Chapter – II

Land Revenue Settlements and the Peasantry

The study of the pattern of the land revenue administration and the survey and settlement operations and rent structure introduced by the British in Orissa is the key to understand the changing agrarian relations during the colonial period. In this chapter attempt has been made to discuss the land revenue settlements and the structure of rent in the temporarily settled districts of Cuttack, Balasore and Puri. The chapter begins with a discussion on the nineteenth century settlement operations conducted by the British in Orissa. Thereafter the discussion is on the two revision settlements conducted in the earlier decades of the twentieth century. The chapter also attempts to discuss the nature of the British revenue policy in Orissa, popular reactions to its policy and why permanent settlement was denied to a major tract in the Coastal districts of Orissa.

The association of the English East India Company with the revenue system of Orissa began with the famous grant of Dewani of Bengal, Bihar, and Orissa by the Mughal Emperor on 12 August 1765. However, in that grant Orissa constituted only what is now a part of the Midnapore district of West Bengal. Major portion of Orissa came under the Company’s control in 1803 when they annexed the districts of
Cuttack, Puri, and Balasore from the Marathas. These three districts formed one division known as the Orissa Division under the Bengal Presidency.

The early period of British rule in India was characterised by an exceptionally powerful process of plunder, which was either connected, or more frequently not connected with trade. “Agricultural prosperity was impossible”, said Romesh Dutt, “when the tax on agriculture was so variable; and the accumulation of wealth, which the advocates of a permanent settlement had contemplated, was equally impossible, when the first signs of wealth and prosperity naturally suggested a more rigorous assessment at the succeeding settlement”. The main purpose of the English East India Company during the early phase of their rule was to earn the maximum revenue by imposing taxes on the land. About 80 percent of the company’s income consisted of land tax.

Orissa came under the East India Company’s control in 1803 which was ten years after the Permanent Settlement was introduced in Bengal and five years after Pitt declared Permanent Settlement in

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England. At that time the British revenue policy was, broadly, to continue the permanent settlement of land revenue. In 1804, Orissa was also promised permanent settlement in light of that policy but it was not materialised. The background under which permanent settlement was denied to a large tract in coastal Orissa has been discussed in this chapter.

The British found the following general categories of landholders when they occupied Orissa, i.e. 1. The ancient zamindars of Killa estates, 2. Choudhury and Kanungo Talukdars, 3. The Mazkuri Muqaddams, 4. The Zamindar class created under the Muslim and Maratha rulers, 5. Village accountants, sarbarkars etc. 6. Headman of village known as Pursethidars, and 7. Holders of alienated lands or Kharida Tenures, and also resumed jagirs and service lands. In Chapter three we have discussed various land tenures in Orissa that existed at the time of British occupation and the changes introduced by the British Government.


4 For a discussion on land tenures in Orissa see Rungalall Banerjee, Report on the Land Tenures in Cuttack District (1875); Nandakissore Dass, Puri District Tenure Report (1875); and W. Fiddian, Report on Land Tenures in the District of Balasore (1875), in Report on Land Tenures in Orissa, Board of Revenue, Cuttack.

(I) The Nineteenth Century Background:

The East India Company introduced temporary settlement in major tracts in the coastal districts of Orissa. The period of settlement was made for thirty years. The first long-term settlement was made in 1837. The second settlement was made in 1897 after a gap of sixty years because the 1867 settlement was suspended in view of the great Orissa famine of 1866. Therefore, during the nineteenth century from 1837 to 1900 the temporarily settled areas of Orissa had two major settlements. During the twentieth century Orissa had the third long-term settlement in 1927. Before the 1927 settlement, one revision settlement was conducted in 1906, which continued till January 1913. During the late nineteenth and early twentieth century there were also a series of separate settlement operations meant for Government Estates like Khoordah, Banki and in permanently settled estates like Kanika, Darpan, Madhupur, etc. As the area covered in this study is the temporarily settled area of Orissa, i.e. the districts of Cuttack, Balasore and Puri it is pertinent to discuss about the settlement operations meant for these areas. To understand the colonial land revenue policy during the period under study (1912-1939) it is very essential to understand the nineteenth century background because the policies formulated in the early revenue settlements had an important bearing on the later

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6 The 1927 settlement was to expire in 1957, but with the end of the British rule in 1947 the colonial settlement operations came to an end.
settlement operations. In the early decades of nineteenth century the East India Company conducted a series of experiments for settling its revenue demand with the landlords. The period of experiments was followed by a decision to introduce thirty years settlement in 1837. In the following section we discuss the nineteenth century background.

(i) The period of experiment: 1804-1922.

John Melville and George Harcourt, who were appointed Joint commissioners for the Orissa Division, determined to cancel all balances outstanding from the demands prior to 1803 and to base the demand for the year 1803 on the receipts of previous payments after making suitable deductions on account of abwabs and excessive assessments and on account of any sums collected by the Marathas.7 The Commissioners felt that it was neither possible nor desirable to introduce a new system of land revenue administration all of a sudden. The same opinion was also shared by the Governor General in Council who decided to pause and think of a new system for the newly acquired territories. Therefore, the Maratha system of assessment and collection was initially retained on a provisional basis. At that time the Company Government had two immediate objectives before them, the first of which was to realise from the people as much revenue as possible during the Amil era 1211 i.e. 1803-1804 and secondly to follow a policy of conciliation towards the

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7 Kalipada Mitra, op. cit., p. 73.
Zamindars, Landholders and the natives in general. Therefore, it decided for a general remission of all sums due to Maratha Government because of arrears of revenue from the people for years before 1803-4. The Commissioners employed the officers of the former Government with fixed monthly allowances, for collection of revenue on behalf of the Company's Government.

The Regulation 12 of 1805, which was passed by the Government on fifth September 1805, formed the basis of British land revenue policy in Orissa in this period of experiment. Based on this Regulation the first settlement of land revenue was made in 1805 with the Zamindars or the actual proprietors of the soil, which was meant for a period of one year. This was followed by a number of temporary settlements. In 1806, when the terms of the first settlement was over, a triennial settlement was concluded and then in 1908-1909 another settlement was made which was meant for one year. The settlement of 1908-09 was followed by a triennial settlement. In 1812-13, the settlement was made for one year. In 1813-14 it was for two years, in 1815-16, it was for one year, in 1816-17 for three years, and in 1819-20, it was again for three years.

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8 Amil era was the local era of Orissa, which began from the 12th day of the lunar month of Bhadra that was known as the Sunita day. It varied between 27th August and 26 September of the English Year. The British authorities calculated the era from the middle of September.

9 See K.M. Patra, op.cit., pp. 3-4.

10 G. Toynebee, A Sketch of the History of Orissa, 1803-1828, Calcutta, 1873, p.32.

The inconsistency and short duration of the early land revenue settlement in Orissa reveals that the settlements were based on insufficient inquiry of the existing agrarian relations. The rules framed for the realisation of the revenue were inelastic and inequitable which was often erratically enhanced in each settlement, which proved ruinous.

Mr. Ewer, the Commissioner of Cuttack in his report of 1818 recorded that in Orissa, excluding Khurda, the Maratha demand in 1803 was Rs.10, 81,000 (sicca)\(^{12}\). This amount was inclusive of the contribution made by the Tributary States to the government of the East India Company. Toynbee recorded the Mughal revenue, including Khurda and the Tributary States, at less than 16 lakhs standard rupees, and less than 14.5 lakhs of standard rupees under the Marathas. According to Toynbee the Marathas never collected this amount and probably the realisable Jama for 1803-04 was Rs.12 lakhs. Robert Ker and Charles Groeme, who were appointed as Judge cum Magistrates in 1804 and were entrusted with the duties of collecting the land revenue, increased the revenue demand by one lakh sicca rupees. This was again raised by the triennial settlement of 1805-06 to 1807-08 made by George Webb, which yielded a Jama of Rs.14, 35,354.\(^{13}\) This increase, as Maddox says, was partly due to the conversion of cowries to rupees and

\(^{12}\) Letter dated 13 May 1818 from W. Ewer, Commissioner of Orissa to W.B. Bayley, Acting Chief Secretary to Government, Calcutta, printed in Selections from the correspondence on the settlement of the Khoordah Estate in the District of Pooree, Calcutta, 1879, Para 54; Also see S.L. Maddox, op.cit., vol. I, p. 389.

\(^{13}\) G. Toyanbee, op.cit., pp. 36-40.
to some extent to the extension of cultivation after its contraction during the time of the Maratha rule.\textsuperscript{14} Subsequently, the revenue demand of the Company increased by successive settlements until an increase of Rs. 3 Lakhs (\textit{sicca}) was obtained over that of the Maratha revenue demand.\textsuperscript{15} As stated by Toynbee the revenue demand of the East India Company in Orissa from 1819-20 to 1821-22 was Rs.15, 27,834 as against Rs.13, 14,824 in1804-05. \textsuperscript{16}

The figures mentioned above show a gradual increase of revenue from the time of the British annexation of Orissa. This increase was attributed to enormous extension of cultivation and because the assessments were founded on little or no detailed information. Ewer in his report said, "The Jama of Cuttack (Orissa) has, however, notoriously been fixed or at least augmented at hazard without any satisfactory ascertainment whatever of the real value and capabilities of the estates from which an increase has been levied, and in consequence of defective information which the revenue authorities have hitherto proceeded."\textsuperscript{17}

The first few years of the Company's rule in Orissa was marked with extraordinary changes in land relations by sales of estates, public and private. It was reported that out of 3,000 Oriya proprietors in 1808

\textsuperscript{14} S.L.Maddox, op.cit., vol. I, p. 389.
\textsuperscript{15} Letter dated. 13\textsuperscript{th} May 1818 from W. Ewer, Commissioner of Orissa to W.B. Bayley, Acting Chief Secretary to Government, op.cit., Para-61.
\textsuperscript{16} See G. Toynbee, op.cit, Appendix-I
\textsuperscript{17} S.L.Maddox, op.cit., vol. I., p. 390.
only 1,449 survived in 1818. Ewer who conducted an enquiry into the revenue affairs of Orissa, pointed out that the reasons of the errors committed by the British Government was due to greed of revenue and general ignorance of the resources, wants and prejudices of the common man especially peasants. The main complaints of the Orissa landholding and cultivating classes were the inequality of assessment, the stringent and inelastic system of land revenue demand and the sale and purchase of estates in Calcutta (which benefited the speculators), the hardship of having to pay revenue in the restricted silver currency, salt tax and salt monopoly. Therefore, Ewer recommended a detailed enquiry of rents and rights in land to be followed by a 20 or 30 years settlement. At the same time William Trower, the Collector, of Cuttack reported that the province was being over assessed and the revenue was susceptible to considerable increase.

Therefore, not surprisingly, the disheartened and rack-rented peasants revolted in 1817, which was known as the Paika Rebellion. The Paikas or the landed militia rose in open revolt against the oppression that they suffered by the British officials and the revenue collectors. This Rebellion brought to the authorities the discontentment and grievances

18 Ibid.
19 Ibid., vol. I, p. 165
of the Oriyas. The higher authorities in the Government felt the need to inquire into the shortcomings of their administration in Orissa.\textsuperscript{20}

The official inquiries revealed grave errors in the land revenue policy and administration since 1803. E. Watson, Judge of Calcutta High Court, who conducted the enquiry on the revenue affairs of Orissa, reported (in 1817) that the extensive sale of land, series of temporary regulations, sale of valuable estates at Calcutta that eliminated many original land holders of the place as the main shortcomings of the British revenue policy in Orissa.\textsuperscript{21}

The severity of the land revenue demand may be gauged from the fact that during the early revenue settlements every increase in Government demand was accompanied by a fall in the collections, and a large number of estates were sold to recover the uncollected amount. In addition to that, many estates were taken over by the Government under its direct management following the refusal of their proprietors to engage for the assessed revenue. The proportion of the average annual demand collected during the currency of the settlement declined from 94 percent to 27 percent between 1805-6 and 1818-1919. During the same period 1,129 estates paying total revenue of Rs. 9,65,984 were sold for arrears of revenue. Inspite of that, the outstanding arrears of current revenue in

\textsuperscript{20}L.S.S. O'Malley, \textit{Bihar and Orissa District Gazetteers, Puri}, revised edition, Patna, 1929, p.228, also see K.M. Patra, op.cit, p.18.

\textsuperscript{21}ibid.
1817-18 amounted to Rs.12, 22,748 or about three fourths of the revenue demand.\textsuperscript{22}

As a consequence of the British land revenue policy, a very large section (about 52 percent) of those who were declared proprietors in 1804-05 were dispossessed during the following fifteen years. In 1818, the revenue paid by those remaining proprietors accounted for less than one third of the annual revenue demand on the temporarily settled areas.\textsuperscript{23}

\textbf{(ii) Regulation VII of 1822:}

Regulation VII of 1822 was a turning point in the history of land revenue administration in British Orissa. This Regulation apart from extending the period of settlement for five years with an increase of Rs.75, 000 in the demand, set forth the intention of the Government “to ascertain, settle and record the rights, interests, privileges and properties of all persons owning, occupying, managing, or cultivating the land.”\textsuperscript{24} But the 1822 Regulation did not propose for a permanent settlement in Orissa. It also did not have any provision for appointment of a Settlement Officer or for relieving the Collector from their routine duties.\textsuperscript{25}

\textsuperscript{22} G. Toynbee, op.cit, pp.52-53.
\textsuperscript{23} Andrew Stirling's Minute on Tenures of Orissa, dated 10 October 1821, para.84.
\textsuperscript{24} S.L.Maddox, op.cit., vol. II, pp.165-166.
\textsuperscript{25} Ibid, p.166.
In September 1831, by a circular, the Board of Revenue, Cuttack addressed twenty-one questions\(^{26}\) to the local officers on land revenue matters in order to obtain information required for enforcing more detailed and extensive settlement operations. During the next few years the Khurda estate and a few *Mahals* surrounding Cuttack were settled. Nevertheless, there was no uniformity in the system and it lacked professional survey and no resumption of revenue free claims was made. Even in 1833 when Lord William Bentick’s celebrated minute attacked the Company’s revenue system, and made recommendations for justified revenue system, the settlement operations in Orissa were still in its premature stage.\(^{27}\)

**(iii) The Beginning of the Long Term Settlements: The Settlement of 1837.**

For the first time in 1836, a long-term revenue settlement was initiated in Orissa having definite rules. The whole province was surveyed and mapped on a 4-inch scale, though its progress was very slow from 1835 to 1843. In 1837 special Deputy Collectors were appointed to dispose off the resumption cases, and in 1840 Henry Ricketts, the Collector of Balasore who was appointed as a Special Commissioner with the powers of the Board of Revenue, was made the ultimate court of appeal in resumption cases in Orissa. In the same year

\(^{26}\) See G. Toynbee, op.cit, pp. bxxxix-c

\(^{27}\) S.L.Miaddox, op.cit., vol. I, p.166
the resumption rules were modified in favour of the *Lakhirajdars* and all previous decisions revised accordingly, without waiting for the parties to apply.\textsuperscript{28}

New methods were adopted in the first long-term settlement of 1836–37. A Deputy Collector was appointed in each district for the demarcation of village boundaries. After the village boundaries were demarcated, the Survey Department measured each village, taking out the total areas of cultivated land separately for every estate. Maps showing the main physical features and divisions of the soil in the estates and villages were prepared. On the receipt of the revenue survey maps and measurements the *Amins* (Local Surveyors) were sent to measure the village from a particular point and measured the length and breadth of each field in continuous succession and recorded these measurements, the estimated areas, nature of the tenure and name of the tenants in the field book. This field book helped in the settlement of a particular estate. Inquiry was made on the real assets of the village and the Zamindars statement of demand and collections was examined. Comparison of the prevalent rates of revenue with that of the earlier rates and the rates prevalent in the neighbouring estates was made for assessing the fair rent.\textsuperscript{29}

\textsuperscript{28}Ibid, p.167

\textsuperscript{29}Ibid, pp.167-168.
The Government felt it necessary to investigate everything in detail before the final assessment was fixed. Therefore, it wanted to have the survey work completed as early as possible. The Board of Revenue invited A.J.M. Mills to a conference in May 1841 for scrutinising the settlement procedure. The conference decided not to make any changes in the mode of trying resumption suits in Orissa. It was also agreed not to introduce the system of 'aggregate to detail' in Orissa, which was prevalent in north-western provinces. However, they made considerable changes in the procedure of preparing settlement records and curtailed many unnecessary details.  

The official records show that the settlement of 1836-37 was a work of great labour. Nevertheless, it was the first long-term settlement of Orissa, which had a great improvement upon the previous short settlements. The expenditure incurred in the settlement until 1845 was Rs. 20,36,348. The settlement resulted in a Jama of Rs.13, 84,190 against 25,87,993 acres. The settlement fixed the percentage of allowance for the under-tenures such as Muqaddams, Sarbarahkars, and others like the village barber, watchman, washerman etc. They were allowed to be in possession of their petty Jagirs. In large estates, Patwaris or village accountants were remunerated by a grant of land

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30 Bengal Revenue Proceedings, No.56, April 20,1841.
31 Bengal Revenue Proceedings, No.96, dated 14 December 1841.
32 Bengal Revenue Proceedings, August 1900, P.C. Lyon, Director of Land Records, to Board of Revenue, July 24,1900.
whereas in small estates the Zamindars were allowed to make their own arrangements.33

The settlement of 1837 did not show zeal for the welfare of the people. The basic purpose of the survey and settlement operations was to demarcate and define the taxable and non-taxable areas in order to explore the possibilities for generating more revenue. Although a detail survey was carried, the revenue demand was not settled permanently. The question of a permanent settlement in Orissa was finally rejected. However, the introduction of a long-term settlement for a period of 30 years was enforced in this settlement.34 This was an important event in the history of Land Revenue Settlement in Orissa but it came after an unusual experiment of 33 years of short settlements. By that time, the people had already suffered much in those years of experiment and uncertainty. One of the major limitations of the settlement of 1837 was that it did not fix rents for the pahi (non-resident) tenants. The pahi tenants were considered as tenants at will in this settlement whose rents were liable to increase at the will of the Zamindar.35 Though the settlement was made for a period of 30 years i.e. till 1867 it was extended for a further period of 30 years by the Act X of 1867 in order to give relief to the people of Orissa who have suffered a lot owing to the disastrous famine of 1866.

33 Ibid. The different categories of tenure holders are described in Chapter III.
34 Bengal Revenue Proceedings, No.24, July 6, 1837.
35 Report on the Administration of Bengal, 1901-02, Calcutta, 1902, p.120.
What were the changes introduced in the 1837 settlement? The settlement of 1836-37 that continued for a period of sixty years brought a number of changes in the agrarian relations in the Orissa Division. With the increase of population, cultivation was extended by 30 per cent and communication facilities were largely improved. Consequently, there was an increase in the volume of trade. The price of the staple food crops increased by three times securing increased profits to the cultivators. However, this development was accompanied by an increase in the rents of the pahi (non-resident) tenants. The pahi tenants were the only class for whom rents were not fixed for the term of the settlement. Their rents increased from Rs. 1-14-6 to Rs. 2-11-6 in Cuttack, from Rs.1-2-11 to 1-11-1 in Balasore and from Rs. 1-7-8 to Rs. 1-13-8 in Puri.36 On the other hand, there was a decrease of 42 per cent in the area of thani or resident tenancies. The thani tenures, which were best lands in the villages, were assessed at much higher rates than the holding of the pahi tenants. The decline was mainly due to the famine of 1866. The pahi raiyats were considered, as tenants at will in this settlement. The rents paid by them were determined by the market rates, which was liable to increase at the will of the Zamindar.37 The pahi raiyats had none of the privileges enjoyed by the thani raiyats. This

37 Mr. Ravenshaws's letter No.946 A, September 23, 1875, Reprinted in S.L. Maddox, op.cit., vol.II. Appendices, p.108.
disparity in occupancy rights and land revenue collection was greatly responsible for the future agrarian tensions in Orissa. However, in spite of the limitations of the 1837 settlement, it laid down the foundation stone of a new era when settlement operations became an inherent and indispensable part of the land revenue administration. The system developed in this settlement remained very useful for successive survey and settlement operations in Orissa.

(iv) The Provincial Settlement of 1897:

The second long-term settlement operations in the temporarily settled areas of the Orissa Division started in 1890, which was effective from 1897. This settlement was known as the Provincial Settlement of Orissa. It's main objective was to prepare a fresh record of rights, to assess rent for increasing the Government revenue and to build an equitable rent structure. According to S.L. Maddox, the Provincial Settlement of 1897 aimed at removing the glaring inequalities in the distribution of rent burden existing in the previous settlement. Effort's were made to follow a sound principle of assessment of rent with due regard to the question of equity and justice. In 1897, the Government found that many tenants were holding land at a fixed rate for the term of the last settlement and many at a very low rate. Therefore, the

38 Chapter six discusses the agrarian issues and peasant mobilisation by the socialists and the nationalist leaders that had deep links with the agrarian policy of the colonial government.
39 S.L. Maddox, op.cit., p.293.
Government wanted to revise the revenue demand by extending the section 104 of the Bengal Tenancy Act.\footnote{Ibid.}

The Board of Revenue of Bengal Province as well as the Lt. Governor of Bengal approved the daft rules for the settlement of 1897 which was based on the suggestions made by the Director of Land Records, Government of Bengal, S.L Maddox, the Settlement Officer, and Mr. Stevens, senior Member of the Board of Revenue. The main points of those draft rules were as follows:

(a) In case of \textit{pahi} raiyats, the existing rents should be taken as fair rents, unless application is made by the Zamindars for enhancement or for raiyats for reduction. (b) In case of \textit{thani} raiyats, rents should be proposed to them, which would be lower than the competition rents paid by \textit{pahi} raiyats. The enhancement will be done keeping in view of the rise in prices that has taken place since 1837. (c) In case of \textit{baziafitidars} and similar privileged tenants rents should be proposed similarly which should be lower than those fixed for non-privileged tenants.\footnote{M. Finucane, Secretary to the Government of India, Revenue and Agriculture Department, Letter No.238, dated 12 May, 1897, reprinted in S.L.Maddox, op. cit., vol. II, Appendices, pp.93-84.}

In January 1897, an official Conference was held at Cuttack with the local officers with whom discussions were held on various issues pertaining to the Orissa settlement including the daft rules. The question of the settlement of rents in Orissa was further discussed at
another Conference held at Belvedere on 13 March 1897 with the presence of the Lt. Governor of Bengal. The rules approved at that conference was submitted to the Government of India for approval. Finally, the rules for the 1897 settlement were laid down which were based on the approved draft rules mentioned above. The Government of India accepted these rules. Under these rules, the existing pahi rents were treated as fair rents. As regards the thani ryots the rents were enhanced by 12½ percent. Other rules and procedures adopted in the settlement covered the Bajiaftidars whose rents were increased from 50 percent to 100 percent and the assessment of tenure holders after valuation of different category of land like niji-chas, raiyati lands, bhag etc.

(v) Results of the Provincial Settlement of 1897:

The enhancement of rent made in the Provincial Settlement of 1897 in the districts of Cuttack and Puri was 12 percent and in the district of Balasore it was 12 1/3 percent. This difference was because of the excess area brought under assessment in Balasore district and due to rapid extension of cultivation in that district. The government derived large benefit from this settlement. The Zamindar and proprietary

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42 Ibid.
43 Letter No.2397-192-2, October 1897, from Denzil Ibertson, Secretary to the Government of Bengal, Revenue Department, reprinted in S.L.Maddox, op.cit., vol. II, Appendices, pp.91-92.
tenure holders, who were earlier enjoying the privilege of higher income, had to face a reduction in their income because of the increased revenue demand by the Government. The benefits that went to the tenants were that their proprietary rights in the land was either firmly established or enhanced even to the annoyance of the Zamindars. As a result of the detail survey, the officers engaged in the settlement operation discovered the exaction of the illegal cesses by the Zamindars from the tenants. The Commissioner to the Board of Revenue suggested for the total abolition of these cesses.46 But in practice the exaction of these illegal cesses continued. Nevertheless, the settlement protected the interest of the zamindars by giving them an up to date rent roll of their respective estates.

The settlement of 1897 denied Permanent settlement to the people of the three districts of Orissa, which they were promised before the settlement of 1837. During that settlement, the question of granting permanent settlement was discussed at Government level. The Landholders Association of Orissa gave a memorandum to the Government on 26 February 1897 requesting for the introduction of permanent settlement. However, the Government was firm in its opinion that the situation in Orissa was not conducive for permanent settlement and therefore, the introduction of permanent settlement of land revenue

46 Ibid. pp.392-394
in Orissa was not considered. The Government stucked with the temporary settlement for 30 years duration as a result of which the 1897 settlement continued up to 1927.

Provisions were made in the settlement of 1897 for granting pattas (occupancy right) for the pahi raiyats. It may be mentioned that the Rent Act of 1859 and the Bengal Tenancy Act of 1885 had the provision to grant the pahi raiyats occupancy rights, who had cultivated land for 12 years. However, these raiyats failed to prove the tenure of their holdings in the absence of any record of rights in the earlier settlement operations. Hence, the 1897 settlement prepared a detailed record of rights of pahi raiyats. The system of maintenance of settlement records by Patwaris introduced in this settlement facilitated smooth land revenue administration. This system helped both the Government and zamindars to get the correct rent roll of their respective estates prepared during the settlement operation and for further resettlement and preparation of statistics. The collection of rent from the cultivators also became easier. The maintenance of records also protected the occupancy rights of the raiyats.

47 Letter No.2397-1922, 13 October 1897, from Denzil Ibertson, Secretary to the Government of India, to the Secretary to the Government of Bengal Revenue Department, Reprinted in S.L.Maddox, op.cit., vol. II, Appendices, pp.92-93.
The settlement of 1897 brought remarkable changes in agrarian relations in Orissa. The maintenance of various types of land records in this settlement came as a boon to a large number of raiyats who felt secured by having known their rights on land being prepared, recorded and maintained by the Government during and after the settlement operation. The *pahi* raiyats who were treated merely as tenants-at-will in the previous settlements got their occupancy rights. However, it failed to liberate the raiyats from the traditional hold exercised by the proprietary class.

II. The Twentieth Century Settlements (1906-1932):

In this section we discuss the Revision Settlement of 1906-12 and the Revision Settlement of 1922-32.

(i) Revision Settlement of 1906-12:

The revision settlement operations in Orissa, which started in 1906, continued until January 1913. Its chief objective was the revision of record of rights throughout the temporarily settled area consisting of 5,206 square miles, which had been surveyed during the Provincial Settlement. This revision settlement was undertaken as a measure for ascertaining continuous maintenance of land records.

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50 See letter no. 3746, dated 17 June 1914, from J. Reid, Director of the Department of Land Records and Surveys, Bihar and Orissa to the Secretary to the Board of Revenue Bihar and Orissa, in Bihar and Orissa, *Revenue Department*, F.No. S-17/1915.

Various proposals for the inauguration of such a scheme of maintenance were discussed during the years immediately following the close of the settlement of 1897. The Director of Land Records, Bengal, who visited Orissa in 1906 recommended that before the introduction of any scheme of maintenance, the records should be brought up to date by formal settlement proceedings under Chapter X of the Bengal Tenancy Act.\textsuperscript{52}

The first attempt to bring the record of rights up to date was made in 1905 in the Sadar sub-division of Balasore by the agency of the collecting \textit{panchayats}. The experiment was a failure. In August 1905, a second scheme was evolved which provided for the employment of paid recorders, who were to be ordinarily members of the \textit{chaukidar panchayats} and the operations were placed under the control of the Director of Land Records.\textsuperscript{53}

The revision settlement began in November 1906. The survey was preliminary to revision of records. The first difficulty experienced in conducting survey was the impossibility of obtaining locally the services of trained staff and Survey Inspectors. Consequently, the Director of Land Records prepared new programmes in March 1908, which provided for the completion of the operations at a greatly enhanced net cost of Rs.1, 166,275.\textsuperscript{54}

\textsuperscript{52} Ibid., p. 50.
\textsuperscript{53} Ibid., p. 48-50.
\textsuperscript{54} Ibid., p. 72-73.
In 1906, when the revision settlement began, some sections of the Bengal Tenancy Act regarding proprietor’s private lands and appointment of common managers were extended to Orissa on the recommendations of the Settlement Officer. Some of the provisions of the Bengal Tenancy Act that were introduced in Orissa were in certain respects ill adapted to local conditions. For instance, there was no recognition of Bajyaftidars and sub-proprietors. Moreover, the provisions relating to the sale of tenancies were found to be inadequate. Provisions of law on important subjects, such as (i) making of improvements; (ii) the acquisition by landlord of a holding for building or other purposes; (iii) the surrender and abandonment of holdings; and (iv) contract and custom either did not exist or were ineffective. All these defects were brought out in the elaborate enquiries that were conducted by S.L Maddox during the Provincial Settlement in 1897-1900 and by J.F.W. James during the Revision Settlement of 1906-1912. The formation of a separate Province of Bihar and Orissa in 1912, therefore, brought into prominence the need for a self-contained agrarian code for Orissa. After a lot of discussion and debate both in the Bengal Legislative Council and the Bihar and Orissa Legislative Council, the Orissa Tenancy Act was passed which came into force on 12th September 1913. The Orissa Tenancy Act clearly defined the rights and obligations of all types of tenants and made more

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or less complete provision on all matters governing tenancy legislation\textsuperscript{56} in chapter five we have discussed about the colonial tenancy legislations in Orissa.

The first Revision Settlement of 1906-12 did not aim at maintaining the records keeping in view of the next Land Revenue Settlement of 1927. However, its purpose was to thoroughly revise the maps, to renumber the fields, to prepare a fresh record of rights and to go through the whole procedure of survey and settlement prescribed in the Orissa Tenancy Act in order to achieve substantially correct and unambiguous assessment.\textsuperscript{57} This revision settlement which started in 1906 was to continue until 1916 but the operation was stopped in January 1913 because of various reasons\textsuperscript{58} discussed below.

The Director of Land Records and Survey stated that the maintenance of the records for ten years would not obviate the preparation of a fresh record of rights (at the end of the period) to form a proper basis for next revision settlement of 1922-32. He pointed out that this experimental work was most unprofitable. The work on its present scale involved an annual expenditure of Rs. 75,000 and if extended to the district of Cuttack, Balasore and Puri, would amount to Rs. 160,000.

\textsuperscript{56} Ibid, pp. 9-10.
\textsuperscript{57} J.F.W. James, op.cit., p.1.
\textsuperscript{58} See recommendations of the Retrenchment Committee as regards the revision of land revenue settlements and records of rights, in Bihar and Orissa, Revenue Department, Land Revenue Branch, F. No. S -110 / 1923.
a year. The Government seriously considered these views of the Director of Land Records and Survey. H. McPherson, Secretary to the Government observed that

"Experimental operation, which rest on no legal basis have been going on for the last six years in the district of Balasore and a portion of Cuttack and it has become imperatively necessary in the interests of administrative efficiency to decide without further delay whether the scheme should be abandoned or it should be placed on a proper basis by the enactment of a Maintenance Act and extended to the whole of the three districts concerned."60

The net cost of the revision settlement was Rs.11.25 lakhs and since 1905 about Rs. 4.75 lakhs were spent on experimental maintenance. It was, therefore, contended that the abandonment of the maintenance scheme would involve the waste of sixteen lakhs of rupees already spent. In spite of the waste of such heavy amount of money already spent, the Government was not prepared to carry on the scheme on the ground that the past waste did not justify for wasting further twenty lakhs in the next twenty years. However, the expenditure already incurred in the revision settlement was not considered as a waste because it had been most useful and productive as it brought three most important results i.e., (a) it had furnished Orissa with an up to date records at a point in between the 1897 settlement and the 1927

59 Letter dated 19 February 1915, from H. McPherson, Secretary, Revenue Department, Bihar and Orissa to Secretary, Department of Revenue and Agriculture, Government of India, in Bihar and Orissa Revenue Department, Land Revenue Branch, F. No. S - 17 / 1915.
60 Quoted in J.F.W. James, op. cit., p. 19.
settlement. Moreover, the revision settlement was in accordance with the provisions laid down in the 1897 settlement which suggested that the alternative to continuously maintained records was an intermediate revision after an interval of 15 years; (b) Further, the revision settlement had brought to notice the unsuitability of the Bengal Tenancy Act to Orissa condition and led to the enactment of the Orissa Tenancy Act which provided the Orissa Division with a self contained agrarian code; (c) Lastly, the revision had yielded experiences which had been most instructive in working out the procedure to be followed in the much longer revision programme in Bihar. These positive results in the opinion of the Government amply justified the expenditure, which had been incurred in Orissa. The Government of India agreed to the view of the Government of Bihar and Orissa and accordingly the idea of continuous maintenance of land records in Orissa was given up.61

Rent at Revision Settlement of 1906-12:

As discussed earlier, the revision settlement was undertaken primarily to make the record of rights up to date as a preliminary to continuous maintenance of records and it was not essentially concerned with the revision of the rent. But the local landlords grabbed the opportunity to apply for the enhancement of the rents under Chapter V

of the Bengal Tenancy Act. The Chapter V of the Bengal Tenancy Act, which was extended to Orissa in 1891, had the following provisions, i.e., any person who had held land as a raiyat for twelve years in a village became a settled raiyat in the village: A settled raiyat acquired occupancy rights in all lands held by him. His rents thus can be enhanced on the ground of rise in prices after 15 years. The statutory period of 15 years after which settled rent were liable to enhancement expired for a greater part of Orissa in September 1912. Hence, the landlords could apply for enhancement of settled rents. The areas to which the Act was applicable was covered by 50 lakhs of plots which included more than half of Cuttack district and the whole of Puri district.62

J.F.W. James, Settlement Officer, felt that the enhancement of such rents was admissible on the ground of rise in prices. In his opinion, the enhancement that could reasonably be expected was from two to three annas in the rupee. Only 1,439 applications for enhancement were filled. In 599 cases enhancement was allowed at 2 to 2½ annas in the rupee. The average enhancement was at 2.05 annas.63

Such a small number of enhancement cases were due to the short time then allowed (two months) for making such applications, while landlords were procrastinating, the period of limitation passed. There

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62 J.F.W. James, op. cit., p. 60.
63 Ibid.
was also the consideration that the sub-division of tauzis and tenancies had made the rent of the average khatian so small that the enhancement to be expected was hardly worth the expense of a case under section 105. Court and process fees also amounted to one rupee per khatian and in Puri district where the average rent of a khatian was Rs. 1-6-0, the probable enhancement of 3 annas was to give a small return for the outlay.\textsuperscript{64} Therefore, practically rents remained unchanged in the Revision Settlement of 1906-12 except in 599 cases discussed above having an enhanced revenue of 2.08 annas.\textsuperscript{65}

(iii) Revision Settlement of Orissa 1922-32:

The Provincial Settlement of 1897 was due to expire in 1927. Therefore, for the next 30 years the settlement operation was undertaken in 1922 that continued for 10 years. This settlement operation came to be known as the Revision Settlement of 1922-32.\textsuperscript{66} This revision settlement which involved re-survey, revision of record of rights and assessment of rent and revenue primarily intended to revise the revenue settlement of 1897. This revision settlement covered the entire temporarily settled area, all the Khas Mahal estate except Banki and all

\textsuperscript{64} Ibid.
\textsuperscript{65} Letter No. 863 T, dated 28 November 1932, P.T. Mansfield, Director of Land Records and Surveys to the Secretary Board of Revenue, in Bihar and Orissa, \textit{Revenue Department Land Revenue Branch}, Proceedings No. 12-16, January 1935.
\textsuperscript{66} Ibid.
the permanently settled estates in Orissa with the exception\textsuperscript{67} of Darpan, Madhupur, Dompara and a few jungle blocks in Kujang and Kanika having a total area of 3,062 square miles.\textsuperscript{68} In this revision settlement record of rights were prepared for the first time, under the Orissa Tenancy Act, in the Permanent Settled Estates of Sukinda, Marichpur, Estates in North Balasore and Patia.

Regarding the 1922 Revision Settlement in Orissa, very long debate was initiated for its postponement in the Bihar and Orissa Legislative Council on 3\textsuperscript{rd} March 1922.\textsuperscript{69} Babu Ganesh Dutta Singh, M.L.C., moved a resolution in the Legislative Council of Bihar and Orissa, for the postponement of the survey and settlement operations of 1922 for one year because of the peasants suffering due to continuous famine in Orissa since 1910. Babu Ganesh Dutta Singh said in the Council “Orissa had just recovered, in 1922, from a continuous famine of several years; the people have not had sufficient time to put their homes in order; and it is not survey and settlement but it is going to unsettle

\begin{footnotesize}
\begin{enumerate}
\item \textit{Cuttack District Gazetteer}, op.cit, p.181.
\item Bihar and Orissa, \textit{Legislative Council Proceedings}, op.cit., 3 March 1922, pp.919-957.
\end{enumerate}
\end{footnotesize}
He further added that, "in order to give relief to people who have been wretched for many years, I think it is the duty of the Government to postpone the survey and settlement operations. It is not a question of revenue but of prosperity of such a big tract that is concerned." 71

Nevertheless, in anticipation of the increased revenue for some category of tenants the Government decided to start the revision settlement for settling increased rent. The main reason why Ganesh Dutta Singh wanted for only one-year postponement is understood from his speech when he said,

"Everyone knows that not a year ago the people of Orissa were begging for food. 72 Now I am told that they have got some crop and are in a better condition, and if they get a year rest, I think, they will be able to look after work and labour. When the survey goes there, it is not the land that is measured, it is not the land that is assessed, but hundreds of troubles are created, and some of the officers of the survey department might have some experience what the trouble is; it is worse than plague. People would like to have plague, rather than survey and settlement operations." 73

H. McPherson, the Revenue Secretary, who said "We must look at the proposal from a business point of view", reflected the Government's stand on the above resolution brought by Ganesh Dutta Singh in the Legislative Council. McPherson remarked,

70 Speech of Babu Ganesh Dutta Singh in Ibid, pp.919-920.
71 Ibid.
72 Here Ganesh Dutta Singh referred to the severe famine related distress in Puri in 1920.
"There is no disguising the fact that if we postpone the Orissa settlement operations for one year; we stand to lose five lakhs of rupees, because the increased revenue, which we expect from resettlement, is an annual increment of five lakhs. If the work is postponed for one year we shall be throwing away five lakhs of rupees... We ought to bear in mind that great deal of money has been spent in Orissa on flood relief. It runs to several lakhs of rupees and has been spent to repeal the ravages of flood." 74

Though McPherson admitted that the whole of Orissa was affected by floods and famines and the worst affected area were south Balasore, central Puri and the coastal belt of Cuttack district yet he stated that the condition of North Balasore was better and it was not severely affected by flood. Therefore, he viewed that the revision settlement should start from North Balasore area. 75 McPherson further justified his stand on the issue by saying

"There has been a decent crop in Orissa this last season... by the time the settlement operations begin, we shall have on the ground the crop of the next cold weather. After putting off (revision settlement) for another year, we may find that the position is again worse and we may go on doing this (postponement) indefinitely, with the result that Orissa will never be resettled." 76

From this statement of McPherson, it may be observed that the Government wanted to take the maximum advantage of the situation when there was a decent crop. In other words, the colonial Government wanted to grab its share at the first sign of prosperity of the peasants, which shows how their policy lacked the sincere desire to promote

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75 Speech of McPherson in Ibid, p.922.
76 Ibid, pp. 922-923.
agricultural prosperity and to widen the sources of agricultural wealth in Orissa.

Moreover, the Government officials thought it wise to settle the revenue matters at a time when there was a better crop in order to ensure their future increased income from the enhanced revenue without bothering about its adverse economic consequences on the tenantry. After all the imperialists had watched the recovery of the peasants from the distress of the natural calamities by reaping a better crop and they did not want to let the farmers enjoy the fruits of their good luck alone.

Did the settlement operations introduced by the British Government in Orissa achieve popular appreciation? As a matter of fact neither the landlords nor the tenants were satisfied with the settlement operations. On the one hand the landlords were hostile to the revision settlements and maintenance of record of rights because they lost the salami for mutation, as the tenants got the mutation free of cost during the settlement operations. On the other hand, inspite of the limited benefits received by the tenants, they also did not like the settlement operation because they felt harassed by the settlement staff and their agricultural operations suffered due to the survey work. The Public

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77 The settlements provided certain security of land titles but they were 'purely accidental'. Its main aim was to 'fix responsibility for the payment of revenue'. See Dietmar Rothermund, "The Record of Rights in British India, Indian Economic and Social History Review", vol. VIII, no. 4, December 1971, p. 443.

sentiment on the early resumption of the survey and settlement operations was reflected in the speech of Babu Biswanath Kar, Member of the Legislative Council. While supporting the resolution of Babu Ganesh Dutta Singh Biswanath Kar said,

"People have some sort of a dread for these settlement operations. They consider it as a monster rightly or wrongly coming to devour what substance, they have in them in time, money etc. Everyone, who has some experience know what sort of hardship these settlement operations bring to the people, and it is admitted on all hands that Orissa has been suffering for some years past as if from chronic famine. It has had only a little breathing time this year, and if you begin settlement operations, people will consider it a misfortune and a calamity . . . The time is not very opportune for beginning this operation which is so very unpopular among the people". 79

Babu Charuchandra Ray Chaudhury, Choudhury Bhagabat Prasad Samantrai Mohapatra, Babu Birabara Narayan Chandra Dhir Narendra & Maulavi Shaikh Abdul Majid, Legislative Council Members from Orissa, whole-heartedly supported the resolution brought by Babu Ganesh Dutta Singh. Regarding the statement made by McPherson that some lakhs of rupees were spent in Orissa on account of flood, Choudhury B.P.S. Mohapatra commented,

"It is true. About a lakh of rupees has been given as charity and some two or three lakhs as takavi loans... The takavi loans advanced to the people for the last two or three years have been collected. Then there were debts due to Mahajans and rent to the Zamindars who will not allow the poor tenants to enjoy the crops that they have got this year, comfortably. They must have their dues and perhaps they have already got them. The fact is that although the people have got a little good crop this year, there will

be nothing left to them to enable them to undergo the troubles of
the settlement."

Therefore, Choudhury B.P.S. Mohapatra believed that by
postponing the revision settlement work by one year the Government
would not incur loss of revenue. Babu Narayan Chandra Dhir Narendra
strongly supported the resolution. He said that there was no harm in
postponing the proposed resettlement with the temporarily settled areas
in Orissa and resuming them a little late. He criticised the Government
by questioning, "Is it becoming too late to effect the revision after the
revision settlement of 1910? Are the tenants or landlords badly in need
of an immediate revision? Are the tenants or landlords pressing the
Government for making a revision of their record of rights? Is the time
most suitable for beginning the work? Why should the Government then
behave like an outsider volunteering to put the house of a householder in
order and calling upon him to pay for the expenses at a time when he is
starving?" 81

J.A. Hubback strongly opposed the resolution. The members of
the Legislative Council from Bihar were also divided in their opinion and
most of them voted against the resolution brought for the postponement
of the revision settlement for which the motion was lost. Hubback said

"The money which we hope to get from the settlement will be
available for expenditure on gratuitous relief... if the necessity
should unhappily arise and for other innumerable useful works in

80 Ibid.,p.924-926. See vote on the resolution of B.P.S. Mohapatra, in Bihar and Orissa
81 Ibid, p.927.
Orissa and elsewhere... I would strongly urge the house again not to postpone this necessity, people of Orissa may regard it as an evil, but if it is an evil it is a necessary evil."82

Hence, it may pointed out that even though the Government outrightly denied permanent settlement of land revenue to a large number of cultivators in Orissa it also did not pay any consideration to the large number of resolutions brought in the Legislative Council regarding the postponement of the revision settlement of 1922 by one year. The peasants could not get one more chance to derive strength from the inspiring crops of the year 1921-22. The lack of sympathy and support from a majority of Legislators from Bihar for the cause of the Oriya peasants also helped the British officials to remain more adamant.

The Government made all arrangements for taking up the revision settlement operation in Orissa in 1922. This was the first revision settlement undertaken by the Government of Bihar and Orissa. This revision settlement of 1922-32 was conducted on the basis of the Orissa Tenancy Act of 1913 and the rent fixed and the decisions taken at this revision settlement remained vogue till independence. Concerning the fixation of rent John Hubback, the Governor of the province of Bihar and Orissa, made a suggestion that the general principle to be adopted should be to enhance all ordinary raiyati rent at a uniform rate based solely upon the rise in prices. Hubback put forth the argument by saying that there was no reason why a general enhancement of 25

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\[Ibid, p. 923.\]
percent of the existing rents of all raiyats be not imposed, since there
was no revision or hike in rent since 1897.83

While supporting Hubback, P.T Mansfield put forth an argument
that an attempt to classify the land and to fix rate for different classes of
raiyats was impractical and unnecessary as it had been done in the last
settlement. Therefore, he justified the enhancement of the existing rent
on the ground of rise in prices. Further, he added that the enhancement
based on rise in price is to be made after taking into consideration the
average rate of rent in the village, fertility of the soil, occurrences of
natural calamities and the selling prices of land.84 However, once the
government agreed on the proposal for enhancement of 25 per cent of the
existing rent, no weight was given to Mansfield’s argument for
considering the quality of land and other factors. However, this exposed
the inconsistency in the policy decisions in the government.

The government accepted this proposal for enhancement of rent by
25 per cent. For the people of Orissa this hike did not make a surprise.
This has been the usual policy of the British Government, which was
very much established in their mind when they gave Orissa the
temporary settlement and repeatedly flouted their promise to
permanently settle the land revenue. Moreover, the same technique has
been followed in the Settlement of 1837 and 1897.

83 See W.W. Dalziel, Final Report on the Revision settlement of Orissa, 1922-32, Patna,
1934, pp.40-46.
84 Ibid., pp. 47-57.
In this settlement the rates of rent of the privileged classes of tenants was higher than that of the ordinary tenants which appears to be a healthy trend. However, the tanki tenants or sub-proprietors continued to enjoy the privilege of paying low rent as their rent was enhanced only by 6 to 8 percent.\textsuperscript{85} Like the earlier settlements, the settlement of 1922-32 was also influenced by the partiality of the government on the ground of caste, creed and socio-economic status of the cultivators. In spite of the significant enhancement of the rent of the privileged tenure holders their average rate of rent continued to be lower than that of the less privileged tenants.\textsuperscript{86} Imposition of highest rate of rent from chandinadars, who had no agricultural land except a house site, most of whom earned their livelihood by working as agricultural labourers seemed arbitrary. Thus, the inequitable rent structure that was formulated in the first long-term settlement in 1837 continued all through the British rule.

(iv) Results of the Revision Settlement of 1922-32:

As a result of the 1922-32 revision settlement the average increase in government revenue from the three temporarily settled districts was

\textsuperscript{85} See letter no. 580 T, dated 7 September 1925, from A.D. Tuckey, Director of Land Records and Surveys to the Secretary to the Board of Revenue, Bihar and Orissa, in \textit{Selections from Orissa Settlement Papers, 1922-32}, Board of Revenue, Cuttack, p. 106; W.W. Dalziel, op.cit., p. 114.

\textsuperscript{86} W.W. Dalziel, op. Cit., Appendix XI, p.LVII.
33.06 percent from that of the 1897 settlement. Table 2.1 shows the
district-wise break up.

**Table 2.1: Increase in Government Revenue in the 1927 Settlement.**

<table>
<thead>
<tr>
<th>Districts</th>
<th>Percentage of increase from the 1897 Settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuttack</td>
<td>36.4</td>
</tr>
<tr>
<td>Balasore</td>
<td>37.5</td>
</tr>
<tr>
<td>Puri</td>
<td>25.3</td>
</tr>
<tr>
<td>Average of three districts</td>
<td>33.06</td>
</tr>
</tbody>
</table>

Source: W.W. Dalziel, op.cit., p. 86, 100 & 115.

Table 2.2 shows the incidence of revenue per acre of assessed land
in the settlement of 1927 in the temporarily settled areas of Cuttack,
Balasore and Puri districts and compares it with that of the 1897
settlement. As shown in Table 2.2 the incidence of land revenue was
higher in Cuttack district in comparison to the districts of Balasore and
Puri. This was because the land in Cuttack district was more fertile\(^7\) and
it had more irrigated and protected tracts.\(^8\)

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\(^7\) Letter no. 17-64-6, dated 29 June 1926, from J.A. Hubback, Commissioner of Orissa Division to Secretary to the Board of Revenue, in Government of Bihar and Orissa, *Revenue Department, Land Revenue Branch*, F. No. S-165 / 1926.

\(^8\) Letter no. 426 T.R., dated 28 May 1926, from J.A. Hubback, Commissioner of Orissa Division to the Secretary, Board of Revenue in Government of Bihar and Orissa, *Revenue Department, Land Revenue Branch*, F. No. S-165 / 1926.
Table 2.2: Incidence of Land Revenue per acre of assessed land in 1897 and 1927.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Revenue per acre in 1897 Settlement</th>
<th>Revenue per acre in 1927 Settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuttack</td>
<td>Rs. 1 Anna 5 paisa</td>
<td>Rs. 1 Anna 10 paisa</td>
</tr>
<tr>
<td>Balasore</td>
<td>0 Anna 14 paisa</td>
<td>1 Anna 1 paisa</td>
</tr>
<tr>
<td>Puri</td>
<td>1 Anna 0 paisa</td>
<td>1 Anna 3 paisa</td>
</tr>
</tbody>
</table>

Source: As in Table 2.1 above.

III. Colonial Land Revenue Policy and the Question of Permanent Settlement in Orissa:

The pledge of the Government to settle the land revenue permanently in Orissa was made by the Regulation 12 of 1805 which announced for the permanent settlement of revenue of 5/6th of Orissa, some with the Tributary Chiefs and some with the Zamindars, and promised to make the remaining one sixth permanent in 1815. This promise was further strengthened by repeated enactment i.e. by the Regulation 9 of 1805, Regulation 10 of 1812, and Regulation 3 of 1815. However, all through the British rule the Government's promise for settling the land revenue permanently remained unfulfilled.

In 1837 government took the excuse for not granting permanent settlement to Orissa because of want of a report from the Board of

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90 Ibid.
Revenue who were asked to inquire whether the estates in Orissa were in a fit state of cultivation to deserve the grant and for want of a correct record of private rights. In 1837 when the first large-scale survey of land was made and a record of rights was prepared, the cultivation was found short of the required standard, which was subsequently fixed at 80 per cent of the cultivable area. The settlement was made for a period of thirty years. As discussed earlier the settlement of 1837 which was to expire in 1867 was extended for another period of 30 years i.e. till 1897 owing to the severe famine of 1866 which took a heavy toll of human life and an unfortunate decrease in cultivation and out turn of crops. In the next survey and settlement that was made in 1897, a fresh record of rights was prepared. Nevertheless, inspite of public memorandums and expectations on the ground of previous assurances the permanent settlement was denied and the settlement was concluded for another 30 years term until 1927.\footnote{Ibid., Also see Romesh Dutt, op. cit., 174-207.}

It may be remembered that in between the two provincial settlements i.e. 1837 and 1897 there was a change in the revenue policy of the British Government in India. Before 1857, the land policy pursued by the East India Company was influenced by the British merchant capital, which aimed at seizure of territory and exploitation of the immediate produces of the land based on non-economic coercion. The degree of exploitation of the peasantry is reflected in the ever-increasing
figures of the land revenue collections and the amount that went to the tax collectors. Moreover, the Company wanted to keep allies or intermediate agents for two basic purposes i.e. (1) To secure the collection of revenue without much hassle and (2) To maintain loyal allies of intermediate agencies like the landlords, who exert significant influence on the cultivating masses, in order to secure its position in India.

The Company did not want to extend the permanent settlement beyond Bengal because it found that due to the extension of cultivation and increase in rental as well as rise in prices, the peasantry in Bengal and the landed classes had reaped enough profits because of the permanent settlement. The agriculturists of Bengal became more resourceful and more secure against worst effects of famines than the agriculturists of any other provinces in India. Therefore, the Company changed its revenue policy by introducing temporary settlements and fixing a proper share of the rental outside Bengal. In North India they fixed their demand first at 83 percent of the rental, than at 75 percent, then at 66 percent. However, when they found this impracticable the state demand was limited to 50 percent of the rental in 1855. The one-half of the rental was extended to Southern India in 1864. As Romesh Dutt said, “an income tax of 50 percent on the profits of cultivation is a heavier assessment than is known in any other country under a civilised
Government. But it would be a gain to India if even this high limit were never exceeded.” 92

In 1858, after the Queen’s Proclamation the crown Government induced a desire to promote agricultural prosperity, and to widen the sources of agricultural wealth in India. An influential group of British officials proposed to fix the revenue permanently. Sir Charles Wood, Sir Stafford Northcote Lord Canning, and Lord Lawrence were among those who supported the revival of the permanent settlement. 93 However, the desire and sincere efforts of some of the early administrators under the Crown Government was weakened after the first generation of administrators under the Crown passed away. With the rise of imperialism and increase in expenditure, the increasing revenue demand became a striking feature of British rule for which the benevolent proposals of Lord Canning and Lord Lawrence was dropped in 1883: For example, Lord Canning introduced the Bengal Rent Act of 1859 that went a long way in protecting the tillers of the land and the profits of cultivation. 94 Similarly, Lord Canning pursued the same useful policy in Oudh and in Punjab for providing security of tenure to the peasants.

92 Romesh Dutt, op.cit., pp. 174-207.
94 Romesh Dutt, op. cit., p. 174.
Lord Canning and Lord Lawrence advocated for a permanent settlement of the land revenue demand in all provinces of India. Lawrence aimed at forming a strong middle class, and to promote the agricultural wealth of the people.\textsuperscript{95}

Sir Charles Wood, then Secretary of State for India wrote to Lawrence in 1865 regarding the mode of implementing the permanent settlement. He divided all the Indian Revenue districts into three classes i.e. (1) Districts where agriculture was backward, (2) Districts fairly cultivated and fully developed and (3) Districts with estates fairly cultivated and imperfectly developed. Among the above three groups, Wood stressed that a permanent settlement should be at once introduced for the second class of districts i.e. those districts that were cultivated and fully developed. With regard to the third category of districts, he prescribed immediate settlement, on perpetuity after revision, for all estates in which the actual cultivation amounted to 80 percent of the cultivable area. For the estates that were not fully cultivated, he stated that those areas should be treated in the ordinary manner, and settled for a term not exceeding thirty years. Charles Wood in his famous despatch had already mentioned that

"In Bengal where a permanent settlement was made with the Zamindars seventy years ago, not withstanding the depressed condition of the peasantry caused by errors of omissions in the mode of making the settlement, has been most remarkable. Such errors in the existing state of our knowledge regarding the rights

\textsuperscript{95} Tbid, p. 178.
and interests of the sub-ordinate occupants of the soil, would not
be permitted to secure."96

Further, in March 1866 Earl de Grey, the Secretary of State for
India and Lord Ripon suggested,

"A rule might be laid down that no permanent settlement should
be concluded for any estate, the assets of which would when canal
irrigation shall have been carried to the full extent at present
contemplated, exceed in the opinion of the Officers of the
settlement and Irrigation Departments the existing assets in a
proportion above 20 per cent."97

Similarly, Sir Stafford Northcote, the Secretary of State for India in
1867 supported the decision to introduce a permanent settlement
realising the importance of connecting the interests of the proprietors of
the land with the stability of the British Government. Nevertheless, he
suggested to withheld permanent settlement in the under developed
tracts and estates.98 Northcote put forth two rules for restricting
permanent settlement in under developed tracts and estates i.e. (1) "No
estate shall be permanently settled in which the actual cultivation
accounts to less than 80 per cent of the cultivable or malguzaree area";
and (2) "No permanent settlement shall be concluded for any estate to
which canal irrigation is, in the opinion of the Governor General in
Council, likely to be extended within the next twenty years, and the

96 Charles Wood's Despatch, dated 9 July 1862, quoted in Ibid.p.206.
97 Romesh Dutt, op. cit.p.207.
98 Ibid.
existing assets of which would thereby be increased in the proportion of 20 per cent". 99

But ironically, even after having the support of the Government in Britain and the Secretary of State following wide debates the proposal for permanent settlement of land revenue in whole of India was rejected. The main reason of this rejection of the proposal as Dutt perceived was i.e. (1) Perspective loss of revenue to the Government; (2) Continual peaceful conditions that prevailed in India after the revolt of 1857; (3) The Government desire to derive benefit by the increasing value of land. 100

The final rejection of the proposal of permanent settlement of land revenue in India was not due to any new difficulties experienced but because of change in the spirit in the Government policy. 101 The proposal for permanent settlement first dictated by a desire to improve the material condition of the people to encourage the investment of money in the land, to promote the gradual growth of a middle class in India, and to foster economic prosperity that would help the people in years of difficulties, droughts and distress. 102

Unfortunately, the new generations of administrators did not give due importance to the benevolent object put forth by their predecessors as a result of which the extension of permanent settlement was with

99 Quoted in Romesh Dutt, op.cit., p. 208.
100 Romesh Dutt, op.cit, p. 207.
101 Ibid.
102 Ibid.
held. In Orissa, the policy explained and the ground shown for withholding permanent settlement may be summarised as follows:

(1) The estates were not in a sufficiently improved state of cultivation; (2) the want of correct record of rights; (3) the canal irrigation system introduced in the province had not been for a sufficient length of time to give an idea of its effect on the value of the land; and (4) the probability of large increase in the prices of the produces of the land, on account of the railway communication that was under construction at the time of the last settlement.

In this context it may be mentioned that by 1897 about 94 per cent of the cultivable area in the Orissa Division had been brought under cultivation. Therefore, the condition mentioned at (1) above regarding sufficiently improved state of cultivation, was more than fulfilled. Moreover, by the year 1907 the extension of cultivation was 4 percent in Balasore and 5 percent in Cuttack district. In Puri, however, there was little room for extension of cultivation. Regarding the second condition i.e. want of correct record of rights, it has already been made in the settlements of 1837, 1897, and 1907. Regarding the third, condition i.e. effect of canal irrigation system on the value and assets of the estates, S.L Maddox in his reply to a Government question “Has there been a rise of rent rates due to Irrigation?” agreed in 1899 that “There has been a rise owing to the improvement in land which previously suffered from

105 Ibid.
want of water”, but he did not favour enhancements on the ground of the increase in the value of the land due to irrigation. He said that such increase in the value of land is very rare and is in no way proportionate to the increased out turn. Further in his reply to another question “Has there been extension of cultivation due to irrigation?” Maddox said, “It is certain that in some localities there has been a small increase on this ground, but it is almost negligible in comparison with the general increase in the province and no direct evidence on this point has been obtained”. 106

Kingsford, Settlement Officer, observed in 1899 that the rents were not higher in irrigated areas than in un-irrigated areas. He also did not find any evidence of enhancement of rent on account of irrigation. However, he found the collections were better in irrigated villages because the crop was more secure and irrigation facilitated cultivation of special crops which paid higher rent, but much of its benefit went to the Zamindars. 107

J.F.W. James, the Settlement Officer at the revision settlement of 1906-12 said, “On the whole I fear that I cannot hope to increase either revenue or water rates to a figure that would represent any considerable

106 Ibid, p. 647.
return on the capital invested, and I doubt if more can be done than merely to enhance existing rates as prices rise."\textsuperscript{108}

Moreover, in Orissa the lands were almost wholly rice producing and production of crops having commercial importance was scarce. The great part of this rice produced by the Oriya cultivator was for home consumption and the small part that remained went to meet his other necessities of life and for paying rents and taxes. Therefore, any rise in the prices of rice whether temporary or permanent did not improve his economic condition. The homestead land of the cultivator supplied him some of his vegetable needs. The income of an average Oriya was never sufficient to maintain his family whatever be the prices of his crops.\textsuperscript{109}

Before the beginning of the revision settlement of in 1922 a strong debate continued in the Legislative Council of Bihar and Orissa in which the Oriya members in the council urged the government for the introduction of Permanent Settlement in the temporarily settled areas of Orissa. In his resolution, Choudhury B.P.S. Mohapatra urged the Government to settle the rents permanently in 1927. He viewed that his resolution favouring permanent settlement in Orissa was not a new idea, but his claim was based upon the solemn promises of the government made earlier. He emphasised that the conditions required for the introduction of permanent settlement in Orissa had been more than

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\textsuperscript{109} Ibid., p.650.
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fulfilled. He further added that “the improved communications have failed to improve the economic condition and paying capacity of the raiyat and the irrigation system has failed to improve the value and assets of the land.”\textsuperscript{110} Out of the originally estimated 23 lakhs of acres only less than 3 lakhs of acres were irrigated and further extension was impossible. As he said “there is nothing now to stand in the way of the present temporary settled estates being settled permanently as promised by the Government of Lord Wellesly and subsequently recommended by two Secretary of State viz. Sir Charles Wood and Sir Stafford Northcote and two Viceroy's Lord Canning and Sir John Lawrence.”\textsuperscript{111}

Choudhury B.P.S. Mohapatra's request to the Government to decide in favour of a permanent settlement, and to make it known to the people immediately so that they may be induced to take lively interest in their lands and in the improvement of agriculture, failed to derive any sympathy from the government. \textsuperscript{112} On the resolution moved by B.P.S. Mohapatra in the Legislative Council J.A. Hubback, Revenue Secretary replied

“In case permanent settlement is granted to Orissa the proprietors would escape any addition to their present assessment consequent on the general increase of rents which they may reasonably expect to get from their tenants in view of the considerable rise in prices that has occurred since the settlement of 1897.”\textsuperscript{113}

\textsuperscript{111} Ibid.
\textsuperscript{112} Speech of J.A. Hubback, Revenue Secretary, in Bihar and Orissa, \textit{Legislative Council Proceedings}, 17 February 1922, p.653.
\textsuperscript{113} Ibid., pp.654-655.
Hubback mentioned the following four grounds on which the Government expects to find increase in the assets of the temporarily settled proprietors of Orissa.

1. Extension of Cultivation.
2. Enhancement of rents of lands settled on privileged rates for the term of the settlement of 1897.
3. Enhancement of rents on the ground of rise in prices, and
4. Enhancement of the value of proprietors’ private lands and other lands valued for revenue purposes.\textsuperscript{114}

Hubback's whole argument against permanent settlement centred round the extra assessment on land which, he said in the Legislative Council, was due on the proprietors/ zamindars because of the increase in cultivation. Hubback argued that in view of the financial position of the province of Bihar and Orissa there was an urgent need of money for development works and therefore there was a possibility for imposing new taxes. He pleaded the Council to pause before granting permanent settlement as requested by the Oriya members of the Council. \textsuperscript{115}

The Government expected an increase of revenue in the settlement of 1927 by 4 lakhs. In view of that the government would lose revenue for the development schemes. The Revenue Secretary refused the charges that land has been over taxed. He said "It is perfectly clear that the merchants, the salary earners and the classes who consume imported goods have had to bear immensely increased burdens, while landholders

\textsuperscript{114} Ibid., pp.656.

\textsuperscript{115} Ibid, pp.656.
have been left practically untouched."^{116} In this context it may be argued that, the increase in the income tax and customs tax does not mean that the tax on land should increase. The agrarian community also indirectly paid the tax, which was taken from the agricultural merchants, and this agrarian community toiled hard all through the year and the produce from land largely fed the entire nation. For this reason and for the sake of general prosperity of the nation this increasing demand on land should have been avoided. Moreover, the half-rental rule, which the British introduced in 1855, remained in theory. In practice, it was violated by the imposition of a number of new taxes in addition to the land revenue.\^{117}

The period of land revenue settlement was made for thirty years in North India, Madras, and Bombay and in Orissa. In the Punjab the period of settlement was, however, cut down to twenty years. The memorialists, who constituted retired Indian administrative officials in London, urged for the continuation of the 30 years rule. Lord Curzon said

"The reason for this differentiation are familiar and obvious where the land is fully cultivated, rents fair, and agricultural production not liable to violent oscillations, it is sufficient if the demands of the Government are readjusted once in thirty years, i.e. once in the life time of each generation, where the opposite condition prevail, where there are much waste land, low rents, and of fluctuating cultivation, or again where there is a rapid development of resources, owing to the construction of roads, railways or canals to an increase of population or to a rise in prices, the

\[^{116}\text{Ibid pp. 656-658.}\]
\[^{117}\text{Romesh Dutt. op cit, pp. Ix-X.}\]
postponement of resettlement for so long a period is both injurious to the people, who are unequal to the strain of a sharp enhancement and unjust to the general tax payer who is temporarily deprived of the additional revenue to which he has a legitimate claim."\textsuperscript{118}

On the 30 years settlement rule Romesh Dutt said, "The idea in those days was to permit the people to obtain the benefits of a long settlement, to let them enjoy the fruits of all progress during the generation of a life time, and to inspire them with a motive for making improvements by leaving them alone for thirty years. A narrower desire to demand more frequent enhancements dictated the policy of 1895, and the policy stands condemned by its result."\textsuperscript{119}

Therefore, the root of India’s agricultural backwardness and impoverishment of the tenancy have been attributed to this policy of temporary settlements of land revenue which did not aim at providing economic security to the peasants which a permanent settlement in whole of India would have brought.\textsuperscript{120} The system of the temporary settlements introduced by the British Government in India was an after thought and it demonstrated all the duality and historically limited nature of the land policy pursued by the British.\textsuperscript{121}

\textsuperscript{118} Quoted in Romesh Dutt, op.cit., p. 372.  
\textsuperscript{119} Ibid, p. 373.  
\textsuperscript{120} Ibid, p. XIII.  
\textsuperscript{121} See \textit{Krushak}, (Oriya Weekly, Cuttack), 30 April 1938, Editorial, p. 6.
Conclusion:

The analysis of the land revenue settlement and rent structure in Orissa during the British regime reveals some of the fundamental defects in the system. The temporary settlement that was given to the people of coastal Orissa was designed to revise the land revenue with an interval of thirty years and to derive maximum benefit for the Government, which became possible. These periodic revision settlements apart from its positive benefits like granting of rights over land, maintenance of the record of rights etc. had an adverse impact on the agriculture as well as on the economy of the common peasants. The agriculture suffered because the survey operations usually took a very long time for which the sowing of seeds in the land during the season was either delayed or postponed. Even when there was no cultivation the raiyats had to pay the rent out of savings or by making a loan.

There was no rational basis to the calculation of rent on agricultural land. The socio-religious status of the tenantry and degree of property right over land were factors that mattered, not so much productivity. The question of productivity of land, poverty and the economic status of the peasantry were systematically neglected. Despite frequent promises to settle rent on the basis of productivity criteria before the beginning of each temporary settlement, in reality no definite principle was followed for assessing just and equitable rent.

122 Samaj, (Oriya Newspaper, Cuttack), 2.10, 1926.
The Bengal Tenancy Act of 1885, which was unsuitable to Orissa conditions, was extended to Orissa in parts as required from time to time till the Orissa Tenancy Act was passed in 1913. In the absence of a fixed and specific rule of assessment, the Settlement Officer enjoyed a lot of discretionary power that sometimes brought an erroneous overassessment of rent on the thani cultivators. During the short-term settlements from 1803-1837 they were already paying higher rent. In the beginning of the first 30 years or long-term settlement the existing rent paid by the thani raiyats were treated as fair and new rent was fixed with some additional enhancement over and above the existing rent, because of which the rent burden on the thani raiyats became very heavy. This had an adverse impact on the peasant economy of Orissa.

The agrarian society was divided into two different interest groups, i.e., the privileged, and the non-privileged tenure holders, which was purely on the basis of the social hierarchy. The privileged tenants (thani raiyats) paid a lower rent than the unprivileged (pahi) tenants did. The pahi raiyats, who were mostly from the lower caste, paid higher rate of rent. This unjust rent system continued until independence. As a result, the common peasants had to bear the rent burden, which benefited the Government, the zamindars and the privileged tenants. Resentment against the British Government for their unfavourable attitude towards the common peasant masses and the economic inequality in the rural society was manifested in a number of peasant mobilisations in various parts of the area under study, which are discussed in Chapter six.