CHAPTER VII

CONCLUSION
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The above study on the land system of Orissa reveals that Kings in general seem to have claimed absolute ownership over land and they deposed it off as they liked. It is supported by both ancient Polity writers and inscriptions. Inspite of kings prerogative rights over all land private and created-land holders were there. It is clearly substantiated by the land grants and law books. They however possessed their proprietary right till they were paying the land revenue and other dues to the royal authority.

Because of the donation of land the landed and economic structure underwent a great change giving birth to a class of created land holders. Thus, a new claimant of the ownership on Soil emerged. Lands were also donated in lieu of royal service. In all these cases as found out the donees did not cultivate the land and entrusted of on share cropper basis. It means, the lands were cultivated by a class of people who legally did not own it. Again the donees were endowed with vastmass of land with other rights that created a class of land lords with titles to the landed property which they did not possess earlier. They emerged with feudal property and seigniorial rights. This sowed seeds of feudalism with usufructuary rights over the land on the authority of the royal charters. The general peasants and other class of people in the donated land became
semi-serf under them. They possessed even right to collect present and future taxes, fines etc.

Specific forms of land tenures were there. They were bhūmichchhidranyāya, agrahāra, brahmadeya, devadāya, bhogagāmas, ākṣhayanīvi, nīvidharma, kara-Śāsana etc. Except Kāraśāsana and bhogagāmas all others were permanent and hereditary in nature. Kāraśāsana was granted with a nominal revenue payment while bhogagāmas was granted to the state officials only. Agrahāra, brahmadeya and devadāya were granted as tax free and permanent tenure. Although both agrahāra and brahmadeya were granted to brahmaṇas, brahmadeya was granted to a specific group of brahmān people who were engaged in pious activities. Bhūmichchhidra was a peculiar tenure in which person bringing the land for the first time under cultivation became its owner. It signifies full property rights and exempted from all taxes and dues. It did not carry with it the right to oust tenants. Akṣhayanīvi and nīvi-dharma being permanent endowments were not to be dismissed under any circumstances.

With the donated land all the rights of the donor over that were also transferred to the donee. But the donee had no right to compel the tax paying subjects
On the other hand the subjects of the donated villages had no right to take shelter in other villages. Land transactions were made. There are evidences of selling land by private persons, by the donees and others. Kings sometimes purchased land to make donation. Although different rights were transferred, the donors were deprived of the right to govern the inhabitants of the villages those were granted.

During the period of this study a large number of endowments were made in the form of land grants to brahmin followed by temples, Gods, Viharas, officials scholars and others. The purposes of the land donation were many. Maintenance of brahmins, temples, other religious institutions, aryanaisation of tribal belt, development of education and culture encouragement of scholastic activities reclamation of forest land, social services and for personal and family welfare were important among them. The brāhmaṇa donees were mostly from outside Orissa. The lands granted to them were free from all taxes together with right over the working population that caused a great loss to the royal treasury. However, religious, political cultural and socio-economic purposes of the kings were served by it.
So far the pattern of the donation is concerned, it was not uniform. Although the donation of one village to one donee was the normal practice, instances of one village to many donees and many villages to one donee are not absent. Those grants were not only made by kings but also by queens, feudatories and private persons. However they were required to obtain a permission from the king to do so. But evidences of making donation without referring to the king by powerful feudatories are available. Thus, probably such permission was not required by powerful feudatories.

In two cases donated lands were redonated while in another case same donee is donated by two different kings and probably several properties were redonated to another donee. The kinds of land donated by the copper plate inscriptions were also not uniform. While in the tribal belt it is mostly forest land in the coastal plain it is cultivated land. The donation of lands strictly bound with certain traditional practices prescribed by the Hindu religious texts. Those traditions were declaration before the public, attestation of witnesses, libation of water etc. The records of the donations were kept by royal officials.
Greater attention was paid to boundary marks of different villages and Khetras. The objective behind it was to avoid boundary disputes between and among villages and villagers. The boundary marks are also the indication of heavy pressure of population in the rural areas. The Bhaumakara records specially mentioned the boundary marks with great care. Boundary marks are found in the inscriptions of all other dynasties.

Land was probably surveyed and measured but the units of measurement differed from locality to locality and from dynasty to dynasty. The units were known in different names and were of different sizes.

'Timpira was the unit of measure of land during the 'Sailodbhavas.' Hala' was the main unit used during the Somamsis and the Gangas while māla was used widely by the Bhauma-Karas and their feudatories. The other units of measure were nivartana, gocharman, Kulyavapa, ağhyavapa, dronavapa, ādhaka, muraja, vāṭṭi, Nala, Puṭṭi etc. Some of these are still in use.

The peasants had to pay a number of taxes of both regular and occasional nature imposed on their
produces of the land. Bhaga, kara, hiranya, bhoga etc. were taxes of regular nature. The other taxes levied by the kings were Uparikara, Nidhi-Upanidhi, aputrikaveni, dārā-draṇaka, triṇodaka, Kṣetrakara, haladanda etc.

Land revenue was generally one-sixth of the produce. The details about the methods of assessment and collection is not known. It means that how the land revenue paid by the farmers in kinds was collected and transported from the farmer’s house to royal granaries is not known to us. We also do not know whether it was stored on local granaries or distributed among the royal agents as payment of their salary.

The mention of number of taxes on the farmers’ produces led us to think that taxation was so heavy. The villagers in general appeared to be poor. The collection of different taxes made their houses empty. Thus, their standard of living was probably not good though not precarious. The number of taxes indicates that the financial position of many kings were probably crumbling.

Agriculture was the main profession. Cultivation was done in both plain and high lands. Even marshy land and slopes of the hills were under cultivation. Different types of land were there to which we may divide into two groups - cultivated and uncultivated land.
Lands in Orissa were highly fertile and rainfall was good. Agriculture mainly depended on the blessings of Indra - The rain God. However, epigraphic records show the existence of irrigational works. Wooden plough called langala drawn by oxen in general were in use to plough the land.

Different products like dhānyā, godhuma, pulses, linseeds, oil seeds, fruits, vegetables, spices, fibrous elements like cotton and silk were produced. The farmers were traditionally trained in the art of cultivating all these products. It means they generally followed plough method of cultivation. Different implements were used for agricultural activities.

Being religious in nature land grants fail to provide sufficient information on land and agricultural products. In this regard the study of place-names mentioned in the epigraphic records throw more light on this aspect. They carry certain reason which has deeply involved the life of the people. Whether Socio-economic or political, they directly linked with the name itself. They have referred to the different kinds of land like Kṣhetra, ghāṭa, nādu, mārga, patha, māla, vana, vasti, ārama, giri etc. It helps in the corroboration of the facts available in the land grants.
Placenames regarding land products have revealed that a number of products were produced by the peasants of Orissa. Their production was so heavy and influential on the life of the people and places where they were produced for which those places were named after the products concern. As observed place-names reveal that a number of productions viz., cereals, legumes, sugar cane, spices, oil-seeds; vegetables, like Ladies-finger, Chilli, cucumber pumpkin, little gourd were produced. Even it helps to know about the cultivation of some agricultural products the, reference of which is not found in the inscriptions directly.

Land system underwent a change in medieval and modern Orissa. Specifically it was during the British rule many new concept related to land came into being. To have a clear understanding of the changing situation a comparison between what we have studied and that of the British period is being drawn up.

The Hindu period in Orissa came to an end in 1568 with the occupation of Orissa by the Muslims. Orissa became a Mughal suba in 1592 under Akbar. His minister Mansingh did a land settlement on his order. During the Mughals the cultivated land from which
revenue was collected called Mughal bandi. The area which were under chieftains of Orissa as Semi-independent was called Rajwara.

The English occupied Orissa in three different phases. Northern and Eastern part of Orissa was occupied in 1803, Southern in 1769 and western part in 1849. They kept different parts of Orissa under different provinces. During them they followed their own policies suitable to England which brought drastic changes in the land structure. However, they allowed many aspects of land to be continued. Because neither they liked to provoke the land lords by bringing any basic change nor wanted to create any suspicion among the cultivators.

As we have studied in this work land was owned by the Crown, community and individual, the same things were continuing during the British regime. The Government was the sole authority of all land. The people enjoyed communal rights over pasture, fire woods, smaśanas etc. That private persons owned land is evidenced by the proprietary right given to the zamindars and ryots.
In the period under study the donees possessed usufructuary right over land and it was not cultivated by themselves but by intermediaries. During the British rule the Zamindars did the same thing. Although they were not the rent free holders, in other aspects the things remained the same.

There was a total change in land tenureship though some basic concepts were still in continuation. The important tenures prevailed are briefly explained below.

1. Malguzars or Zamindaris:

The land lords under the Mughals and the Marathas, along with the Talukdars, rent collectors, village headmen who were giving their revenue directly to the Maratha treasury at the time of British occupation of Orissa were recognised as Zamindars. This tenure was hereditary, and had the right to sale, mortgage, gift, or lease partly or wholly. The Zamindars had the right to collect taxes and fines. They enjoyed right over forest, waste and fisheries. However non-payment of revenue lead to the abolition of Zamindary by sunset law. Thus, it indicates, the Government was the sole authority in regard to land.

Like the private land holders of our period they were not disturbed so long payment was made duly.
2. Lakhraj Bahaldars --

Here the holders had proprietary right over the land with exemption from revenue payment. They had permanent right over it and were free from the Zamindars though their land originally formed a part of Zamindar's estate. These lands were granted by the crowns and the holders were brāhmaṇas, religious institutions, or person prized because of his contribution to the East India Company. This was an old practice and continued by the Muslim, mughals and the English. This tenure during the Muslim called in the name of Lakhraj. The English though continued in the same name they also called it brahmottar, khairat, datta, aimā, pirottar.

It can be compare to the agrahāra and devadāya of our study.

3. Muqaddami, Padhani, Sarbarakari etc.:--

The village headman, head of a patna or village-community, servants of the Zamindars like the Muqaddams, Pradhans, Sarbarakaras etc. who collected rent from the cultivators had quasi-proprietary right over the holding. According to their designation their tenures were called Padhani, Muqaddami, Sarbarakari, pruṣṭhis, Sikmis, etc.

4. Baziaftidars:--

The holders were known as Baziaftidars. It means they were descendants of those persons who were holding rent free land or land at a lower rate. Thus, it was resumed tenure. The English when occupied Orissa declared these
rent free holding as invalid. But due to certain reason in 1837 invited then to make claims in writing to the Collector concerned. All these claims were investigated and which were held to be valid by the Regulation of 1805 were declared rent-free. Rests were made bajyafti tenures. However here also the rent taken was not fully but either half or much below the general revenue payment. These tenure holders had the right to transfer their tenure without the consent of the land lords.

5. Kharidadar Tenure :-

The holders were called Kharidadars. The holders purchased the waste land and brought it under cultivation. Because of purchasing i.e. Kharidi it was called Kharida and the holders as Kharidadars. It sometimes consisted of scattered patches over the whole district. Less rent was assessed on it. Even sometimes it was made rent-free called Māfikharidā. They paid their rent through the Zamindars of the parent estate.10 This tenure can be compared to the Bhūmi-Chchhidranayāya of ancient Orissa. However in Bhūmichchhidranayāya waste land was not purchased rather brought under cultivation for the first time. Again Shumich-chhidranayāya was rent free holding.

6. Ryoti– It is a type of tenure prevailed even to-day. The holders during British period called Ryots. It mean those who cultivate. They were of two types– Thani and pahi 11
The resident cultivators whose right to hold land at a rent fixed for the term of the settlement were called 'Thani' ryots. The non-residents were called Pahi. The rights of Thani were recognised while that of Pahi were not recognised.

7. Tankidary:- The holders were called Tankidars. They were holders of small area permanently assessed at a quit rent.\(^{12}\)

Chandinadar:- This tenure refers to the holding of homestead. They paid for the homestead only as they had no arable land.\(^{15}\) However K.C. Jena says, the excess land of the resident cultivators were let to others and those holders were called chandinadars\(^{14}\).

Jagirdary:- The holders were called Jagirdars. It is the service land given for the services to be rendered or as reward for services in the past.\(^{15}\) It was let out to others for cultivation. It was an ancient practice. The Jagirs were neither valued nor assessed for revenue. Even to-day some public servants carried out this tenure. They are village Chaukidars, priest etc. It can be compared to Bhogagāmas of ancient Orissa where officials of the state were granted with land for the payment of their salary. Like the ancient time it was not permanent and here-ditary. Also the holders had no right to alienate.
As in the case of this study, the people and Government during British period experienced both merits and demerits of land tenureship. First Grants of land exempted from taxes called lakhraj was a loss to the British treasury. On the other hand their mercantile attitude always wanted to get more and more revenue. It resulted to the economic distress of the people. Secondly the Zamindars were oppressive towards the cultivators. Thirdly concentration of lands in the hands of few Zamindars led to the culmination of land lordism. The Zamindars collected taxes according to their own suitability, for which the taxes collected were so excessive. 16

Like the ancient period some tenure holders had hereditary right over their land. Some others held it till the settlement period subject to the payment of revenue, fixed for them intime. Ryotis, Lakhraji, Zamindary tenure holders had permanent holding rights over their land. Jagirdari was a tenure valid during the service period. Again some tenures were rent-free while some carried lower taxes. Lakhraji was a rent-free tenure while Kharidadar, bazy-aftidar were such tenures on which less rents were fixed. Further within the same tenure there were differences. For example, in ryot tenure the Thani enjoyed many rights like rent-free homestead, garden land etc., where as the Pahi did not. Another point of difference draw attention between the two period is While in the ancient period rights over people, forests, water, trees etc. were transferred, in the modern period
rights of enjoyment in the form of concessions were granted.

The land legislations during the British period was comprehensive. They passed many acts and regulations, mostly on land settlement. Moreover, rules regarding proprietary rights, power of sale, mortgage, auction in case of default in revenue payment were framed by them. "As per legislation in a family the holding was divisible among the heirs, though the rent could not be divided without landlord's consent. Again it was also not transferable without his consent. In case of service land it was relinquishable after service of due notice. It was not annuable by a sale for revenue arrears. In 1891 Bengal tenancy Act-1885, was extended to Orissa. Section-20, of chapter -V of it said that a ryot become a settled ryot in the village if he had any land in the village for twelve years and acquired occupancy right in all land in his possession or that might subsequently come into his possession in the village.17

Regarding sale of land of default land holder the Regulation-X of 1818, empowered the Collectors to sale the estate to realise the revenue not paid in due time after warning notice to the holder. For the same purpose Act, XI of 1859 was passed which was an improved form of sale of land for arrears of revenue.18
So far the sale of land by people it has clearly been indicated by the land tenures prevailed during the British period.

The Government also provided loan to the cultivators under land improvement loan Act, XIX-1893 and agricultural loan Act, XII, 1894. But the amount was very less.¹⁹

All these indicate the British period has too advance in the field of land legislation. Probably the evolutionary process, through long experience reached to such a high stage.

During the British rule regular survey and measurements of land were done. The measurements of land were noteworthy. The measuring Units were feet, meter, which were expressed in amount as decimil, acre, hector etc. Thus, there was an alltotal change in this aspect.

At the first stage of British rule in Orissa short term settlements were made by them. During this period in the southern part of Orissa in which British rule was establish much earlier, the assessment was on the basis of the price of the paddy. It was a mistake, because the price of the rice was fluctuating as it was out of Government Control being the main diet of the people.²⁰
A settlement for thirty years was introduced in 1837 which was to be ended in 1867. It was again extended for another thirty years. The next settlement was made in 1897. The important aspect in different settlement was that the Government share paid by the Zamindars out of the collected revenue from the peasants were not same. Also the collection of revenue from the peasants in different settlements and in different districts in the same settlement were not same. It indicates how the lion share was taken away by the Zamindars.

During the British rule the collection of revenue was excessive. Apart from land tax, a number of legal and illegal taxes were collected. It was a practice all over Orissa to which the helpless cultivators rarely objected. For example in Nawapara subdivision (at present district) some goutias and Malguzars exacted free agricultural labour from the tenants. The Government report also confirms that the proprietary holders and their agents were used to collect many illegal taxes like Suniā bheṭti, Bāhā Kharchā (marriage fees), Māgan, Paida, Māidi, biśodhani, salami, najrana etc. In Sambalpur region the Zamindars were collecting dues at Daśharā, pousha purnima, Kākāhi purnima etc. from the thikadars working under them. The same collection supposed to be collected the peasants also.
Thus, the zamindars were exploiting the peasants and others for their personal benefit. In ancient period this was not the case. Though many taxes were collected by the tenure holders and kings most of the revenue collected was spent for the work of the State and subjects. It means to protect the life and property of the people.26

During the British period generally land was divided as good, midling and bad on the basis of their quality. However, in southern Orissa land held by the Zamindars was called Zamindary land and land under the exclusive control of the Government was called Havelly land.27 In the same way, in northern Orissa there were feudatory and Khasmahal land.28 Besides during the British period some kinds of land were still prevailed. Moreover, even to-day they are called in the same names. Those land kinds are śmasāna, Gartta, kheta, jalasthala, Jhāta, Khāta, Gochara, vana, ghāṭṭa, Khāni, tala, patha, prastara kshetra etc.29

Paddy was the main crop as in the ancient time. Besides, bīrī rashi, mung, gram were cultivated. The land of Orissa was not suitable for wheat, for which it was rarely cultivated. Many kinds of trees like tamarind,
Madhuka, Jammu, Mango with economic value were favoured by the peasants. Irrigation facilities like the ancient period was primitive. Improved agricultural technology like tools, fertiliser, seeds etc. were not properly supplied. Wooden plough and bullock were the chief implements for cultivation, which are used by them even to-day.

A comparison between this study and British period has brought to light many good and bad aspects of land system prevailed in Orissa. It gives a definite understanding to the manifold aspects of land system.
REFERENCES


4. Ibid.


7. Memorandum on the Revenue administration of the lower provinces of Bengal 1873, PP.52-55.


9. K.S. Behera (ed), History, Culture and Economy, Bhubaneswar, 2000, PP.143-144.

10. Ibid.


12. Ibid.

13. Ibid.


16. The Zamindars along with land taxes collected other taxes, like Baha Karcha, Magan, Bisodhani, Maidi, etc.
21. Ibid. P. 35.
22. The Government share in 1837 was 60 to 70 percent while in 1897 55 to 60 percent. Out of total collection in 1837 settlement i.e. out of ₹21,38,200 the Government took ₹13,84,190 while the rest ₹7,54,010 was taken by the Zamindars. In 1897 settlement out of total collection ₹38,67,600 the Government share was ₹21,05,073 i.e. 54% while the rest ₹17,62,527 was the share of the Zamindars. Again in 1837 in Cuttack the general revenue charge was ₹1, anna 2, paisa 5 per acre. In Puri it was 15 annas 6 paisa and Balasore 12 annas, 3 paisa per acre. In 1897, it was in Cuttack ₹1, anna 5, paisa 5 per acre where as 14 annas, 6 paisa in Puri and ₹1, paisa 2 per acre in Balasore.
24. Ibid.
25. Ibid.
26. See land Survey measurement and Revenue P.