

CHAPTER VI.

Rent Settlement.

122. *Rents at Provincial Settlement.*—The history of rents in Orissa up to the Provincial Settlement is set forth in the interesting account of Mr. Maddox in his Chapter XXII, Part I. At that time no rent settlement had been done since the Revenue Settlement of 1837, 60 years before. Mr. Maddox found that the average incidence per acre of rents of settled and occupancy *raiya*ts had been at the previous settlement Re. 1-9-0, and that in the pendency of the settlement it had risen to Rs. 2-3-0, an increase amply justified by a rise in the price of rice by about 140 per cent. The result of the Provincial Settlement was to enhance the incidence very slightly to Rs. 2-5-0, per acre. The rents assessed at Provincial Settlement therefore represent a considerably smaller proportion of the value of the produce than those of the 1837 settlement. At Provincial Settlement the price of rice was 18 seers to the rupee so that the average rent incidence, expressed in terms of produce, amounted to 41½ seers. Mr. Maddox calculated the average produce of paddy per acre to be 13½ maunds in irrigated lands and 12 maunds in unirrigated lands. Assuming the proportion of rice to paddy to be $\frac{5}{8}$, an area of irrigated land produced 337 seers of rice and an area of unirrigated land 300 seers. The rent assessment was therefore rather light.

123. *Rents at Revision Settlement.*—The Revision Settlement was not essentially concerned with rent but landlords in the areas finally published after August 1911 had an opportunity of applying for enhancement of rents, as the statutory period of 15 years expired in September of the next year (see Mr. James's report, paragraph 149). This area included 50 lakhs of plots, covering more than half of Cuttack district and the whole of Puri, "Only 1,439 applications for enhancement were filed. Most of the cases were settled out of court or withdrawn; in 599 cases enhancement was allowed from 2 to 2½ annas in the rupee. The average enhancement was at 2.08 annas." Mr. James attributed the small number of applications partly to the short time allowed for filing them and to "the consideration that subdivision of *tauzis* and tenancies had made the rent of the average *khatian* so small that the enhancement to be expected is hardly worth the expense of a case under section 105".

124. *Present rent settlement.*—The first area taken up for rent settlement was in Balasore district. At the beginning of the field season 1923-24 Mr. J. A. Hubback, as Director of Land Records and Surveys, wrote after consulting the Settlement Officer, Mr. Toplis, a preliminary note on rent and revenue settlement problems in Orissa, in which after examining the previous history of rents he suggested that "the general principle to be adopted should be to enhance all ordinary *raiya*ti rent at a uniform rate based solely on the rise in prices, except where for special reasons such as sand deposit, loss of irrigation facilities or flood protection concessions may rightly be given".

During the same field season Mr. Hubback went more fully into the problem of rent settlement in Balasore with Messrs. Toplis and Mansfield and on February 1924 submitted definite proposals to the Board of Revenue. I quote the following from his letter to the Board —

"I will discuss in the first instance the case of the ordinary settled and occupancy *raiya*ts of Orissa. Their rents can only be enhanced on the ground of a rise in prices, and the pitch of such enhancement must be conditioned by general economic factors. No one could justly impose a material enhancement if it were found that the present rent demand pressed

so heavily that the land was going out of cultivation for sheer inability to cultivate at a profit. It will probably be urged by those who oppose enhancement that the population of the Orissa coast districts has decreased and that this is due mainly to agricultural distress. There is no doubt some truth in this, but if the argument be developed that the distress is caused or even seriously augmented by the high level of rent, it ceases to have any weight. The causes for the decrease of population in these districts have been fully analysed in paragraphs 59—66 of Mr. Tallents's Census Report (Volume VII, Part I). They have suffered no doubt during the last twenty years from agricultural calamities of a serious character, as well as from epidemics, some of which are connected with those calamities."

"The effect on the population may partly be judged by the following figures of the incidence per square mile at different census years :—

—			1921.	1911.	1901.	1891.
1			2	3	4	5
Cuttack	...	...	565	577	564	530
Balasore	...	...	470	506	515	478
Puri	...	...	381	410	407	378

Cuttack has much the same population as in 1901, and Balasore and Puri scarcely differ from 1891. Thus taking the whole thirty years' period of the current settlement, there has been, on the whole, no very striking variation in the population, the effect of the calamities of the more recent years having done no more than efface the increase caused by the comparative immunity of the earlier years. Indeed, it would be surprising if, in the absence of some marked improvement in the system of agriculture, or some considerable development of industries, the population of a tract where cultivation has already extended over most of the available land, should show a material increase over a long period."

"That the pressure of population on the land has in 1900 nearly reached the limit, which could not be exceeded without a reduction of the standard of living, was fully recognized by Mr. Maddox (paragraph 198. Volume I of his report). It is possible to ascribe the stationary character of the population to the pressure of rent incidence. The rents of the majority of tenants were not increased at the last settlement, and consequently they are now paying what they paid in 1897 and probably for many years before that date. Yet the population in all three districts steadily increased between the years 1881, 1891 and 1901, and while practically stationary in Balasore and Puri continued to increase in Cuttack up to 1911. None but the most insignificant alteration in rent demand was made at Mr. James's Revision Settlement, and hence there is absolutely nothing to connect rent pressure with the check in growth of population. The legitimate conclusion is that the rents settled at the Provincial Settlement were such as the people could well bear at the time."

"It may now be considered what the pitch of those rents really is. The average produce of unirrigated land in Balasore according to Mr. James's report (paragraph 62) was $13\frac{3}{4}$ maunds of paddy per acre. Some 800 experiments have been made this year in the attestation area, and although they have not been fully tabulated and examined, we were able, from an examination of the registers of a number of camps, to judge that the average of this year, which is about a normal year, is not very far from

Mr. James's figure. Mr. Maddox arrived at a higher figure for the three districts taken together, but it seems probable that Puri and Cuttack are more fertile as the higher rates of rent would indicate."

"The equivalent in rice ($\frac{1}{4}$ of the paddy) is 344 seers. The average incidence of rent for settled and occupancy *raiya*s in Balasore is about Re. 1-12-0 an acre. On the basis of the average prices of 1887-96 of 17.9 seers per rupee, a *raiya* would have to sell 33.3 seers of rice to pay his rent. For the decennial period 1903-12 the average price was 12.6 seers per rupee, and the *raiya* would have to sell 22.1 seers. For the ten years 1913-22 the average is 9.3 seers per rupee and the *raiya* would have to sell only 16.2 seers. Even if the rents are enhanced by 25 per cent to Rs. 2-3-0 only 20.3 seers will have to be sold or less than two-thirds of the amount required to pay the rent at the time of the Provincial Settlement. Such a rent is scarcely more than one sixteenth of the yield in grain, leaving aside by-products. It cannot be characterized as oppressive."

"It is true that it is higher than the rent paid for similar lands in some parts of Santal Parganas and in Sambalpur. In Dumka Damin the rent for second-class rice land is 18 annas an acre and for third-class 12 annas. I have recently seen a good deal of that area and of Balasore and would place the average land of Balasore between those two classes. Hence the Balasore rate is high compared with the Dumka Damin rate. Again in Sambalpur similar land would probably be put as having about 24 soil units and would bear a rent of from 9 to 12 annas. In the Kolhan the rate is 12 annas. All these tracts are, however, notoriously low rented as might be expected in areas still under development. In Manbhum similar land would pay from Rs. 2-4-0 to Rs. 2-8-0 and in Ranchi and Hazaribagh from Re. 1-8-0 to Rs. 2-4-0. In Palamau private estates second-class rice land is rented at anything between Rs. 4-3-0 to Rs. 7 an acre, and third-class from Re. 1-11-0 to Rs. 4-3-0. In the Government estate of that district the range is from Rs. 2-7-0 to Rs. 4 for second-class and from Re. 1-5-0 to Rs. 2-3-0 for third-class rice land. It is more difficult to compare with rents in South Bihar where rates do not exist and the problem is complicated by the greater extent of *rabi* areas and by the prevalence of produce rents. It can, however, scarcely be denied that in South Bihar *rabi* land is on the whole, less valuable than rice land or that the rent derived from produce-rented lands is more than that obtained from cash-paying lands. Hence it is significant to find that the average cash rent in south Monghyr is Rs. 3-8-0, in Shahabad Rs. 4-1-0, in Gaya Rs. 6-1-0 and in Patna Rs. 7-8-0. I know South Monghyr, Shahabad and Gaya very well and Patna to some extent. Leaving aside the areas in the three latter districts fully protected by the Sone Canals, I am convinced that the land in all four districts is not markedly more productive than Balasore. In Patna about 15 per cent of the net-cropped area is so protected and the district yield of paddy was estimated by Mr. James at 13 maunds for broadcast and 16 maunds for transplanted. In Shahabad about 23 per cent is protected, and the district yield of paddy has been estimated by Mr. Tanner at 12 maunds per acre. Compare these figures with the Balasore yield of certainly more than 12 maunds and possibly as much as 14 maunds per acre, and it is apparent that, if the rent incidence in South Bihar were distributed in rates based on classification, land equal to the average of Balasore land would bear a rate of anything from Rs. 3 to Rs. 6 an acre at least. To go beyond the limits of our own province it is equally significant that in the thanas of Midnapore district that lie nearest to Balasore, Dantan, Egra, Ramanagar and Contai, the average rent incidence for settled *raiya*s is Rs. 2-14-0 an acre. Excluding the part of that district that resembles the upland of Chota Nagpur much more than the coast districts, Mr. Jameson finds that the average rate is Rs. 4 an acre, and estimates the yield of paddy for that area at 16 maunds an acre."

The conclusion is a fair one that among the districts of the province that are fully developed Balasore has at present a low rent incidence, and compares favourably in that respect with Midnapore, and there is consequently no ground for arguing that a substantial enhancement will raise the rent incidence unfairly high."

After discussing the economic situation as deducible from trade statistics Mr. Hubback continued :—

"The formula of section 38 of the Orissa Tenancy Act permits an enhancement of $16 \times \frac{O-N}{N}$ annas in the rupee, where O is rate in seers per rupee for the first decennial period and N is the rate for the second decennial period. According to the statement on page 664, Volume II of Maddox's report the average for the period 1888—1897 for Balasore was 18 seers 7 chataks. But Mr. James found reason to doubt this and took instead the rate of 17 seers 14 chataks (paragraph 38 of his report). I adopt this figure. The figures for the periods 1903 to 1912 and 1913—1922 have now been compiled and are to the nearest chatak, 12 seers 9 chataks and 9 seers 4 chataks, respectively. The enhancement strictly due on a rent which has not been enhanced since the Provincial Settlement would thus be very nearly 10 annas in the rupee, while for the comparatively few rents enhanced at the Revision Settlement an enhancement of $3\frac{1}{2}$ annas would be admissible. Mr. James enhanced by 2 to $2\frac{1}{2}$ annas in the rupee."

"In view of these figures and the discussion in the earlier paragraphs of this letter, I see no reason why a general enhancement of four annas in the rupee should not be imposed in the case of rents of ordinary *raiya*s which have not been enhanced since 1897, and of two annas in the rupee in the case of those enhanced at the Revision Settlement. Such enhancement would bring the rent incidence of occupancy *raiya*s up to about Rs. 2-3-0 per acre in Balasore. There is very little land in the district which has been recently settled. But it may be noted that the rate paid by the *raiya*s in the tract between the Coast Canal and the sea near Chandipur is Rs. 3 an acre. In the villages on the skirts of the hills near Kupari new settlements are being made at 25 to 100 per cent above the village rate plus a *salami* of Rs. 10 to Rs. 25 an acre. As far as they go, these facts support the case for a substantial enhancement. It may also be noted that there is good reason to believe that rents were under-stated at the Provincial Settlement and that higher rents than those shown in the record-of-rights actually paid in many villages."

"While recommending a general enhancement of 25 per cent I do not mean to exclude the possibility of taking a smaller enhancement, or even none at all, in tracts where there is clear evidence of deterioration since the Provincial Settlement or probable future deterioration as the result of the action taken on the report of the Flood Committee which is about to begin its sittings."

There is then some description of the flood-affected tracts. "I do not, however, intend that the Settlement Officer should accept without question the proposition that because an area is liable to flood it should therefore escape enhancement of rent as a matter of course. The pitch of the rents now current, and the question whether the liability to flood is long-standing or not will have to be examined. Besides it is well established that floods, if not too frequent, are on the whole beneficial rather than the reverse."

Government orders were communicated at the end of March 1924. As regards rents of ordinary *raiya*s Government considered "that it will ordinarily be sufficient to impose an enhancement of 25 per cent on the rents fixed at the last revenue settlement and of $12\frac{1}{2}$ per cent on those fixed in the revision operations. These enhancements, of course, will be independent of any alterations of area under section 60 of the Orissa Tenancy Act. They will also be liable to modification in the areas subject to injurious inundation".*

*Letter no. 2593-R., dated the 31 March 1924, from the Secretary to Government, Revenue Department, to the Secretary to the Board of Revenue.

125. *Rents of bajyafidars.*—The rents of *bajyafidar raiyats* required special treatment. These were first assessed to rent at the revenue settlement of 1837. The Orissa Tenancy Act does not recognize any distinction between different classes of *bajyafidar raiyats*. But in previous settlements they were placed in two main categories, *kamil bajyafiti* and *nisfi bajyafiti*. The former were nominally assessed at full rates but Mr. Maddox points out that in reality this was not done and the average incidence of the original assessment was only 1+ annas, and "curiously enough it was higher by 4 annas in Puri than in Cuttack". The average incidence at the time of Provincial Settlement was only 12 annas. The result of that settlement was to enhance them by 53 per cent and to raise the average incidence to Re. 1-5-0 per acre. *Nisfi bajyafiti raiyats* were allowed the privilege of holding nominally at half rates and in fact the assessment was much lower, viz, 7 annas per acre. The actual incidence at the Provincial Settlement was only 6 annas. The original assessment at half rates was expressly for the term of the settlement. At the Provincial Settlement those *nisfi bajyafiti* rents underwent a large enhancement and the average incidence rose to Re. 1 per acre, which was however still a light assessment. It is to be borne in mind that *bajyafiti* rents were fixed in 1837 for the whole term of the settlement and were again so fixed at the Provincial Settlement. At this settlement the question whether the *bajyafidars* should be allowed to retain their privilege of light rent assessment was discussed. Mr. H. T. S. Forrest, I.C.S., as Commissioner, pointed out that "Mr. S. L. Maddox, I.C.S., while on special duty in connection with the Orissa Tenancy Bill had . . . recommended that at the next settlement the rates of rents of *bajyafidars* should be favourable". *

The orders of Government were that it would be unfair and impolitic to deal harshly with this important class of tenants. They have therefore decided that . . . in no case should the rent of a *bajyafidar* be increased so as to exceed two-thirds of the amount found by multiplying the cultivated area of his tenancy by the new village rate. Within that limit, Government considered that *bajyafiti* rents might ordinarily be enhanced by 50 per cent.

126. *Rents of chandnadars.*—About *chandnadars* Mr. Hubback wrote† "In ordinary villages it may be presumed that the money value of their profits or wages has increased in proportion to the rise in prices of staple crops. It is therefore reasonable to call upon them to pay the same increase of rent for their dwellings as is proposed for agricultural tenants, viz., 25 per cent. In the larger bazars it may be proper to enhance rents to a greater extent, if there is any indication that letting value of land occupied by such tenants has increased more rapidly than the general rise in prices. This may be left to the Settlement Officer to decide subject to the usual course of appeal." Government accepted this proposal, and remarked‡ that "the Settlement Officer may take letting value into account in the larger bazars."

127. *Proposals for rent settlement in Puri.*—The general principles of rent settlement were worked out with reference to Balasore, which was taken up first. In 1925 in proposing a policy for rent settlement in Puri district the Settlement Officer pointed out that the rise in the price of rice between the decennial periods of 1887—1896 and 1915—24 had been from 18 seers 5 chataks per rupee to 9 seers 2 chataks per rupee, i.e., by almost exactly 100 per cent. Thus an enhancement by 10 annas 8 pies in the rupee on the rents settled at Provincial Settlement would be admissible on this

* Letter no. 255-R., dated the 24th February 1924, from the Commissioner of the Orissa Division to the Board of Revenue.

† Letter no. 562/XXIII-324, dated the 4th February 1924, from Director of Land Records and Surveys to the Secretary to the Board of Revenue.

‡ Letter no. 2593-R., dated the 31st March 1924, from the Secretary, Revenue Department to the Secretary to the Board of Revenue.

ground. The average price in the decennial period of 1901—1910 was 13 seers per rupee. The rise since then rendered admissible an enhancement of the rents settled at Revision Settlement by $4\frac{1}{2}$ annas. After considering all the circumstances affecting the question of rents in Puri Government ordered the same general enhancement of rents in that district as in Balasore. Factors appearing to justify a higher enhancement in Puri were, that the rise in prices had been greater in that district, that crop-cutting experiments had shown a rather better outturn of paddy, that the double-cropped area is proportionately greater and that the average sale price of *raiya* land was higher. On the other hand, it was pointed out that in Puri district cultivation had well-nigh reached its limit, that the existing rate of rent was slightly higher than in Balasore, and that a much larger proportion of the rice land grows *beali*, which is less valuable than *saradh*.

128. *Treatment of flood-affected areas in Puri.*—The orders finally passed by Government in this matter were as follows:—"Discretion must be given to the Settlement Officer to interpret the policy now defined and its relation to the actual conditions which he finds prevailing on the spot the procedure which Government have in view is that instead of taking the flooded parganas as a whole and attempting to classify them in zones as previously directed, those areas should be marked out which are liable to frequent flood. In the villages so situated let the normal enhancement be taken at two annas in the rupee, but in those villages which have suffered and are liable to suffer most, to a degree which is markedly detrimental, let no enhancement at all be made. But on the other hand the Settlement Officer may exercise a discretion in imposing an enhancement of more than two annas in villages in which, firstly, the rents are already disproportionate or were understated at the last settlement, or secondly, where the circumstances of the villages are definitely improved for particular local reasons, i. e., the possibility of growing a *rabi* crop, the existence of effective protective embankments, or any other cause."

129. *Proposal for rent settlement in Cuttack.*—In proposing a policy for rent settlement in Cuttack district the Settlement Officer pointed out that the average price of rice in the district in the decennial period 1887—1896 was 19 seers 9 chataks, in 1901—10, 14 seers 2 chataks and in 1915—24 9 seers 11 chataks. The rise since Provincial Settlement was therefore just over 100 per cent, rendering admissible an enhancement by 10 annas 11 pies, while that since Revisional Settlement was by 7 annas 4 pies, rendering admissible an enhancement by 4 annas 10 pies. These figures differ very little from those of Puri district. The same general enhancement was therefore ordered in this district.

130. *Rents of privileged tenure-holders.*—After the general principles of rent settlement had been passed by Government with reference to Balasore district rules were drawn up. The only point which caused much difficulty was to devise a method of calculating fair rent for privileged tenure-holders which ensured that land that had been brought into cultivation since the last settlement did not escape assessment. The most obvious method of doing this would have been to compare the old and new areas of cultivated land but this would have involved much labour in referring in detail to the records of the Provincial Settlement. Various alternative proposals were put forward. The method finally adopted was to calculate the rent at two-thirds of the village rate applied to the cultivated area; it was again calculated by enhancing the existing rent by 50 per cent, if the former figure were the greater the mean between the two was settled, while if not the former itself was settled.

131. *Rents of ordinary tenure-holders.*—The method of assessing the rents of ordinary tenure-holders was somewhat similar. Rent was first calculated by adding 80 per cent of the settled rents of cash-rented tenants under the tenure-holder to the valuation of other cultivated areas at the

new village rate* and again by enhancing the existing tent of the tenure in the same proportion as had been applied to the rents of ordinary *raiya*s; the rent settled was the mean between these two calculations.

At the suggestion of Mr. Mansfield as Settlement Officer a proviso was added to the effect that, if the whole of a tenure is let out to *raiya*s on cash rents and the tenure-holder can prove that this has been so since the Revision Settlement, the enhancement of his rent should not exceed the total enhancement of the rents paid to him. The object of this proviso was to prevent the new settlement of rents from causing an actual decrease in the tenure-holder's income, as would happen in the case of a tenure-holder whose assets consisted entirely of cash rents which were enhanced by less than the enhancement of his own rent.

132. *Rents of bajyasti raiya*s.—The rule framed about rents of *bajyasti raiya*s was that they should be enhanced by 50 per cent, any excess areas being assessed at the village rate. Where, however, the old rent enhanced by 50 per cent exceeded the assessment of the holding at two-thirds of the village rate, the latter assessment was adopted. Where, on the other hand, the old rent enhanced by 50 per cent was still much below the assessment at two-thirds of the village rate the reason was inquired into by the Rent Settlement Officer, and in many cases an enhancement beyond the usual 50 per cent was passed.

In many such holdings at last settlement the entire area was uncultivated, and the holdings were left unassessed to rent with a note to the effect that they will be liable to assessment when cultivated. When these lands were found to be still unproductive the same treatment was again given to them. When they were found to have been brought under cultivation, they were assessed at two-thirds of the village rate applied to the cultivated area, and when they were found to have been built upon they were similarly assessed at two-thirds of the village rate or lower if this appeared excessive. The general result of the new settlement of *bajyasti* rents is an enhancement by 51 per cent.

133. *Rent settlement procedure*.—In the first block rent rolls were prepared in camp after disposal of section 116 objections, and rent settlement was then taken up. This system did not work well, and from block B onwards the rent rolls were written and checked in recess office after *janch*, and rent settlement camps were then started. The Rent Settlement Officers made local enquiries, where necessary, regarding points raised in the course of *janch*. In Block A no process-fees were charged for filing objections under section 123 but from Block B they were charged in all cases which were not merely objections to the fair rent settled.

In Block A special notices under rule 79 of the Government Rules under the Tenancy Act were issued to tenants who had failed to attend on the general notice. It was found, however, that the general notice was an adequate intimation to the tenants and Government were moved to alter the rule so as to abolish the special notice. This was done in April 1925, and thereby the procedure was greatly simplified.

In the first three blocks the settled rents were at first read out by the Rent settlement Officer as provided by rule 79 of the Rules under the Tenancy Act, and then, after fresh issue of notice, draft publication was done by reading out the rents a second time under rule 81. The draft rent roll was then kept open for one month under section 123 (1), and objections were received. This procedure was too elaborate, and it was found that very few tenants attended the second reading at time of draft publication. Hence Government were moved to modify rules 71,

* From Block D onwards a 10 per cent deduction was made from this valuation of non-cash rented areas.

79 and 81, and this was done in September 1927. Thereafter draft publication was done simply by issuing notice and keeping the draft rent rolls open for one month from the date of the first reading out and settling of the rents by the Rent Settlement Officer.

Following the principles laid down in the orders of Government, the rents of ordinary *raiya*s were in the majority of cases enhanced by four annas in the rupee, but smaller enhancements were made when the lands of the village were found to be incapable of bearing such enhancement because of liability to flood or for any other reason. In fixing the enhancement to be imposed on the rents of ordinary *raiya*s the unit taken was of course the village, although in a very few cases different rates of enhancement were applied to different portions of the same village on the ground that these portions were of widely different quality. Much preliminary work had already been done at attestation with a view to rent settlement. The Attestation Officers prepared an assessment note for each temporarily-settled village, showing the statistics of existing rate of rent, rate of new settlement, rate of sale of occupancy holding, and average produce per acre, with remarks as to the effects of floods, if any, and other relevant matters. He also made proposals as to what would be a fair rate of enhancement in each village. The assessment notes were scrutinized by the Charge Officers, who entered their opinions as to the proper enhancement, and orders were finally passed by the Settlement Officer. The rate fixed by the Settlement Officer was applied in writing out the draft rent rolls and settling the rents, but in some cases further local enquiries were made by the Rent Settlement Officer on the petition of the villagers, and on that officer's report the rate of enhancement was sometimes modified by the Settlement Officer.

The points that were mainly considered were the liability of the village lands to injurious flood, or drought, any deterioration or improvement of the soil that might have occurred since last settlement, the existing level of rents in comparison with that of other villages similarly situated, the sale price of *raiya*ti holdings and the rate at which new lands are settled. Where the existing level of rent was found to be abnormally low without sufficient reason in some cases an enhancement by 5 or even 6 annas was allowed. The statistics of rent settlement will be found in the separate district chapters and the appendix.

134. Section 123.—This section provides for objections to the rent roll, and its intention appears to be to allow an opportunity to object to the rents settled. But it is so worded as to allow parties to object to any entry that appears on the rent roll, and in fact it is much more freely used to reopen matters or status and possession, as the following figures show :—

Name of Block.	No. of cases instituted.	Regarding rent.		
		Allowed.	Disallowed.	Total.
1	2	3	4	5
Block A	14,652	1,619	2,167	3,786
Block B	11,241	356	732	1,088
Block C	19,171	693	705	1,398
Block D	10,577	721	536	1,257
Block E	12,016	1,593	1,524	3,117
Block F	10,974	783	1,001	1,784
Cuttack town	537	136	115	251
Total	79,168	5,901	6,780	12,681

It can be seen that objections about rent were not very numerous. In average they represent 0.6 per cent of the number of holdings.

135. *Appeals under section 125.*—Under section 125 of the Orissa Tenancy Act an appeal lies to the Settlement Officer from any order passed by an Assistant Settlement Officer under section 123. It has been pointed out that the wording of section 123 enables parties to reopen at rent settlement stage all manner of questions besides those concerning rent, and section 125 of course enables them to carry the process one step further. In the early years of the settlement, indeed, the section was freely resorted to by parties on frivolous or inadmissible grounds, but this tendency was later checked by giving instructions on the printed form of applications as to the proper filing of these appeals, and by explaining the use of the section to the public through the officers of the section 123 camps. As a consequence the number of appeals was greatly reduced.

The following table shows the number of appeals in each block and their results :—

Block.			No. of cases.	Allowed.	Rejected.	Modified.	Remanded.
1			2	3	4	5	6
A	...	...	602	13	262	45	282
B	...	...	452	16	299	101	36
C	...	...	158	...	95	7	56
D	...	...	94	...	65	27	2
E	...	...	95	9	52	30	4
F	...	...	159	14	116	27	2
Cuttack town			19	4	11	4	...

In order to assist in the disposal of appeals Mr. Scotland was specially empowered as Additional Settlement Officer to hear them in 1927, and I was similarly empowered in 1928.

Under the same section a second appeal lies to the Commissioner. In 1927 the point was raised before the Commissioner whether such second appeal lies on questions not affecting rent and the Commissioner held that it was only from orders settling fair rent that such an appeal lay to him.

In the course of the settlement, excluding Cuttack town, only two appeals were filed to the Commissioner under section 125, and these were unsuccessful. Three appeals were filed in cuttack town and are still pending.

136. *Section 128.*—The work of rent settlement under section 128 in the permanently-settled estates is described elsewhere. In the revenue-free estates also rents were settled on applications under this section. The enhancements were asked for mostly on the ground of rise in prices. The principles that governed rent settlement in the temporarily-settled area were applied equally in the revenue-free area. Due consideration was given to the lands which were found to be injuriously affected by floods or any other natural disadvantages. Normally the same rates of enhancement were allowed as in the temporarily-settled areas, with allowance for the fact that existing rents were already rather higher. The result has been an enhancement on the average by 21 per cent.

137. *Commutation cases.*—An opportunity was afforded to the produce-rented occupancy *raiya*s to apply for commutation of their rents under section 47 of the Orissa Tenancy Act. The cases were tried by Assistant Settlement Officers, with an appeal to the Settlement Officer and a second appeal to the Commissioner.

The number of cases filed in each district and their results are shown below :—

District.	No. of cases filed.	Allowed.	Disallowed	Area commuted,	Rent.	Average.
1	2	3	4	5	6	7
					Rs. a. p.	Rs. a. p.
Cuttack ...	4,404	2,184	2,220	2255.22	13,753 4 0	6 1 6
Puri ...	638	238	400	399.53	2,044 8 6	6 0 4
Balasore ...	2,224	878	1,346	1112.05	3,587 5 9	3 3 7

The greatest volume of cases was in Block E, in which there were no fewer than 1,755 applications. This was ascribed to the *raiya*s having at length become fully alive to their opportunities under the section. But in Block F the number of applications fell to 53 only. This suggests that the *raiya*s, especially in flooded areas, were disappointed at the results of the commutation cases, as they had hoped to get their rents commuted at the village rate, but the drop is also partly explained by produce rents being less common and by the landlords being more powerful. The intelligent landlord discovered that it was better for him to commute the rent out of court, leaving the produce rent on the record so that the valuation of the holding at revenue settlement would be at the village rate.

The large percentage of disallowed cases also requires explanation. Some of these are, of course, due to the application of sub-section (6) of section 47 in favour of Brahmin landlords with small means or of religious endowments dependent on their produce rents. But more often the cases were disallowed as they were not *bona fide* commutation cases but attempts to reopen questions of status or rent. Moreover, many cases were withdrawn, either because the landlord had brought undue influence to bear, on the tenant, or because he had accepted *salami* to commute rent out of court.

The numbers of appeals to the Settlement Officer and second appeals to the Commissioner with their results are shown below :—

First appeal to Settlement Officer.					Second appeal to Commissioner.			
No. filed	Allowed.	Modified.	Rejected.	Remanded.	No. filed.	Allowed.	Rejected.	Remanded.
1	2	3	4	5	6	7	8	9
263	2	48	164	49	53	7	35	13

The seven appeals allowed by the Commissioner formed a batch of cases tried jointly.

138. *Assessment of resumed desheta jagirs.*—Some holdings in the temporarily-settled area, which had been recorded as *desheta jagir* at last settlement and not assessed to rent, were found to have been alienated to

persons who did not perform the services for which they were held rent-free by the previous holders. It was suggested that the transfers should be ignored, as in contravention of section 235 of the Orissa Tenancy Act, and restored to the village servants. But the Board of Revenue did not consider this practicable and it was not apparent that the villagers had suffered from the passing of these lands from the hands of the village servants. Accordingly Government ordered that these holdings should be recorded under the present holders and assessed to rent at the village rate.

139. *Tanki bahel tenures previously unassessed.*—Some *tanki bahel* tenures were left unassessed at last settlement because the lands were uncultivated. When these had now been reclaimed they were assessed to rent at the average rate of *tanki* tenures found in the village.

140. *Commutation of rent under sections 118 and 119.*—The question was raised whether commutation of produce rents could be done with the consent of the parties as part of the settlement of fair rents under sections 118 and 119. The Legal Remembrancer gave the opinion that applications for commutation cannot be dealt with under sections 118 and 119 as the Act had provided a special procedure for commutation in section 47. There was, however, no objection to settling as fair rent any cash rent agreed upon by the parties under section 119 (a). An attempt to settle cash rents by this means was tried in Block A, but it did not produce much result, and was found inconvenient as it held up the disposal of rent settlement. It was not attempted in subsequent blocks.

141. *Date from which settled rents took effect.*—Section 139 of the Tenancy Act lays down that in temporarily-settled areas the newly-settled rents should take effect from the expiration of the period of the current settlement or from such other subsequent date as may be fixed by the Revenue Officer. The period of the last settlement expired with the second *kist* of the year 1927. Rents which had been confirmed before the next succeeding *kist* (i.e., the *Chaitra kist* of 1928) came into effect from that *kist*. The bulk of the rents settlement work, however, was done later than this, and the rent subsequently settled were recorded as coming into effect from the *kist* next after the confirmation of the rent roll. Great difficulty was experienced in devising a concise but at the same time clear and definite form of entry of the date of taking effect of the newly-settled rents, especially in view of the need for making it applicable to those estates in which the custom is different from the usual one of paying the rent in instalments falling due on the last day of each half of the agricultural year.

In Blocks A and B the entries were respectively *san 1335 fasal tharu deo* and *san 1335 fasal sunya tharu deo*, meaning in each case that the new rent became payable from the first *kist* of the year 1335 (normally this would be first payable in March 1928). Later the practice was adopted of entering the actual date on which the first instalment of the new rent would, according to the usual custom, be payable. For instance the entry was made *1335 sal 30 Chaitra re deo*, which meant that the first instalment was payable in March 1930, or *1337 sal 30 Aswin re deo*, which meant that it was payable in October 1930. This left some doubt in the minds of the landlords and tenants of estates in which 30th *Chaitra* and 30th *Aswin* are not the customary *kist* dates. It was explained to them that in their cases the first instalment of the new rent became payable from the first *kist* date that falls after the 30th *Chaitra* or 30th *Aswin*. The landlords were not entitled to collect the new rent on any *kist* date anterior to the date entered on the record. This was also made clear on the order sheets of the rent settlement proceedings.

142. *Entry of cess.*—Ordinarily cess was not noted in the tenure-holders' *khewats* in view of the fact that a revaluation was imminent. But in Kanika estate cess was entered on the proprietor's objecting to its omission.

Cess of cash-rented *rai-yats* was entered after calculation at half an anna in the rupee of rent, but no cess was recorded on rents below four

annas. In the case of produce rents the rule was to enter *dhulibhag mai cess* or *sanja mai cess* where no cess is separately realized.

143. *Rent settlement in Cuttack town.*—Rent settlement under Chapter XI. Part II, of the Orissa Tenancy Act was done in Cuttack town only in the case of tenants under private *tauzis* with statuses which bring them within the Act, e.g. *chandnadars*, occupancy *raiyats* and *bajyaftidars*. The level of rents in the *zamindari* area of the town has remained practically unchanged since the Provincial Settlement. On the other hand, there is overwhelming evidence of a great advance in the value of land. This is particularly striking in the area contiguous to the Railway Station, where the sale value of land has increased tenfold. The rents in the Town *khas mahal* were enhanced in 1913 and although not unduly high are still much above the level of those in *zamindari* areas. The normal enhancement by 4 annas in the rupee was clearly not appropriate to the town rents. In settling these rents the *zamindari* area of each village was divided into blocks, each being of a uniform quality, and the enhancement to be applied to each block was laid down after comparing the present level of rents in the block with that of other blocks having the same characteristics, and considering the sale price of land in the block, the rents paid by under-tenants and other available data. When the existing rent was below the average of the block the rent settled was the mean between the new block rate and the existing rent enhanced by the proportion applied to the block,

This method of rent settlement resulted in an enhancement of rents by 49 per cent. After reductions made on objection under section 123 the enhancement was by 46.3 per cent. There were 251 such objections about rent. There were 11 appeals on the subject of rent under section 125, in 2 of which a slight further enhancement was allowed while the other 9 were disallowed.

The rent settlement embraced 4,349 tenancies of which 1,867 were *chandna*, 1,640 were *sthitiban*, 678 *bajyafti sthitiban*, 86 *kharida jamabandi* tenures and 68 *bajyafti tenures*. There were in addition 1,780 under-tenancies (*shikmi raiyati* or *darchandna*). As a result of the settlement the average rate of rent of the *sthitiban raiyats* is Rs. 4-8-0, that of the *chandnadars* is Rs. 12-4-0 and that of the *bajyafti raiyats* Rs. 10-4-0 per acre. The average rent of the under-tenants is Rs. 18-1-0 per acre.

144. *General results.*—The general result of rent settlement over all the three districts is shown in the following table :—

Class of Tenancy,	Number of holdings	Area under present settlement.	Rents.		Percentage of increase over existing rent.	Rental incidence per acre.	
			Existing.	Settled.		Existing.	Settled.
1	2	3	4	5	6	7	8
			Rs.	Rs.		Rs. a. p.	Rs. a. p.
<i>Kharida jamabandi</i>	40,293	41,712	62,073	83,808	35	1 7 10	2 0 2
<i>Bajyafti tenure and tenancies.</i>	293,311	268,903	2,78,679	4,21,875	51	1 0 7	1 9 1
Settled and occupancy.	1,426,294	1,354,737	30,32,135	37,68,135	24	2 3 10	2 12 5
<i>Sthitiban babat nijjote.</i>	45,562	23,468	...	73,051	...	...	3 1 10
Non occupancy ..	6,092	8,441	13,171	16,635	26	1 9 0	1 15 4
<i>Chandna</i> ..	31,012	5,658	28,692	35,949	25	5 1 2	6 5 8
<i>Chaukidari resumed jagir.</i>	26,883	18,623	39,838	49,424	24	2 2 3	2 10 6
Ordinary tenures ...	10,935	33,415	45,916	59,492	30	1 6 0	1 12 6