Part VI.

CHAPTER XXIII.

REVENUE-FREE LANDS

566. Throughout India it was the practice of the Hindu rulers to assign lands to Brahmans for their support, and to endow monasteries and charitable institutions in perpetuity, and Orissa with its large Brahman population and containing the holy cities of Puri, Bhubaneswar. and Jajpur, was no exception to the rule.

These grants and endowments were wholly or partially exempted from the payment of revenue, and so strong was the religious feeling of the country that neither Mohamedan bigotry nor Mahratta greed prevailed to set aside the gifts and make these lands liable to contribute to the public treasury.

Lakhiraj land—its original.

567. Lands thus exempted from the payment of the public revenue and styled *lakhiraj,* meaning 'without revenue'. On their acquisition of the Province in 1803 the British found a very large portion of the cultivated land held under various revenue-free grants, and as a preliminary to an enquiry into the validity of their titles, all claimants to hold land revenue-free were required to register their claims and deposit their *sanads,* or deeds of grant, in the central office at Cuttack. For five years this office was kept open, and in that time upwards of 128,000 claims were registered. In 1815 the registry was re-opened, this time with branch offices at Balasore and Puri, and another 30,000 *sanads* were filed. In 1837 began the work of enquiry under regulation XII of 18 5 and II of 1819, and in 1841 the final rules were issued, and are here reproduced :—

Rules for confirmation of revenue free grants at the last settlement.

RULE I.—Officers charged with prosecuting claims against *lakhiraj* tenures shall not prefer or maintain any suit for lands not exceeding ten bighas, which have been held exempt from the payment of revenue or rent without interruption since the 1st December 1790. Provided that in the districts of Chittagong, Sylhet, and Cuttack this indulgence shall not extend to such lands except where the produce is *bonafide* appropriated as an endowment for temples or for other religious or charitable purposes, and that in Cuttack the proof of rent-free possession without interruption shall not be required in the cases so excepted beyond the 14th October 1803, the date fixed by Clause 7, Section 13, Regulation XII, 1805.

RULE II.—In all cases where the Sadar Board of Revenue, to whom general reports shall be made in the forms which the Board may prescribe, of claims relinquished under the proceding rule, shall pass orders for the confirmation of such relinquishment, the orders shall be final, and a certificate, in the form to be determined by the Board, shall be granted to the holder of the lands, confirmatory of this title, to secure him from all future claims on the part of the resumption officers on account of the lands in question.

RULE V.—Whenever any land has been held *lakhiraj* since the 12th August 1765, and, the question shall arise whether, having been so held, the tenure was originally hereditary, if it be proved, or be ascertained in the course of the investigation, that one or more successions took place before the said date, such succession or successions shall be admitted by the Government Prosecutor or Agent as conclusive against the claim of Government to deal with the tenure as a grant for life liable to resumption upon decease of the incumbent of 1765 and if there be not proof of an actual succession by inheritance before the 12th August 1765, still, if from the circumstances of the case there be strong ground of presumption in fovour of hereditary possession anterior to that date, the Government officers shall abandon the further prosecution of the claim by lapse, and shall not require proof to the specific conditions of the original grant in the manner prescribed by a strict interpretation of the existing law.

RULE VII.—Persons in possession of *lakhiraj* lands in Cuttack, from the date of the acquisition of the province consecutively to the present date, shall be allowed to retain possession during their natural lives, and in the prosecution of any claim to try the validity of the grant or title by which lands may have been so held, the demand on the part of Government shall be for and award of resumption, to take effect upon the deceage of the incumbent.

RULE VIII.—Whenever decree of resumption may be passed against a *lakhirajdar* who consecutively held the lands and enjoyed the produce without demand of revenue for thirty years from the date of decree, the case shall be reported through the revenue authorities to the Government, but the settlement of the lands under the decree shall not be delayed because of such reference, RULE XIII.—Whenever settlement shall be made with the holder of any resumed *lakhiraj* tenure for the dues of Government thereupon the *jama* demanded from the said holder shall be at a rate not exceeding one-half of the gross rental of the land resumed, and if the late *lakhirajdar* have held the whole or any part of the land in *nij* cultivation, then for such land at the rate of one-half of the estimated rent value. This boon is to extend retrospectively to all resumed lands settled since the promulgation of Regulation IX, 1825 (the date on which the settlement principles of Regulation VII, 1822, for the Western Provinces were first introduced into Bengal), with the exception of *lakhiraj* resumptions, which, after final settlement, have been transferred to new hands by public or private sale, at prices corresponding, it is to be presumed, with the *jama* assessed upon them at the time of purchase. In cases, however, where the purchase has been made by Government, the estate will be restored to the proprietors at a jama not exceeding one-half of the gross rental, subject to all obligation and encumbrances which may subsequently to the purchase have supervened upon it.

In his Minute of the 23rd January 1847, Mr. Commissioner Mills gives the following account of the proceeding —

In the early settlements the enquiry into the liability of rent-free lands to assessment has been postponed to a future period; but it having been satisfactory demonstrated that the *lakhiraj* land indirectly contributed to the payment of the admitted high assessment of the *thani* lands, in as much as the *thani* raiyats held *lakhiraj* lands at extremely low rates from the profits of which they paid their high *khalisa* rates, it was judiciously resolved that the detailed settlement should be simultaneously conducted, with an enquiry into all such claims; experience further suggested the wisdom of uniting the duty of settlement and resumption in an estate in the same officer.

The rent-free claims were numerous beyond belief; it would, however, exceed the limits of a memorandum such as the present were an attempt made to detail the measures adopted for the purpose of carrying on the operations in a manner least obnoxious to the feelings of the people, and securing a calm and deliberate enquiry into the rights and interests of the parties concerned. It may be sufficient to say that the rent-free claims in the three districts numbered 2,77,925; that no stamp duties or fees were charged; that *khairda ma'afi* claims which were first considered as invalid alienations, were subsequently dealt with as ordinary rent-free tenures, and retrospective effect was given to these orders; that *devotter* and other tenures, the proceeds of which were found devoted to religious or charitable purposes, were considered to be *per se* perpetual, and not liable to assessment because the grants themselves contained no heritable provisions; that erroneous and illegal resumptions were rectified by the Collectors; that the rules of the 17th of April 1840, in so far as they were applicable to Cuttack, were both prospectively and retrospectively carried out; that the settling officers were authorised to relinquish small portions of land not exceeding a few bighas in each village for the *gram devtahs* or village idols; in short, I may canfidently state that it has been the earnest desire of the authorities to carry out these unpalatable enquiries in a spirit of extreme moderation and forbearance, with an earnest desire to uphold the rights of all, and I believe all did their duty with a tender and even hand, and in a manner satisfactory to all parties.

Nature of grants confirmed.

568. As the result of these enquiries the right to hold the land free of revenue was recognised in the following instatances :—

(1) Lands assigned revenue-free under grants from the Mahratta Raja of Berar, or from any zamindar *talukdar* or actual proprietor of land, as endowments of the temple of Jagannath, or of *Mathas* in the vicinity of the temple, or for similar purposes.

(2) All grants for holding land exempt from payment of revenue, made previous to October 1791, by whatever authority, and whether by a writing or without a writing, provided that the grantee actually and *bonafide* obtained possession of the land so granted, and held it exempt from the payment of revenue previously to the date above-mentioned, and that the land was not subsequently rendered subject to the payment of revenue by proper officers or orders of Government.

(3) All grants for holding land exempt from the payment of revenue, made subsequently to October 1791 and prior to October, 1803, by whatever authority, which has been confirmed or expressly admitted antecedently to the latter date, provided that by the authority of the existing Government the grantee actually and *bona'fide* obtained possession of the land so granted, and held the same exempt from the payment of revenue previously to October 1803, and that the land had not been afterwards rendered subject to the payment of revenue by the officers or orders of Government.

(4) Small quantities of land, not exceeding 10 *bighas,* held exempt from the payment of revenue under grant made prior to October 1803, and *bonafide* appropriated as endowments for temples or for other religious or charitable purposes, or the proceeds of which were enjoyed by individuals, whether Mahomedan or Hindu, being priests or religious advisers of the great body of cultivators.

(5) Royal (*Badshahi*) grants made previous to October 1803, provided that the grantee actually and *bona fide* obtained possession of the lands so granted previous to that date, and that the grant had not been subsequently resumed by the proper officers or orders of Government.

(6) All grants made or confirmed by the British Government subsequently to October 1803, and grants held under invalid titles which the Governor-General in Council thought fit not to resume.

(7) Small plots of ground for village idols.

The lands so confirmed are generally known as *lakhiraj bahal* or 'confirmed without revenue,' or more shortly *bahal* as opposed to the resumed or ***bazyafti*** land. Land confirmed without revenue for the term of the incumbent's natural life under Rule VII of the rules quoted in the last paragraph are known as ***hinihaiyati lakhiraj.***

Classification of revenue-free lands.

569. The revenue-free lands in the first instance are divided according as they are the absolute property of individuals or assigned in trust for a charitable or religious purpose.

Of the first class are :—

(1) *Brahmottar,* or lands originally assigned for the support of Brahmans. There are now about 87,000 acres recorded under this head, but many of the holdings have passed into the hands of *Karans* and cultivators.

(2) *Khairat.*—The name implies a benefice and was used of grants to mendicants and other poor Hindus, sometimes also of grants for chartiable purposes. The area now recorded is about 31,000 acres.

(3) *Datta* means a gift, and is used of grants to persons other than Brahmans, especially for services.

(4) *Khusbas,* literally "comfortable dwelling." was used of grante to Brahmans and other better class Hindu cultivators for their houses.

(5) *Mohottaran,* or "deliverance," is a name given to small grants to Hindus others than Brahmans : very common in Balasore.

(6) *Dabir Joi* (vulg. *Dabijjya*) is the dower given by the father on the occasion of a daughter's marriage.

(7) *Aima.*—Royal grants to Mahomedans.

(8) *Madad Mash* are grants to learned Mahomedans for their help or maintenance.

(9) *Ma'afi kharida.*—Land bought for a consideration from a zamindar or *talukdar* free of assessment.

Of all these it may be said that the land is the absolute property of the grantee. He can sell or give away the whole or any part of it and grant mortgages and perpetual leases. He pays rent to no one, and only renders to Government taxes and cesses according to the value of his property.

Lands of the second class are :—

(1) *Debottar* or "bestowed on the Gods", by which term are known all lands assigned for a religious purpose. Of these they are recorded in the Settlement papers holdings with an area of about 196,000 acres.

(2) *Sadabrati,* or "pious endowments", is the generic name for all charitable endowments. They appear to be generally recorded as *khairat* or *Debottar.*

(3) *Amrita Manohi* lands are really a subdivision of *Debottar*, being generally charitable endowments for the support of the Puri temple. Under this head an area of 54,000 acres has been recorded.

(4) *Pirottar* are lands assigned for the support of shrines of Mahomedan *Pirs*, or saints. Of these we have recorded 11,600 acres.

(5) *Qadam Rasul* are also Mahomedan endowments of shrines at which the prophet is believed to have set his foot.

These are all of the nature of trust; the land becoming the absolute property of temple, idol, monastery or saint, while the management is vested in a trustee who is variously called the *shebait* or minister, *marfatdar* (agent), *Mahant* (abbot of a monastery), or in the case of a Mahomedan shrine the *martwali* or *daroga*.

Some of these grants were only religious or charitable in name, the object of the assignment being to create an entail, as trust properties are impartible and inalienable under both Hindu and Mahomedan law.

In such cases the grantor usually made himself and his heirs-at-law the hereditary trustees (*marfatdar*) and the property became practically an entailed estate. The large majority of the endowments were, however, in their inception for charitable purposes, especially those of the monasteries that lie along the pilgrim route, and nearly all have attached to them both *Sadabrati* and *debottar* lands. Perhaps there was a time when the proceeds of these endowments were indeed devoted to the purposes for which they were intended, and when monk and abbot led self-denying and moral lives, but it is certain that, long before the British had any connection with Orissa, the monasteries had acquired an unenviable notoriety for riotous living, and that only a small part of their income found its way into the pockets of the poor.

Management of endowments.

570. The British Government endeavoured to remedy the abuses of the system by constituting the Board of Revenue into a Court of Chancery under Regulation XIX of 1810 for the supervision of the endowments in the Province. To each district one or more local agents, one being the Collector, were appointed to make recommendations and suggestions for the proper management of these institutions and to carry out the Board's orders, while any individual who thought himself aggrieved had a right to bring a suit before the Civil Courts to have the order set-aside.

These provisions had some salutary results, but were not so efficacious as they might have been.

Owing to the objections of certain religious bodies this regulation was subsequently repealed by Act XX of 1863, which freed both religious and charitable endowments from Government supervision, substituting for certain classes only the control of a committee of management. These committees have no doubt done their best, but they have been hampered by the want of any accurate definition of their powers and they have only been appointed for a few large endowment, such as the Bhubaneswar Temple and the *Qadam Rasul*. The committee of native gentlemen* who in 1869 reported on the administration of charitable endowments in Orissa advised the appointment of a central committee with stronger powers to supervise all local committees and endowments throughout each district: but their suggestions were not accepted, the abuses have been allowed to go on, and at the present day, we have found many instances in which lands have been illegally alienated in whole or part, or the proceeds misapplied. The deeds of sale (*samarpanpatra*) by which such lands are alienated do not indeed profess to transfer the land itself, but only the trusteeship, and recite the fact that the assigner being unable to perform properly the service of the idol has alienated the land for the benefit of his trust, or for the discharge of a debt incurred on account of it, and not infrequently the purchaser binds himself to perform part or the whole of the service, or worship (*sheba*). The practical effect is, however, to permanently divert the land from the purpose for which it was assigned, and in some few cases *debottar* lands have actually passed into the hands of Mahomedans.

* See Report of 25th March 1869 on Orissa Endowment.

It is not, however, always the case that sales are thus qualified and, Mr. Kingsford instances in his report the case of village Barak in pargana Bayang, which for the debts of the *shebait* was sold under a Civil Court decree without any mention of the *sheba*, the purchaser being a nephew of the Government Pleader of Cuttack.

Debottar lands are also mortgaged*, nominally of course in the idol's interest, and the *shebait* Bhabanananda Dev Gowsami of Balasore is said to have thus parted with most of the lands of his endowment.

A more effective and commoner means for alienating trust lands than either sale or mortgage is to grant a permanent lease *istimarari patta* taking a large premium and reserving but a very small rent, sometimes only a small contribution to the expenses of the shrine. These abuses are of course most common in small grants, where there is no committee of management. The only check on them is the power of the zamindar, for the permission given by Act XX of 1863 to any member of the public to sue the misappropriator of funds remains a dead letter. We commonly find that besides the *marfatdar* of the grant, there is also a superintendent †, generally the zamindar, who does not himself interfere in the management except to insist on the proper performance of the conditions; and even where this is not the case, zamindars consider themselves to have a right to dispossess a *shebait* who does not do his duty and to appoint another in his place.

Mr. Nathan gives an instance where a village *muqaddam* turned out a *shebait* and appointed a better man to shrine in his village, and I consider that some statutory recognition of this right would have a salutary effect. A precedent is not wanting, for in Khurda the resumption proceedings secure the right to Government as zamindar.

That there would be no native objection to Government supervision on religious grounds is made clear, not only by the report of the Committee quoted above, but by the fact that one of the present guardians of the Puri temple endowment is a Christian, and that the practical administration of the temple is in the hands of an English manager.

Inheritance to Trust properties.

571. In the case of trusts created only so as to form an entail, the succession follows usually the ordinary Hindu law of inheritance, and the trustees continue ever to increase in number. *Shebaits* and *mohants* are, in name at least, celibrates, and are succeeded by one of their disciples *Chela*, either nominated by them or selected by the heads of the neighbouring endowments; in some monasteries there is a custom that the head monk or *adhikari* succeeds.

Survey and preparation of a record-of-rights in revenue-free lands.

572. The most important of the revenue free properties are the *jagir mahals* of Malud and the revenue-free estates of Patia, and the lands of the great temple of Jagannath. These latter include the *ekhrajats*, a portion of the Khurda estate 105 square miles in extent made over to the Temple in lieu of the support formerly given by the Government, and the *Satais hazari* or lands forming the immediate endowment of the Temple with a nominal rent roll of Rs. 27,000. With the exception of the *Ekhrajat* estates and of the *jagir mahals* of Malud in the Puri District and of Patia in Cuttack, all the revenue free estates were held to be covered by the general notifications for the survey and settlement of the Province, and a draft record-of-rights was prepared in them under the rule laid down by Sir Charles Elliot for survey of permanently settled lands mixed up with temporarily settled estate. ‡

Proposals for exclusion of revenue-free villages in Puri.

573. Owing, however, to the more pressing necessity of completing the work in the temporarily-settled lands the attestation of wholly revenue-free villages was left to the last, and in 1898, Mr. H.Mc Pherson, Assistant Settlement Officer in charge of the Puri District, submitted proposals for stopping all further proceedings in respect of the revenue-free lands in 167 villages containing in all 125,000 plots. This proposal was, however, rejected by Government, § and the re-attestation and completion of the records was taken up by Babu Sudarsan Das, Sub-Deputy Collector, in the season of 1898-99 and finished by May 1899.

* Bhagbandhak or Phalbandhak mortgage is the common form.

† *Karjyadhyakya* or *Parichha.*

‡ See Inspection note of 19th October 1891.

§ Government Order No. 474 T.—R. dated 30th June 1898.

574. Notification No. 4454 L. R., dated 20th. December 1892, prescribing survey and preparation of a record-of-rights in the several Parganas of Cuttack was by a subsequent notification, dated the 13th September 1894, cancelled, except for such villages as contained temporarily-settled lands or lands irrigated by canal water.

Exclusion from Settlement of revenue-free villages in Cuttack.

Accordingly, at the time of attestation and settlement of rents, several wholly revenue free Villages were omitted, and in 1898 a proposal was made to exclude from survey and settlement revenue-free villages in certain other Parganas.

It was then pointed out that it was not the intention of Government to exclude from settlement isolated revenue-free villages, and they have since been attested, except *killa* Patia, in which the settlement proceedings were stopped under Government Order No. 1468 of 8th April 1899.

575. With the exception of the *hinihaiyati lakhiraj* mentioned in paragraph 568, all lands confirmed as revenue-free at the last settlement were protected in perpetuity from assessment, and there was no means by which any more revenue-free land than what then existed could be created. The duties of the Settlement Department were accordingly limited to the identification of the lands now claimed as *lakhiraj* within one or other of the confirmed grants recorded in the papers of the last settlement, and to recording the amount of land, if any, held without title.

Resumption.

For this purpose a comparison of the past and present areas of all revenue free lands was made in a form containing the fallowing details:—

A. Entries in the last settlement papers—
   (1) Nature of grant.
   (2) Name of *lakhirajdar* and number of grant.
   (3) Area confirmed.

B. According to the Collector's General Register of revenue-free lands—
   (1) Number in the Register (for this in Cuttack the number in the *special register* was commonly substituted).
   (2) Name of estate.
   (3) Name of *lakhirajdar*.
   (4) Area.

C. As entered in the present settlement papers.
   (1) Name of claimant.
   (2) Right how obtained.
   (3) *Khasra* numbers and their totals.
   (4) Particulars of disputes if any.
   (5) Area.
   (6) Increase.
   (7) Decrease.
   (8) Explanation of increase or decrease.

When a claim to hold land revenue-free was made and no relationship of landlord and tenant was found to exist between the zamindar and the claimant in respect of such lands, the attesting officer was bound to enter the land as revenue-free, but would, in the proper column of the *lakhiraj* statements, leave instructions to the assessing officer for the assessment of such land. Very often too when a *lakhirajdar* had encroached a little on the lands of a revenue-paying estate, he would sign the statement in token of his acquiesence in the assessment of certain particular fields.

576. In his report on Kotdes, paragraphs 24 to 39, Mr. Nathan submitted definite proposals for the resumption of lands claimed as revenue-free on two grounds :—

Mr. Nathan's proposal for resumption.

(1) That the *lakhirajdar* was occupying land in excess of the amount that he was entitled to hold revenue-free under the terms of his grant;

(2) That the proceeds of the lands were no longer devoted to the purpose for which the grant was originally made.

For cases coming within the first class, Mr. Nathan and the Director proposed—

(*i*) That an allowance of 10 per cent. on the former area should be made for differences in measurement.

(*ii*) That no resumption should be made unless the total area to be resumed in respect of the grant was more than a tenth of an acre.

(*iii*) That the worst lands should generally be resumed.

(*iv*) That whole *khasra* fields should be resumed.

The second case was where *debottar, amrit manohi,* and other lands assigned for the support of a particular idol or temple or for charity had been unlawfully alienated by the trustee or the proceeds diverted from the purposes for which they were intended. Government, in their letter No. 26\4 of the 10th May 1894, decided that the Settlement Officer should not resume any grants on the ground that the proceeds of the land were not devoted to the legitimate object of the grant, and that any interference with charitable or religious endowments must be made separately; and since then no attempt has been made, except in the permanently-settled estate of Madhupur, to exercise any check over the appropriation of the proceeds of trust lands.

Taufir.

577. As to the treatment of lands held by *lakhirajdars* in excess of that to which they were entitled, the Director in his letter No. 393S, dated the 8th February 1895, recommended that the Settlement Officer should be authorised to ignore, *i. e.,* to leave with the *bahaldar,* unassessed, excess areas not exceeding 10 per cent. of the areas recorded at last settlement, when such excess should appear to be probably due to difference of the systems of measurement, and also to ignore any area still in excess after such allowance had been made unless it exceeded one *gunth* or .04 of an acre. Excess lands not allowed to remain revenue-free were to be treated as belonging to the adjoining revenue-paying Mahal and the *bahaldar* recorded as a settled raiyat. These proposals were sanctioned by Government * and were incorporated in the fair rent rules of 1896 with the additional proviso † that when the *bahaldar* had tenants under him whose status might reasonably be found to be that of raiyats, the *bahaldar* should be treated as a tenure holder in order that the status of the actual cultivators should not be degraded.

A very large proportion of the *lakhirajdars* accepted the terms offered, and agreed to be recorded as raiyats and pay rent. Much time was, however, wasted in getting their consent and in ascertaining the particular plots to be assessed, and in some few cases the *lakhirajdars* absolutely refused to appear or come to terms.

Accordingly, in January 1897, it was proposed to get rid of a large percentage of these cases by raising the limit of area ‡ that might be ignored to a quarter of an acre. Further figures were, however, called for by Government, and on receipt of them the following orders were passed § :—

The present recommendation of the Director of Land Records, which is supported by the Board, is that, if after the surrender of 10 per cent. there is still any surplus which is more than .04 of an acre, but does not exceed .25 of an acre, the balance surplus land, exceeding .04 of an acre shall only be assessed where there is available for assessment a whole field or *khasra* number, other than homestead, comprising an area not greater than that surplus. Having regard to the advisability of avoiding the breaking up fields and survey plots, the Lieutenant-Governor allows the Settlement Officer discretion to forego the assessment in such cases if he finds, as the work of assessment proceeds, that they are not very numerous, and that the loss of revenue entitled by the concession would not be serious.

2. As regards the procedure to be followed in resuming excess lands, His Honour agrees with the Director in thinking that where the parties do not accept the terms offered, it will be safest to observe the procedure of the Resumption Laws, but it is hoped that the cases in which such proceedings will be necessary will be few. The Board say that having assessed the surplus lands, the Settlement Officers may leave the parties to go to the Civil Courts if they are dissatisfied. The assessees can no doubt have recourse to the Civil Courts if they wish, but the Lieutenant-Governor is of opinion that, if the formalities prescribed by the Resumption Laws are observed by Settlement Officers, there will probably be less anxiety on the part of assessees to contest their orders in the Civil Courts.

* Government to Board of Revenue No. 19 L. R., dated 24th April 1895.

† Director of Land Records to Board of Revenue, No. 475 S., dated 13th February, 1896. Appendix C. Part I; Rule 18.

‡ Director of Land Records to Board of Revenue, No. 922S. dated 31st March, 1897.

§ Settlement Officer to Commissioner No. 1391, dated 25th June 1897; Director Land Records to Board of Revenue, No. 414 T. S., dated 15th October 1897; Government to Board of Revenue, No. 3519 L. R., dated 25th November 1897.

In accordance with these orders many of the resumption cases pending were struck off, and the rest were for the most part decided by compromise, or the lands assessed *ex-parte* on the failure of the recorded *lakhirajdars* to appear in answer to the notices served.

578. Many cases, especially in Cuttack escaped notice until the work was in its last stage, and the information as to revenue-free lands was being reduced to the form of the register which has been handed over to the Collector. It was then found that a good many small plots of land were *de facto* held revenue-free and that their title to be so held had apparently been recognised by the attesting officers, but that either the land had been entered twice over against the same entry in the Collector's register or that subsequent orders of resumption had escaped notice. Where the area thus apparently liable to resumption was less than two acres the lands have been recorded as revenue-free, a note being made of the defect in title in a registered made over to the Collector. In 49 cases where the area in dispute was over two acres a formal enquiry was held resulting in the resumption of sixteen parcles of land with an aggregate area of 222 acres, of which 100 acres were waste and the remainder has been assessed at Rs 122, the lands being thus leniently assessed in consideration of their having been *de facto* held revenue-free, though on a defective title.

Resumed areas.

The most important was a resumption of 64 acres in Kendrapara town held by a well-to-do man who was himself both *muqaddam* of the village and zamindars of the estate in which the land lay. The only other important resumptions are those of Kankara Katak in the Puri District, a village which had since the last settlement been cultivated by the proprietor of a neighbouring *tanki* village and was resumed and assessed at Rs. 35; and that of 95 acres of land near Cuttack sold as waste by the District Board and in this settlement assessed at Rs. 37 and included in *tauzi* 2538 belonging to the *lakhirajdar.*

How much land has been surrendered by the *lakhirajdars* and included in the revenue-paying estates it is now impossible to say. At first a separate return was made of such assessments, but it was discontinued on receipt of a letter from Government* in which it was held that the term "resumption" cases did not apply to the assessement of the holdings in question; and from that time forward the land surrendered was added at once to the *lakhirajdar's* raiyati land, if any, and assessed as new cultivation. Up to April 1897, ·0013 of the total area assessed consisted of these excess, or *taufir,* lands and the rent settled on it was ·0017 of the total assets. Assuming these figures to have held true, the total *taufir* area assessed in the Province would be 2,728 acres and the rental about Rs. 6,500. Mr. Kingsford reports that in Balasore 3,260 pieces of land measuring 1,220 acres and assessed at about, Rs. 2,000 were resumed. In all cases the *lakhirajdar* have been allowed to choose the lands they would surrender, so that most of the *taufir* is very inferior. Where the *lakhrajdar* is already a raiyat of the village, I have little doubt but that the rent assessed will be collected, and where he is also the zamindar it does not matter whether it is or is not collected; but in other cases where he is the *shebait* of a temple, or an influential man with no rent paying lands in the village, our assessment is likely to remain a dead letter outside the new big and well managed zamindars.

579. Lands declared under Rule VII of the Resumption Rules of 1841 to be liable to resumption on the death of the incumbent are known in Orissa as *hinihaiyati lakhiraj.* No register of such lands was kept, and the Collectors were only able to give very incomplete information as to them.

Hinihaiyati lakhiraj.

It was ordered in the first assessment rules of 1896 that where the grantee was dead the grant should be treated as ordinary raiyati land and the assets included with the assets of the estate in which it was situated. Where the Collector had already brought such a grant on to his revenue—roll it was proposed if the land was less than 20 acres to cancel the *tauzi* number and incorporate the land in the estate within which it lay.

In a few cases, however, the temporary nature of the grant escaped the notice of the Settlement Department, as it had done that of the Collector, and

* Government order No. 8C T.-R., dated 1st May ..

the fact not coming to light until all the records were complete, a note has been left for the Collector to take action on it if he thinks fit. The cases are all under two acres and few in number.

In Balasore only five cases in all were discovered. Two were resumed and made into separate estates, and three were sold by the Collector

Special cases of revenue-free lands.

580. In the course of our enquiries some rather curious cases were brought to light, failing as a rule under one of three classes—

(1) Confirmation as revenue-free of both superior and inferior tenures.

(2) Treatment of confirmed revenue-free lands as rent-paying.

(3) Treatment of resumed lands as revenue-free.

Very often where at first only a few lands held under specific grants were declared to be revenue-free, but by a subsequent order the whole village was confirmed as *lakhiraj*, the land was entered twice over in the register of revenue-free lands. Such has been the case in village Raibul Jaumpara in Asureswar, which stands in the Collector's register as endowed to Dadhibabhanji Thakur, whose representative is Annapurna Debya, while within the village certain plots are separately recorded in the names of other persons as subordinate *lakhirajdars**. So, too, the Bhubaneswar village is a revenue-free property endowed on the temple of that name, but some of the lands have been in turn assigned to the *shebaits* of particular shrines and temples. A more complicated case is that of Sujanpur, Pargana Baruan, where out of a total area of 304·41 acres, an area of 264·63 acres was confirmed as revenue-free, and 39·78 acres resumed in 1838. The village being revenue-free the *bazyaftidars* paid rent directly to the Collector until 1844, when their lands were attached for arrears. On a reference being made to the Commissioner, he expressed his opinion that these subordinate tenures should not have been resumed, and the Collector accordingly released the lands from *khas* management and refunded to the holders all the rent collected up to date The lands, however, still stood in the settlement as *bazyafti* until 1897, when, in consultation with the Collector, they were declared to be revenu-free.

Again, in the Patamundai estate, it was found that out of an original grant of 21.99 acres the Deputy Collector confirmed only 2 acres as revenue-free and assessed the rest. The Commissioner on appeal confirmed as revenue-free 5·37 acres which was entered as special No. 36,240, and on a second appeal to the Board the balance was confirmed as revenud-free also. The appellants, however, in apparent ignorance of the later orders, continued to pay their *bazyafti* assessment. The matter coming to light in this Settlement they were exempted from enhancement of the quit rent now being paid.

On the other hand it was not uncommon to find claims to hold as revenue-free land which had actually been resumed. Most of these cases were brought to light by the comparison made and the lands were treated as *bazyafti* and assessed.

Another case is that of Brahmabarda in Pargana Alti. The village, which had a total area of 611 acres, was claimed at the last settlement as revenue-free, but the Deputy Collector rejected the claim as invalid. He found, however some acres within the village to be held under valid revenue-free grants, and another 33 acres held free of rents he resumed and assessed he also found 51 acres of *kharida jamabandi*. On appeal the Special Commissioner set aside the Deputy Collector's finding and confirmed the entire village as revenue-free. The 83 acres already confirmed was thus entered twice over, once under No. 28091 containing the whole village, and again under the several grants originally confirmed by the Deputy Collector.

The 83 acres continued until the present settlement to be held by the subordinate *lakharajdars* in adverse possession to the proprietor of the village, while the *bazyaftidars* and the holders of *kharida zamabandi* paid either to rent or that recorded in the settlement papers.

At the present settlement the proprietor of the village tried to have all these subordinate revenue-free and privileged holdings recorded as *pahi* and assessed to rent. His claim was rejected in the case of the revenue-free holders,

* Commonly called "*Shikmi*" or "*Futkar*" *Lakhiraj*.

but enhancements were allowed in the case of the *bazyafti* and *kharida jamabandi*. I doubt, on the analogy of Sujanpur referred to above, whether this was right, but the tenants agreed to it.

In Puri there are one or two curious cases of lands confirmed as *tanki bahal* included in Register B as revenue-free estates.

Registers of revenue-free lands.

581. The settlement records contained details of revenue-free lands in three forms—

(1) The *Khatian*; showing the revenue-free lands held in a village by each *lakhirajdar* or group of *lakhirajdars*.
(2) The *Terij*; an index to the *khatians*.
(3) The *lakhiraj* statements described in paragraph 575 *supra*, showing how the lands of each grant were now held.

In 1897 the question was raised as to how the Collector's registers were to be brought into accordance with the settlement papers, and in order to explain the difficulties, I propose to give a short account of the early system of registration and of the registers of revenue-free lands in the Collectorate.

Registration from 1805 to 1820.

582. In 1805, shortly after the conquest of the Province by the British an office was opened at Cuttack for the registration of all claims to hold revenue-free. In the five years during which the office was kept open over 128,000 *sanads* were filed and registered, and when the office was reopened in 1815 with branches at Balasore and Puri another 30,000 were presented. Up to 1836 no attempt had been made to sift these claims, and the register was arranged without regard to geographical order, so that it was difficult to find anything in it.

In 1837 a systematic enquiry into these claims was begun estate by estate and village by village. Every claim within a village received a consecutive serial number in a *general register* kept of all such claims in each district. The total number of entries made was—

Cuttack	....	....	....	149,522
Puri	....	....	....	....
Balasore	....	....	....	81,673

These did not, however, include grant of petty areas for the support of village idols made during the settlement, nor the revenue-free lands within the permanently-settled estates, none of which have hitherto been registered. (The only exception I know of is mauza Sankharisahi in *Killa* Patia registered under Act VII (B. C. of 1876).

Deducting the areas resumed, we find that the number of grants and the area confirmed as revenue-free amounted to *—

District.			No. of grants.	Area (Acres)
Cuttack	....	....	73,252	127,995
Puri	....	....	23,391	91,728
Balasore	....	....	33,870	111,918
Total	....	....	130,513	331,641

In the end of paragraph 310 we find the total area recorded as *lakhiraj* to be 333,900 acres.

In Puri and Balasore the land shown under one entry in this register was treated as the "estate," but in Cuttack the number of entries was so large that all the entries referring to claims by one person under one *sanads* or batch of *Sanads* were brought together in a *special register* under one entry. The number was thus reduced to 38,678. Each revenue-free property had thus in Puri and Balasore one number, the *general* number; in Cuttack both a *general* and a *special* number.

General Register of revenue free lands.

583. Act VII (B. C.) of 1876 introduced a new register of revenue-free lands, "B, Part I," which professes to be an up-to-date record of all the *lakhiraj* lands in the district and their proprietors. In the Puri and Balasore districts it is based on the "general" register, in Cuttack on the "special" register. In Balasore and Puri it has been practically reconciled with the former register; in Cuttack it not only contains many inaccurate entries, but by an order of Government, dated 7th. July 1888

* These figures are taken from report on Orissa tenures, and do not appear to be quite accurate.

revenue-free estates having an area of less than two *mans* were exempted from the obligation to initial registration*. The form of the register and the nature of the entries will be shown by the following copy of the last entry in the Cuttack register :—

B. PART I.

General Register (Part I.) of revenu-free lands showing lands held exempt from revenue in perpetuity in the district of Cuttack [Sections 9 and 10, Act VII (B. C.) of 1876 .

No.	Name of revenue free property with the tenure whether *Jagir Altamgoli* character of &c., &c.	Particulars of original grant.					Names and addresses of Proprietors and manager, with character and extent of the interest of each proprietor-manager.	Specification by mauza and local division			Area in acres by survey or other authentic measurement in each mauza.	Reference to entries in earlier registers relating to the property or any part there of.	Reference to entries made in intermediate register.
		Date of grant.	Nominal area granted.	Name of granter	Name of original grantee.	Reference to any decree or order of competent authority declaring or recognising the grant to be valid.		Name of mauza.	In what district and thana, mauza in other district being entered last.	Number in mauzawar register.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14
35645	Ramdhani Gossain shebait of Madan Mohan Jiu. *Devotar* Special No. 38677.	There are no recods of this number as the special number was made a new as per Board's orders. Dated 8th August 1891, so these columns were not filled up.					Mohant Mathur Mohan Gossain of Santia, Pargana Randia, Orgara. Proprietor. M. G B. 96 11 9	Mauza Baliamundi, Pargana Jajpur.	Jajpur	No. 111	M. G. B. G. 9 2 14 0	No. 37197	
								Mauza Ratanpal Pargana Jajpur.	Do	940	18 3 2 0	37231	
								Mauza Gobirapara, Pargana Jajpur.	Do	383	20 18 5 0	36791	
								Mauza Rahania Pargana Jajpur.	Do	900	11 8 5 10	42152	
								Mauza Basudevpur Pargana Jajpur	Do	170	8 18 12 0	34971	
								Mauza Ichhadabr-Shampur, Pargana Jajpur.	Do	454	9 12 1 0	39225	
								Mauza Rahania, Pargana Jajpur.	Do	900	11 8 5 10	42152	
								Mauza Kartiepur Pargana Jajpur.	Do	556	7 4 14 0	31705	
							Total		.. ..	...	96 11 9 0	—	

Besides these there are two *mauzawar* registers in which the total area of each grant (i. e., general number) in the village is shown; the Pargana *mauzawar* register prepared after the last settlement, and Register C under the Land Registration Act arranged by Thanas. The unit of attestation in all the *lakhiraj* Statements of this settlement was the grant in the village or "general number," though where two or more such "general numbers" were in the possession of a single group of *lakhirajdars* and could not be distinguished such numbers were lumped together in a single statement, and in other cases a "general number" has been divided over two or more villages.

In 1897 the Director expressed the opinion that it was essential that the unit of the Collector's Register should be reconstituted, and an attempt was made in Cuttack to bring all lands attested as revenue-free under their own special number.

In 1898, however, it was decided, in consultation with Mr. Lyon and the Commissioner and Collectors, that a strictly *mauzawar* form of register following our lakhiraj statements would be of far more practical use than the existing registers, and in a letter No. 2154, dated 26th August 1898, to the Commissioner of the Division, I proposed the following for of register :—

B.

General Register (Part I) of revenue free lands showing lands held exempt from revenue in perpetuity in the district of [Sections 9 and 10 Act VII B C. of 1876.]

Villages.		Serial number in the district of holding	General number of the grant.	Names and address of *lakhirajdar* and extent of interest.			Area in possession of *Lakhirajdars* shown in column 5.	Total area of *lakhiraj* in the general number.	Special number (if any).	Nature of *lakhiraj*	Date of confirmation as *lakhiraj*	Remarks. (Note here the name of any village in which other portions of the same general number are included).
Thana number	Name			Name	Extent of Address.	Extent of Interest.						
1	2	3	4	5	6	7	8	9	10	11	12	13

* Notification No. 4015 W. R. of the 22nd November 1899, Substituted two Acres for two *Mans*.

The great advantages claimed for this form were—

(1) That given the name of Thana, village, and *lakhirajdar* the number could always be found; and given the Thana and number, the name of the village and of the *lakhirajdar* could be found.

(2) That it would obviate the necessity of giving in the C Register more than the total area of revenue-free land, and so make it more handy and compact.

(3) That it would be far easier to compile than a statement in the form of the existing registers under the Land Registration Act.

The change was no doubt a very material one, and it was admitted that to prevent confusion it would be necessary to maintain, at least for some years, the existing registers, but the following change had already been allowed that would have made it very difficult to maintain in its entirely the existing system.

Exclusion of revenue-free lands from revenue-paying estates.

584. At the last settlement every revenue-free property that had not been recognised as a separate *mahal* was treated as part of the revenue-paying estate out of which it had been formed, and to this day the great majority of the revenue-free estates of the Province pay their road cess through the zamindars of the *taluk*. The law, Act VII (B. C.) of 1876, however, recognises those properties as estates just as much as those that pay revenue, and in the records of this settlement all mention of any superior estate has under orders from the higher authorities been omitted, and it is likely that the connection will be dropped.

Area now recorded as revenue-free.

585. The following statement will show at a glance the number and area, past and present, of the revenue-free properties dealt with in this settlement :—

District.		No. of general numbers dealt with.	No. of separate entries in the register.	TOTAL AREA IN ACRES. Last Settlement.	Present Settlement.
Cuttack	....	72,900	60,600	134,400	133,400
Puri	....	23,400	24,600	90,600	92,600
Balasore	....	33,600	54,300	106,000	108,900
Total	....	129,900	139,500	331,000	334,900

It is in the first place noticeable that while in Puri and Balasore the number of properties as now recorded is more than the number of entries in the general register, in Cuttack it is less. The difference is due to the fact that while in Cuttack the unit of entry in the new register is the land recorded in a single comparative statement covering sometimes two or more general numbers within one special numbers*, in the other two districts the unit was the *khatian* of which two or more might be prepared for a single statement.

The *lakhiraj* area in Cuttack shows a decrease of 1,000 acres, but in the whole Province the area has increased by one per cent.

Average size of a revenue-free property.

586. The average area of a revenue-free property is now 2.40 acres against 2.55 acres at the last settlement. The average is much larger in Puri owing to the number of wholly revenue-free villages, and is smallest in Balasore owing to the system on which the register has been prepared.

Number of *lakhirajdars*.

587. No figures have been compiled in Cuttack and Puri to show the number of *lakhirajdars*. At the last settlement it was usual to record only one name for the general or special number, but under Act VII (B.C.) of 1876 it was necessary for all persons claiming an interest to record their names.

Mr. Kingsford found in Balasore that for every hundred proprietors at the last settlement about 176 names are recorded in the B Register and 209 in the *khatians*. This would give the number of recorded proprietors in Balasore at about 70, 000.

* The number of *khatians* of *lakhiraj* lands in Cuttack is about 115,000.

Raiyats of Lakhirajdars.

588. Figures showing the number of raiyats of *lakhirajdars* have been compiled for Cuttack, and Balasore, and are abstracted in the following statement :—

District.	No. of raiyats.	AREA IN ACRES HELD BY RAIYATS. Cultivated.	Uncultivated.	Total.
Cuttack	48,100	53,700	800	54,500
Balasore	64,400	59,000	900	59,900
Total	148,500	112,700	1,700	114,400

Thus about 47 per cent. of the revenue-free lands are recorded as leased to raiyats. and adopting the same figure for Puri, we should have an area of some 37,000 acres in the possession of raiyats.

The average area of each such holding is only ·47 of an acre, and the smallness is accounted for by the fact that these tenants are by custom treated as mere under-raiyats and of inferior status to raiyats of the *mahal.*

In Balasore, money rent is paid for 51,400 acres, the average incidence being Re.1-14 per acre, or slightly more than the average settled rent of an occupancy raiyat (the *pahi* incidence of the district is Re.1-13 and the *thani* incidence Re.1-15). Three thousand acres are held rent-free, generally in payment of services to the *lakhirajdar* or to the shrine. Five thousand three hundred acres pay *dhulibhag*, and over 200 acres pay *sanja*, consisting of paddy, rice, *ghi*, *birhi*, or *muga.*

In Cuttack, in 450 villages, for which figures are available, 9,000 acres pay cash rents amounting to Rs. 21,000, or an average of over Rs. 2-5 per acre (the *pahi* incidence of the district is Rs. 2-14. One thousand eight hundred acres pay *dhulibhag*, 1,100 acres are rent-free, and only 11 acres pay *sanja.* Applying the same proportion to the district, we get some 41,000 acres paying a cash rent of Rs. 96,000. 5,000 acres rent-free, 8,000 acres held on *dhulibhag*, and 50 acres held *sanja* rents.

To nearly all these tenants occupancy rights have been given in the present settlement, and though copies of their *khatians* have not been distributed *gratis*, they have been allowed every facility for obtaining them.

Sales of lakhiraj lands.

589. The price of *lakhiraj* land may be taken as the full measure of the value of freehold landed property in Orissa.

The following table shows the scales of *lakhiraj* lands during the last ten years, and taken from the returns of the Registration Department; they include *bazyafti* tenures, which are commonly described by the owners as *lakhiraj* and sold along with revenue-free lands :—

District.	Number of transactions.	CLASS OF PURCHASER. Mahajans, traders and money lenders.	Zamindars.	Intermediate tenure holders.	Raiyats.	Others.	Purchase money.
1	2	3	4	5	6	7	8
Cuttack.	14,066	786	1,883	8,189	614	2,594	2,34,568 *
Balasore.	7,723	450	1,308	4,233	1,013	719	5,25,377
Puri. †	1,166	63	111	286	108	762	1,68,843
Total. ...	22,955	1,299	3,302	12,708	1,735	4,075	9,18,788

* For two years only. † For three years only.

The figures do not show that the number of transactions has materially increased since the settlement began.

In Balasore Mr. Kingsford finds the average price of revenue-free land per acre to be Rs. 70, and the variation to be from Rs. 50 to Rs. 100 per acre.

This would give the area transferred by sale in ten years at 7,500 acres, of which by far the greater part must be revenue-free, so that the sales may be taken as one two-hundredth part of the whole area every year.

In Cuttack the price per acre as noted at the time of attestation and settlement varies from Rs. 50 to Rs. 200, and is general about Rs. 100. This would give the area transferred in two years at about 2,345 acres or rather less than one per cent. of the total area per annum.

Income of *lakhirajdaars* and value of alienated revenue.

590. To find the income enjoyed by the *lakhirajdars* of Orissa, we may assume that the profit from lands in the immediate possession of the proprietors is equal to that derived from lands let on *dhulibhag*. Assuming the produce of an acre at 16 maunds of paddy worth Re. 1-2 per maund, and 27 maunds of straw at 9 maunds to the rupee, the value of half the produce is Rs. 10-8 per acre.

In Cuttack the area in possession of the *lakhirajdars* is about 78,900 acres of which 68,000 acres are cultivated. The income from this may be taken at Rs. 7,14,000. To this must be added Rs. 96,000 realised as rent from cash paying raiyats and Rs. 84,000 for produce rents, making a total of Rs. 8,94,000.

In Balasore the cultivated area in the possession of the *lakhirajdars* is about 41,400 acres, yielding an income of Rs. 4,35,000.

The income from cash rents is about Rs. 96,000, and from produce rents Rs. 57,000, making a grand total of Rs. 5,88,000.

In Puri no separate figures are available for cultivated and uncultivated or for *nijchas* and raiyati land, but we may take it that the cultivated area is 72,000 acres and that of this a third is let on cash rents at about Rs. 2 per acre, or for a total of Rs. 48,000. The remaining 48,000, acres held *nijchas* or let produce rents will bring in about Rs. 5,04,000, so that the total income from the land will be about Rs. 5,50,000.

To estimate the revenue assessable on the *lakhiraj* lands we may assume that cultivated lands should be assessed at Rs. 2-14 per acre in Cuttack; at Re. 1-13 in Balasore, and at Re. 1-15 per acre in Puri; and that 55 per cent. would be taken by Government as its share.

Then the revenue would work out as follows —

District.	Cultivated area of *lakhiraj*	Assessment of cultivated lands.	55 per cent of gross assessment.
	Acres	Rs.	Rs.
Cuttack ...	122,000	3,50,000	1,92,000
Balasore. ...	100,000	1,80,000	99,000
Puri ...	72,000	1,40,000	77,000
Total ...	294,000	6,70,000	3,68,000

The revenue alienated by Government may thus be taken as Rs. 3,68,000, or about a sixth of the revenue of the temporarily-settled estates.