92,149·00

Commercial Tax

The district has been divided into two Commercial Tax Circles, viz., Baleshwar I with headquarters at Baleshwar and Baleshwar-II with headquarters at Bhadrak. Each of the circles is in charge of a Commercial Tax Officer who is assisted by a number of Additional Commercial Tax Officers. The function of the Commercial Tax Department in the district is to assess and collect sales tax, agricultural income-tax and entertainment tax.

The statement below shows the collection figures of different state taxes by Commercial Tax Department from 1980-81 to 1984-85.

Year	(Rupees in lakhs)	
	O. S. T.	C. S. T.
1980-81 ..	149·06	28·08
1981-82 ..	182·08	29·18
1982-83 ..	195·13	29·11
1983-84 ..	239·22	30·09
1984-85 ...	231·29	33·29

Motor Vehicle Tax and Passenger Tax

Regional Transport Officer is the controlling officer who looks after management of Regional Transport Organisation in the district and collection of revenue from the vehicle owners.

The collection figures of motor vehicle tax and passenger tax for the years 1982-83 to 1984-85 are given below :

Year	Collection in Rupees	
	M. V. Tax	P. Tax
1982-83 ..	56,59,042·00	13,30,251·76
1983-84 ..	57,48,643·00	16,23,677·36
1984-85 ..	70,82,446·51	10,77,810·00

Stamp Revenue

Revenue is also collected from sale proceeds of stamps (judicial and non-judicial) in the district.

The table below shows the revenue earned in the district from 1982-83 to 1986-87.

(Figures in rupees)

Year	Special Adhesive Stamp	Revenue stamp	Court-fees stamp
(1)	(2)	(3)	(4)
1982-83	54,425·20	3,83,900·00	9,85,010·75
1983-84	85,365·40	4,50,385·00	12,85,328.55
1984-85	1,16,560·90	3,20,200·00	12,26,338.35
1985-86	1,35,217·00	3,93,650·00	11,70,422.24
1986-87	1,45,110·35	4,68,452·00	16,84,044.50

Year	Stamp for copy	Non-judicial (other impressed) stamp
(1)	(5)	(6)
1982-83 ..	24,849·00	70,80,753·50
1983-84 ..	15,691·50	85,80,090·20
1984-85 ..	26,418·85	79,81,785·75
1985-86 ..	16,420·25	91,25,277·55
1986-87 ..	6,089·00	101,66,805·45

Registration

The district is divided into sixteen sub-districts for the purpose of registration. Additional District Magistrate (general) functions as the District Registrar of the district. The Member, Board of Revenue is the appointing authority for Sub-Registrars. District Registrar is the controlling authority in respect of registration work in the district.

The statement below shows the income from registrations in the district from 1982-83 to 1986-87.

Year	Income (in rupees)
1982-83 ..	3,38,694·00
1983-84 ..	4,70,029·00
1984-85 ..	5,96,907·00
1985-86 ..	6,99,746·00
1986-87 ..	7,80,953·00

APPENDIX I

Demand, Collection and Balance Statement of the district on Land Revenue, Cess and Nistar Cess for the five years 1980-81 to 1984-85.

Year	Item of Revenue	Demand		
		Arrear	Current	Total
(1)	(2)	(3)	(4)	(5)
1980-81	Land Revenue..	10,05,255	44,654	10,49,909
	Cess ..	23,58,958	21,53,660	45,12,618
	Nistar Cess ..	4,574	6,750	11,324
1981-82	Land Revenue..	8,02,082	46,008	8,48,090
	Cess ..	21,88,393	21,82,811	43,81,204
	Nistar Cess ..	4,198	6,782	10,980
1982-83	Land Revenue..	7,26,725	55,960	7,82,685
	Cess ..	24,70,287	22,24,529	46,94,816
	Nistar Cess ..	5,394	6,813	12,207
1983-84	Land Revenue..	6,68,511	76,212	7,44,723
	Cess ..	30,75,184	23,20,232	53,95,416
	Nistar Cess ..	6,021	6,834	12,855
1984-85	Land Revenue..	5,96,142	95,767	6,91,909
	Cess ..	26,54,689	24,40,937	50,95,626
	Nistar Cess ..	4,591	6,844	11,435

(Contd.)

Year	Item of Revenue	Collection		
		Arrear	Current	Total
(1)	(2)	(6)	(7)	(8)
1980-81	Lsnd Revenue..	3,13,273	30,098	3,43,371
	Cess ..	10,92,805	14,05,561	24,98,366
	Nistar Cess ..	2,507	4,816	7,323
1981-82	Land Revenue..	1,80,279	29,022	2,09,301
	Cess ..	8,21,956	12,66,146	20,88,102
	Nistar Cess ..	1,834	3,972	5,806
1982-83	Land Revenue..	1,36,766	34,203	1,70,969
	Cess ..	6,92,257	11,22,757	18,15,014
	Nistar Cess ..	2,253	4,062	6,315
1983-84	Land Revenue..	1,71,256	60,216	2,31,472
	Cess ..	12,88,629	14,98,143	27,86,772
	Nistar Cess ..	3,023	5,171	8,374
1984-85	Land Revenue..	1,39,257	70,989	2,10,246
	Cess ..	10,32,500	14,65,267	24 97,767
	Nistar Cess ..	2,348	5,049	7,397

(Contd.)

Year	Item of Revenue	Balance		
		Arrear	Current	Total
(1)	(2)	(9)	(10)	(11)
1980-81	Land Revenue ..	6,91,982	14,556	7,06,538
	Cess ..	12,66,153	7,48,099	20,18,252
	Nistar Cess ..	2,067	1,934	4,001
1981-82	Land Revenue ..	6,21,803	16,986	6,38,789
	Cess ..	13,66,437	9,26,665	22,93,102
	Nistar Cess ..	2,364	2,810	5,174
1982-83	Land Revenue ..	5,89,959	21,757	6,11,716
	Cess ..	17,78,030	11,01,772	28,79,802
	Nistar Cess ..	3,141	2,751	5,892
1983-84	Land Revenue ..	4,97,255	15,996	5,13,251
	Cess ..	17,86,555	8,22,089	26,08,644
	Nistar Cess ..	2,818	1,663	4,481
1984-85	Land Revenue ..	4,56,885	24,778	4,81,663
	Cess ..	16,22,189	9,75,670	25,97,859
	Nistar Cess ..	2,243	1,795	4,038

(Concld.)