

CHAPTER XVII

ATTESTATION.

417. After the *khanapuri* or "filling up of the forms" the draft record had to undergo the process known as "attestation," or verification by a revenue Officer. Where the *khanapuri* has been good this would naturally be the simplest of all the stages of a Settlement under the Bengal Tenancy Act. The revenue officer would have before him a complete record of the holdings in the village and a statement of the rents claimed by the landlords if not by the tenants. It would only remain to read out to the tenants their *khatians*, to settle any disputes left over from *khanapuri* and to enter the rent and status. Indeed, in theory, the process should be one of almost mechanical monotony; but in Orissa the *khanapuri* of two-thirds of the Province was done while the rules as to forms and procedure were still in a state of flux.

The survey with their huge camps had far outstripped the revenue officers, and records, framed, under different sets of rules, by *amins* whose natural perversity had been imperfectly checked, were found to be full of mistakes.

Tenants, ignorant and apathetic, neither understood nor cared to understand our system of measurement, and could with difficulty be persuaded to take the trouble to attend the *amin* in order to point out their own fields. Landlords were, as a rule, little better; many did not take the trouble to file correct papers; others, while understanding the value of the settlement record, deliberately altered their rent-rolls in the way they thought most advantageous to themselves. With such a record, of which the only reliable portion was the map and the field area statement, attestation, far from being simple, became the most important and difficult process of the whole Settlement.

418. Attestation began first in the Circle of Bahang, Serai, and Chaubiskud under rules framed by the first Settlement Officer, Mr. A. K. Ray, working under Act VIII (B. C.) of 1879 and the Settlement Regulations.

The main features of the system were—

- (a) The despatch to each village of a *muharrir* to do the preliminary attestation of the record before the visit of the Assistant Settlement Officer.
- (b) The visit of the Assistant Settlement Officer to the village and the reading out of the *khatians*, in his presence, to the landlords and tenants.

The main defects of his system are summed up by Mr. Walsh as being—

- (1) The insufficient number of attestation *muharrirs* employed at a time.
- (2) The delivery to one *muharrir* of the records of several villages.
- (3) The absence of a proper inspecting staff.
- (4) The omission to distribute "*parcha* slips."
- (5) The incompleteness of the instructions to attestation *muharrirs*.
- (6) The incompleteness of the forms handed over to the *muharrir* to be filled up in the village.
- (7) The omission to take on the *khatians* the signature of the parties.

419. After the appointment of Mr. Reilly as Settlement Officer, detailed rules for attestation under the Tenancy Act were drawn up and submitted to the Director and Commissioner, and in July, 1891 we find the following description of the procedure :—

"They (the Assistant Settlement Officers) test the *khanapuri* as it is being done by the Survey Department. Afterwards, when the records of villages are received from the Survey Department, the following procedure is adopted :

"Notice is given in the village that attestation work will be begun on a date not less than ten days from the date of notice. An attestation *muharrir* is then sent to the village, who reads out to the raiyats and zamindars, or their representatives, all the entries in the *khassra* and *khatians* as made by the Survey Officers. When these entries are disputed, the *muharrir* makes out a list of such disputes ; and if the dispute is due to a manifest error which

is admitted by both parties he notes the fact in the dispute list. When he has completed the attestation in this way, the *muharrir* reports to the Assistant Settlement Officer, who then gives the dispute list to the *kanungo* and deposes him to the village with instructions to arrange the disputes if he can.

"The *kanungo* returns the lists showing what he has done towards arranging the disputes. The Assistant Settlement Officer next goes himself to the village. He assembles the raiyats and zamindars or their agents and reads over the entries which are not disputed, then takes up those which have been disputed but arranged by the attestation *muharrir* and *kanungos*, and finally enquires into points still in dispute and comes to a summary finding upon them. He then, in or near the village, enters in the *khatians* the status of the tenants ascertained by himself, and the total amount of each tenant's rent, and he records the rate of rent as stated by the parties where there is a rate."

Mr. Sen, then Assistant Settlement Officer of the Tangi Circle, reported that the *khanapuri* was so incorrect that he found it necessary for the attestation *muharrir* to go over every field again with the *khasra* and also to distribute fresh *parchas*, and Mr. Walsh in the Serai, Rahang, and Chaubiskud Circles made a similar check.

420. During the season of 1891-92 the several circle officers drew up detailed instructions based generally on Mr. Finucane's note, but greatly differentiated to meet local necessities. The most complete of these appear to be the rules in force in Mr. Baroda Charan Mitra's circle, which were approved by Mr. Reily and printed by the Director in October, 1892. They are typical of the procedure in those circles in which the *khanapuri* had been completed before the year of 1892 the salient features of the system being—

- (1) Every circle was divided up into a number of groups of villages each in the charge of a *munsarim*.
- (2) Under each *munsarim* were employed a number of attestation *muharrirs*, as a rule one for every ordinary village and two more for larger villages.
- (3) The attestation *muharrir*, was before beginning his work, provided with that—
 - (a) The *khasra*, *khatian* and map.
 - (b) *Parchas* in duplicate already filled up by *thika muharrirs* in this office.
 - (c) *Lakhiraj*, *tanki minha*, etc., statements for which the columns regarding the last Settlement had been previously filled in from the old records by *thika muharrirs*.
- (4) The attestation *muharrir* on arriving in the village distributed the *parchas* to the tenureholders and raiyats.
- (5) He then attested the record by reading over and explaining *khatians* in the village, filling up at the same time the columns of rent and rights. Where necessary he visited the field with the parties after his day's work in the village.
- (6) All mistakes were entered by him in the *badar fard*, or mistake list.
- (7) If there were no disputes, the attestation was completed by taking the signatures of the parties to the *badar* corrections and *parchas*, and in most circles by correcting the *khatian*.
- (8) Disputes were entered in the *badar fard*. If amicably decided with the assistance of the attestation *muharrir*, the parties and he himself signed the *badar* and the *parchas*. If not so decided, the signature columns of the *badar* remained blank and the *parchas* were left unsigned.
- (9) The *munserim* inspected the work of the attestation *muharrir* and endeavoured to bring about an amicable settlement of those disputes the attestation *muharrirs* could not deal with. He treated the disputes in the same manner as the *muharrir*.
- (10) At the time of preliminary attestation the *muharrir* filled up the blank columns of the *lakhiraj*, etc., statements.
- (11) He also attested the *khewat*, entering the disputes in the *badar fard*.

- (12) When the preliminary attestation of a group of villages was completed the final attestation was performed by the Assistant Settlement Officer at a convenient centre. He employed, where possible, as his *muharrirs* the men who had performed the preliminary attestation; this was understood to form part of their duties. When this was impossible, each Assistant Settlement Officer made his own arrangement for appointing men and dividing the 12 annas per hundred numbers, which was the rate sanctioned for each village.
- (13) The *khatians* were read over to the raiyats whose signatures are taken on the bottom of the page. The *khatian* was also signed by the landlords and tenure-holders.
- (14) The Assistant Settlement Officer decided summarily disputes still outstanding and examined and initialled each page of the *khatian*. The *khatians* were corrected according to his decision.
- (15) He examined and initialled the entries of the *lakhiraj*, etc., statements.
- (16) He finally attested the *khewat*.
- (17) In most circles *adhai-jama-fards* (statements of collections) were prepared in some at the time of preliminary and in others at the time of final attestation.

Defects of the rules of 1892.

421. The main defects of the system appear to have been :—

- (a) The isolation of *muharrirs* in villages where no effective supervision was possible.
- (b) The absence of a gazetted officer before whom objections could at any time be preferred.
- (c) The payment of *muharrirs* at contract rates.

Mr. Mitra was of opinion that with the procedure described, he could efficiently attest 3,000 fields in a day or $\frac{1}{3}$ of a lakh in a month. Subsequent experience has shown such an outturn to be absolutely incompatible with good work, even with all the records already written in the correct form, which was not always the case in the early attestation, and in a subsequent paragraph* will be found an account of the disastrous results of thus forcing the pace.

422. In the *khanapuri* of 1892 an attempt had been made, notably in the Gope Circle, to do away with the stage of preliminary attestation. The *khanapuri* officer visited the village from time to time while *khanapuri* was proceeding, disposed of all disputes, and entered rents and status.

As soon as the *khassra* was complete, and while the Survey officers were still on the ground, the Assistant Settlement Officer visited the village, asked each raiyat his rental and status and took his signature to the *khatian*. This was the final attestation, and we find records finally attested in this manner before the areas had been entered in the *khatian* or before the *Parchas* had been distributed, and even in one or two instances in the absence of a map.

This was clearly not a success, and in September, 1892, the Settlement Officers proposed that the Survey Department should prepare only a map and an area statement leaving the *khanapuri* to the Settlement Department. This proposal was considered impracticable and a compromise was effected by which the *khanapuri* was to be done under the joint supervision of the two departments, the Survey being responsible for the map and the Settlement for the other records.

Khanapuri being complete, the records were at once sent to the Survey office where areas were extracted and entered.

The records were then returned with a trace of the map to the circle officer, who grouped the villages together and issued a proclamation calling upon all concerned to attend before him at convenient centres distant not more than three miles from any village of the group.

* Paragraph 435.

As such centre the *parchas* were explained to the tenants and the areas entered in them, if this had not been already done by the camp office. The signatures of landlords and tenants having been secured and all objections disposed of, the Assistant Settlement Officer attested the rent and status which had been already entered at *khanapuri*. The records were then returned to the Survey Department for correction of the trace according to the orders on the dispute list and for the compilation of statistics.

423. The rules were still very incomplete and nearly all details were left to the circle officers, who drew up long and elaborate instructions which were submitted to the Settlement Officer for his approval. From these Mr. Maude compiled very complete instructions for the season of 1893-94.

The salient features of the system then adopted were :—

- (a) The periodical inspection of the records by the revenue officer while *khanapuri* was in progress.
- (b) The examination of the records for the detection of serious errors before they were taken over from the Survey camp.
- (c) The preliminary attestation of the records by a *muharrir* in the circle officer's camp.
- (d) The comparison of present entries with the figures in the records of the last settlement.
- (e) The disposal of all disputes and the correction of the record before final attestation.
- (f) The reading out before the Assistant Settlement Officer of the—
 - (1) Name of landlord.
 - (2) Number of fields.
 - (3) Number of *kitas*.
 - (4) Area.
 - (5) Rental as stated by landlord.
 - (6) Rental as stated by tenant.
- (g) The summary decision by the Assistant Settlement Officer of the rent and status of the holding.
- (h) The return of records to the Survey camp for extraction of statistics and correction of the original map.

Corrections in the rules continued to be made during the whole of the year 1894 chiefly with a view to the economy of labour. The rules were finally revised in 1895, and are printed as Appendix B to this report.

424. Unfortunately nearly all the attestation of the Province had been completed before the promulgation of these orders.

The following table shows year by year the number of records attested in each of the three districts—

YEAR.		Cuttack.	Puri.	Balasore.
1890-91		69	278	Nil.
1891-92		1,282	1,613	Nil.
1892-93		963	62	511
1893-94		564	1	620
1894-95		1,356	23	1,800
1895-96		670	120	686
Total		4,904	2,097	3,607
Total number of records				
to be attested		4,876	2,109	3,607

The figures are only approximately correct, as it has been found impossible to reconcile the returns of different years, which being added together give in Cuttack a total of more villages attested than there are in the district. Figures in Balasore have been adjusted; in Cuttack probably some villages are shown twice, having been twice attested; in Puri a few village records have been amalgamated.

425. The wording of the former rules framed by Government required the Assistant Settlement Officer to be in or near the village at the time of attestation of the record and settlement of rents, and at first *muharrirs* were actually deputed to the villages to do the preliminary attestation; but when this had been accomplished the Assistant Settlement Officer, instead of going to the village himself and reading out the *Khatians* on the spot, generally summoned the tenants to his camp for the purpose of finally attesting the record. Both in Orissa and elsewhere it was found that the attempt to do attestation in each and every village led to waste of time and supervising power and in a revenue circular issued by the Board in 1893 it was laid down that the tenants might be made to attend a camp distant not more than three miles from the furthest limit of their village, objections being as far as possible disposed of in the village and on the spot. This necessitated a careful arrangement of circles and a strict adherence to programmes, and it was at one time the practice for the attesting officers to open branch camps two or three miles away from their centre, at which outlying villages were attested. The camps were in charge of a head *muharrir* and were visited periodically by the Assistant Settlement Officer for the purpose of disposing of disputes and for final attestation. These camps however led to a waste of time and were difficult to supervise properly, and their opening was accordingly discouraged and eventually forbidden save for very special reasons. The same rule applied to fair rent camps and was generally observed.

426. In the *Khasra* the arrangement of fields was purely geographical and presented no difficulty once the map of the village had been prepared. At first some doubt was felt as to whether * *tahsilalahidas* should be treated as separate villages and allotted separate *Khasras*, but it was eventually decided that one *Khasra* only should be prepared with a single set of serial numbers running geographically from the north-west to south-east corner.

427. The unit of the *Khatian* is the parcel or parcels of land held by a tenant or group of tenants in a village as a single tenancy, and it is therefore necessary to prepare a separate *Khatian* for every tenure-holder, raiyat, and under-raiyat in each estate in a village, and for the lands held in direct possession by each separate group of proprietors and tenure-holders; and if a cultivator holds lands in more than one share of a partitioned estate or tenure, a separate *Khatian* for his holding in each such share.

This is the rule laid down in the Survey and Settlement Manual and its applicability to Orissa appears to have been recognised from the very beginning of the work; but the principle was not at first carried to its logical conclusion that only the lands of a single tenancy should be entered in any one *Khatian*, and that for every separate status separate *Khatians* should be prepared.

This appears indeed to have been the intention of Mr. Reily, but while *Khanapuri amins* were absolutely forbidden to record status it was impossible for them to excerpt *Khatians* by classes. In the *Khanapuri* rules of March, 1892, it was laid down that "the slips for tenure and under-tenure holders will be separated by the *Khanapuri* officer from raiyats' *Khatians* after determination of each tenant's status and will be separately filed." This rule was unworkable, the amount of labour involved being equivalent to the personal *khanapuri* by the revenue officer of the village. These rules went, however, still further and directed that if a raiyat held lands under numerous petty landlords in a village, one *khatian* for the whole would suffice. This rule accounts for much of the confusion to be found in the records of that period.

In the records prepared in the season of 1890-91, the confusion appears to have been worse; we find from the reports of the Assistant Settlement Officers that revenue-free, resumed, and raiyati lands were not infrequently found in the same *khatian*, necessitating the complete re-arrangement of the *khatians* and a great deal of re-copying. For example in the Rahang circle the number of *khatians* was increased during attestation from 13,035 to 16,079, and in all the circles of Puri, and the Tanghi Circle of Cuttack, the Assistant Settlement Officers thought it desirable to re-copy a very large percentage of the *khatians*.

* Vide Cap. XVI, Paragraph 410.

It was not until the visit of the Director in September, 1892 that definite orders were passed as to the arrangement and division of the *khatians*, status by status. The rules then framed have been added to since, but differed but little from those in Rule 68 of Appendix B, Part III. to this report. For the purpose of settlement of rents this arrangement was subsequently modified,* but the principle remains the same, viz., that the arrangement of a volume is first by estates or *tahsilalahidas*, within each estate by separate groups of landlords, within each such group by status, and within each status, and alphabetical arrangement of tenants. In his inspection note of 1894 His Honour Sir Charles Elliot recorded his opinion that too much pains was being taken to separate statuses, and a long correspondence was started which led to a final settlement of the question.

In a note written in December, 1894, Mr. R. Nathan made the following observations on the *khatian* writing and *tirij* writing :—

“There are three possible courses —

“(i) To prepare separate *khatians* for separate classes of interests.

“(ii) To enter different classes of interests in the same *khatian*, but to place together the plots belonging to each separate interest, and to arrange the various tenures in a regular sequence in the *khatian* page.

“(iii) To enter different classes of interests in the same *khatian* taking no heed in the sequence of the plots as to the class of interest to which each plot belongs.

“(3) The third of these systems is the least satisfactory. In addition to the points noted in paragraph 4, the following disadvantages would arise: The *khatian* would present a confused picture both to the raiyat and the attesting officer and clerks. This would entail loss of time both at preliminary and final attestation. To explain the *khatian* to the raiyat it would be necessary to take out the areas included in the different classes of tenure, and make sure that he realised the plots included in each. If from the first there has been a separate *khatian* and *parcha*, this would be unnecessary. As Mr. Maude points out, the want of clearness in the *khatian* would open the way to errors that might otherwise be avoided. It would also be necessary to further confuse the *khatian* by entering different classes of rents. The present *khatian* forms are not arranged for this. The *khatian* would require a further attestation: a status column would have to be substituted for the single status space. Finally, when it came to preparing the *tirij*, more time would, I think, be spent in separating out the interest than would have been necessary had the separation been performed in the first instance.

“(4) With regard to the first two methods, the separate *khatian* system has the following advantages :—

“(i) Greater facility in the preparation of the *tirij*.

“(ii) A valuable use of the *tirij* is an index list. Mr. Maude points out this important aid to attestation would be lost if the *tirij* was not arranged in the same manner as the *khatians*.

“(iii) It would be necessary to avoid the difficulties indicated in paragraph 3 to complete the *khatian* by totalling the area held under each class of tenure. Again a rent and a status column would be required for the entries relating to each class of tenure.

“(iv) It is convenient at final attestation to take up each class of tenure in turn. The same classes of questions and references are apt to arise in considering the different *khatians* regarding one class of interest, and it is convenient to dispose of them before going on to the consideration of another class.

“(5) The special advantage of the second and third methods is the saving of space and reduction in the bulk of the record, which tends to become unwieldy. I do not think that this advantage is sufficient to counterbalance the difficulties noted in paragraph 3 and 4. If the final record is prepared in the form of a *Jamabandi* roll, the saving of space would not be very great.”

On this the Director of Land Records expressed a doubt as to the practicability of such a division as Mr. Nathan recommended, especially in respect of *thani* and *pahi* fields, and Mr. Nathan explained that he did not propose to have separate *khatians* for *thani* and *pahi* or *minha* holdings, but that *bazyafiti* and similar tenures and the service tenures ought not to be entered on the same *khatian* with raiyati lands.

Mr. Nathan at the conference of 1894 expressed his conviction that the arrangement under which raiyats of *bazyafitidars* and *kamildars* came before raiyats holding under proprietors and permanent tenure-holders was sound, as it was convenient at the time of attestation to take up the raiyats of these persons at the same time that their own *khatians* were attested. At the time of settlement of rents it was however necessary to bring together

* Cap XX, Paragraph 489 and Appendix C.

first all tenants paying rent directly to the proprietor; secondly, all lands valued for revenue only or unassessed; thirdly, tenants paying to classes 1 and 2, and rents were not included in the assets of the estate. The order of the *khatians* laid down in Rule 68, Cap. IV., App. B, Part III was therefore modified to this extent.*

All the Orissa officers consulted strongly deprecated the proposal to keep *bazyafii*, *bahali*, *jagir*, and *raiya* lands in one *khatian* form, and the Director expressed his opinion that on this point the unanimous opinion of the Orissa officers should be accepted.

It was agreed in conference at Tangi on the 16th December 1894 that it was necessary to distinguish in the *khatians* and in the *jamabandi* between *thani* and *pahi* lands, and that the word "*thani*" or "*pahi*" should be entered against each plot in the *khatians* so far as information can be obtained; but it was thought unnecessary to have separate *khatians* for *thani* and *pahi* lands.

These rules were adopted and continued in force to the end of work, but it was found by experience that at the time of settlement of fair rents, and still more at the stage of compilation, it was an advantage to have separate *khatians* for *thani* and for *pahi* lands, and at re-attestation every separate class was where possible given a separate set of *khatians*.

428. The "entry of rent and status" has been already discussed under the head of *khanapuri*.†

Entry of rent and Status.

The rules required that both entries should be made or attested by the revenue officer himself, but in practice the entry of status was almost always made either by the *amin* at the time of *khanapuri* or by a *muharrir* in the attestation camp, and was read out to the *raiya* in the presence of the Assistant Settlement Officer, who, if no objection was raised, attested the entry with his signature. Similarly in the case of rents the statements of both landlord and tenant were entered by the *amin* or *muharrir*, who if the statements agreed filled up also the column for rent as ascertained by the Assistant Settlement Officer. The entry thus made was read out in the presence of the Assistant Settlement Officer to the assembled tenants and attested. If there was any dispute as to the amount, it was summarily decided by the Assistant Settlement Officer and the entry at once made and attested, no record being kept of the grounds of the finding.

429. Division of a *raiya*'s holding without the consent of the landlord is invalid alike under Act X. of 1859 and Act VIII of 1885, nor are landlords in Orissa bound by custom to recognise any such partition. In the case of *bazyafii* and *kharida jamabandi* holdings, indeed, to which a *quasi*-proprietary right attaches, the whole or any portion may by custom, be alienated, but even in respect of these lands many zamindars have successfully insisted on the payment of a premium or '*salami*.'

In spite, however, of law and custom it was found that *raiya*s had very commonly alienated portions of a holding and still more often had made a *de facto* division among themselves, the zamindar's papers continuing to show the original *raiya* and his holding only.

Payments for rent were credited as made by so and so on account of the original holding.

Necessarily, when the *amin* was preparing the *khasra* and *khatian* in the village the name first given him was that of the man in possession. The original rules of 1893-94 required that he should compare such name with the lists of tenants supplied by the landlord and make entries according to the following rules:-

"In the case of partitions of holding by mutual consent, which have not been recorded in the *jamabandi* papers, the name of the tenant given in the lists of tenants furnished by the landlord should be entered first, and the names of co-sharers after, as joint tenants, land a remark may be made that partition has not been recorded by the landlord.

"If in any case the tenure or under-tenure is held by more than one person, and such persons have privately divided the lands comprised in the tenure or under-tenure among themselves, and the division is not recorded in the landlord's *sherista*, then in the remarks column against the plot in question should be entered '*dakhal* tenure-holder so and so,' the name to be entered being that of the tenure-holder who is in direct, exclusive possession of the plot in question, and to whom alone the person in possession pays the rent of such land."

* See Rule 28, Appendix C, Part I.

† Cap. XVI, Paragraphs 403 and 404.

Subsequently these rules were withdrawn and the practice was to enter as raiyat the person found in possession, but the rental was not divided, the former area and the whole rent being entered in the *khatian* representing the original holding, while in the *khatians* of the new holdings formed by the partition a note was made that the rent was *barati*, i. e., included in the rent of the afore-mentioned holding.

When, however, it became necessary to settle rents the rule was that a rent must be settled for every holding to which a separate *khatian* had been assigned, and thus the imperfect partitions recorded at attestation have in the new settlement been completed. The tenants showed a strong desire to avail themselves of the settlement proceedings to have partitions made of their holdings, but this tendency was discouraged as far as possible by insisting on the consent of the landlord being obtained, and refusing to accept obviously inconvenient divisions. Only one zamindar, the proprietor of the large estate of Utikan, made any serious protest against this division of rents and holdings, and he did not long press his objections.

On the whole zamindars were very apathetic in regard to this matter; their objections were not so much to the subdivision of the holdings and apportionment of the rents as to the loss of *salami* or fees payable on mutation and division.

430. In the records of the last settlement were to be found for every Comparative statements—*Lakhiraj Bahal*, village and every estate not only totals of the *jagir*, *Minha*, *Bazyafiti* and *Nijjot*. area and rent of every class of land and holding, but details of every holding in which there were raiyats having rights superior to those of the ordinary *pahi*-raiya, or tenant-at-will as he then was.

The most important classes were :— (1) *Lakhiraj Bahal*, or confirmed revenue free grants. (2) The *Bazyafiti*, or resumed revenue-free grants. (3) The *Jagirs* or service grants. (4) *Minha*, or land, generally homestead held without rent but included in a rent-paying holding. (5) Proprietor's private lands.

For each and every one of these, statements were prepared showing the entries as they stood at the last settlement and the present claimants and areas claimed. The statements were certainly useful as a check, and those of revenue-free and *jagir* lands were almost indispensable to a correct record, but they took up time. In 1894 Sir Charles Elliott recorded his opinion that time was being wasted on their preparation, and accordingly the *bazyafiti* statement was discontinued, and the *lakhiraj* statement allowed to take the place of the *khewat* of revenue-free lands.

The other statements, however, continued to be prepared until 1896, when all except that of revenue-free lands were stopped.

This last showed the entry in the *zuidad* or report of the last settlement, the entry in the Collector's general register of revenue-free estates, and the facts found on the ground, and it continued to be attested and corrected till the end of the work. It was required for the resumption by consent of areas in excess of revenue-free grants.

431. The question of the entries to be made in the *khatian* having been raised at the time of Mr. Finucane's visit to Orissa in February 1892, it was found that the existing form contained many superfluous and useless columns, and the following declaration of the guiding principle was made by the Director :—

"Nothing should be entered on the *khatians* which is not necessary for the raiyats and landlords to have in the extracts of the records to be subsequently made over to them. The *khatian* is the 'record' which has to be published. Every entry in the *khatian* as published may be made the subject of a dispute which may have to be decided as a suit."

Notwithstanding this declaration and the fact that the form of *khatian* was remodelled, it continued to be the practice to record the name of the crop grown, but nearly all the special incidents of particular tenancies were omitted, those entered being generally—

- (a) Rights of user by the public.
- (b) Conditions on which service tenures were held.

In the record as finally revised and published in the seasons of 1896-97 the following entries were made in the remarks column of the *khatian* in addition to that of status:—

- (a) Right of *thani* and *bazyafiti* raiyats, etc., to hold at a fixed rent for the term of settlement.
- (b) Rights of purchaser of an estate at an auction sale to assess to rent invalid rent free grants.
- (c) Rights of the public to the free use of grazing and cremation grounds and other reserved lands.
- (d) The fact that the extra rent for a "special crop" grown in a certain field was only payable so long as that crop was grown.
- (e) Liability of certain rents for river-side lands to annual variation.
- (f) Right of fishery in rivers entered in the proprietor's *khatian*.

It was agreed at a conference held by Mr. W. C. Macpherson with the local officers in August 1897 that entries (a), (c), (e) and (f) were properly made owing to the revision of the rule, entry (d) had already ceased to be necessary, and with the orders to settle rents for all rent-free tenancies which came into force from January 1898, entry (b) ceased to be of any use.

In the estate of Madhupur the terms on which certain *Debottar* grants were held were at the instance of the proprietor recorded, but such entries are not usual.

432. Whenever a landlord or tenant objected to any entry in the records, a note was made by the attestation *muhammad* on a list, the "*badar fard*", showing the name of the objecter and of the other party, if any, the fields in dispute and the nature of the objection, and no correction of the record was made nor was the *khatian* signed until the Assistant Settlement Officer had passed orders on the objection. Obvious mistakes in which both landlord and tenant were agreed as to the correction to be made were, however, at first disposed of by the *muhammad* or *munsarim* and the records corrected, subject only to the confirmation of the Assistant Settlement Officer; and even under the later and more accurate methods of attestation it was customary to enter on a separate list corrections agreed upon by both parties; taking their signature in token of acquiescence. The Assistant Settlement Officer even in such cases generally called up the parties and asked whether they really agreed to the change before signing the order, and might exercise his discretion in declining to allow mutations in cases of suspected collusion.

A good deal of difference of opinion prevailed as to the best form of entry in these disputes lists. Many of the best and most careful attestation officers preferred that the *muhammad* should enter nothing beyond the numbers of the fields and the names of the parties, while on the other hand it has been pointed out that if the substance of the dispute is not recorded it is necessary to write a long order to prevent the risk of mistake. The balance appears to Mr. Webster entirely in favour of an accurate record of the nature of the dispute. It enables the Assistant Settlement Officer to see at once what it is he has to find out, and without it he may have to listen to a long rambling story before he catches the drift of the dispute. It takes up some of the *muhammad's* time, but this is much less valuable than that of the Assistant Settlement Officer, and at the same time it is of great assistance to the *muhammad*, who has to interpret an extremely brief order not always very accurately worded.

It must, however, be added that *muhammad*s, unless the supervision be very strict, exact money by their version of the dispute and waste an enormous amount of time in the mere effort of literary composition and in making fair copies. Moreover an over-worked or unconscientious Assistant Settlement Officer may not make independent inquiries or go behind the *muhammad's* version. On the whole I prefer to have a record only of the *khassra* numbers and the names of the parties to the dispute.

Parties were also entitled to file petitions of objection without affixing any court-fee stamp. These were decided in the same way as the *badars* or objections recorded by the *muhammad*.

433. During preliminary attestation the *muhammad* was required to obtain, if this had not been already done, the signature of both landlord and tenant to every *khatian*, and to

Signing of *Khatians*.

sign it himself in token of its having been duly read out and explained. The Assistant Settlement Officer at the time of final attestation was further required to initial the entries of rent and status.

This should have provided an ample safe guard against defective or careless attestation, but unfortunately in the early days of attestation many *khatians* were passed by *muharrirs* without the signatures of the parties, and the final attestation was done by stamping with a facsimile seal. This use of seals is a great saving in mechanical labour, and could have done no harm if the Assistant Settlement Officer never allowed the *khatian* to be stamped until every one had been read out and every objection disposed of. I am afraid however that this was not always the case, and the seal often meant very little.

After the rules of 1893-94 were framed, the use of facsimile seals was discontinued in most circles.

The original rule as to the initialling of corrections was that it should be done by the *muharrir* or *munsarim*, the idea being that where there were many corrections the record should then be fair copied. In the rules of 1893-94 the Assistant Settlement Officer was required to himself initial every correction in the *khatian* and *khasra*. The rule was subsequently rescinded as regard the *khasra*, but the Assistant Settlement Officer continued to be responsible for the attestation of all mistakes in the *khatian*. In practice, however, only corrections of rent and status were initialled by the Assistant Settlement Officer, all others being checked and initialled by a head *muharrir*.

434. After attestation, records were returned to the Survey Department, who entered the totals of the area columns of the *khasra* in a form known as the *milan khasra* or a shorter form known as the *mot khasra* and prepared a statement of cropped areas, they also corrected the original sheet map and its trace, and corrected the *khasra* in accordance with the reports of the *amins* attached to the attestation camp for the formation of new fields or division of old ones.

In 1894 the preparation of statistics after attestation was transferred from the Survey to the Settlement Department, and in 1895, the survey being complete the corrections of traces and *khasras* were made entirely in the Settlement camp.

435. In January 1893 the examination by Mr. Baroda Churn Mitra of a number of records of the Serai and Chubiskud, Rahang, Kodhar, and Gop Circles of Puri disclosed so many errors and omissions in the attestation that it was held to be necessary to completely revise the attestation before beginning the settlement of fair rents.

The nature of the errors brought to light was very various, but the following is a list of the most prominent defects of the early work :—

- (1) The inclusion in one and the same *khatian* of lands held under different proprietors.
- (2) The omission to ascertain the existing rent of a holding.
- (3) The omission to give effect to orders on the dispute lists.
- (4) The postponement of petitions for future disposal.
- (5) The absence of the Assistant Settlement Officer's signature on the records.
- (6) The absence of any record of the attestation proceedings.
- (7) The confusion of status; revenue-free and revenue-paying lands, paying fixed and variable rents all being entered in one *khatian*.
- (8) Failure to demarcate and prepare separate *khatians* for *tahsilalahidas*.

There has been much controversial discussion as to the cause of and responsibility for these defects. It appears to me that the state of the records may chiefly be attributed to the bad *khanapuri*, the inexperience of officers and the praise awarded to large outturns. The *khatian* forms were not suitable. The postponement of correction of records by vernacular-knowing *muharrirs* according to orders passed in English from the field season to recess was also a great source of error.

Be this as it may, the result was that practically all the records of the Puri District and so much of Cuttack as had been attested before the middle of 1893 had to be re-attested for revised. The work was begun in both Districts in 1895-96 and half-way through the season special rules were framed to simplify and expedite it; much of the elaborate comparison of last settlement areas and rents that characterised the attestation of 1894-95 being stopped, and simple directions given for the utilisation of the old forms in place of re-copying. How this revision was combined with the settlement of fair rents will be told in a different chapter.* What it cost it is not easy to estimate; roughly, 15 lakhs of plots in Puri and 10 lakhs in Cuttack had to be revised. Revision and fair rent work combined cost about Rs. 1,000 per 10,000 fields, revision alone about Rs. 1,000 for 20,000 fields, or about Rs. 1,25,000 for the revision of 25 lakhs of plots. Some of this work would, however, have had to be done owing to the lapse of time, so we may reduce the estimate for actual revision to one lakh besides what it has cost, owing to the consequent postponement of the realization of the new revenue.

436. When attestation first began, the Assistant Settlement Officers were engaged in the twofold work of inspecting the *Establishment and Outturn.* *khanapuri* and supervising attestation, and progress was alarmingly slow.

Mr. Finucane, when he visited the Province in February 1892, found that less than 10,000 plots a month were being attested, and recorded his opinion that 1,000 plots per working day was a more proper outturn.

The Officers engaged on the work do not seem to have understood the conditions under which such an outturn was possible; for we find that in April one officer attested over 39,000 plots, while two officers in another circle attested 47,000 plots in addition to repairing soil maps. In May five officers attested over 207,000 plots or an average of 41,000 each.

Next year, under the revised rules there was again a falling off, but in January 1893 the average outturn was over 30,000 plots per officer, and in February one officer showed 4,193 plots as attested in a single day. In 1893-94 the average outturn per officer was only 8,019 plots per month, but in Balasore it was 12,660 plots against only 5,921 in Cuttack. It is difficult to account for this very small outturn, partly it was due to the very inaccurate *khanapuri* and which the officers were working in Cuttack and partly to an almost excessive striving after perfection, *e. g.*, the elaborate comparison of last settlement and present settlement areas, the reconstruction of revenue survey villages, and the initialling of every correction in the record by the Assistant Settlement Officer himself. After the visit of His Honour Sir Charles Elliott, in 1894, all superfluous refinements were done away with, and with more experience and more systematic arrangements of the work, the average outturn for 1894-95 came to 19,418 plots per month.

* Cap. XVIII, Paragraph 451, and App. C., part VII.