



सत्यमेव जयते

GOVERNMENT OF ORISSA
REVENUE DEPARTMENT

REPORT
OF THE
ADMINISTRATION ENQUIRY COMMITTEE
1958.

Vol. I - II

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CHAPTER I

INTRODUCTORY

1. In their Resolution contained in Notification No. 2755-A. S. dated the 12th November, 1956, the Government of Orissa stated, "In pursuance of the Directive Principles of State Policy as laid down in the Constitution of India, the Government of Orissa have passed a number of laws leading to Land Reforms, control of Agriculture, Anchal Sasan, Village Panchayats, etc. The system of administration which has come down from the past was not designed to deal with such details affecting the life of the community. In consequence, some difficulties have arisen in enforcing the laws. It is necessary to examine the administrative set up required for the implementation of these laws and ascertain what modification or strengthening would be needed to achieve the object. It is also necessary to coordinate the aims and objects of these various measures so that there would be no overlapping of functions. Also different laws under different systems of Revenue Administration which exist in Orissa contribute to the complications in no small measure".

2. In the above preamble the Government stated the circumstances under which they considered it necessary to examine the consequences arising out of the impact of various legislative measures pertaining to Land Reforms on the existing administrative machinery and how far the present set up could lend itself to carry out the positive requirements of law. Ancillary to the above object was the need for examining the different systems of revenue administration which exist in Orissa.

3. Scope of Enquiry:—It was stated in the above Resolution of the Government that the Committee to be entrusted with the above Enquiry should examine and recommend to Government—

- (1) Whether the existing administrative machinery is appropriate and adequate to give effect to the measures contemplated in the legislation enacted;
- (2) advise if, for the above purpose, the existing administrative machinery needs modification or strengthening in any respect;
- (3) to examine and recommend to Government what coordination is necessary between the different legislative measures towards land reforms and devolution of responsibility and to this purpose what coordination is required between different revenue systems of Orissa;
- (4) to examine financial implications of the administrative set up recommended.

4. Thus the relevant factors which would come under review in pursuance of the Government intention may be enumerated as follows:—

- (1) The measures contemplated in the Legislation recently enacted, the most important of which are:—
 - (i) The Orissa Estates Abolition Act, 1951 (Orissa Act I of 1952)
 - (ii) The Orissa Anchal Sasan Act, 1955 (Orissa Act No. 4 of 1956).
 - (iii) The Orissa Agriculture Act, 1951
 - (iv) The Orissa Gram Panchayat Act, 1948.
 - (v) The Orissa Tenants' Relief Act, 1955 (Orissa Act No. 5 of 1955);

- (vi) Besides these the Orissa States Merger Act is also relevant as containing certain directives in revenue laws.
- (2) A factual study of the implementation of the various legislative measures.
 - (3) The administrative system existing at the time the legislative measures were introduced.
 - (4) Changes in the administrative machinery already effected to meet the expanding needs consequent on the introduction of new legislation.
 - (5) To what extent the existing administrative machinery would admit of improvement or reconstruction for an effective implementation of the legislative measures enacted.
 - (6) The extent to which there is a continuity of purpose and a common object running through the different legislative measures enacted relative to land reforms and allied matters and whether any coordination is possible, and if so in what shape.
 - (7) The reforms in regard to local Government envisaged in recent law at the village and regional level, the structure of such Government, functions allocated to local authorities in the new scheme, scope and extent of their practicability and the instrument of administration appropriate to such democratic institutions.
 - (8) Examination of the different revenue systems in component parts of Orissa and how far they can be unified or simplified commensurate with the claims of new reforms in land tenures and the need for enforcement of rural and agricultural economy

- (9) The financial implications involved in recommendations relative to the changes advocated in the administrative set up and other measures to ensure an effective working of the reforms introduced.

5. Appointment of Committee & Personnel:—

The Committee with the following personnel was assigned the task of the review, examination and scrutiny of the above matters and problems and to offer recommendations to the Government :—

- (1) Shri Samuel Das (Chairman),
- (2) Shri Padma Charan Das
- (3) Shri Braja Sundar Mahanti.

The idea of creating a Committee to deal with the questions of administrative set-up in the background of the measures of legislation recently enacted is not strange. But the method suggested in the composition of the Committee with persons who were or are officers on a high level in the administrative service is significant. The intention of the Government obviously is that the Committee should be less susceptible to political influence and far more expert, in dealing with questions of administrative set up required in the present situation.

6. There were certain misgivings in regard to the task entrusted to the Committee. In one of the local papers, criticism was made about an official body appointed to sit in judgment over the reforms introduced by the Orissa Legislature. There was little ground for such criticism in the light of the announcement made on the functions of the Administration Enquiry Committee. It is noted that much of the policy which is being adopted at the State level is derived from the main objectives of development accepted by the Government of India, to be fulfilled through National Planning. This planning is within a democratic frame-work

which encompasses the Central Government and the States, as well as in increasing degree local-self-governing bodies and voluntary social welfare organisations. The Planning Commission observed "that one important aspect of the problem relates to the relationship between the political leadership which forms the Government and the public services which carry out the administration. They have a common aim, the raising of standard of living through rapid economic and social development and better distribution of wealth and income; their functions are complementary, and neither can fulfil its part without the active help and trust of the other".* The influence of policy on the character of the administration is vital. Errors of policy may be far-reaching in their effect, and the most careful administration will not wholly compensate for them. In the management of public affairs, failures in policy and failures in administration can be equally unfortunate. In some situations policy may be the more fundamental aspect, in others the administration. Whenever the principles and policies are enunciated the administrative machinery is there to implement it. Unless a policy which has been decided upon is pursued in a sustained manner, the administration can seldom be satisfactory. On the other hand, if there is an error in the policy or that the objective of the policy has been deficient in its relation to the actualities, the implementation of such a policy will suffer to that extent. Thus the task which has been set forth for the Committee will be two-fold viz., an appreciation of the policy in relation to the needs of the people and the support and the cooperation forthcoming for the programme designed to meet those needs, and secondly to examine the best means and the machinery by which implementation of the responsibilities of the political executives in charge of the Government is rendered effective.

7. There is a desire amongst sections of people to relate themselves to the establishment of better administration

* *Planning Commission's First Five Year Plan-Page 111.*

in the country. In the annual meeting of the Orissa Retired Officers Association held on the 10th February, 1957, the Association expressed its readiness to co-operate in the implementation of the Second Plan. Dr. H. K. Mahtab, the Chief Minister, told at their second Annual Conference that he had noticed sometimes great difficulty in administering different laws. This occurred as the administrative side of those enactments had not been thoroughly examined at expert level. He asked for the cooperation of the Association in offering constructive suggestions. *

8. Procedure of enquiries—Questionnaires – Tours.

The Committee at the outset were aware of the magnitude of the problems pertaining to the scope of enquiry. It issued questionnaires on the working of several of the important land reforms legislation to the Collectors, Subdivisional Officers, Anchal Adhikaries, Taluk Officers, Gram Panchayats, and Adalati Panchayats (Annexure A). Another set of printed questionnaires in the form of a brochure was sent out for eliciting the views of non-officials such as the present and former members of the Legislative Assembly, the Bar Associations and prominent men in each district. (Annexure B). The gists of the relevant legislative measures and cognate matters were given in the brochure for proper appreciation of the questionnaires by the non-officials. These questionnaires were issued both in English and Oriya. There was quite a volume of response to the questionnaire which indicated the interest taken by the public in the development of revenue administration and the local Government. The Committee also conducted intensive touring in several of the districts for an on-the-spot study of problems confronting the administration in the matter of implementation of land reforms laws. They interviewed people of different walks of life and of various shades of opinion to ascertain their free and frank views at

* *Statesman 13th February, 1957.*

convenient centres in course of their touring. Keen interest was noticed amongst the political leaders, members of the Bar Associations and other public men to give oral evidence in order to bring home their views to the Committee. The non-officials and officials examined and interviewed number 391 in all, of whom officials number 98. In course of their tour the Committee visited a number of institutions e. g., Gram Panchayats, Anchal Office, Bhoodan village and some C.-D. Blocks and a meeting of the District Development Advisory Board, to judge the extent to which coordination exists in the sphere of work at different levels. The Committee also took part in a Gram Panchayat Seminar to ascertain the reality of the situation in the working of the Gram Panchayats and know the minds of the people who are leading these democratic institutions. The Committee found in the tours that these Seminars are extremely useful and informative. The problems with regard to the implementation of various land reforms and allied laws vary in nature and degree in different parts of the same district. The revenue administrative set up, and its relation with other departments such as forest administration etc. not only differ from district to district but also in the Subdivisions of the same district in their range, character and variety.

9. Within the limited time at their disposal, and the urgency with which their report was called, the Committee could not visit the districts of Sundergarh, Dhenkanal, Balasore and Phulbani. The district of Phulbani with its dominant population of Khonds and other scheduled tribes has peculiar problems and the revenue system is elemental. The Committee could not make it possible to visit that district.

Difficulties and Handicaps :—

10. The Committee had had to labour under various handicaps. The Secretary was changed more than

once and incumbents were for only short intervals, and there was a gap of one month and a half when there was no Secretary. Due to the General Elections the Committee lost a valuable period of about two months and a half during which it could not progress as the district and subordinate officers remained preoccupied in the preparations for elections. Due to the location of the office partly at Cuttack and partly at Bhubaneswar at the beginning and employment of the Secretary in other duties at the commencement of the Committee's work, there was some retardation in the progress. The staff given was only a skeleton staff inadequate to deal with the volume of replies and response at every stage.

11. The Committee could get a regular Secretary in Sri Jagannath Das, in April 1957 and the work assumed a systematic advance thereafter.

12. **Scheme of the Report :-** The Committee met frequently to examine the materials before them and to draw up their agreed view on various issues. The Committee met ordinarily once a week, and have met on 77 occasions to discuss issues relative to the matters within their enquiry and reach concord. In the report presented now, the Committee has given a general background of the circumstances leading to the reforms effected in the agrarian laws of the country. There is a study of the working of the first phase of land reforms relative to the abolition of the Intermediary estates with suggestions of the method by which a speedy implementation can be secured in respect of the large number of small intermediary rights awaiting abolition. The more complex problem awaiting the country is in regard to the tenancy reforms involving consideration of the ceiling up to which agricultural lands can be retained for personal cultivation of the right of purchase of ownership by cultivating tenants, restrictions on future subletting, all intended to further peasant proprietorship as envisaged in

the Second Five Year Plan. The working of the recent temporary measures for relief of tenants have been examined and the scheme of land reforms analysed. There is further the study of the measures of democratic decentralisation at the village level and at the intermediate or Anchal level with suggestions of improvement of Panchayat institutions and expression of views on the future of Anchal Sasans. Agricultural management with potentiality of co-operative farming, consolidation of holdings and the administrative task in connection therewith has been touched. Certain aspects of coordination in tenancy laws have been examined. There is a chapter devoted to the future set up of land revenue administration and other aspects of district administration. Lastly a skeleton picture is given of the financial implications involved in the recommendations of the Committee.

CHAPTER II

Historical Background of Revenue Administration in Orissa

13. In order to understand fully different systems of revenue administration in different parts of the State, it is necessary to trace its history in the provinces of Bengal, Madras and Central Provinces from the very beginning. Before the British conquest of the coastal districts of Orissa, the southern portions of Orissa comprising of Ganjam and parts of Vizagapatam had already been in their possession. Similarly the northern portions of Orissa beyond the river Subarnarekha and portions comprising of northern portions of Balasore and parts of Midnapur had long been under the Nawab of Bengal. In the west, the Sambalpur district and other States came later to the possession of the British and they were placed under the Central Provinces. All these three provinces had three different revenue systems. Thus although the people possessed a common language and culture and were a distinct race with a history and tradition of their own they were scattered in the following separate administrative areas :-

- (a) Bengal Presidency
- (b) Bihar and Orissa Province
- (c) Orissa Feudatory States
- (d) Madras Presidency
- (e) Central Provinces
- (f) C. P. Feudatory States

In fact, by historical accident, Orissa remained dismembered broadly within three British administrative units, viz., Bengal, the Central Provinces and Madras,

14. The boundaries as a rule had none of the characteristics of a natural frontier the lines they followed were largely due to the way in which British authority happened to spread over the sub-continent and to the order of time in which different acquisitions become joined to what was already organised as an administrative unit.

15. This state of things continued without any substantial change till 1936 except that there was a slight alteration in the year 1905 when the district of Sambalpur which had then been included within the Central Provinces was transferred to the Orissa division in the then constituted province of Bengal in consequence of adjustment of boundaries due to the partition of Bengal, and finally was taken over by the Government of Bihar and Orissa as a part of the Orissa division in the year 1913. The Indian Statutory Commission constituted under the Government of India Act, 1919, was impressed with the urgency of the amalgamation of Oriya speaking tracts which was considered essential as the provinces were going to have real political existence of their own, and arranged for the appointment of a sub-committee to find out the Oriya speaking areas included in the neighbouring provinces and to advise whether the entire area as a whole should be tagged to a particular province constituting one sub-province or whether a separate province was to be constituted. The sub-committee with Major Attlee as Chairman, recommended formation of a separate province with inclusion of all the Oriya speaking areas therein. This report was accepted by Indian Statutory Commission. Soon after the publication of the Commission's report the Government of India appointed a Committee to examine and report on the financial and other consequences of setting up a separate administration for Orissa and to make recommendation regarding the boundaries in the event of separation. The Committee, on examination of the proposals and suggestions

brought to their notice, recommended that the Orissa Province should include the following areas :-

- (1) The Orissa Division-then forming a part of Bihar and Orissa.
- (2) Angul
- (3) The Khariar Zamindary of the district of Raipur in Central Provinces.
- (4) Greater portion of the then constituted district of Ganjam in Madras Presidency.
- (5) Major part of Vizagapatam agency tract in Madras.

16. All these areas besides a portion of the Parla-khemidi estate were included in the new Province of Orissa which came into existence on the 1st April, 1936.

17. After declaration of Independence of India the following Ruler's States were integrated into Orissa.

1. Athgarh
2. Athmallik
3. Bamra
4. Baramba
5. Boudh
6. Bonai
7. Daspalla
8. Dhenkanal
9. Gangpur
10. Hindol
11. Kalahandi
12. Keonjhar
13. Khandhara
14. Narsingpur
15. Nayagarh
16. Nilgiri
17. Pal-Lahara

18. Patna (Balangir)
19. Rairakhol
20. Ranpur
21. Sonepur
22. Talcher
23. Tigiria
24. Mayurbhanj

These States were then under control of the Political Department of the Government of India ; all of them except Mayurbhanj were merged in the Orissa State in the year 1948 and the Mayurbhanj State was merged in 1949.

18. The areas or tracts thus amalgamated from a number of separate administrative areas constituted a compact, self-contained and homogeneous block. The people predominantly speak the same language having the same culture and belonging to the same race. The Constitution of India, 1950 included Orissa as one of the Part A States in the Union of India.

SECTION I

History of the system of Revenue Administration obtaining in the Coastal Districts of Orissa:—

19. The reasons for which different systems of Revenue administration prevailed in the several component parts of the State have been explained. Broadly speaking the different revenue administrative systems obtaining in component parts of the State are those of Bengal, Madras and the Central Provinces. The revenue administration which is in vogue in the coastal districts of Orissa is derived from the system prevailing in Bengal.

20. During the time of Hindu rulers of Orissa the country was divided into the military fiefs and the crown lands. The former was divided among a number of military chiefs, on condition that they protected the country from foreign invasion and furnished contingents of troops when called upon. These Chiefs in their turn distributed the land among paiks or peasant militia, who tilled the land during peace and took up arms in time of war. Part of the Crown lands was assigned in grants to the Servants of the king and the rest was divided into several circles called "Bisis" and "*Khands*". Each circle was managed by an Officer, called *Bisoi* or *Khandpati*, who had the chief control of local affairs and supervised the Police administration. Each of these fiscal divisions formed the unit of administration. In each village there was a headman and an accountant who were responsible to their divisional superiors for the revenue of the village.

Hindu Revenue System :—

21. The early Hindu Rulers of Orissa recognised no middle men between them and their subjects, and every

cultivator was in theory bound to pay to his sovereign a share, estimated at from one-twelfth to one-fourth of the gross produce of his land.

Mogul Revenue System :—

22. After the Moghul conquest there was a regular settlement of the Crown lands by Todar Mall, Akbar's General and Finance Minister. He retained in fact the old division of the province into military fiefs and crown lands, which were thenceforth called Garjats and Moghalbandi, contenting himself, in regard to the former with a verbal allegiance and a nominal tribute. He managed the Crown lands, through the old Hindu Officers only changing the names of divisions and Divisional Officers. The Khands and Bisis were then called Parganas, the Khandpatis and Bisois were styled Chaudhuries, the accountant received the appellation of Kanungo wilayati. The portion of the Pargana under the immediate charge of each of these officials was called a Taluk and the managers generally Talukdars. The territories of the great Military Chiefs were called Killas and for their Hindu title of Bhuinya was substituted Zamindar.

23. The fiscal officers of the Moghalbandi or revenue paying tract had no proprietary right in the soil, and were not zamindars in the modern sense of the term. Gradually they grew more and more powerful against feeble rulers and in course of time they lost their character as Subordinate revenue officers, and split themselves up into a number of different landholders, each with more or less of admitted proprietary right, according as each individual had strength and opportunity for asserting himself; but none possessed anything like a full ownership in the land. This state of things continued till the year 1751, when the province passed into the hands of the Marathas.

Maratha System:

24. The Marathas retained the old political division of the province into military fiefs and royal domain. They

recognised the people whom they found in possession of the land. The revenue administration of the whole area was entrusted to thirty-two officials called Amils, each of whom was individually responsible for the revenue assessed on his division. He was assisted by a Sadar Kanungo, under whom were employed a number of Gumastas or agents in each Pargana. Each Pargana was again divided into 3 or 4 divisions, classified according to the rank of the Officer responsible for its revenue. This system led to the weakening of the position of the Talukdars. The one object of the Amils was to realise the revenue by hook or by crook; and they soon found it convenient to recognise only those Talukdars who paid without trouble and when they had any difficulty with the intermediate officials, to treat with the village headmen and accept their engagements for the payment of a lump sum. The latter thus began to develop into small landholders and, at the same time, the Gumastas apart from being mere office accountants and collecting agents began to usurp the functions of Talukdars.

25. Thus while the result of the Moghal administration was that the Divisional Officers gradually became quasi-proprietors of extensive estates and divisional landholders; under the Marathas, the village headmen, dealing directly with the Treasury Officer, developed into village land-holders. Between the conflicting claims of the two classes it may be safe to hold that there was no class to whom a proprietary right can be said to have been allowed, while the Divisional Officers and the village headmen exercised such rights within their respective limits as they chose to assume, so long as they met the demand made upon them. Those who then or subsequently chose to arrogate to themselves the title of zamindar were either principal Mukadams or headmen with a hereditary right of collection, but without any right, title or interest in the land itself; or Fiscal Officers chiefly Chaudhuris and Kanungos in charge of the collections.

Early British Administration:—

26. When the British conquered the province they found that the land revenue was paid by various revenue agents enumerated above, some of whom represented large tracts of country and others single villages and plots of homestead land. The same treatment was meted out to all, irrespective of individual history, rights or origin and in Regulation XII of 1805 the whole body of revenue agents were comprehensively styled zamindars. Engagements were taken from the parties in possession, who had been responsible for collecting the land tax and paying it into the Treasury; all such persons, under whatever designation they had discharged this function, became landholders under the British system and this was the origin of the Orissa Zamindars.

Temporarily Settled Estates:—

27. A proprietary body was thus created out of the various intermediate holders between the ruling power and the actual cultivators. All were now given the same right; their quasi-hereditary, quasi-transferable office of managing the land and transmitting the land revenue being converted into a full proprietary title. The abstract ownership had always been vested in the ruling power, and this was made over to the landholders except that the power of increasing the land revenue was retained. In this respect the revenue system of the greater part of Orissa differs from that of the rest of Bengal and Bihar in as much as the settlement for the Government land revenue is not of a fixed and permanent character, but is made for a term of years only, subject to an increased assessment at the end of every fresh period.

Permanently Settled Estates—Killas :—

28. Besides the temporary settled estates mentioned above there were, within the Moghalbandi or Rajwara, a few land owners of a superior class, descendants of noble families of high officials to whom large estates had been

assigned for their maintenance subject only to the payment of a quit rent. Some were also the descendants of the last Hindu Kings of Orissa. They were all confirmed in their estates in pre-British period. Besides these, there were, all along the sea coast, a number of estates denominated Garhs or Killas held at a quit rent by Chiefs called Khandayats or Gad-Khandayats who paid a light Peshkas and kept bands of Paiks and were bound to render military service when called upon. There were a number of estates of this nature at one time, but under the Marathas few of them maintained the privilege of paying only a quit rent and most had by slow degrees been reduced to the status of ordinary zamindars. In recognition of their ancient lineage and to secure their loyalty Government by section 35 of Regulation XII of 1805 confirmed in perpetuity the revenue tribute or Peshkas which were being paid by them. They executed agreement and received acknowledgment of their right to hold at a quit rent, (as per example Aul, Kujang, Kanika, etc.). Section 33 of the same Regulation also secured from enhancement the revenue fixed by Sanads granted to some of the estates of inferior rank. They received Sanads and executed Kabuliyats for payment of revenue (as for example Darpan, Sukinda and Madhupur).

Killajat Estates :—

29. Besides the permanently settled Mahals and temporarily settled estates dealt with above there were certain estates in Cuttack and Balasore numbering eight known as Killajat and occupying an anomalous intermediate position, such as Dompara, Chausathipara, Ambo, etc. Although they originally formed part of the Rajwara, these were mostly resumed by the Marathas who collected the revenue directly, but left in possession of their former holders, variously styled Zamindars, Bhuians, etc. After British conquest these Killas in question were brought on to the roll of temporarily settled estates and their revenue

was on different occasions enhanced unlike other Killajat estates which received a permanent settlement. They, however, continued to claim for permanent settlement. Their claims were subsequently reconsidered and Government passed orders that specially lenient treatment should be accorded to these Killas. Of these 8 estates, Dompara was restored to the position of a permanently settled estate in 1829 subject to the condition that in the event of any alienation the assessment should be open to revision and two others namely, Kantajhar and Patna were alienated by the original zamindars and treated as Moghalbandi estates. The remaining 5, Balarampur, Rengri and Chausathipara in Cuttack District and Ambo and Mangalpur in Balasore district were held by the descendants of the original zamindars. Government in ordering a lenient assessment for these estates laid down that in future settlements the rates of assessment should not be more than half that fixed for the ordinary temporarily settled estates, but that these privileged terms should be subject to the condition that the estates shall not be alienated or partitioned and that succession shall be governed by the law of primogeniture. In accordance with the Government order to treat them leniently, the percentage of assets taken as revenue in the last settlement varied from 15 to 25% of the gross assets instead of the normal percentage of 50 to 55 which had been taken as Government revenue in the temporarily settled estates.

Permanently Settled Estates in district Balasore :—

30. A certain number of estates in the district of Balasore numbering about 150 were originally included in Midnapur and borne in the rent-roll of that district, but were subsequently transferred to Balasore on the revision of the boundary in 1868. These are governed by Bengal Permanent Settlement Regulation I of 1793.

Revenue-free lands :—

31. It was the practice of the Hindu rulers to assign lands to Brahmins for their support and to endowments

made to monasteries and charitable institutions in perpetuity. These grants and endowments were wholly or partially exempted from the payment of the 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. Lands thus exempted from the payment of the public revenue were styled Lakhraj, meaning "without revenue". These are known as revenue free estates. An enormous number of revenue free tenures were thus created. The areas vary from an acre or less than an acre to large areas constituting big revenue free estates. On their acquisition of the province in 1803, the British Government caused an enquiry made on an extensive scale as to the validity of these grants. These enquiries were held under Regulation XII of 1805 and II of 1819. As a result of these enquiries the rights to hold the land free of revenue was recognised in a large number of cases. The land so confirmed was generally known as Lakhraj Bahal or confirmed "without revenue", or more shortly Bahal as opposed to the resumed or Bajyapti land.

32. These revenue free lands fall under two heads. Absolute property of an individual or assigned in trust for a charitable or religious purpose. Of the first class are Brahmottary or lands originally assigned for the support of Brahmins, and Khairat or grants to mendicants or poor persons or some other grants for charitable purposes. 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. Lands of the second class constitute endowments and are known as Debottar and Sadabarta. These are all of the nature of trusts; the land becoming the absolute property of temple, idol, monastery, or saints while the management is vested in a trustee who is called the Sebait, Marfatdar or Mohant, or in the case of a Mahammadan

shrine Matwali or Daroga. All these grants are entered in a register of revenue free grants 'B. Part I' maintained under Act VII of 1876 purporting to give an up-to-date record of all the Lakhraj lands in the district and their proprietors.

33. **Land tenures:**— As already stated above the present Zamindars of Orissa would appear to have descended from the Talukdars, rent-collectors, village headmen, holders of resumed jagirs and the like, who were found, at the time of the British conquest, to be paying their revenue direct into the Marahatha treasuries, as well as from the holders of the larger revenue-free properties that were resumed and assessed to revenue during the early British administration. Under these Zamindars again a class of subordinate proprietors or proprietary-tenure holders, was recognised at the settlement of 1837, which was composed, for the chief part, of village headman and minor revenue officials, such as Padhans, Mukadams, Sarbarakars and Pursethis or the purchasers or recipients of proprietary rights in small plots of land from the Zamindars or Mukadams, such as Kharidadars or Shikmi Zamindars. The various grades of tenure-holders appear to have sprung up concurrently with the growth of the zamindari interest. These were found at the British conquest ostensibly in enjoyment of the defacto proprietary right in the soil and had been allowed to engage for payment of revenue and hence were treated as sub-proprietors at the last settlement.

34. The above form the proprietary classes, the Zamindars paying their revenue direct to the treasury and the sub-proprietors or proprietary tenure-holders paying their revenue through the Zamindars of the estates within which their lands lie. With them also may be included the Lakhraj-bahaldars or holders of revenue-free lands who possess a permanent right to hold their lands free of land revenue, and are independent of the zamindars of estates in which their lands originally formed a part.

35. The different interests in land in Orissa were formerly extremely complicated and various, with minute distinctions between the rights of the different classes, but in course of a series of settlements which have since taken place and due to the tenancy legislation which has since been passed, these have been considerably reduced both in number and variety and these may now be classified generally under the following heads :—

- (1) Proprietors of estates, who are directly responsible to the State for the revenue of the land they own.
- (2) Revenue-free proprietors, holding their lands free of revenue in perpetuity.
- (3) Sub-proprietors with semi-proprietary rights, holding under the proprietors; among the sub-proprietors are included the Tankidars.

These (Tankidars) are descendants of persons, mostly Brahmins to whom grants of land were assigned by former Rajas for support of idols and priests. Whatever their origin may be at the time of British conquest these people were paying quit-rents for their holdings and in 1805 the British confirmed their right to continue to hold at that quit-rent. In subsequent settlements these Tankidars were placed under the proprietors of the neighbouring estates.

- (4) Tenure holders having certain privileges in the right of transfer and other rights.

The two chief classes of privileged tenure holders are the Kharidadars and the Bajyaftidars. The Kharidadars are those who had derived their title from Zamindars and Mukadams or other tenure holders by purchase of small areas of waste lands and jungles for bringing them under cultivation and to form villages. Bajyaftidars which are peculiar to Orissa are descendants of persons who were holding land revenue free or at a low rate at the time of

the British conquest and whose title to hold on such terms was declared invalid by the Regulations of 1805, 1819 and 1825. Their claims were investigated during the settlement of 1838 and those whose lands were held to be valid under the Regulations of 1805, were confirmed as revenue-free, while others were resumed (bajyafiti).

- (5) Other tenure-holders, both temporary and permanent, without such privileges.
- (6) Raiyats, i. e. the actual cultivators, subdivided into the various classes, namely settled, occupancy, and non-occupancy.

The term 'raiayat' implies one who takes land primarily to cultivate it himself, as opposed to a tenure holder who takes it primarily for the purpose of leasing it to others. The raiyats were originally of two classes, viz., Thani or resident cultivators and Pahi or non-resident cultivators. The Thani raiyat had a hereditary right of occupancy in his lands, while the Pahi raiyat was a mere tenant-at-will. The Thani raiyat had certain privileges such as holding waste lands of the village, homestead and garden lands free of rent and he had the preference of reclamation of new lands and had to enjoy communal rights to pasture, fire-wood and thatching grass. He could not be ousted so long as he paid his rent. The Pahi raiyat on the other hand paid a much lower rate of rent, but he was liable to be turned out of his holding at any moment. At the settlement of 1897 the rents of the two classes were brought approximately to the same level and as the law now does not distinguish between the rights of the two classes the names have become obsolete; the Pahi raiyats have now acquired the status of settled raiyat with all its privileges.

- (7) **Under-raiyats**— Some of the raiyats who were unable to cultivate their holdings personally or acquired raiyati rights over more lands than they could manage, leased them out to

their poorer neighbours either on produce or cash rent. Thereby a class of tenants-at-will came into existence and were known as under-raiyats.

- (8) **Chandnaders** :— Shop-keepers, artisans and labouring classes, who having no arable land in the village, paid rents for homestead lands only, were called Chandnaders.
- (9) **Jagirdars** :— These are of two kinds, those holding lands rent-free in return for services rendered to the community and which are not assessed to revenue and those who rendered services to the landlord.

Main Features of Revenue Administration :—

36. In the three coastal districts of Cuttack, Puri and Balasore there were 305 permanently settled estates the revenues of which were regulated by the Permanent Settlement Regulations of Bengal or Cuttack Settlement Regulation (Regulation XII) of 1805. The revenues of these estates were fixed permanently and they used to pay only a small portion of their income to Government as Peshkush.

37. The number of temporarily settled estates was 12706. The revenue of these estates were fixed in each settlement. The proprietors of these estates used to pay about 50 to 55 percent of the gross assets as revenue to the State and appropriate the balance themselves. Besides these there are more than one lakh revenue-free estates.

38. The remaining areas of the three coastal districts, held under direct management of Government are called Khasmahals.

SECTION II

History of Revenue system in the Ex-Madras areas (Districts-Ganjam & Koraput)

39. The districts of Ganjam and Koraput acceded to the Province of Orissa from the Madras Presidency on the 1st April, 1936.

GANJAM

40. The district originally formed part of the ancient kingdom of Kalinga. The dominion of the Orissa Kings at one time extended to the river Krishna and their power was at its height for a couple of centuries till the fifteenth century. The wild nature of the country in Ganjam rendered its administration difficult and they were probably induced by those considerations to establish their own men as Rajas or Lords of the marshes to keep the aboriginal tribes or Kondhs and Savaras in check. In course of time, the aboriginals were driven back to the mountain fastnesses leaving the plain portion to the more advanced people who took to regular agriculture. In the sixteenth century the Muhammadans took advantage of the uncertain rule in these areas and made themselves master of the Godavari and other districts as far north as Chicacole. Foujdars and Naibs continued to rule over the Chicacole Sarkar which was controlled more or less, directly by the Muhammadan authorities from Hyderabad. After the fall of the Moghuls, struggle for power in the Northern Sarkars became common. Eventually by the treaty of alliance by the Nizam of Hyderabad, the Northern Sarkars including Ganjam were ceded to the English in 1759. The Madras Government followed their success by taking steps to resettle Ganjam, but internal trouble and war was much in evidence amongst the Ruling Chiefs who held no better status than zamindars. Murder, pillage and

non-payment of revenue was a marked feature in the several zamindaris for a time. The revenue demands were fluctuating. The evils resulting from these fluctuating and temporary arrangements hurried on the introduction of the permanent settlement, which was in the last years of the eighteenth century in high favour in Bengal and was being forced upon Madras by the Government of India. In October, 1799, the Board of Revenue issued elaborate instructions to Collectors in the northern Sarkars regarding the methods of arranging this settlement, directing that the zamindars be constituted proprietors of their estates on a permanent peshkush to be calculated on certain clearly-defined lines.

Revenue
Settlement,

41. Prior to the settlement made by the British Government, the revenue system was based on farming of revenue in blocks to the highest bidder with the result that the tenants were mostly rack-rented. Individual settlement was taken up towards the end of the eighteenth century. The assessment in these early attempts was high and in subsequent settlements, the rates had to be lowered. The chief legal enactments affecting settlement are the Madras Permanent Settlement Regulation XXV of 1802, the Madras Revenue Recovery Act II of 1864 and the Madras Land Revenue Assessment Act I of 1876.

The Perma-
nent Settled
Zamindars.

42. There were Zamindaris dating prior to 1802 recognised under Sanads with fixed land dues and with an obligation for the Zamindar to enter into written engagement with his tenants. The succession of Zamindari was governed by the law of primogeniture. There were other proprietary estates which were recognised by the Madras Permanent Settlement Regulation of 1802. There are now altogether 54 main estates. The proprietary right of the soil became vested in the Zamindars or other proprietors of land, and their heirs. The proprietors were granted Sanads and they were to execute a corresponding Kabuliyat

in favour of Government. They were required to enter into agreements with their ryots for a rent, either in money, or in kind and they were bound to grant regular receipts to the ryots for payment of rents made. These estates have now been taken over by the Orissa Estates Abolition Act, 1951.

43. Lands had been given as emoluments by the Ruling Powers to their servants of distinction or had been given in charity to persons of sacerdotal class or to temple institutions and some lands had been given as grants for communal service. These were known as Inams. The Inams are broadly divided into two classes, namely ; (1) pre-settlement, i. e., those granted by the Zamindars or ruling powers prior to the Inam Settlement and recognised by the Inam Commissioner, appointed in 1862 and (2) Post-settlement, i. e., those granted by the Zamindars subsequent to the Inam settlement and not recognised as such by the Inam Commissioner. The Pre-settlement Inams are of two classes, namely, (1) Major Inams; such Inams comprised of entire villages or major portion of villages, and (2) Minor Inams which are small bits of land separately registered lying either in major whole Inam villages or ryotwari villages or in the Zamindari villages. Both the Major and Minor Inams are further divided into two classes, i. e., (1) enfranchised, (2) unenfranchised. The enfranchised Inams are those that are granted on favourable terms of rent (such as quit rent) and they are alienable. The unenfranchised Inams are those Inams which are granted for certain specific purposes, and are not alienable. There are also service Inams which cannot be alienated but are liable for resumption.

44. There are post-settlement Inams which are granted by the Zamindars subsequent to Inam settlement and some of these are life-time grants. These were subject to resumption by the Zamindars. These post-settlement Inams are mostly in the Zamindari areas.

45. 547 Inam estates have been taken over by Government under the Orissa Estates Abolition Act, 1952.

**Ryoti
Rights.**

46. During the last century there had been a steady growth in the rayati rights in the Ganjam district, culminating eventually in the consolidation of these rights under the Madras Estates Land Act, 1908. (This Act has now been repealed in respect of those estates which have been abolished by the Orissa Estates Abolition Act). Every raiyat who is in possession or who is to be admitted to possession of rayati land is conferred permanent right of occupancy in the lands in his possession. In relation to any Inam village which was not an estate before the commencement of the Madras Estates Land (Orissa Second Amendment) Act, 1946, raiyats did not have any permanent right but after the Act came into force the raiyats got occupancy rights. Unlike the coastal districts in Orissa, where under the Orissa Tenancy Act, an under-ryot is recognised, the tenant holding under the ryot in Ganjam is governed by contract and has no recognised status. As in other areas of Orissa, the cultivating tenants have been assured non-evictable right under the Orissa Tenants' Relief Act, 1954.

**Ryotwari
Areas :**

47. In the eighteenth or early nineteenth century there were great disturbances in Ghumsur and some other Zamindari areas. Several of the zamindars rebelled and their estates escheated to Government. There is quite a large area in the Taluks of Chatrapur, Berhampur and Ghumsur which are known as ryotwari in as much as the raiyats held directly under the Government. The raiyats have got permanent rights in the land under their cultivation. The principles of the assessment of their rents are governed by the instructions issued by the Board. The lands generally in each village, are classed as wet, rain-fed and dry; assessed, un-assessed and parambokes. The land assessment is fixed at the time of settlement according to the taram or classification of soil. The land assessment in respect of the wet

lands is also fixed on the above principles and having regard to the advantages of irrigation.

48. For purposes of revenue administration, the district is divided into revenue divisions, which are again distributed into Taluks. The Taluk is subdivided into so many Firkas, and each Firka is divided into groups, comprising of one or more revenue villages. For each revenue group there is a separate village establishment consisting of the following :

Structure of
Revenue
Administra-
tion.

- (1) Village headman or Karji;
- (2) Karnam or Village Accountant;
- (3) Taliyari or village police;
- (4) Vetti or village peon.

The Karji is the head of the village, representing Government, and has to perform various duties, such as collection of revenue, reporting crimes or breach of peace, maintenance of vital statistics and supervision of the village police (Taliyari) and village peons (Vettis). The Karnam is required to keep record of rights, survey maps, information of areas under crops, area benefited by irrigation, the condition of crops and accounts of revenue demand. All the Village Officers and servants in the proprietary estates were governed by the Proprietary Estate Village Service Act II of 1894 and on abolition of the zamindaris, the Village servants will come under the Hereditary Village Officers Act (Act III of 1895) which applies to the raiyat-wari tracts. The village officers and servants hold hereditary posts and are paid monthly remuneration.

49. The Western half of the district lies beyond the Eastern Ghats and was administered as an Agency on behalf of the Governor. The Collector of the district was the Agent to the Governor and his Divisional Officers were Assistant and Special Assistant Agents. The area of the

Ganjam
Agency.

Agency consisting of Maliahs of Parlakhemedi, Bodo Khemedi, Sannokhemedi, Bodogodo and Ghumsur formed the Agency tracts of this district prior to 1948. In a portion of the Ghumsur Maliahs, namely, Chokapad Khandam, there was a ryotwari settlement in the year 1914. Another portion adjoining the Surada Taluk, namely, Pandakhole Agency was also settled. Except for these two areas, the rest of the Agency continued to be administered according to the prevailing custom. There was no land revenue to be paid and Government got small amounts as Nazarana from the hill-chiefs of Kattingia, Godapur, Ronaba, Korada, Bodogodo, Bodokhemedi, Jarada, Surangi, Jallantra, Mandasa, Budarsingi and Parlakhemedi. The Maliahs belonging to the hill chiefs of Parlakhemedi, Budarsingi, Jallantra and Sanakhemedi were resumed and they came under the direct possession of the Government. Under the Royal Proclamation of 1864, the Adivasis, namely, Khonds and Saoras living in the Agency areas, except those in Chokapada and Pandakhole were exempted from paying assessment. In lieu of the land revenue, they had to make certain customary payments in cash and in kind to the Muthaheads and their subordinates, both in the resumed and the non-resumed areas. These payments were called Mamools and they have been recorded in the Taylor's Memoirs. The Mamools vary from Mutha to Mutha and their value also differs. In the Khond Agency the Mamools are not very exorbitant but towards the south, Mamools go on increasing in quantity and value till it almost leaves nothing to the Adivasi for himself. Along with the payments listed among the Mamools and the articles that go under the name, there is free service to be rendered by the Adivasis to the Mutha-head and his subordinates. Besides these Mamools, the hill tribe people were required to maintain roads, construct buildings, carry the luggage of the officers on tour on payment far below the normal. Government have, however, abolished Bhatti system since 1949.

50. The hill-chiefs of Bodokhemedi, Bodogodo, Kattingia, Godapur, etc. whose Muthas were not resumed, were granted Sanads by the British Government under which they were required to attend upon with their Paiks, whenever required and to render all such assistance that was required of them by the Government. In return for these services they were to receive certain fixed demands as Nazarana from the Mutha-heads. These hill-chiefs or Muthadars never stayed in the area and did not frequently visit it. The area was left entirely in charge of the Mutha-heads, known as Patro, Bissoyi, Naik, etc. These Mutha-heads are all Oriyas. Except a very few of them they had their fort villages (Godo) and passed off as the local chieftains. They own extensive lands which the Adibasis had to cultivate free of remuneration on Bhatti or forced labour system.

51. The function of the Mutha-heads was to keep the turbulent Adibasis under control but as time passed and as the Adibasis grew milder the main function of the Mutha-heads was to collect their Mamools regularly, resorting even to violence in some cases. They had to provide Paiks to carry Daks from station to station, to supervise road and building works, to call the Adibasis to work; to provide watchers for the Government offices, and to collect labourers to carry luggages of the officers on tour. The Mutha-heads were assisted by Hodadars or title-holders who sometimes were members of their family. These Hodadars were all Oriyas and had their Inam lands, though small in extent, and had also the (revenue) assignment of a few villages. Each Hodadar had a number of Paiks under him and was communicating the orders of the Patro to the Paiks while detailing them on duty. In some cases the Hodadars were paying cash to the Mutha-head as Kist.

52. The Paiks were the local militia under the Mutha-head and they were generally non-Adibasis. They had small agricultural holdings termed as 'Inam' besides

which they were getting a share of the Mamools while these passed from the Adivasi to the Mutha-head or the Hodadar. Over and above these, the Paik or Peshinia used to plunder an Adivasi village which he visited. If the Adivasis did not give him some rations or vegetables or fowls, he would snatch away whatever he could lay his hands upon. This Mamool system inflicted a great hardship on the Adivasis and in the year 1949, as recommended by the Partially Excluded Area Enquiry Committee, Government have abolished all the Mamools except those pertaining to land. The latter which are like rent or land revenue continued till 1954 when a revision of Mamools was taken up on the basis of commutation of Mamools from kind into cash with reference to the paddy lands held. This commutation is still in progress.

KORAPUT

53. The entire district is covered by the ancient and impartible Zamindar of Jeypore and a portion of the ancient zamindari of Pachipenta, most of which came into the possession of the Zamindars of Jeypore. The Zamindari used to pay a little over Rs. 20,000/- in the shape of Peshkush, which constituted the land revenue of Rs 16,000/- payable on the impartible Jeypore estate proper, Rs. 3,000/- on the Kothpad Pargana which, under the historical circumstances, came to be included in the Jeypore estate from the Baster State and Rs. 1,054/- as the Orissa Government share of the Peshkush, to which the Pachipenta estate had been assessed. The last Maharaja was Sir Bikram Deo IV, who died in 1951. On his death, the estate was taken under the Court of Wards as his adopted son was a minor. The estate has now been abolished under the Orissa Estates Abolition Act and has vested in Government from December, 1952.

Land
Revenue
System
in Koraput.

54. The cultivated lands in the estate have been administered partly on a raiyatwari system and partly on a village rent system called Mustajari. The ryotwari system

is of comparatively recent introduction and mostly introduced in the Rayaghada Subdivision. The records and registers were of a very elementary nature. The estate used to keep a register of ryots and their holdings in the various villages together with rent due from each. The holdings have been described by their local names, and a rough description of their boundaries is given, as well as an estimate of seed capacity. The Mustajari system is almost akin to the Gountiai system in Sambalpur. He is an agent for collection of rent and is remunerated by allowance of rent-free lands. The Mustajars were in the position of Headmen. The rights and responsibilities of the Mustajars are defined by no law and ostensibly the Maharaja could appoint any one to the Mustajari post. In the Mustajari villages ordinarily no written record of holdings used to be maintained and the only record was the one which represented the Collector's land cess demands. The Madras Estates Land Act, 1908 governed the relationship between the land-lord and the tenant. There was a general uncertainty existing regarding the rights and customs subsistent in the land revenue system. The estate was never surveyed. Government have undertaken the survey and settlement which have already been completed in the major portion of the district.

55. With the abolition of the Zamindari the entire area is being governed as on ryotwari basis.

SECTION III

Sambalpur district and Nawapara Subdivision (The Central Province Land Revenue System).

56. The district of Sambalpur when it came under the direct British rule, was administered first as a part of Chota Nagpur, then as a part of Orissa, then as within the Central Provinces and then it was transferred again to the Orissa Division in Bengal in 1905 and finally was taken over by the Government of Bihar and Orissa as a part of the Orissa Division. On the formation of the new Province of Orissa with effect from the 1st April, 1936 the Khariar Zamindari and some villages of the Padmapur (Mahadebpalli P.S.) tract were transferred from the Central Provinces.

57. As regards the early land laws of the district it appears that the Rent Act X of 1859 (Bengal) was in force in the Sambalpur district. This Act granted occupancy rights to raiyats of a certain status and imposed limitation on the enhancement of their rent. The Act was however found to be unsuitable to the conditions prevailing in Sambalpur. When Sambalpur came under the administration of the Central Provinces the successive land revenue and Tenancy laws of the Central Provinces enacted subsequent to 1860, have governed the revenue and tenancy rights and procedure in the district. The present position is that the Central Provinces Land Revenue Act XVIII of 1881 and the Tenancy Act, XI of 1898 are in force in the area of the old district of Sambalpur while in the area newly transferred from the Central Provinces in 1936, the Land Revenue Act II of 1917 and the Central Provinces Tenancy Act 1 of 1920 are in force,

58. For the purpose of land revenue administration the district is divided into two tracts : the Khalsa and the Zamindaris. The term Khalsa is used to indicate land held by village headmen direct from Government. There are 17* zamindaris with a total area of 3248 square miles including the unsurveyed zamindari forest areas. The total number of zamindari villages is 1668. The area of the Khalsa is 1657 sq. miles which consists of 119 malguzari, 870 gauntiai and 16 raiyatwari villages.

59. From the earliest Government records and the settlement reports, it is found that there are six classes of proprietors with varying degrees of proprietorship or proprietary interests in the district of Sambalpur. These are:—

1. the Zamindars.
2. Malguzars.
3. Gauntias.
4. Bhogra-bhogis.
5. Malik-makbuzas and
6. Brahmottars.

Excepting the zamindars the other proprietary tenures exist in the Khalsa area.

60. The zamindaris in Sambalpur are tracts held by proprietors having a feudal status entirely different from that of zamindars in the rest of the province. The zamindaris were service tenures held on payment of a small tribute called Takoli subject to the proviso that the zamindars were bound to render military service when called upon. When the district escheated to the British, those zamindars were relieved of military duties. In practice, the zamindar in Sambalpur is an ordinary proprietor who pays, instead of a Kamiljama or full assessment, a feudal Takoli or tribute,

* Since vested in Govt. under the Orissa Estates Abolition Act, 1951.

which ordinarily is much less than a full proprietary assessment. The rights and liabilities of the zamindars were expressed in the Wajibularz. The tenure of the zamindari used to be impartible and non-transferable, succession being governed by the law of primogeniture. If Government assumed management of ferries within the estate, the zamindar was entitled to reasonable compensation. His forests were required to be managed in accordance with the rules prescribed by the Board of Revenue.

Mafidars.

61. In most of the zamindaris many villages are held free of revenue by persons who are either relations of the zamindar or former servants. They are called Mafidars. They hold an intermediate status between the cultivators of the soil and the zamindars and they hold their villages as rent-free tenures under the zamindars, but pay proportionate share of the Takoli paid by the zamindar to Government. These rent-free tenures are not valid against the Government.

Thikadars.

62. There are two kinds of Thikadars, called ordinary Thikadars and protected Thikadars. It was the former custom of a zamindar to receive in annual payment only the rents of the tenants which were handed over in cash by the Thikadars. The Thikadar made large profits from his home-farm, but at each renewal of his Thika he had to pay a considerable sum as Nazarana as renewal fee. This system led to abuse and some of the zamindars enhanced the Nazarana very excessively which resulted in many aboriginal Thikdars being ousted. In 1888 legislative action was taken to protect the Thikadars, and protection was granted to all who could prove long possession and fair improvement of the land. The tenure of a protected Thikadar was made heritable but not transferable and the annual payment was to be determinable by the Revenue Officer. The tenure of a protected Thikadar is impartible, and devolves on one member only of the Thikddar's family.

but in practice the home-farm land is divided between the members of the Thikadar's family.

63. The Mafidars also lease out villages to Thikadars, but such Thikadars are not given protection on the ground that they do not hold from Zamindars.

64. The ordinary Thikadars pay Thikajama which covers the entire rayati assessment of the village and a Malikana for the Sir lands in their possession.

65. The Malguzars have been recognised as full proprietors in villages held by them directly. There are 119 Malguzari villages in the district of which 38 are held by Sikmi Gauntias. Malguzars.

66. The Gauntia is a peculiar class of proprietor in the district of Sambalpur. In the Khalsa the village headmen were called Gauntias. They were responsible for the payment of a lump sum assessed on the village for a period of years according to a lease which was periodically revised and renewed. Although at one time it was under contemplation to give full proprietary right to the Gauntias but subsequently this idea was abandoned and the Gauntias were made proprietors only of their home-farms. The Gauntia receives in revenue-free home-farm or in cash, only 25 per cent of the rents paid by raiyats. When the rental value of the home-farm or bhogra land exceeds this limit, the Gauntia pays Zapti or excess valuation, and when the same is less than 25 % of the raiyati rental he receives Puraskar or cash drawn back from Government. Gauntias.

67. The rights habitually exercised by Gauntia and sanctioned by the ordinary practice of the Civil Court are—

(1) Proprietorship and free right of alienation of the home-farm.

(2) Right of management over the whole village and of undisturbed possession of it so long as the Government revenue demand is fully and promptly paid.

(3) The right of alienating the whole village or a tenure in the village if accompanied by a transfer of home-farm land.

**Sikmi
Gauntia**

68. Sikmi Gauntias exist in Khalsa Gauntiai villages and also in Malguzari villages. The Sikmi Gauntia in a Khalsa Gauntiai village holds the same position as a Gauntia holds in a Gauntiai village save that a Sikmi Gauntia in a Khalsa village pays the Government demand to the Gauntia instead of into the Government Treasury direct and thus maintains the Gauntia as the person primarily responsible to Government for payment of the demand and in addition to the Government demand the Sikmi Gauntia pays to the gauntia a rent charged on the Bhogra.

69. The position of the Sikmi Gauntias in Malguzari villages is the same as that of a Gauntia in Khalsa village, and the Malguzar represents the position of the Government.

70. Though the legal status of the Gauntia in the Khalsa area is entirely different from a Malguzar, the practical differences are not very great. In some ways the Malguzar has the better of the Gauntia. The former, as proprietor of his waste land, may sell timber; the Gauntia may not; as he is only a trustee on behalf of Government, responsible to ensure that the village forests are used for village needs. The assessment paid by the Gauntia is also heavier than that of the Malguzar. The latter pays from 45 to 60 percent of the total valuation of his village. The Gauntia receives, in revenue-free home-farm land or in cash, only 25 per cent of the rent paid by ryots.

**Bhogra-
bhogi and
Malik-
Makbuza
Tenures.**

71. Bhogra-Bhogis and Malik-Makbuzas are proprietors of parcels of land which are not villages. Bhogra-bhogis belong to Khalsa Gauntiai villages and Malik-makbuzas to malguzari villages. There are now very few

Malik-makbuza plots in the district but there are many Bhogra-bhogis. The history of the Bhogra-bhogi tenure is that at the private partition of Khalsa village among various branches of a gauntiai family the senior branches divided among themselves the principal part of the home-farm and took over all the management of the village. They allotted to junior or to illegitimate branches plots of home-farm land, the understanding being that these recipients relinquished all claim to share in village management and that on the other side the gauntias relinquished all right to interfere in the disposal of the Bhogra-Bhogi plot.

72. Brahmottar lands consist of plots granted in perpetuity to Brahmins and others. The tenure is a proprietary one and the holders are entitled on the resumption of the revenue to have a proprietary sub-settlement made with them. These cannot be treated as Malik-Makbuzas or Bhogra-Bhogis because every tenant holding from them becomes by the payment of rent an occupancy tenant; since the Brahmottars have no privilege of village home-farm.

Brahmottar

73. In Sambalpur the raiyats have always enjoyed a secure right in their holdings. In the British administration they were also secured with some restrictions on their rights of transfer so long as they paid the Government revenue or rent. Except for village service tenants and those servants of zamindars who hold tenancy land in return for service, all tenants, not being sub-tenants of land which is not home-farm, have occupancy right. Occupancy rights are heritable, and restrictions against transfers have now been removed.

**Occupancy
tenant**

74. There are 16 raiyatwari villages in the district, 13 in the Sadar Subdivision and 3 in the Bargarh Subdivision. The revenue of these villages is collected through the agency of the Patels where they exist and directly by the Tahsildars in the other cases. The Patels

**Raiyatwari
villages.**

are paid a commission varying from one anna to three annas per rupee of rent collected by them from Government raiyats. They deduct their commission from the collection crediting the balance into the Treasury. The Patels have no proprietary right in the villeges but are mere collecting agents, their appointment being as a rule hereditary.

Villages
service
tenants

75. There are the following classes of village-service tenants in the district, namely, (1) Jhankar, (2) Ganda, (3) Nariha (herd or water-carrier), (4) Negi (clerk), (5) Kumbhar (potter), (6) Lohar (smith), (7) Bhandari (barber), (8) Dhoba (washer-man).

Village
Administration.

76. Under the provisions of the Central Provinces Land Revenue Acts, the Lambardar Gauntia (who is appointed under the Central Provinces Land Revenue Act of 1881 to execute Kbbuliyat and to be responsible for the management of the village) is also appointed Mukaddam and as such, he has to perform multifarious duties in connection with the villege management. These duties generally are—

- (a) to control and to superintend the village watchman ;
- (b) to furnish reports regarding state of his village ;
- (c) to report and, if possible, to prevent encroachment on the public paths and roadways in his village ;
- (d) to preserve stations and marks erected in the village by the Govt. surveyors ;
- (e) to keep his village in good sanitary condition ;
- (f) to report any violation of custom or condition entered in the village administration paper or any rule made under the Act ;
- (g) to collect or aid in the collection of all payments due to Government in his village ;
- (h) to report births and deaths in his village ;

- (i) and to perform such other duties as may be prescribed by rules or Act.

77. Besides he is to perform certain other duties, such as, prevention of unauthorised grazing and cutting of wood in any Government forest, supply of information about suspects, escaped convicts etc. of commission of non-bailable offences, and of unnatural deaths, repairs of village roads and village guest houses and preservation of survey marks.

78- In Sambalpur district, a Panchayat consisting of four raiyats of the village elected by the raiyats is appointed in every village for three years to assist the Lambardar in the village management. The responsibilities which the Panches are at present supposed to share with the Lambardars are as follows :—

(1) All village servants besides the watchmen may be dismissed and deprived of their service lands, by the Lambardar and the Panches, for failure to render due service.

(2) - The allocation of house sites is to be made by Lambardar and the Panches. The rights of non-agriculturists to house sites occupied by them and buildings constructed by them are regulated by the agreement with the Lambardar and the Panches.

(3) Distribution of water for irrigation from tanks in which the villagers have the right to take water for irrigation is controlled by the Lambardar with the assistance of the Panches in accordance with the village custom.

(4) Fish in Government tanks where caught with the permission of the Lambardar and the Panches, are divided among the gauntias and the raiyats according to local custom.

SECTION IV

MERGED STATES. LAND TENURES

Early land
revenue
system

79. The petty Rulers who carved out small kingdoms for themselves did not introduce any organised system of management although they brought in a higher standard of civilization than what was prevailing in the areas occupied by them. These Rulers were content to obtain sufficient revenue for their own requirement and a system of defence against neighbouring monarchs whose ambition might result in annexing small principalities. The land revenue system then was thus a demand to be made on the village headman who was free to distribute it among the cultivators in any manner he liked. Generally the headmen kept his demand equal to what he himself paid to the Ruler. There was no system of detailed assessment on individual holdings and of course there was no fixity of assessment. Each village was called upon to pay as much as it could bear without any guarantee that additional levy will not be made for special occasions or special reasons. The headman and the ryots knew that what was being asked as the village Takoli or revenue was not the final payment. They therefore made their offers keeping in view the levy that may come in future. There was, however, more land than the people to cultivate, a condition which it should be mentioned is still encountered in some of the remotely situated States, and that acted as a check against excessive demand. If the rapacity of a Ruler proved far too much for the paying capacity of the tenants, they left the land and migrated to some neighbouring State where land was available. This was a salutary check on rackrenting the cultivators. This feature was common to all the merged States in the earlier stages. Developments followed according to what was being done in the neighbouring provinces.

80. Before the British conquest the Marathas and the Moghuls had two distinct types of systems for land revenue assessment. The Maratha system prevailed in C. P. and influenced the tributary States contiguous to it. This system is what is known as "from aggregate to detail" The demand on a village was fixed according to the nature of a season. The total demand was then distributed among the cultivators by the village headman. Under the Mogul system, which was systematised by Raja Todder Mall, the individual cultivator had his land measured and assessed. This system was prevalent in the open countries of Orissa and influenced the land revenue system of the adjoining States. We thus find that the two groups of States, namely the C.P. Group and the Cuttack group, had their land revenue system based respectively on the Maratha and the Mogul systems. The third group which is the Chota-Nagapur group of States followed virtually the Maratha system under which the headman distributed the land revenue of the village among the cultivators with this difference that as the aborigines in these areas were mostly addicted to shifting cultivation the village headman had more latitude in dividing the land revenue. He generally took the paying capacity of a cultivator in sharing the land revenue of the village.

Early land revenue assessment. the Maratha and the Moghul system.

81. After the establishment of the British rule the provinces were developed and definite land revenue policies were followed. The States were influenced by these and they followed as far as possible the development of land revenue system of the province to which they were attached for administrative purpose. According to Maddox Settlement Report the earliest record of the system of land revenue collection prevalent in Orissa, was given in a note recorded by Mr. Wickets in 1831. According to that note the zamindar himself, where there was no intermediate tenant or Gumasta, took the papers of the previous year and summoned the ryots each of whom was questioned as to the

Land revenue assessment after British conquest.

extent of land cultivated in the past season. If the answer was that the land cultivated was the same as in the past season and there was no reason to suspect that he cultivated more, the extent of land was recorded by the zamindar. In case of doubt or dispute the assembled ryots and the headman of the village were referred to and the area as finally settled was entered in the record. The same was done by Makadams or Sarbarakars in Makadami or Sarbarakari villages. The system thus evolved of keeping a record of what the ryot paid in previous years and of giving it a fixity. Before the British conquest the prevailing practice was to assess a village and leave it to the headman to distribute the assessment among the cultivators. With the introduction of the British rule individual assessment prevailed in the Mogulbund and was gradually followed in the States. This was done in all the three groups of States with of course variations according to the system prevalent in the province to which they were attached for administrative purpose. It was in the early 19th century that attempts were made for a systematic land revenue settlement. In some States this was made early in the century and in others much later. In a few States the settlement was made only in the beginning of the present century.

82. The early settlements were, however, quite different from what is being done now with laying of village boundaries and survey of each individual field. What was being done in the earlier period was to have an eye estimation or by a rough measurement with a pole. Maps were unknown and fields were described with relation to some permanent object and local names were frequently used. At the present day many of the States have detailed traverse and cadastral survey but there are also large areas inhabited by Adibasis which have not been subjected to any survey. The neighbouring Province has also been a guide in the matter of Survey and Settlement.

83. It has been stated that the total land revenue demand of a village was distributed among the cultivators. These cultivators in their turn wanted village artisans and village servants for the upkeep of the village life. The remuneration given to these village artisans like carpenter, blacksmith etc. and village servants like the barber, the village Chaukidar etc. was by grant of land. The cultivator wanted their service and so the rent for those lands was paid by the cultivators. These artisans and village servants though formed a part of village organisation were exempted from paying anything as otherwise they would have gone away to other places. This is the origin of the rent-free holding enjoyed by village artisans and village servants. The system is still continuing although assessment has been changed from aggregate to the individual.

Origin of
rentfree
holdings for
village
servants.

84. The creation of the Zamindari which is most important of the land tenures and of the village headmen who have got proprietary right in the village in certain cases have been already described. The non-zamindari tenures consist mostly of rent-free grant which is quite copious in the Orissa portion of the States. The States which adjoin C.P. have comparatively few grants. The types of grants common to all the States are maintenance grants given to the relatives or favourites, grants made as charity, as rewards for good service, as remuneration for rendering service, grant purely as a favour (Anugruhi) and grants for the maintenance of religious institutions and deities. These grants may be for a group of villages, a single village or some lands in a village. In Dhenkanal extensive areas were granted as maintenance jagir to the Ruler's relatives. Most of these grants are rent-free. The origin of these grants are based on the responsibility of the Ruler to provide for the junior branch. The responsibility for such maintenance is accepted and is discharged by making land grants. Sometimes a Ruler makes extensive grants in favour of his wife and his younger son to guard

The creation
of the diffe-
rent land
tenures.

against denial of help by this successor in case of disagreement with the former.

85. Generally these grants are without condition except nominal ones like loyalty to the Ruler but in subsequent years limitations have been introduced in certain States as in Kalahandi to make the grants fully assessed after a certain generation from the grantee.

Kharposh
Debottar
and other
grants.

86. There is no unanimity among the States about the substance of the grant. In some cases as in Talcher the Kharposh or maintenance grant is for the income only whereas in certain other States the grant virtually amounts to zamindari rights. In Dhenkanal the kharposhdars have the right to minerals and forests. Many of these grantees for whole villages enjoy the right of appointing their own village headmen with or without the approval of the State and quite a number hold their villages direct taking the position of a village headman who pays nothing to the State or very small quit rent while appropriating all the income. The Debottar grants are very extensive in the Orissa States when compared with C. P. and Chhota Nagpur States. These grants are not confined to deities within the State but extend to deities outside such as Jagannath of Puri and Bisweswar of Benares. Most of the Orissa States have made grants in favour of Lord-Jagannath of Puri. Many of the grants however are in favour of deities situated within the State some of which village deities are managed by persons known as Sevayats or Marfatdars. The big grants however are managed by the Ruler himself, in what is known as Debottar or Thakur Mahal. Generally speaking the Debottar grants do not connote anything more than the deity taking the place of a zamindar or Khorposhdar through the agent or Marfatdar. Sometimes full rights have been given in village waste as in Dhenkanal and Narsingpur in addition to the right of appointing the village headman. In some cases the grant is nothing more than appropriating the income on behalf of the deity. In such

cases the village headman appointed by the State collects the rent and pays it to the deity. The Brahmottar grants are found in the Orissa States and in only two of the C. P. group of States which are Patna and Kalahandi. They are not noticed in the Chhota Nagpur group of States. The origin of the grant is the immigration of Brahmins as religious preceptors and learned men whom the Rulers liked to have in their States. Such immigration was encouraged and land grants were given to make it worthwhile for a Brahmin from a distant place to come and settle in the States. The lands consist of whole villages as also of lands in a village. When the grant is of a whole village which is quite common, it is either a new settlement or a village from which the original cultivators were ejected and grant made to the Brahmins and their progeny. Now these villages have become entirely inhabited by Brahmin landlords who get the lands cultivated by tenants as it is not customary for a Brahmin to hold the plough. The grants are in perpetuity. In certain States there is restriction on transfer but everywhere it is a condition of the grant that it should not pass on to a person who is not qualified to perform the religious and preceptorial functions. That is why in some States a widow is precluded from inheriting the grant as she is not capable of performing the religious part of the grantee. There is another form of tenure which has developed in certain States like Bamra; Bonai, Pal-Lahara and Patna which are known as Babuyanagirs but though called jagirs these are really not burdened with any service and are land grants consisting of whole village or lands in a village to Ruler's relatives either free of rent or on quit rent. The grant was originally made to a Ruler's relative and his progeny and at present it has been divided among the descendants of the holders. They differ from Kharposh grants being non-resumable while Kharposh grants revert to the grantor after a certain generation of the grantee have enjoyed it. Next comes service grants or service Jagirs which are found in all the

three groups of States. These grants are burdened with service and rarely consist of entire villages. Gangpur State has largest number of entire villages given as service Jagir. Some of the services however are nominal or have ceased to be exacted.

Paik Jagirs
and other
service
tenures.

87. The bulk of these service grants are to Paiks who formed the militia in olden days and to village watchmen. Gradually these Paiks are getting their lands converted to occupancy holdings by paying full assessment. The institution of Paiks however still continues in some States as in Hindol or Pal-Lahara where they do the work of guards or peons. The peculiarity of these Paik jagirs is that even when fully assessed the normal law of succession does not apply and only one member of the family who is considered fit to discharge the duties of a Paik inherits the jagir. There are entire villages consisting of Paik families and all the lands available are Paik jagirs or service holdings. The headman of such a village is known as Garnaik, Garhtia, Sardar or similar other title. These persons who held posts of command on the ancient militia are still enjoying land grants for that purpose. The other types of service jagirs are for rendering service to the Ruler and to the villagers such as beating drum on ceremonial occasions, washing clothes, barbers, astrologers and the like. The grants are only of small extents of land. Those which render service to the village community such as potter, blacksmith and the like enjoy rent-free lands as from the earliest time the cultivators had agreed to bear the burden of the village demand share which would have fallen on them. These village servants and village artisans were really maintained by the villagers and paid for services rendered by them.

Restrictions
on the rights
of Grantees

88. Various restrictions have now been imposed on the absolute maintenance and service grants. Mayurbhanj Lakhraj Control Order has imposed severe restrictions on the rights of the Brahmottary holders to transfer their

holdings. Many of the grantees are also anxious to get their lands converted to ryoti so that they may have the full benefit of occupancy tenancy. That brings us to the most important occupier of land who is the ryot and forms the bulk of the tiller of the land.

89. The early history of inducting ryots on the lands is common to all the States. At first some small communities settled on lands and reclaimed as much as they themselves could cultivate. Gradually they felt the need of a social structure and wanted to bring in more people to till the lands. Reclaiming lands from the jungle was however a strenuous job and only energetic and enthusiastic people could undertake it. So the early settlers who had assumed the status of either zamindars or headmen had to offer inducements to the right type of men to come in. There were at that time more land than men to cultivate and the right type of men were still less. The inducement had therefore to be substantial. So the land owners, whether they were zamindars, headmen or Rulers offered different allurements to the prospective cultivators. In some cases it was right to enjoy free of rent for a certain number of years and in some cases there was even assistance offered during the stage of reclamation. The cultivator had at that time the upper hand and he could not be harassed or dispossessed as that would mean abandonment of cultivation. There were no doubt cases of wholesale desertion of villages on account of the foolish tyranny or rapacity of a particular Ruler, Zamindar or Thikadar but the limited number of cultivators available was a very wholesome check on harassing the cultivators. Individual cultivators were however ejected if they did not meet with the approval of the superior landlord and conversely the cultivators also changed over to an area under another owner if the first did not treat them fairly. That is why in the early days right in land was not so much insisted on and the cultivator was satisfied with merely the permission to enjoy the land. The

Growth of
ryoti right.

land-owner whether he was a Ruler, a Zamindar or a Thikadar retained the right of turning out the individual cultivator if he proved to be unsatisfactory and the cultivator also maintained the same right on his part to give up the land and change over to another place if the land-owner was not considered to be fair in his dealing. A ryot did not insist on a permanent right on the land as he did not want to be pursued with a claim for rent if he did not like to continue on the land and change over to another. This was not difficult in those days because more land was available than people to cultivate, and the cultivator did not think much of retaining an ownership which was no help but a drag to him. All that he wanted was to enjoy the fruit of his labour and he liked it to be wherever he could spend his labour on a piece of land.

90. The above position however changed as there were more men than land. Reclaiming land from waste was always a strenuous task and so lands already reclaimed and yielding crop came into demand when the population increased. The abandoned holdings were soon resettled with others and gradually the land-owners in which class are included the Rulers, the Zamindars and the Thikadars found that they had the upper hand. They were no longer hesitant of displacing a ryot on fear of losing income from the land held by him because another was ready to come in. This is how the strength of the cultivator declined and the Thikadar, the Zamindar or the Ruler became more and more powerful. Loss of land became a serious matter for the cultivator and with it the need for acquisition of right in the land. Thus it is that the agitation for right in land grew up in comparatively recent times. Even now in the remote and inaccessible areas which are mostly hills and jungles the cultivator is not keen on acquiring a right and often gives up cultivation in one place to settle in another. A very common example of this is the Podu or shifting cultivation which is practised

on land of poor fertility and the cultivator gives up the land and moves to another after taking one crop. He does not want any right in the land because it is useless to him for a number of years after one crop is taken and he has such an extensive area to move into after he has exploited one area.

91. When the powers of the cultivator deteriorated the land-owners became tyrannical and exacting. The ryots who came in therefore wanted their rights to be defined so that they may not be turned out at the will of the land-owner and that demands will not be made on them at too frequent intervals. This is how the tenancy rights were demanded and had to be conceded. The land-owner however insisted on retaining the right to choose the cultivator and that is why the right to transfer was not allowed to the cultivator in all the States except with a very few exceptions. Among the exceptions comes the small State of Ranpur where the ryots had the right to transfer lands freely even before the first Settlement which was held in 1889. That was the cause of envy to the ryots in the Orissa Division where the ryot was not given the right of transfer till 1938.

92. When the cultivator insisted and acquired the right with rent being kept current for a period which varied from State to State the land-owners devised upon a means of making collection to meet their miscellaneous expenditure. They demanded payment for such expenses as bulding a road or a school or for starting a health centre. These went under the name of Cess. These cesses also provided for what was previously known as bethi, begar, rashad and magana. At the time of the early settlers when the number of persons available was very limited, the cultivators had to help the land-owner in the cammunal as well as some personal activities. Jungles had to be kept clear around habitations to prevent depredation by wild animals. Tracks had to be kept cleared of jungle

The
and
orig

growth for men and animals to pass. These are the origin of the bethi system. Later on when the cultivator lost his power due to more pressure on land, the land-owners began to exact more free service than ever before, many of which were for their personal needs. Thatching the land-owners' house by the cultivators was insisted upon as a condition of continuing the tenancy. Working for a few days in a year in the house of the Ruler was a similar condition which had to be accepted by the cultivator. Festivals, ceremonies and special occasions gave a chance to the land-owner to collect special levies. The labour done for the land-owner was named as bethi while the special levy on religious or social functions was known as magan or rashad. When the rent was conceded to be fixed for a certain number of years, these bethis, rashads and magans increased. Gradually their number increased so much that it was considered convenient for both the parties to convert it into a fixed levy every year instead of leaving it to be a spasmodic demand at the will of the land-owner. In certain States like Patna, Dhenkanal, Talcher and Khandapara the cesses formed a considerable percentage of the land revenue. In Talcher the total of cesses at one time reached 5 annas per rupee of land revenue. In Dhenkanal the local cess was first imposed at 4 annas per rupee. Exceptional cesses like Parbani Cess of Nilgiri and the Parba-Parbani Cess of Patna were levied to commute what was being paid by the tenants to the deity or to the Ruler for managing the deity. In Patna a Potwari Cess was levied although there was no Potwari in the State and the total amount recovered under that cess was much more than what would have been necessary if potwaries had been appointed. Similarly in Kalahandi a Potwari Cess was levied but the total amount recovered was much more than what was spent on the entire revenue and land record establishments. So the local cesses and miscellaneous cesses were really the commutation of various levies like begar and numerous

other dues like those imposed when a marriage or other functions took place in the Ruler's family.

93. The forest cess, however, stands on a different footing because it is a commutation rate for getting certain forest produce. It goes by different names in different States but essentially it is of the same character. The rate is based upon the rupee of land revenue in some States and on the acreage of holding in others. In a few States it is levied as a plough rate and upon non-agriculturists as a house rate. Usually it is not levied on aboriginals in those States where shifting cultivation is permitted.

94. The cesses were rationalised when the States merged with Orissa and a maximum was fixed at 2 annas. The tenancy rights particularly the rights of occupancy ryots have been stabilised after the merger. It is worth mentioning here that the legal provision of allowing a certain period to lapse before a cultivator acquired occupancy right did not exist in the State. A cultivator there acquired whatever rights are available immediately he started cultivation. There were, however, not many rights available to the cultivator and so the question never troubled him.

SECTION V

Review of Diversity in Land Tenure

95. It would appear that there is a wide diversity in the land tenure in the several component parts of Orissa, and it differs from district to district and in the administrative units in the same district appertaining to the Rulers' states merged into Orissa. The tenancy rights disclose a wide divergence; in some of the merged States there is no codified law and much is left to practice and prescription.

96. In the three coastal districts of Orissa, called "Mogulbandi", there was sub-infeudation of tenure rights in all its complexity; there was disintegration of the village organisation by sections and cross sections of proprietary and tenure rights cutting across the revenue villages, pergannas, thanas and even districts. There was no proper village agency of Government for securing direct touch with the tenants, and the landed overlords exercised considerable influence over the peasants. The revenue administration was centralised at the district and subdivisional headquarters. The rent suits were heard at subdivisional centres, and the land acquisition, registration of proprietary rights, payment of land revenue and sales for arrears of dues on proprietary estates, were all managed from the district headquarters.

97. In the Ex-Madras areas, the land tenures were much less complicated than in the coastal districts of Cuttack, Puri and Balasore. The homogeneity of village organisation was retained with its village headman called the Karji, and the accountant known as Karanam and a set of village servants. There was a system of decentralisation of the revenue administration at the divisional, the taluq and the village levels. Even where the big land-owners such as zamindars and whole Inamdars intervened, there was

still the village headman, governed by statutory law and subject to supervision of the Revenue Officers. In the uplands where the hill-tribes predominate the approach to the problem of rights in use of land has been marked with caution, whereas the plains people resident in the agency have been brought under regular laws in matter of rights in land, with such restrictions as are necessary for the protection and welfare of the hill-tribes.

98. In the Ex-C. P. areas, there was an admixture of the proprietary system and village organisation. The institution of the Mokadam assisted by the revenue punch is a feature in most villages. The machinery of a standing agency for land records maintenance preserved contact between the Government and the tenants. There was a measure of control over the zamindari management and in the village administration.

99. In the Rulers' States, the revenue system and its administration varied from State to State, before the merger. The administration was highly centralised and the village headman served as a liaison between the Ruling authority and the people, and in most cases, he was a creature of the State, receiving as his remuneration a certain percentage of collection of revenue, and the extent of land in his direct possession being considered in determining the remuneration.

100. With the growing self-consciousness amongst the people, the tenancy problem has been assuming importance in recent years. There was constant agitation against landlordism. Even in the ryotwari areas, there were big owners exploiting the tenants who cultivated a considerable proportion of land. There was a cry for peasant proprietorship.

Objective
of land
reform

101. The relationship established for generations amongst men which determined their varying rights in the use of land came to be assailed. The nation has been alive to the importance of land reforms. The broad objectives

of land reform in India are those contained in the Directive Principles of State Policy stated in the Indian Constitution.

Article 38—The State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice, social economic, and political, shall inform all the institutions of the national life.

Article 39—The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally have the right to an adequate means of livelihood ;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good ;
- (c) that the operation of the economic system dose not result in the concentration of wealth and means of production to the common detriment.

Article 40 :—The State shall take steps to organise village Panchayats and bestow them with such powers and authority as may be necessary to enable them to function as units of self-government.

Article 43 :—The State shall endeavour to secure by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of a work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.

Article 47 :—The State shall regard the raising of the level of nutrition and the standards of living of its people and the improvement of public health as among primary duties.

Article 48 :—The State shall endeavour to organise agriculture and animal husbandry on modern scientific lines.

102. The various land reform measures in India have sought broadly to keep these objectives in view.

CHAPTER III

Abolition of Intermediary Rights

SECTION I

INTRODUCTORY

103. The first phase of land reforms has tended towards abolition of intermediary rights and this has provided a major administrative task during the First Five-Year Plan. The feature of a complex system of intermediary tenure has been common throughout the length and breadth of Orissa.

First phase
of Land
Reforms.

104. The complexity of the problem was marked in the three coastal districts of Orissa where besides the feudal system there was a subinfeudation with a chain of under-tenures; the intermediary interests sometimes numbered quite as many as six or seven between the State and the actual tiller of the soil. Such feature was very common in the temporarily settled area. The complexity of the under-tenure interest was accentuated in most cases by the absentee landlords and by reasons of extravagance of expediency. In the permanently settled estates of Orissa the system was more simple than in the temporarily settled area, specially where the Zamindars were residents in their estates. In the ex-Madras area one-fifth of the area was ryotwari and about four-fifths lay in big Zamindaris, and the feature of land tenure represents a relic of the Madras system. Besides proprietary estates there were Inam estates. These included whole Inam villages classified under two major heads, viz., Pre-Settlement and Post-Settlement. These were again subdivided into major and minor Inams. These tenures are peculiar to the Ganjam district. In the Sambalpur district there was altogether a different system of tenure where there was the intermixture of Zamindari and Gauntiai system. The

Complexity
of tenures.

village tenure had certain merits in itself reflecting the system prevailing in Madhya Pradesh. About half of the area of Orissa came to be integrated from the Rulers' States in the years 1948 and 1949. The land system in the merged States was simple except for a number of privileged tenure-holders. Briefly there is a common agrarian pattern in the different areas of Orissa amidst great diversity of landed system.

Orissa Land Revenue and Land Tenure Committee, 1946.

105. The harmful effect of the continuance of the Zamindari and the land tenure system began to be seriously felt. Therefore, the Government undertook the task of land reforms in 1946 as it was faced with a difficult and complicated question. With a view to evolve a unified scheme, Government decided to constitute a Land Revenue and Land Tenure Committee to recommend legislative and other measures amongst which was to suggest ways and means of eliminating all intermediary interests existing between the State and the cultivator. A majority of the Committee stood for total abolition of all intermediary interests. The original intention of the Committee was that the rights of intermediaries should be taken over by Government on payment of a specified amount of *Malikana* at 7½ to 20 per cent of the gross assets annually, but this view was not considered consistent with the provision in the Article 31 of the Constitution which enjoined payment of compensation in the event of compulsory acquisition of property for public purposes. Accordingly the Orissa Estates Abolition Act provides that although the compensation is to be determined for the proprietary estate as a whole, the tenures and under-tenures having intermediary interests were to be treated as separate estates for the purpose.

The scheme of Orissa Estates Abolition Act, 1951.

106. The Orissa Estates Abolition Act, 1951 received the assent of the President on the 23rd January, 1952. The rules under the Act were framed on 24-9-1952. The general

pattern of abolition of intermediaries has taken in Orissa the form of compulsory acquisition or surrender of an estate by agreement. The homestead of intermediaries and buildings together with land on which buildings stand which were used as Golas, factories or mills were to be retained by them on payment of fair rent. Certain other lands, mostly agricultural and cultivated, which were in the direct possession of intermediaries were allowed to be retained by them on payment of rent as ryots having occupancy rights. Where, however, an intermediary possessed land used for agricultural or horticultural purposes, but which he had leased out temporarily and of which the area was less than 33 acres of land in total extent, the intermediary was given the right as that of a ryot. There was provision for recognising to a reasonable extent the claims of creditors, maintenanceholders, mortgagees and others possessing encumbrances on land; compensation was given on a sliding scale computed on the net income of the estate of the intermediary. The amount of compensation when determined was to carry interest at $2\frac{1}{2}$ per centum per annum and the compensation together with the interest was payable in 30 annual equated instalments. To soften hardship, interim payment of compensation was provided for each year pending final settlement of the amount.

107. There is a comprehensive definition of an intermediary in the Orissa Estates Abolition Act. The term means with reference to any estate a proprietor, a sub-proprietor, a landlord, Malguzar, Thikadar, Gauntia, tenure-holder, under-tenure-holder and includes an Inamdar, Jagirdar, Zamindar, Ilakadar, Kharposhdar, Parganadar, Sarbarakar and Mafidar including the Ruler of an Indian State merged with the State of Orissa and all other holders or owners of interest in land between ryots and the State. In short, the Act aims at abolition or acquisition of the permanently settled, temporarily settled and other estates and conferment of proprietary rights in cultivators with

Type of
interme
aries.

the object of extinguishing intermediary interests of all classes for the purpose of improving agriculture and agricultural conditions in the State. It would appear that one of the important elements in the definition of an intermediary is that he should be holder or owner of interest in land. Such of the persons as hold land on conditions of service such as village headmen who are paid certain percentage for collection of rent and hold service tenure lands under whatever description, of which the rental valuation is adjusted against the commission or remuneration payable, will not be considered as having intermediary estate. They will not come within the scope of the Orissa Estates Abolition Act. Such of the service holders can be removed consonant with the terms of their service conditions. It is, therefore, of interest to outline briefly the nature of the intermediary interests held in different areas of the State.

Tenure-holders in coastal districts of Cuttack, Puri and Balasore.

108. Besides proprietary estates there are a number of tenure-holders of various classes. All the tenure-holders, under-tenure-holders under whatever description and Bajyapati tenure-holders and sub-proprietors, such as Makadams, Sarbarakars, and Tanki Baheldar will come under the scope of the Orissa Estates Abolition Act and are liable to be abolished on payment of compensation.

Ex-Madras areas-Inam estates.

109. Besides proprietary estates which have rights of ownership in land, there are Inam estates in this area which need be abolished under the Orissa Estates Abolition Act. Broadly speaking the whole Inam villages are classified under two major heads, namely, (1) Pre-settlement, (2) Darmila or Post-settlement.

110. These are again further subdivided as major and minor Inams. Pre-settlement Inams are those granted by the then Ruling powers or the forefathers of the ex-Zamindars recognised by the Inam Commissioner in 1862. In the pre-settlement Inam villages the major and minor

Inams have again been classified as enfranchised i. e. having alienable right and un-enfranchised having no alienable right. The enfranchised Inams have been assessed to quit rent which was recognised at the time of Inam Settlement. The un-enfranchised Inams are mostly rent-free tenures or settled with some nominal rents enjoyed by persons under some service conditions mostly to the village community.

111. Post-settlement Inams are granted by the ex-Zamindars and their ancestors subsequent to the Inam Settlement of 1862. These Inams are villages comprising whole Inam grants. Such Inams are also classified under two groups, namely, Major and Minor.

112. It appears the word Inam has been loosely used in the district of Ganjam to cover jagirs which are burdened with personal service to landlord or a superior Inamdar. It is, however, noticed that such Inams which cover scattered plots of service lands are treated as estates because the word Inam has been used in the definition of the word "Estate" as amended by the Orissa Estates Abolition (Amendment) Act of 1954. It appears these Inams are covered by Section 8 (2), (3) of the Orissa Estates Abolition Act, but these have been notified just as abolition of whole Inam estates, though in such cases payment of compensation is not warranted.

Service
jagirs

113. Besides the proprietors, sub-proprietors and tenure-holders who have got full rights of ownership in the lands, the Gauntias of Sambalpur have also proprietary rights in respect of Bhogra lands in their possession. Their rights consist of (1) proprietorship and free alienation of home farm, (2) right of management over the whole village and undisturbed possession of it so long as the Government revenue demand is fully and promptly paid, (3) as a consequence of the above two rights, the right of alienation of whole village or a tenure in the village if

Intermediary interests in district Sambalpur and other ex. C. P. areas.

accompanied by transfer of home farm land. Clearly these will come under the perview of the Orissa Estates Abolition Act and along with other intermediaries they need be abolished under the provisions of the Act.

Protected
Thikadars
of Sambal-
pur.

114. The tenures of protected Thikadars are heritable but not transferable. The Zamindars are prevented from ousting the protected Thikadars and unduly increasing their payments. They are further not liable to ejection for mere non-payment of Thika-jama. Apparently they have got interest in land and the provisions of the Orissa Estates Abolition Act will have to be taken recourse to for abolishing them.

Intermediary Rights
in merged
States Dis-
trict
Bolangir.

115. The Umraos, Asli or Sikmi-Thikadars or Mafidars in the Patna merged State holding a sanad or patta from the Ruler have been given the status of tenureholder under the Patna State Land Revenue Act. Umrao means village headman in certain area within the State who in accordance with the customary usage has the right to collect, on behalf of the Government or a Zamindar or a Kharposdar, land revenue and cess and other public demands authorised by Government which are payable by Thikadars of villages within such areas and who as such collecting headman may in accordance with usage, retain such percentage of the total amount of land revenue as may be prescribed by the Government from time to time as his remuneration. The Mafidars were holders of rent-free tenures under the Zamindar and the Umraos were retaining about 22 to 25 per cent of their assets as their profits and paying the rest to the zamindars. Umraos were originally rent collectors, but subsequently acquired the status of tenureholders. The Thikadari villages were paying rent to the Zamindar or the Government as the case may be. They were mere rent collectors and had no other function but they could lease out waste land and could appropriate the rent till next settlement. These Thikadars retain 20 per cent of the gross assets as their profit. In these Thika-

dari villages there were few Sikmi Thikadars. In these Sikmi-Thikadari villages profits used to be divided between the Thikadars and Sikmi Thikadars. All these Thikadars had Bhogra lands which have been assessed during the last settlement and these were taken into consideration while fixing revenue payable by them. In Sikmi Thikadari villages bhogra lands were also divided between the Thikadar and Sikmi Thikadar.

116. It appears that shortly before the passing of the Orissa Estates Abolition Act there was amicable settlement between the Government and the Thikadars by which the Thikadars surrendered their Thikadari rights and they were recorded as ryots in respect of bhogra lands left in their possession. The Thikadars in Zamindari villages have also surrendered their Thikadari rights.

117. As the Thikadars have already surrendered their rights and revenue collections are being made direct by Government the provisions of the Orissa Estates Abolition Act need not be invoked for their abolition. The Umraos and Mafidars should however be abolished under the Orissa Estates Abolition Act, as they are recorded tenure-holders under the Patna State Land Revenue Act.

118. In all the merged States village headmen hold pattas defining their rights and obligations. The land revenue is collected by means of farmers termed variously—Gauntias, Gangus, Sarbarakars, Pradhans and Thikadars. The villages are leased to these men for the period of settlement and in the case of villages which have not been regularly settled, the leases are usually for 5 years. These rent collectors receive either commission varying from 5 to 13 per cent or in several of the States have certain service or Jagir lands known as bhogra which go with the office. This system of hereditary village headmen or Managers or lessees (Thikadars) exists throughout the several integrated States. Practically every where these Pradhans,

Inter-
mediary
rights in
other merge
States.

Sarbarakars, Gountias and Gangus as headmen have the responsibility of payment of entire village land revenue to the State, and had a position akin to that of a Sarbarakar in the Khurda Khasmahal. There were Sardars with such status in Mayurbhanj but they were removed before the merger of that State. There are similar classes of headmen known as Garnaiks in Keonjhar and in Paikali villages in Talcher. They are apparently rent collectors. We have not examined the status of Gangus in Gangpur. The common practice with the the ex-Rulers in the merged States had been not to recognise the hereditary rights to succession and to make the lease or patta of village terminable after a certain number of years or at the next settlement. During the currency of the lease the right of son to succeed is commonly recognised. But after the expiration of the lease the Ruler or Zamindar is at liberty to give it to some one else. In some States the headmen of certain villages have been granted protected status following the policy in the Central Provinces (Madhya Pradesh). Though in practice the status is sometimes nominal and this means that the headmen have the right to the renewal of the Thika or lease on its expiry, almost invariably a Salami used to be levied before renewal of the leases.

119. The common mode of remuneration of headmen is by land known as Bhogra, Sir etc. In many States however, the percentage of the total rental of the village was fixed as Gountia's remuneration and he receives it either in shape of rent-free home farm or a draw back on the village rental if the rental of the home farm was less than the fixed percentage. The percentage of remuneration however sometimes varies. In a few States the bhogra land have all been resumed and resettled on raiyati terms and the headmen only get a percentage of the land revenue. The bhogra lands, it appears, pass from one headman to another and no proprietary right accrues. The Gountia

or Thikadar is liable to be ejected for misbehaviour, for the breach of the terms of lease or other reasons. Mr. Ramadhyani says in his report "the village headman is not in any sense a tenure-holder or a proprietor though he has in many cases paid a heavy Nazarana or premium for the right to be Gountia or Sarbarakar". Mr. Cobden Ramsay in the Gazetteer of Feudatory States of Orissa says, "the right of a Gountia is in no wise hereditary and a Gountia cannot transfer by sale, gift or transfer his village or his bhogra lands. If he does so, he ipso facto loses his village. A protected status means that they are not ousted if they properly conduct the affairs of the villages, duly collect the rent and perform the other duties they are bound to do and do not alienate their bhogra lands in their villages". Apparently protected status does not confer any right in the village or land. The Gountias, Birtias, Maffidars, Gartias, and Thika-Gountias were collecting rent as village headmen in the merged State of Sonepur. Gountias and Gartias had protected status and were collecting rent till 1955-56. They have since surrendered their rights and hence their abolition is not required.

120. The Committee have not been able to visit all the merged States during the limited time at their disposal, and could not examine the incidence of all the intermediary rights. In the circumstances detailed above, the Thikadari rights of the class of headmen commonly known as Gountias, Pradhans, Sarbarakars or Gangus, in the integrated States do not apparently come under the purview of the Estates Abolition Act. Those of the above class of village headmen who hold lands on service conditions with no alienable rights should be removed under the terms of their service. In Bolangir the services of the Gountias have been terminated by mutual arrangement and the service tenure lands in direct cultivating possession of the Gountias were settled with them with rights of occupancy therein on fair and equitable rent prevailing in the locality subject

to a reservation of certain fraction thereof by the Government for distribution or assignment to the Gram Sabhas or other land managements. The principle which was accepted is laid down in Section 120 of the Anchal Sasan Act and is shown below :

Land in possession	Extent of reservation
Less than 10 acres	nil
10 acres or above but less than 33 acres	5 per cent
33 acres or above but less than 100 acres	10 per cent
100 acres or above but less than 200 acres	20 per cent
200 acres or above	30 per cent

Government should, therefore, adopt a uniform policy in respect of all village headmen or other persons who hold lands or enjoy it in pursuance of or incidental to the terms and conditions of service in their leases. There need not be any difficulty in settling the lands with such persons since they will acquire permanent right as ryots in lands held as service tenures.

Privileged
tenure-
holders.

121. There are quite a large number of small privileged tenure-holders spread over the merged States, such as Brahmottar, Debottar, Khanja and Kharposdars. They hold their privileged lands under certain restrictions. Their rights are mostly non-transferable, and the holders of such lands cannot change the character and incidence of their tenures without permission of the Government. It would be expedient to deal with such small tenures on mutual agreement. It is quite possible that they would agree to surrender their rights to the Government if in return they are assured occupancy rights in respect of the lands in their cultivating possession. In those areas where they have inducted tenants, some adjustment may be made and the tenants be brought under direct relationship with

Government, whereas the land in cultivating possession of the tenure-holders can be settled with them with occupancy rights on a fair and equitable rent prevailing in the locality.

122. The implementation of the provisions of the Orissa Estates Abolition Act, 1951 has presented a formidable problem with reference to the number of intermediary estates to be taken over by Government. The administrative task involved is considerable, specially with reference to those areas where there is a complexity and multiplicity in the tenure system as in the coastal districts of Cuttack, Puri and Balasore. The district of Ganjam also presents its special problem with reference to the elimination of Inam estates. The following tabular statement represents the number of proprietary and intermediary estates in Orissa.

District	No. of proprietary estates	No. of intermediary estates including revenue-free estates.	No. of estates vested in Government.	No. of estates in which enquiries for compensation are in progress	Remarks
1	2	3	4	5	6
1. Cuttack	8967	1,13,612	8955	7051	
2. Puri	627	82,250	2418	1588	
3. Balasore	3417	71,827	6404	5286	
4. Ganjam	54	1,000	601	505	
5. Koraput	4	1,000	554	354	
6. Phulbani	1	—	—	1	
7. Mayurbhanj	1	9,149	1	1	
8. Sambalpur	25	—	24	4	
9. Sundargarh	11	128	11	3	
10. Balangir	8	—	5	—	
11. Kalahandi	7	—	—	7	
12. Keonjhar	3	—	3	—	
13. Dhenkanal	—	—	—	—	
Total	13,125	2,78,966	18,984	14,800	

Progress of
compensa-
tion procee-
dings.

123. The following statement will indicate the progress made in determination and payment of compensation :

District	No. of estates in which compensation has been determined	No. in respect of which compensation has been paid	No. in respect of which interim compensation has been paid.	Remarks
1	2	3	4	5
1. Cuttack	1904	591	10	
2. Puri	830	274	20	
3. Balasore	1118	377	31	
4. Ganjam	96	20	17	
5. Koraput	200	51	51	
6. Phulbani	—	—	1	
7. Mayurbhanj	—	—	1	
8. Sambalpur	20	—	15	
9. Sundargarh	8	—	6	
10. Balangir	5	—	5	
11. Kalahandi	—	—	7	
12. Keonjhar	3	—	3	
13. Dhenkanal	—	—	—	
Total	4184	1313	167	

124. From the above it will appear that out of the total of the three lakhs of estates which are to be vested in Government under the Estates Abolition Act, only 18984 have been vested so far and compensation has been determined in respect of 4184 only and final payment has been made in respect of 1250, and interim payment has been made to the Intermediaries of 167 estates. It is obvious that during past 4 or 5 years very little progress has been achieved with reference to the colossal amount of work awaiting the abolition and compensation proceedings. Not only the number of estates so far vested represents a fraction of the total number of estates awaiting the abolition proceedings, but of the estates vested, compensation could be determined only in respect of a very small number

of estates. It is recognised that there were inevitable difficulties facing the department at the initial stage. Several factors are no doubt responsible for the delay. Nevertheless there is no excuse for the harassment and hardship that the poorer Intermediaries have been experiencing in the long drawn-out process of enquiries and consequent delay in payment of compensation.

125. There were various difficulties which were experienced at the outset which contributed to the slow progress of proceedings or assessment of compensation. There was no proper appreciation of the procedure of work and the method by which the provisions made in the Orissa Estates Abolition Act would be implemented expeditiously. The legislative enactment included substantive as well as procedural and secondary matters. Thus any change in procedural and secondary aspects involved amendments in the body of law thereby delaying implementation of the legislative measures. Absence of definite financial rule at the initial stage of operation regulating the procedure of giving interim compensation and payment of compensation also contributed to the delay. It was not till 1956 that suitable subsidiary rules to the Orissa Treasury Code and appropriate executive instructions were issued. The Jama-bandi and other relevant records filed by the Zamindars were either defective or in most cases were not forthcoming from small intermediary proprietors. Staffing problem was not the least. There was inordinate delay in receipt of reports from Anchal Officers in regard to enquiries made by the Compensation Officers. The delay extended even over two or three years in respect of small matters.

Slow progress of compensation proceedings.

126. Under Section 5 (1) of the Orissa Estate Abolition Act, the Collector is required to make enquiries into all leases, settlements and transfers made after 1st January, 1946 with the object of defeating the provisions of the Act. In some of the districts all leases made during the period of the settlement, say, of 30 years were held

to be malafide until the contrary was proved. In some other districts a more sensible view was taken and only the very recent leases came under enquiry. In Sadar Sub-division of Puri alone 16,000 cases of alleged unauthorised leases under section 5(1) were registered whereas in the entire Cuttack district only 630 cases were instituted. The approach to the problem, therefore, varied in different areas contributing to the inordinate delay in the disposal of cases. Further, under the amended section 8-A the intermediary is required to institute his claim for lands in his khas possession for settlement with him as ryoti on fair and equitable rent. The procedure of notification in the Gazette was not ample notice to the ex-intermediaries to institute their claims, and it took a long time to prescribe the necessary form in which they would institute their claims. It took sometimes before the dead line for filing was fixed on 18-3-57 for those estates which had merged previously. Very few of the small intermediaries have filed their claims because of the worry, trouble and expenses involved in preferring such claims. Owing to the paucity of relevant records and Jama-bandis the collections have not been satisfactory which are very low and in one Tahsil it was found so low as 28 per cent in 1956-57. There is need of a very reliable record to be readily available to facilitate management of the estates as soon as they vest in Government. Good management is possible if fairly reliable record is readily available. This points to the desirability of general enquiries being completed at the village level prior to Government entering into possession of the estates vested. The enquiries should be for a two-fold purpose namely, (1) to make the rent-rolls up-to-date, and (2) to obtain data in regard to newly cultivated areas under doubtful leases, all lands in direct possession of the intermediaries, Sairat and such relevant matters which will obviate local enquiry during compensation proceedings. If all the data are available by the time the estates are taken over, the completion of compensation proceedings will not present any serious difficulty as is

experienced in the present procedure. Having taken into consideration all these facts, the Committee have in advance sent up to Government their report and recommendations which are embodied in Section III of this Chapter. The proposed scheme set forth by the Administration Enquiry Committee is to ensure a set of records with a minimum of expenditure by a general enquiry at the village level for facilitating management of intermediary estates as soon as they are taken over and for completing compensation proceedings without delay.

127. It is observed here that the Board of Revenue have ready in hand a scheme for Millan Khasra operations to be conducted in the ex-Zamindari areas of Cuttack, Puri and Balasore districts in order to prepare an up-to-date Jamabandi or rent-roll with reference to the settlement records which were prepared 30 years ago. The Millan Khasra scheme aims at bringing up-to-date the last Settlement continuous Khatian (the Terij) by a system of information to be given voluntarily in the villages. The basis on which the work will be started is a record more than 30 years old. The Millan Khasra operations as contemplated by the Board of Revenue may secure a fairly up-to-date revenue collection paper so necessary for the management of the vested estates, but the position regarding payment of compensation to the ex-intermediaries will remain unaffected. The payment of compensation is hindered by lack of information on the particulars which are set forth in section 26 of the Orissa Estates Abolition Act and also due to non-fixing of rent required under Sections 6 and 7 and the elaborate enquiries made under Section 5 in regard to the new leases of cultivable wastes. The enquiry which is suggested by the Committee was primarily to collect these data for expediting compensation as soon as an intermediary estate was taken over by Government. The mutation rules referred to will not help to solve the difficulties which are experienced in course of

Millan
Khasra
operations.

compensation proceedings. Neither will the Millan Khasra operations help in ascertaining those data which are so necessary for expediting assessment of compensation in respect of future acquisitions. It would be of great advantage if the enquiries relevant to the assessment of compensations are also made at time of Millan Khasra operations as far as possible. The scheme suggested by the Committee might be fitted into Millan Khasra scheme to complete the operations without much loss of time and without much additional labour and expense. It is, however, noticed that the problem cited above relates mostly to the three coastal districts of Orissa where there is a multiplicity of land tenures.

Assessment
of produce
rent in
vested
estates.

128. After the vesting of proprietary estates, some of the produce-paying tenants came directly under the Government. In 1952-53 the tenants were liable to pay two fifth of the gross produce as rent under the Orissa Tenants Protection Act. Malpractices were committed by the subordinate officials who appraised the crops, such as Amins, Anchal Naib Tahsildars, etc. Government decided in 1954-55 to realise cash value at three times the cash rent payable by tenants in the vicinity. In the subsequent year Government ordered that the produce rent should be limited to $\frac{1}{4}$ th of the gross produce as provided in the Orissa Tenants Relief Act subject to a maximum equal to cash value of one maund of paddy for dry lands, two maunds for wet lands and two and half maunds for lands growing cash crops. In the year 1956-57 Government decided on the representation of the people to assess cash value of produce rent at the following rates:—

- (1) for first class irrigated land Rs. 20/- per acre
- (2) for second class irrigated lands Rs. 15/- „
- (3) for third class lands Rs. 8/- „

Government, however, gave option to the tenants to pay the rates prescribed under Section 3 of the Orissa Tenants Relief Act, if they so preferred. Since the tenants have the option

of paying rent at one fourth of the gross produce provided in Orissa Tenants Relief Act, the Anchal Officers invariably make appraisement of the produce of all the produce rented lands at the time of the harvest. The orders of Government changed from year to year and were received often after the harvest season. There is also great dissatisfaction among the produce-paying tenants that the Government assessment of produce rent is still much higher than the prevailing cash rent at which the tenants pay in the vicinity. It would, therefore, be a satisfactory arrangement, if the produce rent is commuted in accordance with the provisions in the existing tenancy laws.

SECTION II

Administrative Set-up

129. An administrative set-up was suggested in Chapter III of the Orissa Estates Abolition Act to manage the estates vested in Government. For that purpose Anchals were formed in charge of Anchal Adhikaris. This administrative set-up was examined by the Committee and a report was sent up as desired by the Government. The report is reproduced representing the working of the Anchal Adhikari system. It was suggested that the system of Anchal Adhikari administration should cease and the estates vested should be allowed to merge in the normal form of revenue administration as they existed in different parts of the State.

Provisions
in the Act.

Working of the Anchal Adhikari System

130. It is laid down in Chapter III, Section 14 of the Orissa Estates Abolition Act that until a statute is enacted declaring the powers, duties and functions of the Anchal Sasan and for constituting the Anchal Sabha, the Anchal Adhikari shall function as Anchal Sasan and manage the estates in the Anchal. Apparently this provision presupposes the constitution of a local authority to be called Anchal Sasan for the purpose of management of all the estates vested in the State Government under the provisions of this Act.

131. A number of Anchals have been constituted and notified under Section 14, clause 2 of the Act for the purpose of management of estates vested in the State Government and it is obvious that the local authority which is the Anchal Sasan has come into operation in the Administrative units so notified. The pattern of Anchal Sasan, its powers and functions were left to be determined under clause 4 of Section 14 by a future Act of the State legislature.

132. The concept of the Anchal Sasan is somewhat vague and indefinite as provided in Chapter III of the Orissa Estates Abolition Act. Nevertheless the proviso to clause 4 definitely mentions that the Anchal Adhikari shall function as Anchal Sasan and manage the estates in the Anchals in the prescribed manner until provision is made by an Act of the State legislature defining the powers, duties and functions of the Anchal Sasan.

133. The Orissa Anchal Sasan Act, 1955 has provided under Section 4, (which Section has already come into force) that the State Government will by notification declare any compact local area not overlapping the boundaries of a district to be an Anchal and specify the name of the Anchal and constitute an Anchal Sasan for the same. It is ascertained that the State Government have not yet declared any revision of the Anchals originally constituted under Section 14 (2) of the Orissa Estates Abolition Act and have not yet notified under the Orissa Anchal Sasan Act, 1955 Anchal Sasans for such local areas. Presumably this will be done after Government have considered the recommendations of the Anchal Delimitation Committee. Whatever that may be, the entire provision made in chapter III of the Orissa Estates Abolition Act with reference to Anchal Sasans is somewhat vague. This anomalous position should, however, be made clear or the concerned provisions should be omitted.

134. There is the further anomaly that the Anchal Adhikari who is palpably a dignified local authority to function as Anchal Sasan under the provisions of the Orissa Estates Abolition Act, Chapter III, is more so in name only, but in practice not a local authority. He is a subordinate officer subject to the directions given by the Board of Revenue and other authorities as are specified by Government.

135. Under the provisions of Section 14, proviso to clause 4, the Anchal Adhikari is required to manage the

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131. A number of Anchals have been constituted and notified under Section 14, clause 2 of the Act for the purpose of management of estates vested in the State Government and it is obvious that the local authority which is the Anchal Sasan has come into operation in the Administrative units so notified. The pattern of Anchal Sasan, its powers and functions were left to be determined under clause 4 of Section 14 by a future Act of the State legislature.

132. The concept of the Anchal Sasan is somewhat vague and indefinite as provided in Chapter III of the Orissa Estates Abolition Act. Nevertheless the proviso to clause 4 definitely mentions that the Anchal Adhikari shall function as Anchal Sasan and manage the estates in the Anchals in the prescribed manner until provision is made by an Act of the State legislature defining the powers, duties and functions of the Anchal Sasan.

133. The Orissa Anchal Sasan Act, 1955 has provided under Section 4, (which Section has already come into force) that the State Government will by notification declare any compact local area not overlapping the boundaries of a district to be an Anchal and specify the name of the Anchal and constitute an Anchal Sasan for the same. It is ascertained that the State Government have not yet declared any revision of the Anchals originally constituted under Section 14 (2) of the Orissa Estates Abolition Act and have not yet notified under the Orissa Anchal Sasan Act, 1955 Anchals for such local areas. Presumably this will be done after Government have considered the recommendations of the Anchal Delimitation Committee. Whatever that may be, the entire provision made in chapter III of the Orissa Estates Abolition Act with reference to Anchals is somewhat vague. This anomalous position should, however, be made clear or the concerned provisions should be omitted.

134. There is the further anomaly that the Anchal Adhikari who is palpably a dignified local authority to function as Anchal Sasan under the provisions of the Orissa Estates Abolition Act, Chapter III, is more so in name only, but in practice not a local authority. He is a subordinate officer subject to the directions given by the Board of Revenue and other authorities as are specified by Government.

135. Under the provisions of Section 14, proviso to clause 4, the Anchal Adhikari is required to manage the

estates in the Anchal in the "prescribed manner", i.e. in accordance with the rules framed by the State Government. The rules framed in part II of the Orissa Estates Abolition Rules, 1952 are rather vague. It is laid down that the Anchal Adhikari shall be guided by the instructions issued by the Board of Revenue from time to time, which will also appoint officers to supervise and superintend the work of the Anchal Adhikaris. The statutory rules as framed are far from being self-contained, as intended in the statute. Further Rules 2 and 3 make the Anchal Adhikari responsible for collection of land revenue and cess, and maintenance of records and provide for the supervision to be exercised by the Board of Revenue and Rules 5 and 6 provide for other duties to be performed by the Anchal Adhikari. But there are no specific provisions for the guidance of the Anchal Adhikaris, as to how these functions shall be carried out. In the Rules are laid down the functions which are to be exercised by the Anchal Adhikari but in actual practice, he has been employed in most cases as any other administrative officer working in the district. Several Anchal Adhikaris, apart from managing the estates in their administrative units, also try cases under the Orissa Tenants' Relief Act, exercise powers of a Certificate Officer under the Public Demands Recovery Act in respect of the Anchals in their charge, work as Elections Officer both in the General Elections and of the Gram Panchayats, preside over the pay-parade of the Chaukidars, carry on cattle census work, conduct enquiries into applications in connection with the State-aid to Industries Act and perform various other duties. Thus the Anchal Adhikari is acting more as a direct subordinate of the Collector or the Subdivisional Officer in the general administration than as Anchal Adhikari in several Anchals having statutorily limited powers for the management of the estates placed in his charge for management.

Scattered
nature of
Anchals.

136. For formation of Anchals, estates or touzis have been taken as units with the result that the Anchals

constituted specially in coastal districts of Cuttack, Puri and Balasore where the number of small Touzis are too numerous can hardly be called compact as some villages of the estates constituting the Anchals lie scattered and wide apart from one another. One of the Anchals located in Cuttack Town and constituted mainly of areas in Sadar Police Station and Tangi Police Station have got scattered areas in villages which lie in Police Stations of Salepur, Jagatsinghpur, Dharmsala, Tirtol, Jajpur, Mahanga, Patkura, and Kendrapara of the district. It is needless to say that the scattered nature of the areas constituting an Anchal tells upon the efficiency of Anchal administration in all possible ways. It is essential that instead of the Touzis being taken as units, the Anchals should be constituted of compact villages, no matter whichever Touzis may lie in these villages in the interest of administrative efficiency and sound management. In fact, for management of Khasmahal estates the villages are taken as units. The problem of the scattered nature of Anchals can be avoided if the Anchals are included in the normal administrative jurisdiction subject to the maintenance of separate accounts for the merged estates.

137. The Committee has been able to visit the districts of Koraput, Balangir, Kalahandi, Baud and Keonjhar. Each district presents its peculiar problems and the Anchal Adhikari is sometimes found to be not so experienced as to tackle the problems which require urgency. The Subdivisional Officer who is the nearest Officer available with some amount of experience is not in the chain of supervising authority. In the district of Koraput there is a considerable area of valuable forest which is under the direct administration of the Anchal Adhikaris. The Anchal Adhikaris some of whom are Sub-Deputy Collectors of very junior standing and at the commencement of administrative service, have to supervise the work of the Rangers,

Some aspects of the working of the Anchal system.

Deputy Rangers, Foresters, Forest Guards, etc. But in actual practice they only carry on a routine administration. There is a Divisional Forest Officer, who acts as an adviser to the Collector in the management of the forests. Apart from the collection of the forest dues and the disposal of cases of forest offences it does not appear that any real improvement of the forests is taking place under the arrangement which is now in operation.

138. Some of the Sub-Deputy Collectors acting as Anchal Adhikari are of immature experience and one such officer appeared to have no idea of what "resumption" means and considered that it means the taking over of the lands (which were mostly Heta lands) from the present occupiers and distribute them to the landless persons in the area. Though the Anchal administration is carried out centrally by the Board of Revenue, the local problems as well as the immature experience of certain officers call for more effective supervision at the local level. In the district of Bolangir the three estates, namely, Jarasingha, Agalpur, Luisinga constitute an Anchal unit and the ex-Zamindaris in the State of Sonapur constitute another Anchal unit for the purpose of management, but both the units are placed under one Anchal Adhikari with headquarters at Balangir. There is a certain inconvenience in managing estates scattered in different Subdivisions. The Subdivisional Officer or the Revenue Officer attached to the Subdivision within whose jurisdiction the Anchals lie can carry out more conveniently the management of the ex-zamindaris with requisite extra staff. In the district of Kalahandi seven estates were taken over under the Estates Abolition Act and these have been constituted into three Anchals, viz., Thuamul Rampur, Lanjigarh and Khariar. Anchal Adhikaris have been appointed in respect of Lanjigarh and Khariar Anchals whereas the Taluk Officer, Thuamul Rampur has become the Anchal Adhikari for the zamindaris of Kasipur, Mohulpatan and Karlapat though the whole of Mohulpatna and 26 villages of Karalapat

zamindari lie within the territorial jurisdiction of Dharmagarh Subdivision and the rest of the Anchal lies in the Sadar Subdivision of Kalahandi. Recently, however, according to the Revenue Board's letter No. 2188-EA. of the 26th April, 1957 the Anchal Adhikari has to send his proposals through the S. D. O., Sadar who also has to inspect the Anchal office once a year. This will bring in difficulty of control in respect of the Anchal which lies in the Dharmagarh Subdivision as the Sadar S.D.O. has no jurisdiction in the Dharmagarh Subdivision. When the Zamindaris of Thuamul Rampur and Lanjigarh in the ex-Kalahandi State were abolished, a requisite staff of Revenue Inspectors and subordinates were appointed. There were Gauntia villages in these ex-zamindaris. Subsequently the Gauntias surrendered their rights and under the Gauntia abolition scheme, Naib Tahasildars and their subordinates were appointed to collect rent from the tenants directly. Thus there has been an overlapping of the collecting staff employed. The double agency of revenue administration operating in the area could have been avoided. In the Nuapara Subdivision where the Khariar Zamindari has been taken over and has been constituted into an Anchal, the Gauntia abolition scheme has not yet been introduced. Here the Revenue Inspectors are collecting land revenue from tenants of Kham villages. The land records of Khariar Anchal are being maintained by the Land Records staff consisting of 25 Patwaris and 3 Revenue Inspectors. If the Anchals were managed under normal administration there would have been more coordination in regard to the assignment of duties and location of the Revenue staff. In Khariar it was also noticed that the forests were controlled by the Anchal Adhikari, an officer of the Junior Administrative Service. There was a Forest Officer of the rank of Assistant Conservator of Forests in direct charge of forests, but under the Anchal Scheme was placed under the supervision of Anchal Adhikari who was of a junior rank. Of late, how-

ever, this anomalous position has been remedied by withdrawing the Assistant Conservator of Forests. There are some complicated Anchals in the district of Cuttack. In one such Anchal it was noticed that out of total demand of Rs. 3,91,361/-, rent demand to the extent of Rs. 51,000/- relates to villages lying scattered and far away from the main Anchal Block. The collections are poor and the balance outstanding is heavy and the administration uneconomical.

139. It cannot be overlooked that, at the initial stage of the working of the Anchal Sasan, there would be numerous problems for solution. There would be the problem of preparation of complete and accurate demands of the Anchals in view of the withholding of records by many of the ex-intermediaries. The administration of institutions taken over, such as Debottar and temple properties will present problems. The management of forests in the larger Anchals is not without difficulties. Further, the maintenance of records by effecting the changes due to transfer, lease, succession, subdivision of which there must be a huge legacy from the days of intermediaries now removed and the changes coming up during Anchal administration must be adding to a confused picture of the management. There is a diversity in the various aspects of revenue administration and maintenance of records in these areas. In process of time, a coordinated system will have to be introduced. But it seems that there will be a balance of advantage in absorbing the Anchals into the normal administration with the necessary adjustment of staff and maintenance of separate accounts for the merged estates of intermediaries.

140. In short, the present pattern of Anchal administration is that the Anchal administration is done centrally from the Board of Revenue and the Government. The Anchal Adhikari is directly controlled by the Zamin-dari Abolition Section of the Board over which the

Director of Land Reforms, recently appointed, has control. The Collector's connection with the Anchal Adhikari is somewhat remote. He has the power to inspect the Anchal offices and is also supplied with the budget which Anchal Adhikari sends to the Board of Revenue. Administrative instruction, however, is received direct by the Anchal Adhikari from the Board of Revenue and correspondence does not always pass through the Collector. It is only when the Anchal Adhikari wants to incur some expenditure that he sends his proposals through the Collector who refers it to the Board with his comments and recommendations.

141. Under the Estates Abolition Act, the Anchal Adhikari has to exercise all the powers and functions of the Anchal Sasan until an Anchal Sasan is constituted. The powers, duties and functions of the Anchal Sasan have to be defined by the State Government under a statute. This has been done in the Orissa Anchal Sasan Act IV of 1956 and the provisions have not been brought into force except Sections 1 and 4. The functions envisaged in the Act cover the fields of land revenue, rent, cesses and fees, education, medical, veterinary, public health, public works, agriculture and development. The Anchal Adhikari, as he now stands, therefore looks after the collection of rent and other Government dues, works of improvement in the Anchal and enquiries into unauthorised leases granted by the previous Zamindars. These are not different from what a Tahsildar does in a Government estates and it does not seem necessary to have this work done under central supervision. It would have perhaps been more advantageous and more expeditious to get these works done through the supervision of the Subdivisional Officers and Collectors as in any other Government estate. The other functions of the Anchal Sasan as contemplated in the Orissa Anchal Sasan Act IV of 1956 have not yet devolved on the Anchal Adhikari and

even when they so devolve they will be done under the control of the Collector of the district as in the Anchal Sasan Act.

CONCLUSION.

142. The Committee is of opinion that the present system of Anchal administration should cease and that the estates vested should be allowed to merge in the normal form of revenue administration as they exist in different parts of the State. As a matter of fact, this was proposed in the original draft bill introduced in the then Orissa Legislative Assmby. But subsequently it was replaced by the present Chapter III of the Act. The Committee, in this connection has considered the system of administration which has been introduced in the neighbouring States of Bihar, Madras and Bengal. The system adopted in Bihar is the same which was in the original draft bill. In the Madras Act, it has been clearly stated that all enactments applicable to ryotwari areas of the State of Madras including the Madras Revenue Recovery Act, 1864 and the Madras Irrigation Cess Act, 1865 shall be made applicable to the vested estates. Under the west Bengal States Acquisition Act, it has been stated that all estates vested shall be managed according to such rules as the State Government may from time to time make in this behalf. There is no objection to this amendment provided the rules are made complete and exhaustive like those in the Government Estates Manual. But it is difficult to draft such an exhaustive and complete set of rules. It seems better to adopt the existing rules which are the results of long axperience and practical working. Considering all the provisions made in different States the Committee is of opinion that para 1 of the original Orissa Draft Bill which runs as follows should be adopted omitting the proviso which seems unnecessary for our present purpose.

“All estates vested in the State under the provisions of this Act shall, as far as practicable, be managed according to the rules for the time being in force for the management of Government estates, subject to such directions as may, by general or special order, be issued from time to time by the State Government in this behalf”.

An explanation of the term ‘Government estates’ would, however, be necessary in as much as the term usually means the Khasmahal estates in coastal districts of North Orissa, but the expression should also mean the ryotwari areas in the district of Ganjam, Khalsa villages in the district of Sambalpur and Khalsa or Kham areas in the merged States.

143. The present practice of depositing the collections under head ‘VII-Land Revenue’ may be retained. Separate accounts may be maintained of the Zamindari Abolition Fund which is intended for payment of compensation to the ex-Zamindars and meeting all charges to be incurred in connection with the working of the Estates Abolition Act.

144. The above interim report has been considered by Government and the suggestion of the Committee has been accepted. Government have been pleased to make an amendment to Section 14 of the Orissa Estates Abolition Act providing that until the Orissa Anchal Sasan Act of 1956 is introduced defining the powers, duties and functions of the Anchal Sasan, Anchal Sabha and Anchl Adhikari, the estates vested should be managed according to the laws, rules and regulations for the time being in force for the management of Government estates or ryotwari areas or other areas under the direct management of Government, as the case may be.

SECTION III

Difficulties in Administration of the Orissa Estates Abolition Act and Remedies Suggested.

145. The Committee visited the districts of Puri and Cuttack and were impressed with the urgency for removal of several difficulties in the way of expeditious disposal of compensation proceedings. Accordingly they sent up a report in advance to the Government on the 14th October, 1957 outlining the enormous work awaiting the abolition of all classes of intermediary interests, the difficulties experienced by the officers in the administration of the Act, and have suggested remedial measures. The report was sent up in the form of a memorandum which is reproduced herein. :—

Memorandum on the working of the Orissa Estates Abolition Act, 1951 with suggestions for expediting enquiries relevant to the assessment of compensation to be payable to ex-intermediaries and for preparation of such records as may be useful for initial management of Anchals.

Dimension
of the work.

146. (a) The Orissa Estates Abolition Act, 1951 contemplates that all the intermediary rights between the raiyat and the State shall be abolished. The volume of work which is expected in connection with the abolition of all the intermediaries in the three coastal districts of Cuttack, Puri and Balasore would appear from the following statement prepared on the last Settlement Report.

District.	No. of proprietary estates.	No. of sub-proprietary interests.	No. of free pro-perties.	Estimated no of tenures-holders.	Total of all intermediary interests.
Cuttack	8374	1128	63,612	98,276	1,71,390
Puri	624	1382	14,572	28,031	44,609
Balasore	2394	1046	34,627	37,329	75,396
Total	11,392	3556	1,12,811	1,63,636	2,91,395

(b) The statement shown above in accordance with the data based on the Settlement Report of 1922-32 is conservative. The intermediary interests must have multiplied greatly since after the last Settlement. In Puri Sadar Subdivision alone, 23,000 revenue free properties are estimated against the 14,572 according to the last Settlement.

(c) As against the approximate number of 3 lakhs intermediary interests, the following figures indicate the interests which have vested in Government since 1952 :

District.	No. of permanently settled estates.	No. of temporarily settled estates.	No. of revenue free estates.	No. of tenures.	Total.
Cuttack	23	8928	1	3	8955
Puri	1	626	5	1731	2363
Balasore	280	3115	—	3010	6405
Total	304	12,669	6	4744	17,723

147. Only about 13,000 proprietary interests (excluding 4700 tenure-holders which have also vested in Government) have been taken over by Government. But there are still about 3 lakhs of other intermediary interests to be vested in Government. Since 1952 Government have been taking over in batches permanently and temporarily settled estates and lately in the districts of Puri and Balasore some of the tenure-holder interests have been taken over. In the district of Cuttack out of 8,955 proprietary estates which vested in Government, compensation proceedings have been started only in respect of 4,523 estates. Of these the assessment of compensation has been completed in respect of small estates numbering 774, and compensation has been finally paid in respect of 275 only. Similarly in the district of Puri out of 2,418 intermediary estates which the Government took over, compensation

proceedings have been started only in respect of 913 estates. In 364 cases only assessment of compensation has been decided, and final payment of compensation has been completed in respect of 72 cases only.

Difficulties
at the early
stage of the
work.

148. It is obvious that during the past four or five years very little progress has been achieved with reference to the colossal amount of work awaiting the abolition proceedings. It is recognised that there were inevitable difficulties facing the department at the initial stage. Several factors are, no doubt, responsible for the delay. Nevertheless there is no excuse for the harassment and the hardship that the poorer intermediaries have been experiencing in the long drawn-out process of enquiry and consequential delay in payment of compensation. The inevitable difficulties which were experienced at the outset are :—

- (1) At the time of legislation there was no proper appreciation of the procedure of work and the method by which the provisions would be implemented expeditiously. It would have been better if some test proceedings had been undertaken in a specified small area to judge the difficulties to be encountered before the general operation of removal of intermediaries was launched. Thus as soon as quite a large number of big estates was vested in the Government, legal and technical difficulties appeared and this had to be gradually clarified and removed. As a result the amendments to the Orissa Estates Abolition Act have been too many and frequent. The legislative enactment included substantive law as well as procedural and secondary matters; thus any change in the procedural and secondary aspects involved amendments in the body of law thereby delaying implementation of the purpose of the legislative measure.

- (2) Another factor responsible for delay was that five writ petitions were filed before the High Court by the ex-proprietors of Kanika, Madhupur, Aul and two others. The writ petitions were filed questioning the validity of the Act and its application to the individual estates. These, however, did not affect the large number of intermediary estates under compensation proceedings other than those in respect of which writ petitions had been filed.
- (3) Absence of definite financial rules at the initial stage of operations regulating the procedure of interim compensation and compensation payments contributed also to delay. Government have amended the Act and rules in the light of the difficulties experienced and issued in 1956 subsidiary rules (to the Orissa Treasury Code) and executive instructions.
- (4) There was inevitable difficulty in respect of those intermediary interests for which no jamabandi and other relevant records had been filed. Even in respect of big zamindaris for which zamindari papers were delivered, there were matters which could not be accepted without spot verification. There was difficulty in sending out relevant information from the record-of-rights to the Anchal Staff from the District Record Room to facilitate enquiries and also collections.
- (5) Staffing problem was not the least. Persons employed by ex-proprietors who were found suitable were taken to work in the Anchals on the then emoluments. Some of these ex-proprietors' employees have not the required qualifications, and most of them are disgruntle in regard to the scale of pay they are drawing. Government are reorganising the Anchals and revision of the pay scales is under their consideration.

- (6) Lack of appreciation by the Officers as regards the scope of legal requirements of some of the provisions of the Act. There have been different interpretations and different approaches made by the Officers at the Anchal level. A case in point is the determination of spurious leases of Anabadi lands granted by ex-intermediaries before the vesting of their estates. Section 5 (1) of the Orissa Estates Abolition Act provides, that where the Collector has reason to believe that settlement or lease of any land or transfer of any kind of interests in any building used primarily as office or Cutchery or lease of mines etc. was made after the 1st day of January 1946 with the object of defeating the provisions of the Orissa Estates Abolition Act, he shall have power to make enquiries in respect of such settlements, and set aside the leases or transfers if they were not bonafide. The proviso to this Section lays down that where the Collector decides not to set aside any such settlement lease or transfer, he shall refer the case to the Board of Revenue for confirmation of the settlement, lease, or transfer. This Section has been interpreted differently in several districts. In the district of Puri the attitude taken is that all leases of waste lands made since after the last settlement should be scrutinised in order to ascertain that none of them are fictitious. A large number of cases numbering 16,000 of alleged unauthorised leases under Section 5 (i), pertaining to the Puri Sadar Subdivision alone have been instituted and most of these cases in which leases are considered to be genuine and it is proposed not to set aside the leases or settlement made by the ex-intermediaries are referred to the Board for confirmation. In the district of Cuttack, cursory examination is made of leases executed since after the 1st January, 1946 and a case is only registered if there are definite data to believe that the lease created by the ex-intermediary

was not bona fide. On this basis in the entire Cuttack district 630 cases have been instituted of which 420 are still pending enquiry by the officers at the lowest level. The approach to this problem made in the district of Cuttack seems to be sensible.

- (7) The working of Section 8-A of the Orissa Estates Abolition Act serves as a handicap to the progress of compensation proceedings. Under the amended Section 8-A, the intermediary is required to institute his claim in the prescribed manner for settlement of fair and equitable rent in respect of lands and buildings which are to be settled with him under Sections 6 and 7 before the Collector within three months after the date of notification. Section 6 refers to the homestead land of the intermediary together with the appertenant buildings which are in his possession. Section 7 refers to the lands used for agricultural or horticultural purposes which are in khas possession of an intermediary on the date of vesting. Thus the initiative for taking action is thrown upon the intermediaries themselves to guard their interests in respect of these valuable properties which were in their possession. The procedure of notification in the Gazette was not ample notice to the ex-intermediaries to institute their claims. Further it took a long time to prescribe the necessary form in which they would institute their claims. It took sometimes before the dead line for filing claims was fixed on 18-3-57. Even then quite a large number of intermediaries have not filed their claims. The solution of the problem lies in conducting the enquiry at the village level.

149. *Situation analysed* :—Discontent and dissatisfaction is rife everywhere about the working of the Orissa Estates Abolition Act and this has been voiced by persons of different shades of opinion regarding the oppressive delay

in the preliminary stage of enquiry at the Anchal level and the gross delay in payment of compensation to ex-intermediaries.

Popular
opinion-

150. It will not be out of place to cite the opinions of some leading members of the public who gave evidence before the Committee at Puri.

151. Some of the leading non-officials gave evidence before the Committee in regard to the working of the land reforms introduced in Orissa. Shri Biswanath Parida, a member of the last Assembly, who represented the Brahmagiri constituency, has said that the land reform measures introduced recently in Orissa are not working satisfactorily. He is also not much in favour of the present administration by Anchal Adhikaris. In his view the two benefits which have accrued in consequence of the abolition of the Zamindari system are : (1) that some landless people have got lands and (2) some illegal exactions by the zamindars have ceased. Pandit Nilkantha Das, Speaker of the Orissa Legislative Assembly, is of the view that the Zamindars have been much harassed in the matter of getting compensation, and that "they are going from pillar to post and spend a lot of money, and that the working of the compensation branch is very unsatisfactory". In his view, legislative measures have been undertaken in some cases rather hastily without giving proper consideration to schemes underlying these legislative measures. He feels that the Anchal Adhikari system has proved a failure. Shri Jagannath Misra, ex-M. L. A. and ex-M. P. pointed out the difficulties experienced by him and other Zamindars in getting compensation for their estates vested in Government. In respect of his own tauzi No. 624 comprising 16 annas share in village Samanga in district Puri, having a Sadar Jama of about Rs. 100/- only, there has been a delay of more than three years and yet compensation has not been finalised. He cited many other instances in which he was an ex-intermediary and the delay is said to have been

due to either the Naib-Tahsildar not being present on the days of hearing or that there is too much of meticulous examination of all the Anabadi lands which have been leased out during the period of 30 years since the last settlement. Finally he said that "the old Tahsildars of ex-intermediaries for whose maladministration the ex-intermediaries were defamed or labelled tyrannical are still continuing as collectors of rent and other demands. Their circles have been much widened and it is not possible for Anchal Adhikaris to control them. The old regime continues with its vicious results. Arrears of rent and cess have accumulated". Sri Lokanath Misra, Advocate, Puri who is a member of the Bar Association since 1917, and was a member of the Orissa Legislative Assembly from 1947 to 1952, has extensive properties. He has described himself as one of the miserable victims of the operation of the Orissa Estates Abolition Act. He has experience of the fate of others whom he has represented in Revenue and other courts in cases arising out of the Orissa Estates Abolition Act. He criticised that the legislative measures contained in the Orissa Estates Abolition Act are lacking careful thought and that these have undergone changes after changes due to amendments, a fact significant enough in suggesting absence of foresight to the details involved, in their working. He has also criticised the rules as more complicated than the Act itself which in some cases are difficult to work.

152. Opportunity has been taken by the Administration Enquiry Committee of visiting several Anchal Offices and observing the working of the office. The Anchal Offices, Kendrapara, Jagatsingpur and Pipli have been visited. The following features are noticeable everywhere.

Observation
on working
of Anchal
officer.

153. The demands and collections based on Jama-bandis of the intermediaries where available have not been satisfactory. The collections range from 40 to 60 per cent of the demand and in one tahsil it was so low as 28% in

1956-57. Notwithstanding allowances made for vicissitudes of season in 1955, the results in later years in 1956 and 1957 and even after the harvesting season in 1956-57 have not been very encouraging. The fact is that Jamabandis obtained from mediocre zamindars are not up-to-date and no rent roll is available in respect of the small holders. In the inspection of Naib-Tahsildar's circle at Jagatsingpur it appeared that the Naib Tahsildar is now preparing the Demand Register which is based on the Jamabandis filed by the ex-intermediary proprietors, about three years ago. Where no Jamabandi has been filed by an ex-intermediary of estates already vested for years in the Government, the construction of tenants' rent-roll is very dilatory and in some of the tahsils, it has not been prepared though 3 years or more have elapsed. Such a state of things cannot be conducive for good management. When Jamabandi has not been filed by any ex-proprietor there is no basis of information except by an enquiry at the village level. It is obvious, therefore, that the demands enlisted are not complete.

154. An instance, which is not uncommon, is that there are big discrepancies noticed in the Kendrapara Anchal where the Zamindar, Shri Shyamsundar Bose had a Makadami under him in respect of 233 acres of land. In his Jamabandi the Zamindar showed the rent paid to the Zamindar as Rs. 550/- against the last settlement entry of Rs. 700/-. There are glaring discrepancies in respect of raiyati holdings. The Committee is informed by several of the Anchal Officers that the demand based on the records of the Zamindars are found to be correct 80 per cent whereas discrepancies noticed in respect of the rest of the holdings need local verification.

155. The Jagatsinghpur Anchal covers 1,880 estates which have vested in Government. Most of them have either filed their Jamabandis or defective Jamabandis. There are still 74 tauzis of which the intermediaries have not yet

produced their Jamabandis and other relevant records even after expiry of three years since the notification of vesting. The fact is that most of the small zamindars are eking out their slender livelihood by going to industrial centres and however coercive measures are taken, no compliance can be expected from them in regard to informations required. This all the more proves the necessity of spot enquiries at village level.

156. There are difficulties in implementing the provisions under Section 5 (1) of the O. E. A. Act. Since the Compensation Officer initiates enquiries from the district headquarters he has to depend upon the Anchal Officers for report as to whether there are leases which are fraudulent. In case No. 233 of 1955 (District-Puri, tauzi No. 90), an enquiry was started in regard to the settlement of Nayabadi land to the extent of 2.22 acres only leased out by the ex-intermediaries. This was a small estate with a gross asset of Rs. 262/- and a net asset of Rs. 140/-. After a period of one year and four months, with repeated reminders, the report of the Anchal Adhikari was received to the effect that the leases were bonafide. There is the case of another (case No. 5 District of Puri, tauzi No. 269 which is a large estate with a gross asset of Rs. 30,000/-). This estate being in the hinterland, there is quite a large area of waste land available for cultivation. It was noticed that 330 acres had been leased out since after the last settlement but before vesting and the assessment had been at the prevailing rates. In most of the villages appertaining to this estate the lands leased out are small in area between one acre to ten acres, but enquiry is instituted in all cases. The only villages where exceptionally large areas were settled and would have drawn attention were :

Implementa-
tion of Sec 5
(1) of the
Act in regard
to new
cultivation,

- (1) Village Narasinghpatna—leased area 106 acres.
- (2) Village Sendhāpur—leased area 136 acres.
- (3) Mauza Naraharigiri Matha—leased area 61 acres.

The large areas leased are in blocks, two years have elapsed and yet no report is available to the Compensation Officer in spite of repeated reminders about the bonafides of the leases. There is, therefore, obvious difficulty for the Compensation Officer to proceed expeditiously as he depends for every item of enquiry on the Anchal Officer, who in his turn, depends upon his Naib-Tahsildar, mostly an ex-gumasta of the outgoing intermediary, a veritably ill-qualified person, whose report is accepted with superficial or no supervision as the Anchal Officer is overburdened with multifarious duties.

157. Shri Lokanath Misra, ex-M.L.A., Advocate, Puri cited pointedly one of the instances regarding loss of Government revenue. His estates vested about 1953. There was a gap between the date of vesting and possession taken by the Anchal Officer. By the time possession was taken the bamboo jungle in Mauza Govindpur which was under the khas possession of the intermediary was completely denuded. Not only the ex-intermediary got no compensation, but Government also incurred a heavy loss and the village economy was affected as there was disappearance of the bamboo jungle. There is, therefore, need of a very reliable record to be readily available to facilitate management of the estates as soon as an estate vests in Government. As soon as an estate vests in Government, its management should be taken over, and good management is possible if a fairly reliable record is readily available. This points to the desirability of village enquiries (Bhujarat) being completed prior to Government entering into possession of estates vested.

158. It appears from the scrutiny of compensation proceedings that small owners do not make appearance. Neither do they file any jamabandi nor do they make claims to their khas possession lands nor homestead, under Sections 6 and 7. Most of these cases are disposed of ex-parte.

159. While the social status of the small land owners was seriously affected by the operation of the Orissa Estates Abolition Act, the deterioration of the economic condition was no less marked. The share of the crop available to them was suddenly reduced to one fourth. A scrutiny of the price tendency during the last 12 years disclosed a visible sign of steady rise in the price of the common necessities. (At the end of 1956 the price of common rice per rupee came down to 1 seer 12 chataks from 2 seers 8 chataks (standard) in several districts).

Distress of
small land
owners.

160. There is distress prevalent among the general body of the small owners who had not adjusted themselves to the new condition of things. The reforms coming at rapid strides affected them seriously. The Orissa Tenants Protection Act and the Orissa Tenants Relief Act had further the effect of circumscribing their means of livelihood, as the cultivators were more aggressive in the assertion of their rights against the small owners than against the resident big land owners. To add to the distress of the small owners, the tardy and inordinately delayed measure of the grant of interim or final compensation had had an awful effect engendering in them a sense of absolute frustration and utter despondency. Most of these small owners had little reserve to fall back upon and hardly were able to incur even the minimum expenses involved in preferring claims under the Orissa Estates Abolition Act at Anchal headquarters or other centres for their homesteads or lands in their khas possession, or come and knock about at district headquarters to receive, through irksome procedure, a dubious dole of compensation money. Thus there is a visible absence of claims for the homestead or khas lands or preferring applications for interim compensation. The small man, therefore, took refuge in his "fate" and committed himself to desperate inaction and a position of indifferent spectator to all that happens around him affecting his status clinging only to the piece of bare homestead, come what may.

161. The small intermediaries, the percentage of whom would be 90% in the three coastal districts of Cuttack, Puri (Sadar), and Balasore, are also indifferent to the receiving of the compensation money which involves quite a worry to them. The Orissa Estates Abolition Act seems to have conceived the status of a zamindar as that of a great landed potentate, without the imagination that in the 3 coastal districts the small zamindars and tenureholders hold quite a large number of infinitesimally fractional interests. The co-sharers are many. A case in point which is not inconsiderable in number is that of tauzi No. 1484 Cuttack (near Biriswati, Kendrapara). The Sadar Jama payable for this estate was Rs. 18/-, which was assessed to compensation of Rs. 45/-. There are 4 co-sharers who would be entitled to a compensation Rs.11-4-0 each. They would spend about Rs. 20/- each for receiving this pittance of compensation and would fain forego the amount.

Procedure
in some
neighbour-
ing states.

162. The procedure in Madras is to have a ryotwari settlement at the village level and the Assistant Settlement Officer is also the Compensation Officer. In Bihar a sort of village Bhujarat is conducted, but there is the defect that the attendance of the villagers is entirely voluntary or optional at Bhujarat. There should be some legal authority as in the settlement proceedings to require attendance of persons concerned at attestation and to realise process fee from those on whom personal notice is required to be served at or near about the village under Bhujarat proceedings.

Problem of
Revenue
free estates.

163. While visiting the Puri Collectorate, the Administration Enquiry Committee observed that there are 6,510 revenue-free estates which have not yet been taken over by Government. The proprietors are paying cess direct to the Cess Department. There are also revenue-free estates whose areas are less than two acres

in each case. These small estates were not paying cess directly to the Collector, but were paying it through the proprietors of the contiguous revenue paying estates. With the present uncertainty in the policy of Government in taking over all revenue-free estates in pursuance of the provisions in the Orissa Estates Abolition Act, there is perceptibly a large fall in the receipt of cess and the Collector is having a lot of problems arising out of the delay in the implementation of the Government policy. Cases are not few in which the revenue free proprietors are defaulting in payment of cess and bidders are not coming forward where the immovables are put to sale. This fact emphasises the urgency of determination of policy by Government in regard to the revenue-free estates. If a general enquiry at the village level is to be undertaken in the manner of Bhujarat proceedings, it is desirable that all intermediary interests in a village should be under enquiry. Under Section 3-A of the Orissa Estates Abolition Act, Government have taken power to declare by notification that the intermediary interests of all intermediaries, or a class or classes of intermediaries, in the whole or part of the State have passed to and become vested in the State. (It is however noted that the Bihar Government do not issue the notification of vesting of an estate until they have served proclamation in the concerned villages and have obtained the necessary records of the intermediaries to facilitate assessment of compensation and management of estates).

164. It is mentioned that survey and settlement of most of the areas of the three coastal districts of Cuttack, Puri (Sadar) and Balasore was held last about 1927. The record-of-rights prepared then appertained to the zamindari estates and are now 30 years old. The maintenance of proper records was far from satisfactory in the zamindari areas, and the most satisfactory method of ensuring an up-to-date survey map and record is by means of a fresh settlement which is already due. Milan-Khasra operations

Desirability
of general
enquiry at
village level.

are suitable only to Government estates where the records are required to be brought up-to-date annually or in short intervals. The proposed scheme set forth by the Administration Enquiry Committee is to ensure a set of records with a minimum of expenditure by a survey enquiry at the village level for facilitating management of intermediary estates as soon as they are taken over and for completing compensation proceedings without delay.

165. The difficulties and disparaging circumstances enumerated above, attending the present procedure under the Orissa Estates Abolition Act have to be remedied, and a general removal of all intermediaries (which are more than 3 lakhs) will have to be faced sooner or later. All the factors tend to emphasise a general enquiry at the village level, a scheme of which containing a brief outline of details is enclosed (Annexure I).

166. In order to give legal sanction to the operations of village enquiries and remove certain difficulties and delays experienced in the working of the Orissa Estates Abolition Act which have been indicated herein before, amendment of the Orissa Estates Abolition Act and of the Rules framed thereunder will be necessary. Along with it certain executive instructions in connection with general enquiries in the villages may have to be issued.

167. The purport of the amendments that are considered necessary in connection with the Field Bhujarat has been set forth in Part I of Annexure II. Consequent on the amendments to the law, the statutory rules that will have to be framed thereunder and the executive instructions to be issued in that connection have been briefly described in Part II and Part III respectively of Annexure II.

168. With regard to the other difficulties experienced, particularly in the matter of early determination of compensation and its payment, some suggestions for the necessary amendments to the law and the Rules and the issue of suitable executive instructions in this regard which may be found necessary are indicated in Annexure III.

ANNEXURE

Scheme of Field-Bhujarat in the Estates which have already vested or are to be vested under the provisions of the Orissa Estates Abolition Act, 1951.

169. (a) Dissatisfaction has been expressed from almost all quarters and by persons of different shades of opinion regarding the oppressive delay in payment of compensation to the ex-intermediaries whose estates have been taken over. For want of complete and up-to-date jamabandis, collection of rent and cess suffers and the tenants are also inconvenienced in paying their rents. Many are not able to know in which Anchal rent is to be paid and consequently they are burdened with interest for arrears. It is, therefore, proposed to introduce a system of summary Field-Bhujarat in the villages of estates which have already vested or which are to be vested under the provisions of the Orissa Estates Abolition Act as an expedient to get over the above mentioned difficulties and to prepare up-to-date jamabandis (rent rolls) for the purpose of collection of rents and cesses and simultaneously to collect the necessary data to aid in quick determination of compensation of vested estates. This will save much time and labour of the estate abolition staff who are now required to visit the same village over and over again to make enquiries under the provisions of the Estates Abolition Act and the Rules framed thereunder with the successive abolition of the chain of intermediaries in one and the same village. By this process all the data necessary for the purpose of determination of compensation will be available by the time the small and petty tenures which are too numerous will be taken over by Government. Provision has been made in the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 for a ryotwari settlement of the estate

areas immediately after vesting and compensation is finally determined after completion of the settlement. Similarly provision has been made in the West Bengal Estates Acquisition Act, 1953 for preparation of records-of-rights after vesting. In the Bihar Land Reforms Act, 1950 no such provision exists but the Government of Bihar by an executive order have introduced a system of Field-Bhujarat in all the estate villages whether vested or not as briefly indicated below :

Field-Bhujarat in Bihar consists in village-wise field operations whereby the entries in the record-of-rights are read out to the persons interested in order to bring the entries up-to-date after such verifications as may be necessary. The main purposes of this field-Bhujarat operations are :

- (i) to prepare up-to-date records of raiyati holdings and of the rents paid by raiyats for (a) vested villages, (b) villages which have not yet vested and (c) villages which have partly vested in Government. The up-to-date record will also be the record on which compensation calculations will be based ;
- (ii) to bring to light disputes regarding lands which will require decision by competent authorities ;
- (iii) to bring to light the leases granted by the ex-intermediaries, which are malafide and have been granted after 1-1-46 as envisaged in the provisions parallel to Section 5 (i) of the Orissa Estates Abolition Act, 1951, and
- (iv) to obtain information about unauthorised cultivation or encroachments of Anabadi and communal lands.

(b) In the coastal districts of Cuttack, Puri and Balasore excluding the merged States areas and Khasmahals, there is a long chain of intermediaries between Government and ryots, and the number of outgoing proprietors many of whom are petty and have a large body of co-sharers is

considerably big. This presents varied and complicated problems to the Estates Abolition Officers as well as to the Compensation Officer in the absence of up-to-date jamabandis and record-of-rights in respect of the vested estates except a few permanently settled and large temporarily settled estates. As a result the compensation proceedings tend to become a long-drawn out process. In view of tardiness at which determination of compensation is proceeding, it is difficult to say how many years it will take to complete the compensation proceedings of the estates since vested, not to speak of the multitude of tenures, the abolition of which is imminent. So some sort of Field-Bhujarat is necessary in these three districts in order to prepare complete and up-to-date jamabandis and collect the necessary data required under the provisions of the Orissa Estates Abolition Act, 1951 for determination of compensation. In other districts the records available of the vested estates appear to be of a better standard and the problems are not so complicated as in these three coastal districts. The estates there form compact areas and do not consist of scattered villages as in the three coastal districts. In the ex-Madras districts of Ganjam and Koraput the Inam estates present some problem as the zamindari estates are permanently settled and the proprietors used to maintain systematic records. The entire district of Koraput is under settlement operations and major part of the area has undergone rent settlement. Reliable records are available in Ganjam due to the fair-rent settlement undertaken in the zamindari estates. The nature or type of Field-Bhujarat to be undertaken in the districts of Cuttack, Puri and Balasore is indicated below. The following operations have to be undertaken in respect of the different categories of estates :—

1. Category 'A'—Estates already vested in respect of which jamabandis are available :—

- (i) Jamabandi will be read out in presence of the tenants and persons interested ;

- (ii) (a) All uncontested changes will be given effect to in the jamabandi ;
- (b) Changes which are disputed will be entered in a register to be disposed of by the Tahsildar after making necessary enquiry ;
- (iii) In regard to plots in khas possession of the intermediaries the following procedure will be followed :
- (1) The intermediaries in the village will be called upon to file applications claiming plots which are in their khas possession in the village under Bhujarat. Such claim petitions should be filed within 30 days from the date on which the general notice for Bhujarat is published in the village.
 - (2) The Officer in charge of the camp will receive the claim petitions in duplicate and will get one copy published in the village calling for objections to be preferred within 15 (or 30) days from the date of the publication of the claim.
 - (3) If no objection is received to the claim petition of the intermediary, the Tahsildar will report the fact with a recommendation of the fair rent assessable on the land.
 - (4) If any objection is filed in respect of any plot covered by the claim petition of the intermediary, the Tahsildar will report the fact to the Anchal Adhikari sending him all relevant papers together with a recommendation of the fair rent assessable on the plots.
- (iv) Enquiries regarding lease of Anabadi lands by the intermediaries will be made and leases granted after 1-1-46 will be specially enquired into. Those which are considered not bonafide will be noted and shall be referred to the Anchal Officer with a report.

- (v) Enumeration of fruit-bearing and commercial trees on Anabadi lands will be made if so ordered by the Anchal Adhikari.
- (vi) Enquiry should be made into jagir lands held for rendering personal service to the intermediaries. The service tenure holders will be asked to file petitions in prescribed form. Recommendation thereon with the fair rent assessable will be submitted to the Anchal Officer for orders.
- (vii) Unauthorised cultivation or encroachments on Anabadi and communal lands should be noted in the form prescribed furnishing the name and address of the encroacher, area encroached upon, class of land, assessable rent at the prevailing rate and period of encroachment and reported to the Anchal Adhikari for necessary action.

2. Category 'B'—Estates which have already vested but in which jambandis have not been filed.

- (i) Khewats I, II & III will be read out and changes which are not contested will be given effect to. Where changes are in dispute the Tahsildar will dispose them of.
- (ii) (a) The Chumbak Khatian will be read out in presence of tenants and persons interested and all uncontested changes will be given effect to.
- (b) Changes which are disputed will be disposed of by the Tahsildar.

- (iii) (1)
- (iii) (2)
- (iii) (3)
- iii) (4)
- (iv)
- (v)
- (vi) and
- (vii)

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as in Category (A)

3. *Category 'C'*—Estates to be taken over—

- (i) Khewats I, II and III will be read out and changes which are not contested will be given effect to. Where changes are disputed the Tahsildar will dispose them of.
- (ii) (a) Jamabandis which the intermediaries will be required to file, if produced, will be read out. Changes which are uncontested will be given effect to in the jamabandis. Where disputes occur they will be disposed of by the Tahsildar.
- (b) Where jamabandis are not filed, 'Chumbak Khatian' will be read out. Changes which are uncontested will be given effect to. Disputes will be disposed of by the Tahsildar.

(iii) (1)
 (iii) (2)
 (iii) (3)
 (iii) (4)
 (iv)
 (v)
 (vi) &
 (vii)

as in Category 'A'

170. The above proposals regarding Bhujarat operation in the three categories have been made with the assumption that Government will consider to make slight amendment of the Orissa Estates Abolition Act. It is laid down under the revisions of Section 8-A of the Act that the intermediaries in respect of lands in their khas possession and persons holding jagir land for rendering personal service to intermediaries should file claims before the Collector in the prescribed manner within 3 months, from the date of vesting under Sections 6, 7 & 8 and failure to do so will extinguish their rights. Very few of these intermediaries have filed the claims within the prescribed time and the Collectors are faced with the problem how to deal with the lands in Khas possession of the defaulting intermediaries. It appears that the Government of Madras have made

arrangements to collect such applications from the outgoing intermediaries during the settlement operations by publication of general notices in villages as well as by issue of individual notices, since several of the land-holders did not file applications in respect of their private lands owing to ignorance or otherwise. So it is proposed to obtain the claim petitions during the Bhujarat operations. But the law provides for filing claims by the ex-intermediaries of only the vested estates. Unless provision is made in the law to obtain such claims from intermediaries whose estates have not vested, this item of work will remain undone during the Bhujarat operations. Hence it is suggested that the State Government should take power by a provision in the Act to cause enquiries made in villages, before the vesting of any or all intermediary interests, for collecting information on all interests, intermediary and ryoti, and the incidence of their tenure as may be necessary for facilitating assessment of compensation and management of the estates immediately as soon as the estates are vested. The procedure for enquiry would be prescribed by rules.

171. Each district will be divided into a number of Bhujarat Circles and each Circle will ordinarily consist of about 200 villages. One Bhujarat party consisting of one Non-Gazetted Tahsildar Grade I, 6 Survey knowing Munsurims, 1 L.D. Clerk, 1 Amin, 1 Chainman and 3 peons (1 office peon and 2 process servers) will remain in charge of one Circle. The Amin will be employed in survey work where necessary according to the directions of the Tahsildar. It is expected that one Munsurim will take about 3 days in the average to complete the Bhujarat operations in one village. For 6 Munsurims it will take about 100 days to complete 200 villages. But they will be required to prepare jamatandis not filed, give effect to uncontested mutations and maintain Registers and other records which will consume some of their time. So it is

expected that one Bhujarat party will be able to complete a Circle within a period of 6 months. On this basis the financial implications have been worked out in the annexed statement. Accordingly it is estimated that an expenditure of about Rs. 5 lakhs will be incurred for the Bhujarat operations in the three districts.

172. On the above basis there will be about 55 Bhujarat Circles in which 330 Munsurims and 55 Amins will be required to start the work simultaneously. If sufficient number of experienced Munsurims and Amins will not be available for the Bhujarat operations, arrangements will have to be made to give them at least 3 weeks' training by starting a training class at a convenient centre sufficiently before the commencement of Bhujarat operations. The Settlement Officer, Cuttack-Dhenkanal who was consulted in the matter was agreeable to spare an Assistant Settlement Officer and other staff to train them in survey and Bhujarat work. Besides, these Munsurims and Amins will be given practical training in Bhujarat operations at least in 2 or 3 villages, before they are sent out to join their posts. At the end of the training there will be an examination of the trainees and those who will come out successful will be appointed. The trainees will undergo the training at their own expense but no fees will be charged.

173. It will be necessary to issue advertisements inviting applications sufficiently in advance of the time to be fixed for starting Bhujarat operations. After verification of applications and interview, candidates will be selected and it will be considered how many of these selected persons should be given training in survey and Bhujarat work.

174. All preliminaries should be kept ready before commencement of the Bhujarat work. One important aspect of the matter is to enforce the attendance of the villagers at the Bhujarat camp as is done during the

settlement operations. If legislation is to be undertaken in this regard, Government may consider this and take necessary steps in this direction.

175. Detailed instructions in Oriya should be printed and issued to all connected with Bhujarat work about the duties and responsibilities of the Bhujarat Officers and staff, the manner of conducting the Bhujarat operations etc. The non-gazetted Tahsildars who will be in charge of the Bhujarat Circles should make frequent inspections from the start and explain the difficulties to the Munsurims so that accuracy of work does not suffer at any stage. The programme of work for each Munsurim should be drawn up in advance by the Tahsildar and he should see that the programme is strictly adhered to. The Anchal Adhikaris should also make frequent inspections within their respective jurisdiction and draw up their own programme to do their part of job in the Bhujarat operations. The Subdivisional Officer and the Collector will also supervise the work during their tours and explain and remove the difficulties experienced by the Bhujarat staff and where necessary pass orders on the spot to expedite the work and remove bottlenecks, if any. The Collectors in consultation with the Anchal Adhikaris will carve out the Circles and draw up lists of villages to be included in the different Circles, so that there may not be overlapping of Circle boundaries.

176. Adequate and timely publicity of the programme should be given by issue of notices and beating of drums in the villages about the commencement of the Bhujarat operations 15 days in advance and the villagers should be alerted to attend the Bhujarat work.

177. It appears that in Bihar the Halka Karmacharis who are entrusted with this work made incorrect entries and demanded illegal gratifications to make the correct entries. To put a stop to this malpractice Govern-

ment of Bihar have directed that the Bhujarat operations should be done in the presence of the members of the Gram Panchayats. Perhaps, some such safeguard should also be made to reduce chances of malpractices as are often resorted to by these Amins and Munsurims.

178. Copies or Abstract (Chumbak) Khatians and Khewats of the villages where Khatians and Khewats are not available should be kept ready by appointing sufficient number of copyists and comparers in the District Record Room on job rate basis. The estates where correct and up-to-date jamabandis are available and records have been systematically maintained can be excluded from the operation in the interest of economy.

Financial Implications of the Proposed Scheme

Name of district.	No. of uninhabited villages.	No. of inhabited villages.	Total.
1	2	3	4
Cuttack	111	6248	6359
Balasore	—	3833	3833
Puri	628	5068	5696
No. of villages in Puri district			5696
Deduct No. of villages in Khurda Subdivision			1196
Deduct No. of villages in Nayagarh Subdivision			1473
			<u>2669</u>
No. of villages in Puri district for Bhujarat			3027
No. of villages in Balasore district			3833
Deduct villages in Nilgiri Subdivision			294
			<u>3539</u>
No. of villages in Balasore district for Bhujarat			3539
No. of villages in Cuttack district			6359
Deduct villages in Banki Khasmahal and in Athgarh Subdivision			178
			<u>564</u>
			742
No. of villages in Cuttack district for Bhujarat			5617
No. of villages in which field Bhujarat will be done :—			
Cuttack			5617
Balasore			3539
Puri			3027
			<u>12,183</u>
Deduct 10% which are in permanently settled estate and big temporarily settled estates where Bhujarat may not be required.			1,202
			<u>10,981</u> or 11,000 villages.

Name of district.	No. of uninhabited villages.	No. of inhabited villages.	Total.
1	2	3	4

At 200 villages in the average per Circle,
there shall be 55 Circles.

1	N.G.T. Grade I with survey & settlement experience	=	55 N.G.Ts.
6	Survey-knowing Munserims per Circle	=	330 Munserims.
1	L.D. clerk per Circle	=	55 L.D. clerks.
1	Amin per Circle	=	55 amins.
1	Chainman per Circle	=	55 Chainmen.
2	Process Servers per Circle	=	110 Process servers
1	Orderly peon per one Circle	=	55 Orderly peons.

Cost per circle.

1.	N.G. Tahsildar @ Rs. 120/- p.m.	Rs. 720/-
	for 6 months D.A. @ Rs. 27/- p.m.	Rs. 162/-
	(scale of pay Rs. 120-5-155-EB-5-160-10-220-EB-10/2-250/-)	Rs. 882/-
6.	Munserims @ Rs. 45/- p.m. for 6 months	
	(pay Rs. 45/- fixed) = Rs. 45 × 6 × 6 = Rs. 1620/-	
	D.A. @ Rs. 30/- p.m. for 6 months	
	= Rs. 30 × 6 × 6 = Rs. 1080/-	
		Rs. 2700/-
1.	L.D. Clerk @ Rs. 50/- p.m.	
	for 6 months = Rs. 50 × 6 = Rs. 300/-	
	D.A. @ Rs. 30/- p.m.	
	for 6 months = Rs. 30 × 6 = Rs. 180/-	
	(pay scale Rs. 50-2-70-EB-2-90/-)	Rs. 480/-
	Gr. II	
1.	Amin @ Rs. 45/- p.m. for 6 months	
	(Pay scale Rs. 45/- fixed) = Rs. 45 × 6 = Rs. 270/-	
	D.A. @ Rs. 30/- p.m.	
	for 6 months = Rs. 30 × 6 = Rs. 180/-	
		Rs. 450/-
1.	Chainman @ Rs. 16/- p.m. for 6 months	
	(pay scale Rs. 16-1/2-22/-) = Rs. 16 × 6 = Rs. 96/-	

Name of district.	No. of uninhabited villages.	No. of inhabited villages.	Total.
1	2	3	4
	D.A. @ Rs. 27/- p.m.		
	for 6 months = Rs. $27 \times 6 =$		<u>Rs. 162/-</u> Rs. 258/-
3.	Peons @ Rs. 18/- p.m. for 6 months (pay scale Rs. 18- $\frac{1}{2}$ -24/-) = Rs. $18 \times 6 \times 3 =$		Rs. 324/-
	D.A. @ Rs. 27/- p.m. for 6 months = Rs. $27 \times 6 \times 3 =$		<u>Rs. 486/-</u> <u>Rs. 810/-</u> Rs. 5,580/-
	-For 55 Circles Rs. 5,580/- $\times 55 =$ Rs. 3,06,900/-		
T. A	For 1	N. G. Tahsildar @ Rs. 40/- p.m.	Rs. 40/-
	6	Munsurims @ Rs. 25/- p.m.	Rs. 150/-
	1	Amin — —	Rs. 20/-
	4	Gr. IV officers @ Rs. 20/- p.m.	Rs. 80/-
			<u>Rs. 290/-</u> or Rs. 300/-
		for 6 months = Rs. $300 \times 6 =$	Rs. 1800/-
		for 55 Circles Rs. 1800/- $\times 55 =$	Rs. 99,000/- or Rs. 1,00,000/-

Contingencies.

Survey instruments per Circle	Rs. 250/-
House rent Rs. 20/- p.m.	Rs. 120/-
Office contingencies Rs. 50/- p.m.	Rs. 300/-
Forms & stationery — —	Rs. 450/-
Furniture — — —	Rs. 250/-
	<u>Rs. 1370/-</u>

For 55 Circles Rs. 1370/- $\times 55 =$ Rs. 75350/-

Other unforeseen charges

@ Rs. 300/- per Circle = Rs. 16,500/-

Rs. 91,850/- or Rs. 92,000/-

Total expenditure.

Pay	Rs. 3,06,900/-
T. A.	Rs. 1,00,000/-
Contingencies	Rs. 92,000/-
	<u>Rs. 4,98,900/-</u> or Rs. 5,00,000/- in round figures.

ANNEXURE II

Purport of the Statutory Law to be Provided by Amendment of the O. E. A. Act.

P A R T I

179. Where it is proposed to issue a notification under Section 3-A in respect of the intermediary interest of all intermediaries or a class or classes of intermediaries in the whole or a part of the State, the following provisions shall be made to apply, namely :—

- (1) The State Government shall publish a proclamation in the official gazette, not less than 3 months before the date on which it is proposed to issue a notification under sub-section (i) of the Section 3-A, announcing its intention to take over, on the expiration of the said period, all intermediary interests of any class or classes of interest in the whole or any part of the State, as may be specified in the proclamation.
- (2) (a) The State Government may direct enquiries to be made in all the villages affected by the proclamation in the manner prescribed. On the publication of the proclamation, every intermediary so affected shall present to such officers as may be specified in this behalf, applications containing the particulars in the forms prescribed before a date, to be specified by such officer in a general notice published in the village, which shall not be less than 30 days from the date of the publication of the general notice.
- (b) On the publication of the proclamation under sub-section 1 above, any person who is to be discharged from the conditions of personal service on the vesting of the estate in the State, shall file his claim in the prescribed form and in the prescribed manner for the settlement of such land with him on fair

rent. This claim shall be presented before the Officers specified in this behalf within 30 days from the date on which a general notice is published in the village under sub-section 2 (a).

- (3) The statement to be so presented under sub-sections 2 (a) and 2 (b) shall be verified and signed in the manner provided in Section 3-B(3) of the Orissa Estates Abolition Act.
- (4) On failure to comply with the requirements in sub-section 2 (a) and (b), the penalty provided in Section 3-B (4) of the O. E. A. Act will apply.
- (5) No person who files application together with statements provided in sub-section 2 (a) and 2 (b) shall again be required to file claims under Section 8-A of the O. E. A. Act for the lands mentioned in Sections 6, 7 and 8 of that Act.
- (6) After the issue of the proclamation under sub-section (1), no right shall be acquired in or over the land to which the said proclamation relates, except by succession or under a grant or contract in writing made or entered into with the express consent of the State.

PART-II

Statutory Rules to be Prescribed

Form of general notice to the villagers before the general enquiry in any village is commenced :

180. This notice should contain the purpose of the proclamation made in the Orissa Gazette (vide Sub-Section 1, Part I), and should call the intermediaries to file the relevant papers as prescribed in form I and require the tenants and other persons having interest on land to attend at the enquiry at the time and place mentioned and to produce such evidence as may be required at the enquiry. The general notice should be published and announced by beat of drum and fixed up in the presence of not less than two persons in some conspicuous place in the village.

181. Form of application (under Sub-Section 2 of the proposed amendment- vide Part I:) —

The following statements should be prescribed Statement I, Statement II, Statement III, Statement IV - (a) and IV (b). The service tenure-holders in the village who would be relieved of personal service should also apply in a form which may be in Statement V.

182. The procedure for the enquiry shall ordinarily be :—

- (a) The following shall be read out :
 - (i) Khewats I, II or III of the village appertaining to the intermediary estate under proclamation ;
 - (ii) Jamabandi filed by the intermediary or where no jamabandi has been filed, the abstract Khatian based on the last settlement records.
 - (iii) Areas and particulars of land in khas possession of the intermediary as given in Statement I, Col. 8.

- (iv) Areas and particulars of Anabadi lands (Statement I, Col.9);
- (v) Areas and particulars of communal lands, Sarbasadharan and Gochar lands (Statement I, Col. 10);
- (vi) Particulars of all buildings etc. belonging to the intermediary (Statement I, Col.12);
- (vii) Particulars of settlement, lease or transfer of land made by the intermediary (Statement III);
- (viii) Particulars and areas of land held by persons as personal service jagirs (service jagirs) (Statement I, Col. 11);
- (ix) The particulars furnished by a service tenure-holder (Statement V);
- (b) At the same time a duplicate copy of the entries in Cols. 8,9,10,11 and 12 of Statement I and the Statement V shall be hung up in the camp office of the Revenue Officer holding the general enquiry for a period of 7 days inviting objections, if any. Objections shall be received by the Revenue Officer and placed before the Anchal Officer for decision.

Entries in the statements referred to in this para for which no objection has been filed, shall be enquired into and verified by the Revenue Officer and his report shall be placed before the Anchal Officer for orders.

183. If the correctness of any entry in the khewats, zamabandi or abstract khatian read out is questioned, the purport of the objection shall be noted, and orders of the Revenue Officer obtained. Where any such objection is contested, it shall be disposed of by the Revenue Officer after enquiry.

184. Where the intermediaries or the service holders do not file the necessary particulars in the statements prescribed, the Revenue Officer will take steps to verify the facts on the spot on the basis of the relevant entries in the abstract khatian of the last settlement. The result of enquiry will be placed before the Anchal Officer who will pass orders after such further enquiry as he considers necessary.

185. After the general enquiry is completed, the corrected copies of the khewats, zamabandis or abstract khatians will be fair copied and authenticated by the Revenue Officer, who should endorse a certificate in each as to its correctness.

186. Every Revenue Officer and the Anchal Officer having the powers of Collector should be vested with the following powers for the purpose of making village enquiries :—

- (a) All the powers exercisable by a Civil Court in the trial of suits;
- (b) Powers to enter upon any land and to survey and demarcate and make a map of the same;
- (c) All powers exercisable by an Assistant Superintendent of Survey and a Deputy Collector under the Bengal Survey Act or under the corresponding Act where Bengal Act is not in force ;
- (d) Power to take evidence with his own hand in English in the proceedings in which the orders are appealable under the O.E.A. Act.

187. Instructions with regard to the conduct of the village enquiries [Field Bhujarat], standard of out-turn by the Bhujarat staff, maintenance of registers and accounts, submission of returns, supervision, control and inspection will be issued by the Board of Revenue.

FORM

FORM OF APPLICATION UNDER SUB-SEC. 2, PART I

To

The Collector of

Sir,

Whereas the Government of Orissa have published a proclamation in the Orissa Gazette, dated....., announcing their intention to take over on the expiration of a period of three months, all intermediary interests in the whole of the State, Orissa/ the District/ Districts of
/I,...../I, authorised agent of
 son/ daughter/ wife of....., resident of village/ town....., thana.....
 district....., beg to furnish the necessary particulars in respect of all intermediary interests held by me/my client in the State of Orissa in the enclosed Statements I, II, III, IV-A, and IV-B.

2. I file the following documents in respect of all intermediary interests :—

- (1) Jamabandi of my interest in estate/ tenure (of cash and produce rent).
- (2) Wasil Baki Book.
- (3) Siaha Book.
- (4) Khatian/ Khewat of the estate/ tenure.
- (5) All counterfoils of rent receipts for one year immediately preceding the agricultural year in which the intermediary interests will vest in the State.
- (6) Register of lands in khas possession together with the connected documents in respect of it.
- (7) Register of accounts of lands in khas possession but let out to tenants on produce rents.

Yours faithfully,

.....

Father's Name

Village/ town

Thana

District

FORM OF PARTICULARS TO BE FURNISHED

1. District.....
2. Name of intermediary.....
3. Address.....

1	Serial No.
2	Touzi No. and khewat no. of the tauzi or tenure held by the intermediary.
3	Name of the Mahal or tenure, if any.
4	Nature or extent of interest held by the intermediary in the tauzi or tenure.
5	Village or villages in which the tauzi or tenure is situated.
6	Land revenue or rent payable by the intermediary in respect of the tauzi or tenure.
7	Cess payable by the intermediary in respect of the tauzi or tenure.
8	Area under khas possession of the intermediary together with plot numbers and the classification of land.

NOTE:— Where the interest of an intermediary lies in more than one district, separate

forms shall be filled up and submitted in respect of the interests lying in each district.

	9	Area of Anabadi land together with plot numbers.
	10	Area of communal lands, e. g., Sarbasadharan, Gochar, Smasan, etc. together with plot numbers.
	11	Particulars of area held by persons on personal service (Service jagirs) with plot numbers and statement of condition of service.
	12	Particulars of all buildings including buildings used as catchery or office for collection of rent within the tauzi or tenure belonging to the proprietor or tenure-holder showing how each such building is utilised by the intermediaries.
	13	Particulars of all sairati interests, e. g., fisheries, trees, jalkars, ferries, hats, and bazars held within the tauzi or tenure indicating the annual jama, the date of the last settlement and the period for which settlement has been made by the intermediaries.
	14	Total annual rent payable by immediately subordinate tenure-holders and raiyats. A copy of the jamabandi should be affixed showing the holdings of such raiyat and in the case of a tenure-holder the particulars of a tenure.
	15	Total cess payable by the tenure-holder or raiyats

STATEMENT II*District**Name and address of intermediary.....*

- (1) The amount payable by the intermediary as agricultural income-tax for the previous agricultural year.
- (2) The amount payable as income-tax in respect of any income derived from the intermediary interests for the previous agricultural year.
- (3) The amount paid by the intermediary as chaukidari tax or municipal tax in respect of any building used as cutchery for the management of estate/tenure.
- (4) Any other tax or legal imposition payable by the intermediary in respect of the estate or tenure or any service or obligation of any other form rendered or discharged as a condition precedent to the enjoyment of such estate/tenure.

Signature of Proprietor

/Tenure - holder

/Authorised Agent.

STATEMENT III

**PARTICULARS OF SETTLEMENT, LEASE OR TRANSFER OF LAND MADE
AFTER 1st. JANUARY, 1946.**

16

District.....
 Name of Proprietor/ Tenure-holder.....
 Address of Proprietor/ Tenure-holder.....

1	Serial No
2	Village with thana No.
3	Police Station.
4	Tauzi number or Khewat number in the case of tenure.
5	Name of the lessees, settlees, or transferees with address.
6	Nature of transaction-whether settlement, lease or transfer.
7	Period for which settlement or lease made.
8	No. and date of the registered deed by which the transaction was made giving the name of the Registration office where the deed was registered.
9	Area settled, leased or transferred, together with plot numbers.
10	Consideration received.
11	Annual rent payable in the case of settlement or lease.
	Remarks

Proprietor
Signature of : Tenure-holder
Authorised Agent.

STATEMENT IV-A

District.....

Name of proprietor/ Tenure-holder.....

Address.....

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Serial Number.	Village with thana number.	Police Station.	Tauzi No. or khewat No. in the case of a tenure.	Name of lessee with address.	Date on which lease was granted.	No. & date of the registered document granting the lease together with the name of the Registration Office where registered.	Whether prospecting or development done.	Nature of mineral worked.	Area leased.	Dead rent payable.	Royalty payable.	Average annual income from dead-rent and royalty during the period of 12 agricultural years or any shorter period (as may be available) preceding the agricultural year in which vesting falls (Based on the annual returns filed for the purpose of assessment of income-tax or cess).	Average of income-tax paid during the period mentioned in Col. 13.	Remarks.

Signature of : Proprietor
Tenure-holder
Authorised Agent.

STATEMENT IV—B

PARTICULARS OF MINES DIRECTLY WORKED BY PROPRIETORS OR TENURE-HOLDERS.

District.....

Name of the Proprietor/ Tenure-holder.....

Address.....

Serial No.	Village with thana no.	Police Station	Tauzi no. or khewat no. in the case of a tenure.	Nature of mineral worked	When was the mine started.	Area of the mine	Whether prospecting or development done.	Tonnage of minerals raised.	Average annual gross-income during the period of 12 agricultural years preceding the agricultural year in which vesting falls or for any shorter period during which the mines or minerals worked.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

Signature of Proprietor
Tenure-holder
Authorised agent.

STATEMENT—V

CLAIM OF JAGIRDARS HOLDING LAND ON FAVOURABLE CONDITIONS FOR PERSONAL SERVICE RENDERED TO AN INTERMEDIARY.

District.....

Name of Jagirdar.....

Address.....

Serial No.	Village with thana number	Police Station	Tauzi no. or khewat no in which the jagir is included.	Name of person to whom service rendered.	Khata no. & plot number.	Area	Condition of service.	Reference to any document, if any, in support of claim.	Whether agreeable to have the land settled on fair rent.	Remarks
1	2	3	4	5	6	7	8	9	10	11

Signature of Jagirdar
Authorised Agent.

PART III

Executive Instructions

188. A set of executive instructions should also be issued by the Board of Revenue. The following are some out of the relevant points in this connection :—

(1) When a field Bhujarat is completed, a memorandum should be affixed to the records of each intermediary estate containing comments on Statements I, III, IV-B filed by the intermediaries and Statement V.

(2) Report on the village rate of rent of different classes of land.

(3) Results of verification of sairat income claimed by the intermediaries.

(4) General observations, such as difficulties experienced in making enquiries.

(5) When the records are completed for any village, these shall be made over to the Anchal Officer concerned, who shall sort out these for the respective Compensation Officers. The Anchal Officer should then report to the Collector the villages for which the notification of vesting can be issued by Government.

(6) *Compensation Proceedings* :—

The Compensation Officer on the basis of the records received after field enquiry will, after vesting, proceed to make such enquiries as may be necessary to determine the compensation under Section 24. In those cases where no claims have been filed within the period prescribed under Section 18 of the Orissa Estates Abolition Act, the Compensation Officer will proceed to draft publish the assessment rolls as laid down in Section 31 of the Act. The subsequent procedure will follow as provided in the Act.

(7) Matters referred to in Rule 8 of Statutory Rules (Part II).

ANNEXURE III

Some Suggestions made for Removing Difficulties in the way of Expeditious Disposal of Compensation Cases and Payment of Compensation

189. Issue of general instructions to officers designated as Collectors under Section 5 (i) of the Orissa Estates Abolition Act :

Section 5 (i) :—Under the provisions of Section 5 (i), if settlement or lease of any land or mines or minerals in the vested estates or the transfer of any kind of interest in any building used primarily as office or cutchery or as rest for the estate servants or as Golas for storing produce rent has been made after the 1st January 1946 with the object of defeating any provisions of this Act or for obtaining higher compensation thereunder the Collector will make enquiries into all such leases, settlements or transfers after giving reasonable notice to the parties concerned. If such settlements, leases or transfers are found after enquiry not bonafide he will set aside and take possession of the property. If the Collector decides not to set aside such settlements, leases or transfers he shall refer the matter to the Board of Revenue for confirmation. The Committee has noticed that in some districts, particularly in the district of Puri, enquiries were made into all such leases from the time of the last settlement resulting in holding up of compensation cases; this involved harassment, which could have been avoided in a number of cases to a large body of raiyats with whom settlement had been made and also to the intermediaries. There are about 16,000 cases registered under Section 5 (i) in the Sadr Subdivision of Puri. It is mentioned in this connection that the Government of Bihar have issued instructions to all District Officers with regard

to ryoti settlements made after the 1st January 1946, whereby they have instructed that no enquiry should be made in respect of :

- (i) settlements of holdings purchased by auction in rent sales by the intermediaries ;
- (ii) settlement of holdings obtained by surrender or abandonment of ryoti lands ;
- (iii) settlements of small areas of cultivable waste lands up to 5 acres even though made after the 1st January, 1946.

The Bihar Government consider that the settlements in items (i) and (ii) above have been made in the normal course of business. In regard to item (iii) they consider it inexpedient to make enquiries meticulously into areas of small extents, and they would not consider it worthwhile to enter into any enquiry into small areas of Anabadi settlements up to the extent of 5 acres. In all other cases, it should be ascertained if the lease had been made after the 1st January 1946 with a view to defeat the provisions of the Act.

190. In the district of Cuttack, a sensible view is taken of cases which are considered fraudulent, and their number is comparatively few as against the large number of such cases brought under enquiry in the district of Puri. Suitable instructions are required to be given to the officers at the lower level so that they may use a certain amount of discretion in dealing with these matters.

191. *Increase in the number of Compensation Officers :*

There is a Compensation Officer appointed in every district. In some districts the Additional District Magistrate is appointed as ex-officio Compensation Officer and in other districts where the work is heavy a Deputy Collector has been exclusively appointed as Compensation Officer. In the district of Cuttack a Sub-Deputy Collector has been

appointed as Assistant to the Compensation Officer. The progress of compensation cases in almost all the districts is extremely slow. Small intermediaries are put to great hardship for the long delay in payment of compensation. It is therefore considered necessary to increase the number of Compensation Officers in the districts where the progress is unsatisfactory. The officers of different ranks who may be designated as Compensation Officers may be vested with powers on a scale in the following manner :—

- (1) Anchal Officers — Estates with gross assets upto
Rs. 6,000/-
- (2) Deputy Collectors—Estates having gross assets
upto Rs. 50,000/-
- (3) A. D. M. or Collectors—without limit.

Anchal Officer will dispose of all those cases of intermediary the estates within his power which are situated in his Anchal. Where an estate lies in more than one Anchal, such estates will be dealt with by a Deputy Collector to be specified by the Collector. Where an estate lies in more than one district the Collector of the district on whose revenue roll the Touzi is borne deal with such cases.

192. *Section 31* :—

It is provided that a copy of the draft compensation Assessment Roll should be sent to the intermediaries by registered post. Alternative provision may be made to serve such draft compensation Assessment Roll on the intermediary if he is present before the Compensation Officer or through the process servers where the Compensation Officer considers it more convenient and less costly.

193. *Interim Compensation* :—

The intermediaries are required to furnish for every instalment of interim compensation paid to them, property security for half the amount and personal security for the other half. The intermediaries, whose assets were mainly estates vested in Government, find it difficult to give cash

or property security in order to receive interim compensation. At times, it is difficult for the petty proprietors to find sureties for them. Even if they are able to give the required security in the first instalment it becomes increasingly difficult for them to furnish security for the subsequent instalments. The Committee is of the view that this rule has been apparently devised to safeguard the interest of Government against claims and charges of the State which may be met out of the compensation payable to the intermediaries. But under Section 28 (c) the amount of compensation payable to a creditor on account of mortgage or a charge on the estate cannot exceed 50% in the maximum of the compensation payable. Obviously, therefore there will be sufficient margin of compensation left at the disposal of the Government to adjust against such claims when the compensation is finally determined. Therefore, it is suggested that demand of security for payment of interim compensation may be waived. If at all any security is insisted upon, it should not extend beyond a personal indemnity bond.

194. Since quite a large number of the intermediaries are holding infinitesimally small properties, the recovery of stamp duties on the bonds to be executed for payment of interim compensation means a certain amount of hardship to the small intermediaries. It is, therefore, suggested that in the event of furnishing securities such as a personal indemnity bond as referred to in the foregoing paragraph, if such bond is still considered necessary, there should be an exemption from payment of stamp duties. So also the applications for payment of interim compensation may be exempted from the payment of court-fees as has been done in West Bengal.

195. The rule with regard to attestation of thumb and finger impressions etc. may be relaxed. Such thumb and finger impressions and signatures may be attested by two respectable gentlemen of the locality or by the Sarpanch of the Gram Panchayat.

196. Small intermediaries find it a great hardship to receive small amounts of interim or final compensation at the district headquarters as the journey expenses sometimes exceed or almost cover up the compensation payable to them. In such cases, they often would forego the compensation. It is, therefore, considered desirable that methods may be devised so that payment of interim compensation or final compensation in lump sum, where admissible, may be made through the Anchal Adhikaris. Payment may also be made by any other gazetted officer at convenient centres as is done in the case of payment of compensation in Land Acquisition cases. Such payments may be made upon the identification of intermediaries receiving compensation by Sarpanches, members of the Gram Panchayats or any other respectable gentlemen to the satisfaction of the disbursing officers.

197. It is also suggested that payment of interim compensation or final compensation to the limit of Rs. 100/- may be made by money orders on the written application of intermediaries agreeing to receive payment in this manner at their own risk. This concession may also be extended to the payment of annuities not exceeding Rs. 100/—

CHAPTER IV

Tenancy Reforms

(Protection of tenants)

SECTION I

INTRODUCTORY

198. Orissa was formed into a separate autonomous province on the 1st April, 1936 by the Government of India Act, 1935 with the component districts of Cuttack, Puri, Balasore, Sambalpur, Ganjam and Koraput. The province was carved out of the other provinces of Bengal, Bihar and Madras. In 1948 and 1949 the neighbouring Rulers' States were integrated into the province. Orissa has, therefore, no single uniform land system and there is a wide diversity in its land settlements. This special feature has been dealt with elsewhere.

199. With the popular Government assuming responsibility of the affairs of the people, special and foremost attention was given to the amelioration of the conditions of raiyats and the tenants. The first of the series of piecemeal legislation to achieve this was the Orissa Tenancy (Amendment) Act of 1938. The main provisions of the Act which ensured removal of some of the immediate problems creating dissatisfaction in the relationship of the landlord and tenants were :—

Measures of
Tenancy
Legislation
1938 (coastal
districts)

- (1) The occupancy rights were declared transferable, and no consent of landlord was required to the transfer nor was any fee payable to him for recognising the transfer.
- (2) The occupancy ryot got the right to the trees on his land, to plant trees, enjoy fruits and cut and utilise the timber of trees felled.

With the independence, various other pieces of legislation were passed :

- (1) to confer right of partition of agricultural land on the ryots,
- (2) holders of service tenures were assured permanent right on their homestead, and
- (3) non-agricultural tenants also received permanent right on the homesteads subject to payment of fair rents.

200. While attention was given for amelioration of the condition of the tenants in the older area of the province, an attempt was made in 1938 to bring down the level of the rents obtaining in the zamindaris of the ex-Madras areas to the level of rents prevalent in the ryotwari areas to afford a more rational basis of assessment than before. A Bill was sponsored to this effect but for certain technical and other reasons, the intended legislation did not receive support from the Governor General in Council. Later by the Madras Estates (Orissa Second Amendment) Act, 1947, Government definitely laid down that no rent would be deemed to be fair on the basis of half the gross produce regardless of the expenses incurred by the ryot in growing crops. Government took power to revise the rents prevailing if these were unfair and inequitable.

**Tenancy
measures in
ex-Madras
areas.**

201. The tenants holding agricultural lands under Inamdars in the ex-Madras areas were protected from eviction until 1947, when the former were conferred heritable and permanent ryoti rights.

202. The hillmen also received some amount of protection against exploitation by non-hillmen in the acquisition of the agricultural lands under the Agency Tracts Interest and Land Transfer (Orissa Amendment Act, 1948).

**Legislative
measure-The
merged
States.**

203. In the Rulers' States which merged with Orissa, the tenancy laws had not been properly codified. In several States there were no written laws and the tenants' right

over their holdings had not been defined. In order to place the tenants of the merged States on a level with those in the parent province, Government enacted the Orissa Merged States (Laws) Act, 1950 conferring certain rights on the tenants. Among other things, the tenants were given right of free transfer of occupancy rights full right over trees standing in their holdings and security against eviction. The non-agricultural tenants were also given occupancy right in respect of their homestead lands.

204. The above attempts resulted only in slight amelioration of the condition of the tenants while the basic pattern of the land organisation remained the same. It was not till the Land Revenue Commission had reported to the Bengal Government in 1945 that the pressing need for radical reform in land organisation was recognised in most parts in India. This Commission stressed the need for agrarian reforms to make administrative reforms effective.

205. In 1946, a Committee was appointed in Orissa with wide terms of reference to recommend legislative and other measures for reforming the different systems of land revenue and land tenure that were in vogue in the several parts of Orissa. The enquiry included the question of elimination of intermediary interests that existed between the cultivator and the State, equalisation of the burden of land revenue falling on the ryots, and also certain aspects of land management. The Committee made sweeping proposals for decentralisation of land revenue to a democratic body at the Anchal level coterminus with a revenue thana or taluq besides making their recommendation for the removal of the intermediaries. The latter part of the recommendation was implemented but the first part relating to the constitution of Anchal bodies was embodied in the form of a legislation in 1955, which has not yet been brought into force. In the larger context of these measures, the actual problems relating to the tenants remained untouched.

Land Revenue & Land Tenure Committee 1946.

Post-Independence trend.

206. After independence, there was an intensive activity in the thoughts and planning in all fields of social, economic and agrarian life in the country within the framework of the Constitution. The First Five Year Plan, which came into operation in April, 1951, included a scheme of land reform for the entire country, but as has already been mentioned above, legislation had been under contemplation in Orissa for abolition of intermediary interests so as to bring the raiyats into direct relationship with the State, and the process of its implementation commenced from 1952.

Tenancy Reforms suggested in First Five Year Plan.

207. Besides the abolition of intermediaries between the State and the tillers, the First Five Year Plan recommended :

- (i) Tenancy reforms, such as security of tenure, provision of fair rents and a right of purchase for the tenants.
- (ii) Fixation of a ceiling on land holdings and the distribution of surplus lands.
- (iii) Improvement of the condition of the agricultural workers, and
- (iv) Agricultural management by co-operative organisation of agriculture with the ultimate objective of co-operative village management.

208. In regard to security of tenure, the first piece of legislation was the Orissa Tenants' Protection Act passed in 1948, which was later substituted by the Orissa Tenants Relief Act in 1954. These two pieces of legislation are within the scope of the enquiry by the Administration Enquiry Committee and therefore the provisions in the two enactments and their implementation are the subject matters of a critical study besides other aspects bearing on them.

SECTION II

(Working of the legislation in Orissa for protection of tenants)

209. The crop-sharing system of tenancy is found all over Orissa. The general conception of this tenancy is that the cultivators are mostly tenants-at-will who can be evicted on short notice. In the Orissa Tenancy Act they are mostly classed as under-ryots. The incidence of their right is that :

Crop sharing system in Orissa.

- (1) such a tenant can be evicted if proper notice is served on him by the land-lord before the commencement of the agricultural year, in which the tenancy is required to be discontinued, and
- (2) in case of cash rented holdings the rent payable was not to exceed by 50% over the rent payable by the superior ryot, when secured by registered lease and in other case not to exceed by 25%. When the rent of any land paid in kind or on the estimated value of a portion of the crop, or at rates varying with the crop or partly in one of these ways and partly in cash, the land-lord was not entitled to recover rent for that land in excess of half the gross produce of the land or value thereof. The Madras Estates Land Act, which applied to the zamindari areas of Ganjam and Koraput, did not recognise an under-ryot. Both in the zamindari and ryotwari areas, they were governed by contract or mutual agreement between the cultivator and the superior ryot. In the ex-Rulers' States, the position of the tenant was very fluid and uncertain, but the problem there was not so acute as in the coastal districts.

210. There are rare exceptions however in the coastal districts of Cuttack, Puri and Balasore in which certain of the tenants holding on cropsharing basis have

been given occupancy right by contract or custom, but the bulk of the produce rented tenancies are regarded as mere tenants-at-will. One peculiar feature of the tenancy is its short-term period, ordinarily one year, though most such tenants hold from year to year. Another feature of the tenancy is that the rent paid constitutes a high proportion of the gross produce, It is usually as high as 50 per cent of the produce. Practices vary in regard to the sharing of bye-products such as straw, chaff, but in most areas where fixed quantum of paddy is agreed to, the cultivator used to appropriate the bye-products, at well as the second crop or catch crops. In the latter case, the cultivator used to take the risk of season. In some areas the cost of cultivation is paid by the land-lord in the shape of seeds, but in others the cultivating tenant bears the entire cost of cultivation. The general practice however is that the land-lord assumes the responsibility for payment of land revenue, land cess, irrigational and other dues.

Working of
the Orissa
Tenants
Protection
Act, 1948.

211. Piecemeal legislation has never been effective in securing the fullest measure of protection. When the proposal for legislation of doing away with the intermediaries in the chain of land interests was in the air, persons holding varying rights in land tenure felt nervous. This did affect adversely to a certain extent the relationship between the land-lord and the tenant. There was complaint of large scale eviction of the tenants holding on produce rent. In the coastal districts of Orissa the complaint was common and the Government passed the Orissa Tenants' Protection Act in 1948 to protect such cultivating tenants. The Act was not extended to the district of Sambalpur where the relationship between the land-lord and the cultivating tenant was not a problem. The main features of the Act were that :—

- (1) Land-holders having 33 acres or more of land were debarred from evicting tenants from the land they cultivated.

- (2) The tenants having occupancy rights who hold on produce rented system were not bound to pay more than one-third of the gross produce as rent to the superior ryot.
- (3) In the districts of Ganjam and Koraput, a ryot holding land on produce rent was not bound to pay more than one-sixth of gross produce of such land, but in the case of a ryot holding lands under a person, who became a "land-holder" in consequence of the provisions of the Madras Estates Land (Orissa Second Amendment) Act, 1946 will not be required to pay more than one-third of the gross produce. This specially referred to Inamdars under whom the ryots could not acquire any permanent right previously.
- (4) Tenants who had no security of tenure, were not bound to pay more than two-fifth of the gross produce as rent.
- (5) The landlord was to bear the cost of transport of grains from the threshing floor to his granary if the distance exceeded three miles.
- (6) The Collector or any Officer authorised on his behalf was empowered to decide disputes under the Act on the application of either landlord or the tenant. Penalty was also provided for imposition on landlord or his agent who realised from a tenant anything in excess of the rent lawfully payable, or who evicted the tenant from the land or interfered in any way with the tenant's cultivation of the land. The penalty provided was to the extent of Rs. 500/- or double the amount of excess realisations by the landlord whichever amount was higher, or simple imprisonment for a period not exceeding six months in either case in default of payment of penalty.

This was a temporary measure applicable to the coastal districts only, pending introduction of a comprehensive legislation. The Act was, however, extended from

time to time till 1955, when the Tenants' Relief Act was passed, the latter being also a temporary measure.

212. The Act of 1948 is said to have failed to bring appreciable relief to the cultivating tenant for the reason that the majority of them have lands under occupancy ryots who hardly ever had lands above 33 acres. The number of cases instituted and dealt under the Orissa Tenants' Protection Act of 1948 is given below :

Year	No. of cases instituted
1	2
1948-49	194
1949-50	264
1950-51	340
1951-52	289
1952-53	768
1953-54	794
1954-55	658
1955-56	84

Total— 3391

Of the 3391, Puri alone accounts for 2264 cases and Ganjam 679. In the other districts it would appear that only a few tenants took advantage of the Orissa Tenants' Protection Act. The general impression is that in the coastal districts of Orissa about 15% of the so called ryots hold some lands under crop sharing system. These are small ryots who cultivate other lands of bigger ryots in order to supplement the income from agricultural lands. The sample survey held in 1947-48 disclosed the following position in the old area of the State before merger of Rulers' States.

Percentage of lands cultivated by members of family	....	....	58.8
Percentage of lands cultivated by share croppers	....	....	15.6
Percentage of land got cultivated by agricultural labourers	....	....	25.6

But with reference to the percentage of families depending on cultivation :

share croppers represent	....	3.5
agricultural labourers represent	....	21.4

213. The Government thought that more substantial relief was called for to protect the small cultivators and therefore they brought into operation another piece of legislation on a more comprehensive basis which was the Orissa Tenants' Relief Act, 1955. It is said that the beneficial effect of the Orissa Tenants' Protection Act was to bring about some consciousness amongst the cultivators in regard to their rights. It was only where there was strained relationship between the landlord and the tenants that they came up to the Court for redress, otherwise there was quite a large number of cases which were compromised, and a vast majority of the cultivating tenants remained as they were before, in their relationship with the superior ryots.

214 A. This piece of legislation is designed to prevent large scale eviction of tenants from actual cultivation of agricultural lands which was being resorted to by owners of such lands subsequent to the passing of the Orissa Estates Abolition Act, 1951. The latter law did not provide any measure for protection of the actual tiller of the soil. It had been provided therein that consequent on the vesting in the State of estates of intermediaries, they (i. e. the intermediaries) would be entitled to retain their residential buildings, homestead lands, and all lands used for agricul-

Scope of the
Orissa
Tenants'
Relief Act,
1955 (Orissa
Act No. 5
of 1955)

tural and horticultural purposes as ryots under the State on payment of fair and equitable rent. The 'ryot' was defined to be one who held land for the purposes of cultivation and who had acquired the right of occupancy according to the tenancy laws or in consonance with custom and usage prevalent in any particular area. Many of the ryots holding land for purpose of cultivation who had acquired right of occupancy had not been recorded in any settlement records, specially those who held land on produce-sharing system or on estimated value of the share of produce. In several areas where the settlement proceedings were in progress the result showed a definite attempt on the part of the immediate landlords to oust as many cultivating tenants as possible of the above category. This created a very unsatisfactory and highly tense situation. Government, therefore, considered introducing prompt legislative measures to protect the actual tenant from ejection or ousting by the landlord from cultivation of agricultural lands in possession of such tenants. In the Orissa Tenants' Relief Act, 1955, a 'tenant' was defined to mean a person who, under the system generally known as Bhag, Sanja, or Kata or such similar expression, or under any other system, law, contract, custom or usage, cultivates the land of another person on payment of rent in cash or in kind or in both.

214 B. The law provided the following protective measures :-

- (i) No tenant holding any land on the 1st day of July, 1954 or at any time thereafter shall be liable to be evicted from such land by the landlord.
- (ii) The limit of payment of rent was limited to one-fourth of the gross produce of the land or the value thereof or the value of one-fourth of the estimated produce. Such rent, however, was not to exceed the value of four standard maunds of paddy in case of dry lands and six such maunds of paddy in case of wet lands

or eight maunds of paddy in the case of lands growing such special crops as sugarcane, jute, cotton, tobacco, betel leaves and potato. The value of such rent was inclusive of cesses and local rates payable in relation to such land.

- (iii) No tenant with permanent and hereditary rights holding on terms of produce rents was liable to pay more than two-thirds of the rate of rent payable above. In other words, the rent payable was not to exceed one-sixth of the produce or value thereof.
- (iv) No landlord was entitled to recover any cess, rates or other dues payable or deliverable in relation to the land by a tenant holding on produce rents.
- (v) The small landlord was given the right to evict the tenant from any land selected by him for his personal cultivation to the aggregate extent of seven standard acres of land provided he made such selection by intimation to the Collector on or before the 15th day of June, 1955. But if the landlord after evicting a tenant from any agricultural land in pursuance of the law failed to personally cultivate the same land during the first three quarters of the next agricultural year in which eviction took place, the tenant could seek restoration of the possession of the land within a period of ninety days ending with the last date of that agricultural year.
- (vi) The Collector or any other person vested with the power of Collector under the Act was entrusted with adjudication of disputes between the tenant and the landlord as regards :-
 - (a) tenant's possession of the land on the 1st day of July, 1954 or at any time thereafter,
 - (b) failure of the tenant to deliver to the landlord the rent accrued due within two months from the date on which it became payable,

- (c) the quantity of the produce payable to the landlord as rent,
- (d) failure of the tenant to cultivate the land or use of the same by him for any non-agricultural purpose.

The jurisdiction of the Civil Court was barred in relation to such cases which were made cognizable by the Revenue Court.

The above are the main provisions of the Orissa Tenants' Relief Act.

Retrospective effect of the two Acts.

215. The Orissa Tenants' Protection Act (Act III of 1948) was passed in the year 1948 and it was given effect to retrospectively from 1st. day of September 1947 and after several extensions its term expired on 15th day of April 1955. The Orissa Tenants' Relief Act (Act 5 of 1955) came into operation from 21st. April 1955 actually though it was given retrospective effect from 1st day of July 1954. The Act has been extended to be in force till the 30th June, 1958.

216. The retrospective effect was given obviously to protect the tenants who might have been subject to eviction or other disabilities by the machinations of the landlords as soon as the intended policy of Government was known. Since tangible and documentary evidence in support of the tenants was rare, the retrospective operation in each individual case depended mostly on parole and circumstantial evidence. At the commencement of operation of the two pieces of legislation the issue regarding the date of tenancy became a burning one.

Resumption of land.

217. The Orissa Tenants' Relief Act received assent of the President on 20th April, 1954. It was made obligatory on the landlords to make selection of the land to be reserved and to intimate to the Collector in the prescribed manner on or before the 15th June, 1955. This was a very short time for the landlords to send up their intimation.

Where such selection was made the landlord was required to exercise the right to evict on or before the 15th May 1955 or on service of notice on the tenant for 90 days ending 31st March 1956. An exception was made in favour of persons displaced in pursuance of any acquisition of their land under the Orissa Development of Industries, Irrigation, Agriculture, Capital Construction and Resettlement of Displaced Persons (Land Acquisition) Act 1948. It has been a grievance of the landlords that the time allowed for resumption was too short. The number of cases under Section 4 of the Act was only a few.

218. The repercussions on the administrative machinery and the strain thereon were considerable in regard to the disposal of the cases. Several of the parties affected showed tendency to take the law into their hands, and as such there was an increase in criminal cases. In the advanced districts the impact was also felt in the sphere of the preventive sections of law and order. For example, in the district of Puri alone, there were as many as 581 cases instituted during 1954-55 under Sections 107, 144 and 145 of the Criminal Procedure Code.

219. The operation of the Orissa Tenants' Relief Act had varied effect in different areas and in the several districts. The number of cases instituted in the several districts is shown in respect of two years (1955-56 and 1956-57).

Operation of
the Act in
the several
areas of the
State-

Puri	....	3501
Cuttack	....	534
Balasore	....	185
Ganjam	....	109
Koraput	....	13
Sambalpur	....	46
Mayurbhanj	....	126
Dhenkanal	....	65
Bolangir	....	23
Phulbani	...	1
Sundargarh	...	6
Kalahandi	....	2
Keonjhar	....	1
Total		<hr/> 4612

220. In the ex-Rulers' States, where pressure of population is much less than in the advanced districts and there is room for considerable expansion of cultivation, and the land hunger is in no way acute, these pieces of legislation hardly attracted any attention. In the Anandpur Subdivision in district Keonjhar, which borders on the Balasore district, only one case was instituted, and none in the other Subdivisions of the district. In the district of Kalahandi there were only two cases appertaining to the Orissa Tenants' Relief Act and these were compromised. In the other districts of the merged States, the position was no less different.

221. In the districts of Bolangir, Baud-Phulbani, and Dhenkanal the effect of the law was hardly felt. In the district of Mayurbhanj, due to political forces at work, there was agitation in the Subdivisions of Kaptipada and in Barasahi Police Station area of the Sadar Subdivision. There was indiscriminate reaping of unripe paddy giving occasion to widespread lawlessness which resulted in a number of criminal cases. It may not be out of place to mention here that the petty landlords owning a few acres of land who failed to give notice for resumption of land for personal cultivation within the prescribed time, sought also to evict the tenants for sheer economic reasons, as they found one-fourth of the gross produce of their small acreage was too inadequate for their maintenance. No special problem was experienced in the district of Sambalpur in the working of the Acts and the number of cases instituted under the Orissa Tenants' Relief Act were very few. On the whole it appears that the relation between the tenants and the landlords in that district remained satisfactory and the tenants did not avail much benefit nor were they anxious to avail of the benefits even if they were aware of the privileges conferred under the Act. In the Koraput district hardly there was any effect in the operation of the Acts. In the district of Balasore where there is pressure of

population, it does not appear that the tenants took recourse to the law in any appreciable manner. During the years 1955-57, 185 cases were instituted of which 101 have been disposed of, 46 were decided in favour of tenants and 55 in favour of landlords. In the districts of Cuttack, Puri and Ganjam, there was an obvious repercussion of the working of the Orissa Tenants' Relief Act. An analysis of the cases filed in these districts suggests that about 70 per cent of the cases were settled without contest or were dismissed for default of appearance. The Orissa Tenants' Relief Act was introduced in the year 1955. In the first year there was a spate of cases, but the number gradually declined. Obviously, the momentum of feeling which was aroused at first in these districts has slowed down and a large number of cultivating tenants have acquiesced in their lot after minor adjustments were made in the demand and payment of their dues with their landlords. It is said that the tenants are happy with the quantum of their share of produce payable being reduced to one-fourth of the gross produce instead of half or two-fifths provided previously.

222. There is a Research Section in the Utkal University which has undertaken some sort of enquiry into the working of the recent Tenancy laws, and also the operation of the Orissa Tenants' Relief Act. It is reported that investigations were made in three villages of a coastal district (villages Kalei, Mahadevpur and Balarampur in the district of Balasore). It was found that out of 105 cultivating families in the three villages, 45 families cultivated land on produce rent basis. The tenants paid the share of the gross produce (50 per cent) as before. The cost of cultivation was fully borne by the tenant. The tenants were fully aware of the recent Tenants' Relief Act. Contrary to the general belief, there was no large scale eviction nor cases of litigation. There was one case of litigation and the case covered a period of 5 months upto the decision and cost the tenant Rs. 130/-. The decision of the Court

Result of
research
by the
Utkal
University

was against the tenant and this is reported to serve as a deterrent on the tenants of the locality, even if any had wished to seek legal help against eviction. There was no land lying fallow after resumption by the land owners. The absentee landlords were in the habit of selling away their lands because of the uncertainties prevailing as a result of the land reform laws. Land values in general had a tendency to fall. There was no deterioration in the relationship of the tenants and the land-owners. The tenants in some cases have to borrow money from solvent land-owners from whom they took land for cultivation. The observation made by Dr. B. Misra and Sri B. Jena of the Utkal University Research Department is :

“The enquiries in the three villages supported the general impression in the State that the Acts referred to above had very little effect on the system of produce rent tenancy. Generalisation on the basis of such rough investigation in only three villages is not proper but the investigation gave some indication which supported the general experience in different parts of the State. It is interesting to note that one of the three villages studied was included in a community development project. But the tenants received very little guidance and assistance from the project officials or political party workers in the enforcement of the tenancy laws. Due to the ineffectiveness of the Acts it is argued by some that such measures have negative value. Instead of bringing relief to tenants and affording facilities for investment in land such laws lead to litigation and strained relationship between land-owners and tenants and discouraged investment on land. It is stated that such laws tend to reduce the size of units of cultivation and check the flow of capital from urban areas to rural areas. To some extent the above arguments are true but it is not correct to say that such laws have no advantages at all. It has to be realised that so long as the demand for land is in greatly excess of the supply, the

enforcement of laws regulating rent and eviction would be very difficult. Where the tenants agree to the terms of the landlords, the Government officials will find very little scope to intervene. The same causes namely the rural over population, lack of employment opportunities in occupations other than agriculture and scarcity of agricultural land which have led to the growth of such tenancy, hinder the success of corrective legislation. As the causes are not removed, palliative measures fail. The ultimate remedy is the removal of pressure on agricultural land by creation of employment opportunities elsewhere. But the process will be naturally slow. In the interim period, such tenancy laws have some indirect advantages. At least a general impression is created among the tenants and landholders that the prevailing produce rent is exorbitant. The land holders are getting conscious that they cannot indefinitely go on realising a rent much in excess of their legal due. Adjustments in land ownership are being done through processes of sale and exchange. Customary ideas regarding rent payment and growth of rights on land take time to change. Patient administration of the laws through an improved administrative machinery would probably bring about the change. The Gram Panchayats, Government officials, political parties and research workers—all have a role to play in the administration of such social and economic reform measures”.

223. There are divergent views expressed regarding the effect of the Orissa Tenants' Relief Act. Some of the political leaders have expressed the opinion that for the resident well-to-do landlords there was no real change or effect by the introduction of the Orissa Tenants' Relief Act, but for the non-residents, the tenants were assertive of their rights. Others, such as Sri Dinabandhu Behera, ex-M.L.A., consider that there has been some salutary effect of the law in that the landlords have begun selling lands to moderate cultivators in view of the changing times. It is

Popular
opinion.

said that the small-holders retained their own lands and began acquiring more if they had money. In other cases, where there were poor cultivators they were squeezed out by the new purchasers of occupancy rights who had some resources. In any case, it is noticeable that there was a slight tendency towards equalisation of property.

Dr. P. Parija, Vice-Chancellor of the Utkal University, in his address of welcome at the 17th All-India Agricultural Economic Conference, 1946, expressed the view :

“Migration of labour from Orissa is not a new thing. Small holders have always gone to industrial areas like Bengal for periodic employment in industrial concerns and have come back with some saving. They let out their land for share-cropping. The recent legislation enforcing ownership to the actual cultivator is likely to upset this periodic migration. The result of this legislation has been that the owner of the land cannot dispossess the share-cropper nor the share-cropper acquires any right on the land except cultivating it. In consequence rural credit is frozen. Neither the owner nor the share-cropper can obtain credit because of the insecurity of their right on land”.

224. There has been different interpretation in regard to the position of the Bhagchasis vis-a-vis the superior ryot. The opinion of Pandit Nilakantha Das, Speaker of the Orissa Legislative Assembly, expressed before the Committee on 13-6-57 is that “Bhag-chasi is not a tenant at all. In some cases, the landlord used to cultivate the land with the Bhagchasi jointly and the latter brings the produce to the owner’s threshing floor and is paid one-fourth of the produce. The latter should not, therefore, be given any tenancy right as he is a partner merely in the process of joint cultivation for which he is entitled to a part of the produce according to agreement. Bhagchasis as bhagchasis should not be protected but such

persons who are landless and are cultivating lands under superior ryots may be given protection in the event of distributing lands among the landless. Bhagchasis having large areas of land do not deserve protection". This read with Dr. Parija's expressed view points to a larger issue in the matter of dealing with the relationship between the landlord and the Bhagchasis. Sri Jaganath Misra, ex-M.L.A. of district Puri considers that on account of the uncertainty prevailing in regard to the rights of ryots and under-ryots over the land and the future land policy, no improvement of the land is ventured by any party either the ryot or the landlord. He feels that a policy fixing the ceiling of holdings should be adopted as quickly as possible to remove the uncertainty in the minds of the people as prevails at present. After the ceiling is fixed, the Bhagchasis should be protected from eviction and also from exploitation by prescribing the limit for payment of produce rent. The larger aspect of policy will be dealt later.

225. The Taluq Officers and Sub-Deputy Collectors and Deputy Collectors stationed at various Taluq and other headquarters in the district of Ganjam were authorised to perform duties and function as Collectors under the Orissa Tenants' Protection Act and the Additional District Magistrate heard appeals against the orders of lower Revenue Officers who had power as Collector under the Orissa Tenants' Protection Act. In other districts, the Anchal Officers and Subdivisional Officers have been empowered to deal with specific provisions of the Act. After the expiry of the Orissa Tenants' Protection Act most of the officers who were empowered to dispose of the Orissa Tenants' Protection Act cases were transferred and as there was legal difficulty to empower the new officers under the Orissa Tenants' Protection Act all the pending cases were withdrawn to the file of the District Collector. In several districts such as in Ganjam the Collector transferred all the pending cases to one officer who had power under the

**Machinery
of Revenue
Courts.**

Orissa Tenants' Protection Act. In that district 418 cases in all were dealt by a single officer performing functions under the Orissa Tenants' Protection Act from Berhampur for the entire district. In some other districts, the change of officers has been so considerable in recent years, that the District Collector is burdened with the disposal of the pending cases under the Orissa Tenants' Protection Act. Such an arrangement had the inevitable difficulty experienced by parties to the cases in coming to Court from all over the district.

226. The Taluq Officers and other Sub-Deputy Collectors and Deputy Collectors stationed at various stations of the district of Ganjam have been empowered under Sections 6, 9, 11 and 12 of the Orissa Tenants' Relief Act and the Subdivisional Officers have been empowered under Sections 4, 8 and 14 of the Orissa Tenants' Relief Act. In other districts similar powers have been given to Anchal Officers and Subdivisional Officers or to Sub-Deputy Collectors or Deputy Collectors specially empowered for the purpose. When the disposal of cases was centralised at headquarters, it was expensive for the parties to resort to the Courts, the appointment of Anchal Officers to deal with the cases has ameliorated the difficulties of the litigants but on the other hand, this has caused diversion of the attention of the Anchal Officer from the legitimate work facing him at the crucial stage of abolition of estates-management of estates merged in Government.

227. (1) As regards working of the Orissa Tenants' Protection and Orissa Tenants' Relief Acts it is observed that considerable number of cases were instituted under both the Acts in the districts of Ganjam, Puri and Cuttack. Immediately after the enforcement of both the Acts the land-owners in Ganjam appear to have resorted to taking back pattas and muchilikas which had been exchanged between the landlord and the tenant. Tenants having no pattas or receipts granted to them by the land-owners in

Some
common
features in
the dis-
putes.

token of receipt of the share, found it difficult to establish their tenancy right in the law Courts. Those who had the pattas or the receipts in their possession took shelter under the law Court for protection and relief. Such tenants in return were sued by the land-owners for recovery of their dues which were based on hand notes taken previously. In the coastal districts of North Orissa, the superior ryots were hardly in the habit of granting any receipts of executing leases. The Courts were in most cases guided by parole evidence produced.

(2) In some areas there is combination of tenants against small owners who are rendered helpless. This is a feature where political forces are at work.

(3) In some cases the tenants are allowed to cultivate the lands, and at the time of harvesting the landlord, if he discovers infidelity of the cultivator, runs to the police and starts cases under Section 379 I.P.C.

(4) The Orissa Tenants' Relief Act enables a tenant to pay the land owner's share in the Court. Some tenants face considerable difficulties to deliver the share on account of the following reasons.

- (a) The Court calls for the proof of the tenancy.
- (b) If he files an affidavit, the landowner contests it.
- (c) He is called upon to pay the cost of the appraisal petition which is considerable.

(5) In case of division of crops both parties select their own places to have the produce stored, pending decision of the case. There is dispute, therefore, regarding the place of storage which is keenly contested. Even in regard to the time of division of crops, there is dispute as to whether the division should be made before thrashing or after thrashing. Where feelings are high, which is ordinarily so, every minute detail of dispute is hotly contested and is appealable.

(6) The Orissa Tenants' Relief Act provides for appointment of Receivers and Special Officers. In some cases the Receivers and Special Officers do not take prompt action either in taking custody of crops or in reporting about the unauthorised removal of the crops, and at times party politics do retard smooth administration of such matters at local level.

It is also noticed that the practice of appointing Receivers introduces an unsatisfactory state of things when there is a dispute regarding possession of the tenants. A case in point is in the ex-State of Baramba (village-Ragaripara) where about 138 acres of Khamaroi lands are involved. The Receivers are appointed by competitive bids every year and this also disturbs the cultivating tenants who are inducted every year by the Receiver. A Receiver was appointed about 5 or 6 years ago and none of the parties has gone to the Civil Courts to establish its rights.

(7) The Orissa tenants Relief Act gives scope to the Revenue Officers to tour in the interior and dispose of the cases. In the district of Ganjam, the lawyers are in evidence in the outlying places, being commissioned by parties from the Subdivisional and Taluq headquarters. The Orissa Tenants' Relief Act provides for summary disposal of the cases, but the reverse seems to be true because long drawn-out trial is rather a feature in very many cases.

(8) Of late, it is reported that the land-owners run to the Civil Court for an injunction with the complaint that an unauthorised person has entered upon the land and is continuing in occupation. The Civil Court before it could dispose of this, is forced to issue an injunction which is detrimental to the interest of the tenants.

(9) There have been instances where the landowners file affidavits in the O.T.R. Courts that they are continuing in cultivating possession and urge for appointment of

Receiver and Special Officer as their peaceful possession is assailed by good purpose as a third party is temporarily inducted into cultivation against a bonafide cultivator.

(10) Lately the devices which are mostly resorted to by the big owners are:—

- (1) to take a hand note from the cultivating tenant for a sum of money which may be equivalent to 150 or 200 per cent more of the produce demanded after the harvest,
- (2) another written piece of document in addition, is required to represent a declaration by the cultivating tenant that he is a *Halia* or labourer on paid basis,
- (3) some are over cautious in keeping another written document in the case of ignorant tenants in remote places, to represent agreement of the cultivating tenant that he would pay off half share of the produce after harvest, and
- (4) when the share of the produce is paid after the harvest no rent receipt is given to the cultivating tenant for payments received by the superior ryot or landlord.

The bhag tenants cannot afford to part with the small bits of lands which they cultivate of the bigger ryots. By the above devices most of the bhag tenants are being suppressed. Another device is to set up a rival tenant in order to contest the possession of the squatting cultivating tenant in case the latter incurs the displeasure of the landlord. Every village has its well-to-do and influential ryots. Some of the non-residents take the assistance of these well-to-do men of the village in enforcing their rights against the cultivating tenants by some form of transfer of landlord's rights to the influential villager.

228. The operation of the Act has had also its baneful effect. It is reported that in the village Patapur where the Dewan Bahadur Venkata-krishnaya's family owned about 1000 acres of land, the irrigational system was

Adverse
effects of
the operation of the
Act.

being maintained by them. There were certain frictions between the tenant and the landlord, but the more important fact is that the landlord's share of produce was reduced from one half to one fourth. The landlords who were spending quite a lot on the maintenance of an irrigational system in that village left off upkeep of this project as the marginal share which the landlord receives would not cover expenses which were incurred when half share was received. The result is that cultivation has been adversely affected and the cultivators are not raising second crops. This is not a special feature in the district of Ganjam, but also obtains in the coastal districts where the sharing system prevails. It is reported that the second crops and the miscellaneous crops have suffered in certain areas. Under the second proviso to Section 3 (1) of the Orissa Tenants' Relief Act, the rates of rent are limited to the value of 8 standard maunds of paddy in respect of lands grown with such special crops such as sugar-cane, cotton, jute, tobacco, betel leaves, potato, etc. In respect of such crops, there should be some consideration for the annual investment made by the landlord. Where the landlord was maintaining any work of improvement, measures should be taken for continuing the maintenance of such work, and the costs should be a charge on the persons deriving the benefit.

Effect on
the value of
agricultural
lands.

229. It has been said that the operation of the Orissa Tenants' Relief Act has had an adverse effect on the value of agricultural lands. The result of the study of the tendency of land prices for the last five years in respect of 10 districts indicates that the price has remained steady in the district of Dhenkanal. So also is the case in district of Keonjhar. In district Puri there is a slight rise in the prices. In the district of Bolangir there was sudden jump in the price in 1953 upto Rs. 332/- an acre and it has dropped to Rs. 241/- in 1956. In the districts of Mayurbhanj, Cuttack and Balasore there is steady depreciation in the prices. In Koraput the prices are on the increase. It

would appear that barring the districts where industrial development is being made pushing up the price of the land, in all other districts there is a general fall in the price level.

230. General observations on the working of the legislation in regard to protection of tenants.

(1) The universal application of a single and uniform standard to the entire State has produced results contrary to the objective of the legislation. In the districts of Kalahandi and Bolangir small land owners lease their lands to big and rich cultivators for a temporary period and go for earning their livelihood in the vicinity or in the industrial centres where better opportunity is available for employment. Under the present scheme of legislation such small owners are deprived of their lands and find themselves helpless on return home. Thus the effect of the legislation in certain areas was "to carry coal to New Castle".

(2) Where there is pressure of population as in the coastal districts quite a large number of population go out to industrial towns to supplement their income from land. The employment they get elsewhere is often seasonal. The implementation of the present measures has adversely affected such class of small holders. Pandit Sri Nilakantha Das has, pointed out in his dissenting note to the Select Committee on the Tenants' Relief Act that the bhagchasi should have no place in the land distribution which is meant for the poor and landless since the bhagchasi is not necessarily and always poor nor landless. In his view the bhagchasi is a mere agricultural labourer and shares a reasonable produce in return for the service he renders to the present proprietor on a contractual basis. This idea may not be acceptable in the present concept of rural economy. Where the cultivating tenant enters into any agreement for a share of produce, the State has certain responsibilities to ensure that there is not absolute exploita-

tion of a section of a useful community. Thus the State is anxious to give necessary legal protection to the cultivating tenant. Nevertheless the point to be kept in view is that the small owners are not squeezed out between the upper and nether mills.

(3) The sudden introduction of legislation such as the Orissa Tenants' Relief Act, 1955 did not allow a reasonable time for the small and middle owners to resume for personal cultivation a reasonable area which he could manage. The legislative measure referred to had also a baneful effect on the helpless owners such as minors, widows, sick and infirm persons. The cultivating tenants were contending their forces against the big owners, but the more unfortunate owners who deserved certain protection were left helpless. In Madras and Hyderabad a rational approach was made to ensure a balance between the small and middle owners and their cultivating tenants.

(4) The uncertain atmosphere which prevailed consequent on the introduction of two pieces of legislation in Orissa seriously affected the rural credit. The agricultural land being the only asset on the security of which credit is obtained from the money-lenders or co-operative societies and for tuccavi loans from Government has greatly depreciated. Sri V. Sitaramayya in his note of dissent to the Select Committee Report pointed out rightly that Co-operative Societies which advanced loans on the security of lands, now under bhagchasis, are faced with the problems of recovery of their dues which were related to the agricultural lands. As has been pointed out that inspite of the upward trend of the prices of the agricultural produce the land value is slowly diminishing. The bhagchasis themselves are also faced with the problem of credit as the owners of agricultural land are diffident in advancing assistance in the shape of seeds, plough, bullocks or money in the cultivating season in order to make sure of their share of produce. The large owners of agricultural

lands are now more keen in investing money for industrial work and on business than on the agricultural lands in the present uncertain atmosphere.

(5) In West Bengal, provision is made that where the owner supplies plough, cattle, manure and seeds necessary for cultivation, the produce is divided between the tenant and the owner in proportion of 50 : 50 and in other cases it is 60 : 40. Similarly in Assam the land owner is assured one-third of the produce where he supplies cattle, plough etc., but in other cases his share is one-fourth of the produce. The legislation which was hasty has, to a certain extent, affected adversely the productivity of the lands. In the conflict that ensued, the tenants were more interested about their protection than the productivity or the share of produce payable to the landlord.

(6) The Act has not produced the desired effect owing to lack of co-ordination between the policy and its execution or implementation. The normal machinery of the Revenue Department which was overburdened with multifarious works of the present day administration was not always able to cope with the work. The volume of work is, however, easing off, but at the peak of the agrarian struggle, the administrative machinery was found unequal to the task. Adequate attention should have been paid to the successful implementation of the law by appointment of experienced officers and personnel. The protracted proceedings in the Courts no less caused bitterness to a certain extent. The disparity between the policy pronouncement and its execution has not always been happy. Though provision was made in the Act to empower Grama Panchayats or Adalati Panchayats to perform the functions of the Collector under the Act, no attempt was made to give this local institution a trial. The Panchayats could have given an effective help in the determination of possession of land, the quantity of the produce payable, failure of any of the party to cultivate the land, division or

appraisement of the crops. The local machinery would have given speedy assistancê rather than what the law involved in a protracted struggle in the Courts. The piece of legislation has served its purpose and a more satisfactory approach to the problem of the tenancy is called for.

SECTION III

Tenancy Reforms

231. It is obvious that the protection and relief afforded to the cultivating tenant under the two Acts aforesaid and specially under the 'Tenants' Relief Act has been only one aspect of a comprehensive land reforms which would go beyond the objective of merely effecting adjustments between interests of different sections of the people which depend on land. In the actual implementation of the Orissa Tenants' Relief Act, none of the people interested has shown any satisfaction, but the legislation has attracted widespread criticism. From the view of the owners' class, it is suggested that the legislation has served to stir up a lot of dirt between the landlord and the cultivating tenant, which, it is said, was uncalled for. To this section of people it appears that the land reforms already introduced have engendered a process of slow revolution by which the "Haves" were parting with some of the surplus in favour of the "Have-nots". As against this the cultivating tenants are aggrieved that the worries and expenses of litigation was not a candleworth the game. In actual practice the resident landlords in the villages have sufficiently held their own, whereas the small land-owners were adversely affected, a section of people who needed some amount of safeguard from economic, if not, from any other reasons. One of the facts which became apparent is that the big landlords have been slowly and quietly parting with some of their excess lands in favour of the lower grade owners, and thereby it is recognised that since 1948 when the Tenants' Protection Act was passed a process of equalisation and diffusion of landed property has commenced. It is however, worth mentioning that the Orissa legislation has had a definite aim of securing tenancy rights to the share-croppers while the laws of Bengal and Assam do not provide that the share-croppers would acquire tenancy rights in respect of the lands they cultivate.

232. There is, however, a consensus of opinion that the operation of the Orissa Tenants' Relief Act should not be extended beyond June 1958, when its term ends. It is now high time that the last niche in the battle in the sphere of land ownership should be so tackled that the relationship be placed on a satisfactory basis. Uncertainty in this respect any longer does affect agricultural economy and efficiency.

Some
Agrarian
Facts
About
Orissa.

233. Orissa has an area of 61,136 sq-miles with a population of 14,646,000 according to the 1951 Census. The population is not distributed evenly in the State and the average density of population per sq. mile is 601 in Cuttack, 441 in Balasore, 389 in Puri and 344 in Ganjam. The inland division of Orissa which mostly covers the merged States, contains about 76.6% of the area with a population of 54.4 per cent of the State, the average density being 175 per sq. mile. The Orissa costal division constitutes an area of 23.4 per cent of the State and contains 45.6 percent of the total population of the State. It has an average density of 473 per sq. mile against 312 which is the average density in India. The average density per sq. mile area of cultivated and cultivable land per-capita for every district is shown below :—

Name of district.	Density per sq. mile.	Area per capita in cents	
		Cultivated area.	Area available for cultivation
1	2	3	4
Cuttack	601	44.2	28.2
Balasore	441	92.2	21.5
Puri	389	67.7	23.0
Ganjam	344	47.4	44.2
Bolangir	269	127.6	22.0
Mayurbhanj	256	77.6	51.1
Dhenkanal	199	83.7	20.7
Sambalpur	192	104.9	79.3
Keonjhar	183	100.7	95.5
Kalahandi	170	101.9	26.9
Sundergarh	146	136.1	39.4
Koraput	129	111.8	148.5
Phulbani	107	105.4	32.0

In the merged States, more area is included in forests than is shown as available for cultivation. There are 5868 sq. miles of undemarcated and unclassified forests in the inland division against only 669 sq. miles in the coastal districts. The unclassified jungles and forests will in process of time lend themselves for cultivation when there is pressure of demand. It would appear that excepting in the coastal districts where pressure of population is acute, the other districts are, thinly populated. This fact should be kept in view in formulating policies of agrarian reforms.

234. *Agricultural classes*:—Persons belonging to the agricultural classes in Orissa constitute 4/5th of the total population. The population of the State is 146.5 lakhs of which 116.1 lakhs or 79.3 per cent belong to agricultural classes. Orissa is more agricultural in character than most of the States in India. In the inland division of Orissa, the agricultural classes are more numerous than in the coastal division. The inland division contains 82.7 and the coastal division 75.2 per cent of the general population.

<u>1951 Census</u>		<u>Agricultural Labour Enquiry</u>	
Percentage of rural agricultural population to total rural population.		Percentage of agricultural families.	
Class	Percentage	Class	Percentage
Agricultural classes	82.1	Agricultural classes	83.2
Non-agricultural classes.	17.9	Non-agricultural classes.	16.8
I. Cultivators of land owned.	61.7		
IV. Non-cultivating owners	1.4	1. Agricultural owners	41.4

II. Cultivators of land un- owned.	6.1	2. Agricultural tenants.	3.9
III. Agricultu- ral labour- ers.	12.8	3. Agricultural workers.	37.9

235. The proportion of owners reported by the Census is very much higher than that of tenants, and agricultural labourers is much lower than what has been found by the Labour Enquiry. Obviously, the Census and the Agricultural Labour Enquiry have adopted very different definitions of owners, and agricultural labourers. It has, therefore, been suggested that there should be more detailed and exact definition of the terms used for denoting the classification of agricultural people when statistics are prepared by the different agencies.

236. The following statement gives the percentage of different agricultural classes to the total agricultural population of the State according to Census figure of 1951:

Percentage of non- owing cultivators.	<u>Class of agriculturists</u>	<u>Percentage to total agri- cultural population.</u>
	Cultivators of land owned.	75.1
	Cultivators of land unowned.	7.5
	Agricultural labourers	15.5
	Non-cultivating owners	1.9

The Orissa Land Revenue and Land Tenure Committee (1946-49) made a sample survey in the old area of the State (the coastal districts, Ganjam, Koraput and Sambalpur). The result is shown below:

1. Percentage of total agricultural population.	72.08
Average area per family of land- holding agriculturists.	4.85 acres

Average area per head of landholding agriculturists.	1.00 acres
Percentage of families of landless agricultural labourer.	13.5
2. Percentage of families living mainly as share croppers.	3.5
Percentage of families living mainly as agricultural labourers.	21.4
3. Percentage of lands cultivated by family members.	58.8
Percentage of lands cultivated by share croppers.	15.6
Percentage of lands cultivated with the help of agricultural labourers.	25.6
4. Percentage of agricultural land transferred from the hands of actual cultivators into those of non-agriculturist during the last 15 years.	3.9

The percentage of families of landless agricultural labourers hardly approximates to that given in the Census. It is significant to note that the percentage of families living mainly as share croppers represents 3.5 per cent of the total agricultural family whereas the percentage of lands cultivated by share croppers is 15.6 per cent. Obviously, some of the small owners who have less than the basic or economic holding take up lease of land on sharing basis from other owners. There is a margin of about 5 per cent of the families who are both small owners as well as share croppers. The fact as appears from the Census Report is that the majority of the agriculturists are owners. There is no evidence of increase in the number of agricultural labourers. It is said in the Census Report that the increase

in the number of agricultural owners is so remarkable that it has created the problem of small and uneconomic holdings which seems to be the biggest problem of agriculture, surpassing in magnitude even the problems of tenancy or agricultural labour.

237. There is also the significant fact that the cultivators of land unowned (*bhagchasis*) represent 5 per cent of the agricultural population in the inland division as against 11 per cent in the coastal districts. Evidently, therefore, there is a larger percentage of non-owning cultivators in the coastal division than in the inland division. It is also noticed that the non-cultivating owners represent 3.2 per cent in coastal districts whereas in the inland division it is 0.9 to the entire population.

238. There is, however, a paucity of information relating to agricultural holdings in Orissa and our study has not been quite as thorough in regard to individual districts. It is, however, noticed that the Land Revenue and Land Tenure Committee constituted in 1946 by Government of Orissa have built their statistics on the basis of families rather than individual cultivators, whereas the Censuses based their statistics on 'household' and the latter is strictly limited to members attached to a single mess with a single main door. In most cases, the total possession of cultivated lands held by a member of 'Census household' is the same as that of the principal earner in the household. In the land settlement records the agricultural holdings are mostly recorded in the name of the principal earner in the household or the members of that family as co-sharers. This will have a certain bearing on the question of the definition of family. In considering the question of ceiling applicable to agricultural holdings an important matter would arise whether the ceiling should apply to holdings of individuals or to holdings of families. The Planning Commission has recommended that the ceiling should apply to the total area held by a family, the

expression 'family' being deemed to include husband, wife and dependant sons, daughters and grand children. The census has taken into consideration the 'household' limited to members attached to a single mess with a single main door. In short, the family is considered by the number of hearths maintained by the members. The definition of a family would lead to certain difficulties in application and there should be a clear enunciation of what it intended. An average family should consist of 5 members. In carrying out the policy of ceilings, it would be of advantage to consider families living jointly in terms of stirpes. The ceiling should be applicable in terms of family units. If this be not done, the 'Ceiling applicable for future' would always be a fluctuating factor related to the number of members in the family which will vary constantly. But where ceiling is applied to existing holdings, we suggest that the ceiling should be fixed at 3 family holdings and where the number of members exceeds five, an area of 2 standard acres should be allowed for each member upto a limit of four and half family holdings. This is a concession to owners in relation to their existing holdings, and would not be permissible for future acquisition to this higher limit.

Distribution of holdings according to size of holdings.

239. The Land Revenue and Land Tenure Committee conducted a sample survey in a small area of 60,230 acres in different parts of the old Orissa districts. The survey was limited only to 12,766 families in the old area, but the selection does not appear to have been strictly made on random sample principle. The results cannot be satisfactorily applied to the entire State. The Census figures relate to families in the State. The following statement shows how the results of the two estimations compare :

	1	2	3	4	5	6-10	11-32	33	34-79	80	Not stated and over
	acre	acres	acres	acres	acres	acres	acres	acres	acres	acres	acres
1951											
Census	220	161	134	101	83	140	91	5	15	4	46
L. R. & L.T.Co- mmittee.	267	192	129	96	62	147	90	...	13	2	...

Compared to these figures, the results of the Census of 1951 indicate that 69.9 per cent of the families have holdings of the size not exceeding 5 acres, 14 per cent have holdings between 6 to 10 acres, 9.1 per cent between 11 to 32 acres and only 2.4 per cent having each over 33 acres. The corresponding figures of the Land Revenue and Land Tenure Committee of 1946-49 are 74.6, 14.7, 9.0 and 1.5 per cent respectively. The differences are not very remarkable, but it seems that the Census figures approach the actuals rather than those obtained by the Land Revenue and Land Tenure Committee as it was not made on random sample method and the survey was in a limited area.

**Size of
holdings.**

240. More than half of the cultivated area is comprised of small holdings upto 10 acres, and only less than one-fifth of the area is found in large-sized holdings of over 30 acres. On a closer analysis of the data available from the Report of the Land Revenue and Land Tenure Committee it appears that 30.1 per cent of the total cultivated area is comprised of small-sized holdings of 1 to 5 acres and 22.0 per cent covers holdings of 6 to 10 acres. Thus 52.1 per-cent of the total cultivated area is comprised in the group of holdings where the area varies upto 10 acres. Another 30.0 per-cent of the cultivated area is constituted of medium-sized holdings of above 10 and below 30 acres. Large-sized holdings which is comprised of 30 acres or more cover 17.6 per cent of the cultivated area.

241. Studying the position from another aspect, it is noticed that 70 per cent of households, all having very small-sized holdings of 1 to 5 acres, occupy only about 30 per cent of the total cultivated area. 14 per cent of households having 6 to 10 acres each are holding about 22 per cent of the cultivated areas. Less than two per cent of the households having more than 33 acres occupy about 13 per cent of the land area. Thus, it is seen that the distribution in Orissa is most uneven.

242. In order to appreciate the possible impact of land reforms on the general mass of cultivators, it is worthwhile looking into the classification of areas, and specially the area which is cultivated and the area which is available for cultivation. The following table taken from the Census Report shows the classification of areas :

Percentage
of cultivated
area.

<u>Classification</u>	<u>Area in acres</u>	<u>Percentage of total area of the State.</u>
1. Forest	14,720,000	38.24
2. Not available for cultivation.	4,578,902	11.90
3. Other uncultivated lands excluding current fallows.	5,448,791	14.16
4. Current fallows	1,819,275	4.73
5. Net area sown during the year.	11,920,066	30.97
Total area of the State.	38,487,040	100

There has been a definite decrease in the total area under cultivation in most of the districts of Orissa and in the State as a whole since 1921. It appears that in Orissa the growth of cultivation during the last 30 years has not kept pace with the growth of population, but on the other hand, whereas the growth of population has been to the extent of 31.3 per cent during the period the decrease in

the cultivated area has been to the extent of 8.5 lakhs acres representing a decline by 7 per cent. The decline is remarkable in the coastal division being to the extent of 6.9 lakh acres whereas in the inland division it is 1.6 lakh acres. Except the districts of Sambalpur, Keonjhar, Sundergarh and Phulbani, the individual districts have shared the decline more or less. Various causes have been attributed to this adverse factor, such as high cost of plough, bullocks, adverse seasons, shortage of agricultural labour, deterioration in the soil and abandonment of a number of principal irrigation sources of the Orissa Coast Canals in the coastal districts. These factors call for closer attention and demand that there should be more of economic assistance for rehabilitation of the small cultivators. The mere settlement of agricultural lands with the landless labourers or the small cultivators is not a panacea of the evils of the low standard of living. The problem is dearth of credit and whatever land reforms are introduced there will be no substantial gain, but on the other hand a set back in the agricultural productivity unless the State aid is substantial to help the smaller cultivators to make the lands productive. It has often been urged that the security of tenure assured under the Orissa Tenants' Relief Act has not in any way helped in the productivity of the lands. The present period is a transitional one to warrant any definite conclusion, but it is evident that no reforms in connection with land tenure is likely to yield the expected result unless the new class of persons inducted to cultivation have the necessary experience and the resources to make a productive use of the land to be settled with them. In the coastal districts, the per capita cultivated land was 83.2 cents in 1921 and this has come down to 58.6 cents in 1951, the decrease being about 30 per cent. During the recent years there have been efforts towards "Grow More Food". Notwithstanding the impetus given, it is significant that the Census figures have shown a decline in the cultivated area per capita from 85.7 in 1941 to 82.7 cents in 1951.

243. *Irrigated area* :— In Orissa the irrigated area amounts to 16.2 per cent of the cultivated area. The irrigation facilities are limited in extent in Orissa. Out of the average cultivated area of 121 lakh acres for the quinquennium ending 1949-50, the area irrigated is only 19.6 lakh acres. This has not taken into consideration the large potentiality in the big irrigational projects such as Mahanadi Valley, the Salandi and other projects. In suggesting the ceiling of area for personal cultivation the standard acre is related to the irrigated area. In Orissa we have suggested that the ceiling should be considered with reference to three classes of lands and the ratio should be 1: 2: 3: for the irrigated, rainfed and uplands respectively.

Ceiling on Agricultural Holdings—

244. The disparity in the ownership and the distribution of land has attracted considerable attention in recent years. The First Five Year Plan accepted the principle that there should be an absolute limit to the amount of land which an individual may hold. It was suggested that this limit should be fixed by each State having regard to its agrarian history and its present problems. The Second Five Year Plan has suggested a guide to the fixation of :—

- (a) a ceiling on future acquisition,
- (b) a ceiling on existing holdings, and
- (c) a ceiling on the extent of land which an owner may resume from tenants for his personal cultivation.

The Orissa Tenants' Protection Act gives the indication that 33 acres of land might be the ceiling for personal cultivation of an agricultural holding. Section 7 (1) of the Orissa Estates Abolition Act, 1951 assured the intermediaries all lands of whatever extent which were in their direct cultivating possession. The intermediaries who

held 33 acres and less were also assured ownership rights even though there might be temporary lessees. This assurance was not expressly given to an intermediary who held 33 acres and above and there were temporary lessees. The Orissa Tenants' Relief Act (Section 4) provided that owners having less than 7 acres of land could resume lands for personal cultivation to that extent, but the time given to them for resumption was so short that very few could avail of the opportunity.

Family
holding.

245. In the First Five Year Plan it was suggested that a convenient unit for consideration of ceiling would be "a family holding". According to the Select Committee examining the Orissa Tenants' Relief Act, 1955 seven acres of wet land or 14 acres of dry land were fixed as basic holding. The Congress Agrarian Reforms Committee has made distinctions between a 'basic holding' and an 'economic holding'. An economic holding depends on the agronomic condition, agricultural technique and the standard of living to be satisfied and got to be determined on the following principles viz. :—

- (1) It must afford a reasonable standard of living ;
- (2) It must provide full employment to a family of normal size and at least a pair of good bullocks, and
- (3) It must have a bearing on other relevant factors peculiar to the agrarian economy of the region. A 'basic holding' is smaller than an 'economic holding' but is not palpably economic and would be capable of being built up by acquisition or otherwise into an economic holding. A 'basic holding' can be employed for individual farming under certain circumstances. The Committee recommended for co-operative farming in the case of holdings smaller than basic,

From the above principles regarding an 'economic holding' and the sizes of economic or family holdings fixed in other States, the Select Committee on Orissa Tenants' Relief Bill perhaps meant that 7 acres of wet land or 14 acres of dry land should form an 'economic holding'.

246. A family holding is considered from two aspects, namely, (a) as an operational unit, and (b) as an area of land which can yield a certain average income. It is recognised that it may be an ever changing factor to correlate a family holding to a given level of money income which again depends on a level of prices always fluctuating. The approach to a consideration of the subject may be considered by a combination of the two factors. In Orissa, it is ordinarily considered that a plough with a pair of bullocks can cover 7 acres of ordinary land in cultivating seasons. It is assumed that an average family consists of 5 members (3 adults and two children). In terms of staple food crops (i. e. rice) the annual consumption per individual comes to $6\frac{1}{2}$ mds. equivalent to $10\frac{1}{2}$ mds. of paddy. The consumption of a family of five (3 adults and two children) per annum is 43 mds. of paddy. If another 43 mds. of paddy is added for other expenses including cultivation and others, a family can have a bare subsistence. The average yield per acre is estimated at 12 mds. of paddy, for ordinary land. On the above facts, it would appear that an average family will require 7 acres of ordinary land or $3\frac{1}{2}$ acres of irrigated land as a basic holding for a minimum subsistence.

247. We would, therefore, suggest the following limit in respect of the economic holdings and the ceiling:—

- (i) basic holding (i. e. the limit of holding which is the minimum area needed for profitable cultivation).

3.5 acres
(standard)

Limit on
economic
holding,
Basic family
and ceiling.

- | | |
|--|--------------------------|
| (ii) the family holding should be three times that of the basic holding which would be | 10.5 acres
(standard) |
| (iii) the ceiling i. e. utmost limit prescribed for resumption for personal cultivation would be.... | 31.5 acres
(standard) |

248. The Planning Commission has recommended that for a family of five persons, the family or economic holding should be such as to yield a net annual income of Rs. 1200/- (including remuneration for family labour) and the area of land shall not be less than a plough unit or work unit for the family working with such assistance as is customary in agricultural operations. The ceiling for an average size of family is placed at 3 family holdings and where the number of members is larger, the ceiling may extend to a maximum of six family holdings. As the income from land varies according to its quality and situation, the level of ceiling is bound to be different in different areas and also for different classes of soil. The Planning Commission suggested that the ceiling may be fixed as multiples of a family holding, the latter being determined by each State as an area which yields a certain average income. Hyderabad adopted the concept of a family holding which it defined as an area yielding a net income of Rs. 800/- per year and fixed ceiling as multiples of family holdings. In the Bihar Bill, provision has been made to vary the level of the ceiling according to the size of the family as well as the quality of the soil. For simplification we would suggest that ordinarily three classes of lands be considered with reference to agricultural advantages such as irrigated, rainfed, and upland. Thus the standard acre which will be related to agricultural lands may be considered in the proportion of 1 : 2 : 3 respectively for irrigational, rainfed and uplands. In Madras one

acre of wet land is made equivalent to three acres of dry land. In Bombay the equation is that one acre perennially irrigated land is deemed equivalent to two acres of seasonally irrigated paddy or rice land, which again is equivalent to four acres of non-irrigated land. In Hyderabad, one acre of wet land is equal to four to eight acres of dry land.

249. The question whether ceiling should apply to the holdings of individuals or to holdings of family has been left open by the Planning Commission for the decision of the States. The relevant legislations of Hyderabad, Punjab, Pepsu, Assam and U. P. and the proposed Bihar legislation have made the holdings of families the basis of application of ceilings, but the definitions of families in these legislations have not been uniform. If ceiling is related to individuals in a family the ceiling on future acquisition will be always a fluctuating factor and will present a problem for implementation. If individual holdings are adopted there would be evasion of the 'ceiling' on a comparatively wide scale by fictitious transfers or otherwise, and it may be administratively difficult to prevent these overt transactions. In Agriculture, the family is the unit of operation, and in the settlement records the family with the co-sharers or the head of the family in respect of a joint family has been recorded. Either of the view has its disadvantages in application. It would, however, be expedient to impose ceilings on the holdings of families rather than on holdings of individuals. All the lands held by the different members of the same family should be taken into account in fixing the ceiling, a family being defined to include husband, wife and dependent sons, daughters and grand children as suggested by the Planning Commission. In other words, the element of separate mess will be an essential consideration, but where there is a large family who are in joint mess it would be possible to consider them by stirpes.

Family unit.

Exemptions
from the
ceiling.

250. The main factors which have been suggested by the Planning Commission to be taken into account in deciding upon exemption from the purview of the ceiling are, viz :—

- (1) integrated nature of operations, especially where industrial and agricultural works are undertaken as a composite enterprise,
- (2) specialised character of operations, and
- (3) from the aspect of agricultural production the need to ensure that efficiently managed farms which fulfil certain conditions are not broken up.

The above are very important factors to be taken into consideration. Besides the above the following categories of farms have been recommended to be exempted from the operation of the ceilings :

- (1) tea, coffee and rubber plantations;
- (2) orchards where they constitute reasonably compact areas;
- (3) specialised farms engaged in cattle breeding, dairying, wool raising, etc.,
- (4) sugarcane farms operated by sugar factories; and
- (5) efficiently managed farms which consist of compact blocks, on which heavy investment or permanent structural improvements have been made and whose break-up is likely to lead to a fall in production.

In addition to those mentioned by the Planning Commission, farms under mechanised cultivation which conform to the standard of agricultural efficiency and State Farms of any type and Co-operative Farms should be exempted from the scope of ceiling.

Ceiling on
future acqui-
sition.

251. In undertaking any task towards equalisation of landed property, the first step should be to fix a ceiling on future acquisition. This matter should engage an early

attention. Though there is a certain amount of nervousness to acquire large areas of cultivating land at present owing to an atmosphere of uncertainty in land policy, it has already been clear to many that the Orissa Estates Abolition Act placed a margin of 33 acres of land allowable to intermediaries for their direct cultivating possession. There has been some anomaly in the operation of the various laws operating in Orisaa in regard to ceiling and this should be placed on a clear basis.

252. In regard to the ceiling for future acquisition, the following limit has been adopted by several of the States :—

U P.	....	30 acres
Delhi	....	30 (standard) acres
Bombay	....	12 to 48 „
West Bengal	....	25 „
Madhya Bharat	....	50 „
Hyderabad	....	3 family holdings.

In Orissa, we would suggest that there should be a ceiling of 3 family holdings fixed for future acquisition. In terms of standard acres it would be 31.5 acres as the absolute limit up to which a family can hold lands for personal cultivation.

253. In future, after the commencement of the proposed legislation, if any person acquires any land in excess of the proposed limit, then such acquisition should be void. It should be the responsibility of any person on whom any excess land devolves by inheritance, gift or by involuntary transfer to report the fact to the Revenue Authority concerned. Such excess land should be taken over by the Government on payment of compensation determined on the basis of a multiple of net profit. Where, however, acquisition is made by voluntary acquisition in excess over the ceiling the land should be forfeited,

Ceiling on
existing
holdings.

254. The Planning Commission have suggested that the ceiling on existing holdings should apply to owned lands held under personal cultivation, tenants being enabled to acquire rights of ownership by payment to the owner a price fixed by the Government. This course is considered to reduce the area of attack and to bring the problem of ceiling on manageable size. Hyderabad has followed this suggestion and applied ceiling to owned lands under personal cultivation only. In a few of the States, the ceiling applies to all lands whether personally cultivated or given on lease. We support the idea that in determining ceiling the limit should refer to lands held under personal cultivation. The level of ceiling on existing holdings differs from State to State. In Assam it is 50 acres, and in West Bengal 25 acres, irrespective of the size of the family or the quality of the soil. In Hyderabad it is 4½ family holdings, the quality of the soil being taken into account in determining the size of the family holdings. The limit may be enlarged further. In case of a joint family it is fixed at a maximum of six family holdings to provide one family holding to each branch of the family entitled to a share per stirpes in the property on the partition of the family. In the Punjab, the ceiling is fixed at 30 standard acres in case of a local landlord. Bihar divides land into four classes and has suggested the ceiling on the existing holdings for a family of five or less members at 25 acres of Class I lands, or 50 acres of Class II lands, or 60 acres of Class III lands or 75 acres of Class IV lands. If the number of members of the family exceeds five, then the ceiling area is to be increased by 5 acres of Class I lands or its equivalent area of the other classes per each additional member of the family subject, however, to an overall maximum of three times the ceiling area mentioned. In most other States, no ceiling on existing holdings has yet been imposed.

255. There is no reason to make any difference in the ceiling to be made applicable to existing holdings from

that on future acquisition. The ceiling has been suggested at 31.5 standard acres. In respect of existing holdings where the family members exceed five, several of the States provide that each such extra member may be allowed two standard acres upto a maximum of four and a half family holdings for a family, and some States provide the maximum upto six family holdings. We do not, however, recommend that ceiling should be enforced on existing holdings.

256. The Zamindari Abolition Committee appointed by the Government of U. P. considered the question of fixing a ceiling to the land holdings on the basis of 50 acres as the maximum holding. The Committee recommended against fixing any ceiling because the surplus land available would be inadequate for the purpose of making uneconomic holdings economic. The Famine Enquiry Commission were against fixing any ceiling to individual holdings on similar ground and if big holdings are split up the marketable surplus of grain would diminish. This view has not been countenanced in certain quarters on the ground that areas obtained, however inconsiderable, should be for the benefit of the landless or small agriculturists.

257. The Committee do not recommend that ceiling should be enforced on personal holdings for the following reasons :—

- (i) There will be difficulty in implementing this. In the earlier section, the administrative difficulty in implementing the Tenants' Protection Act and Tenants' Relief Act has been sufficiently explained.
- (ii) The limit of land which is held in excess over the ceiling will be diffused or levelled down in the near future by the increase of the family by the law of succession.
- (iii) By the application of ceiling only 9 lakh acres of land will be available. It is assumed that there are

cultivating tenants in about 50% of the area of these big owners. Therefore, only 4.5 lakh acres will be available for distribution to the agricultural families who own less than a basic holding. There are about 10 lakh families who have lands between 1 to 3 acres. They will require 15 lakh acres in order to bring the area of their holdings upto a basic holding. Thus it would appear that only one-third of these very small owners will be benefited not to speak of agricultural labourers. The agricultural labourer will hardly be benefited by the resumption of the land in excess of the ceiling.

- (iv) The compensation payable in respect of 4.5 lakh acres (untenanted) which Government will resume from the khas lands of land owners, which must be lands of very good quality, will be 18 crores of rupees on an average of Rs. 400/- per acre. It does not appear that the trouble of resumption will be commensurate with the administrative difficulties involved and the amount which the Government will be called upon to spend on compensation without surety of repayment. It is not likely that the landless labourers or the small owners will be able to purchase this land. Taking all these facts into consideration, the Committee would not advise the ceiling to be applied on present holdings.

*Ceiling on resumption of land from tenants for
personal cultivation by the owners*

258. It has been accepted that the resumption of land for personal cultivation should be permitted, as otherwise many of the small and middle owners will be thrown out of their living. Resumption should be permitted only on the ground that the land resumed should be cultivated personally by the owner or members of his family. The main questions relating to ceiling on resumption of lands for personal cultivation are ;—

- (i) what constitutes "personal cultivation",
- (ii) what should be the limit of resumption, and whether a minimum area should always be left with the tenant, and
- (iii) whether there should be any time limit for resumption.

Definition of personal cultivation :—

259. There has been quite a lot of controversy in regard to the definition of expression "personal cultivation". "To cultivate personally" means to cultivate lands—(i) by one's own labour, (ii) by the labour of any member of one's family, (iii) by servants on wages payable in cash or kind, but not in crop share, and (iv) by hired labour under one's personal supervision or by personal supervision of any member of the owner's family. This may be accepted as a fairly reasonable definition of what is meant by "personal cultivation". It has been said that "personal cultivation" has three elements, namely, risk of cultivation, personal supervision and labour. A person who does not bear the entire risk of cultivation or parts with a share of the produce in favour of another person cannot be described as cultivating the land personally. Personal supervision should be to an extent in which the owner visits his land not nominally, but gives effective supervision during the cultivating season either himself or by a member of his family. The insistence on performance of minimum personal labour by the owner himself is not a practical proposition, and there should be some elasticity provided for. The elements of personal supervision during the major part of the cultivating season and the bearing of entire risk of cultivation by the owner should be included in the definition of "personal cultivation". Since the land policy tends to make the land be cultivated by the person who owns the land, a logical sequence would be that the land resumed should be cultivated either in person or by a member of the family or personally supervised by the owner or members of his family in order to yield the very best of

the produce provided that such supervision is substantial, i. e., accompanied by residence in the village in which the land is situated, or in a locality from where supervision is available for the greater part of the agricultural season.

The limit of resumption of land by owners who hold below the ceiling.

260. The Planning Commission have suggested the following formula for fixation of the limit to which an owner may resume land for personal cultivation.

- (a) Owners with less than one-third of a family holding may be free to resume their entire area for personal cultivation.
- (b) Owners whose holdings lie between a basic holding and a family holding should be permitted to resume for personal cultivation one half of the area held by the tenant but in no event less than a basic holding.
- (c) When the land-holder has under his personal cultivation land which exceeds a family holding but is less than the ceiling limit, he may have the right to resume land for personal cultivation to an extent so as to leave his tenant with a family holding and the total area obtained by the owner together with the land already under his personal cultivation does not exceed the ceiling.
- (d) If the land-owner has less than a family holding under his personal cultivation, he may be allowed to resume one-half of the present holding or an area which together with land under his personal cultivation makes up a family holding whichever is less provided that the tenant is left with not less than a basic holding.

The above formula for resumption by owners for personal cultivation can be conveniently worked out in respect of a single family whether of owners or of the tenants. The working of the formula is attended with certain difficulties in circumstances where there is either a

multiplicity of tenants holding under a single owner or a single tenant holding under a multiplicity of owners or there may be owners and tenants holding in cross sections.

261. In the case of (a) and (b) above, the owner's right of resumption is with reference to the total area of his holding, but in the case of (c) and (d) the owner's right of resumption is related to what area is already under his cultivating possession. In the two circumstances, the owner's holding falls in a category between a family holding and the ceiling prescribed.

262. The principles set forth in (d) above, may involve complications which will be difficult for speedy implementation by the revenue authorities. A tenant has, as it appears, been assumed to be a person who does not own any land on his own account. There will be many cases where owners of land are tenants under other land-owners. It has not been indicated whether the minimum area to be left with the tenant, in the event of resumption by the owner, will be computed taking into account the land owned by the tenant, portions leased and portions under personal cultivation. A tenant might be cultivating lands under several owners and a land owner might have given lands to several tenants for cultivation out of his holding.

263. As for example, the land-owner 'A' owns 12 acres of land. The basic holding is 3.5 acres and the family holding is 10.5 acres. He has leased out 9 acres of his holding to 3 tenants namely, 'X', 'Y', and 'Z', keeping 3 acres under his personal cultivation. The 3 tenants have taken 3 acres each. 'A', therefore owns land between a family holding and the ceiling and has under his personal cultivation less than a family holding. According to the principle described at (d) above, he cannot resume any land from 'X', 'Y', and 'Z' as each of them has less than a basic holding. 'A' will have to content himself with an area

under his personal cultivation which is less than the basic. But if he had owned less than a family holding, he could have resumed upto a basic holding for personal cultivation. If 'A' had given all his lands to 4 tenants at 3 acres each, he would not be able to resume any land and remain landless. Thus this principle will not operate equitably in all cases.

264. Where there is a multiplicity of tenants as well as a multiplicity of owners the following may be a working principle which is suggested by us :—

(1) There would be no difficulty for application of the Planning Commission's suggested formula where an owner has less than a basic holding cultivated by a tenant or tenants. The owner would be free to resume the entire area for personal cultivation.

(2) Where an owner has lands between a basic holding and a family holding, he will be permitted under the scheme of the Second Plan to resume for personal cultivation one-half of the area held by the tenant or tenants but in no event the lands resumed should be less than a basic holding. Thus, an owner having a family holding of 10.5 acres should be able to resume about half the area, i.e. upto the limit of 5.25 acres. We suggest that owners whose holdings lie between a basic and a family holding should be permitted to resume for personal cultivation up to two-thirds of the area held by the tenant or tenants subject to a maximum limit of 7 acres (standard) and a minimum equal to a basic holding. It is noted that the Orissa Tenants' Relief Act permitted resumption of land to the extent of 7 acres.

(3) It has been suggested by the Planning Commission that the land owner who has under his personal cultivation land which exceeds a family holding, but is less than a ceiling limit, will have the right to resume lands for personal cultivation, provided (i) that his tenant is left with a family holding and (ii) the total area obtained by the

owner together with the land already under his personal cultivation does not exceed the ceiling. This is a workable principle even though there may be more than one tenant under an owner. The criterion should be applied in respect of each single tenant-family. In other words, where any tenant has land less than a family holding in all derived from one or more owners, he should not be disturbed, but a tenant who has lands more than a family holding in all under one or more land-owners would be liable to part with the excess lands in favour of his owner or owners subject to the limit allowable. The net result of the application of the formula would be that the owner will have an area of 1.5 standard acres (family holding) in the minimum.

(4) It has been suggested by the Planning Commission that if a land owner has less than a family holding under his personal cultivation, where he has the ownership in respect of an area of land which falls between one family holding and the limit of ceiling fixed, he should be allowed to resume one-half of the tenants' holding or an area which, together with the land under his personal cultivation, would make up a family holding, whichever is less, provided that the tenant is left with not less than a basic holding. This formula may be accepted.

*Explanation to (3) & (4) :—*In computing the minimum area to be retained by a tenant in the case of resumption by an owner in the two circumstances mentioned in items (3) and (4) above, the total area cultivated by the tenant both as owner and tenant (whether under one or more) should be taken into consideration.

265. Hyderabad has followed this course and has applied ceiling to owned lands under "personal cultivation" only. In some of the States all lands not personally cultivated by the owner are automatically transferred to the tenants before ceiling is applied to owner's land. It is only fair that the small land owners or the middle owners should

have opportunity to resume for personal cultivation lands which they can manage, and since the criteria for "personal cultivation" will strictly be applicable to an owner, it is assumed that all owners will not be able to resume lands for personal cultivation for the mere asking of it. In our view the formula for resumption of land by owners as enunciated by the Planning Commission appears to be workable subject to what we have suggested for a slight adjustment in relation to a multiplicity of tenants holding land under an owner.

Time limit
for resump-
tion.

266. The right of the owner to resume land for personal cultivation should not be kept open for any indefinite length of time, otherwise the tenants will always remain in an uncertain atmosphere in regard to security of their tenure. In Hyderabad the right of resumption ceases after five years from the date of commencement of the Hyderabad Tenancy and Agricultural Land (Amendment) Act, 1954, except for the Army personnel who are exempted from this limitation. In Assam the period of exemption is 5 years and the exceptions apply not merely to Army personnel, but also to minors, widows and persons disabled. In Rajsthan the right could only be exercised within one year of the commencement of the Rajsthan Act. In PEPSU the resumption of land should be intimated by the landlord for personal cultivation to the Collector within six months, whereas in the Punjab the limit of time is two months from the commencement of the Act. In most other States no time limit has yet been fixed. The Planning Commission have suggested that there should be a prescription of time within which the right of resumption should be exercised so that thereafter rights of ownership would devolve on the tenants. For this purpose the period of 5 years contemplated in the First Five Year Plan was considered to be sufficient by the Planning Commission.

267. The time limit which was allowed under the Orissa Tenants' Relief Act, 1955 for the landlord to

claim a limited acreage for personal cultivation was too limited, hardly less than two months. In our view one year's time should be allowed for the landlord to give intimation to the tenant through the prescribed authority of the intention to resume lands for personal cultivation, i. e. before the expiry of one year from the date when the Act comes into force.

268. It has been suggested above that one year's time should be allowed from the date from which the Act comes into force, during which the landlord should give intimation to the prescribed authority expressing his intention to resume the land according to the principles governing the application of ceiling.

269. A question arises as to the time in which the owner on getting possession of the land should bring it under his personal cultivation. If he does not do so, the tenant should have right to require restoration of his right to possession. The States of Hyderabad, Punjab, Assam and Bihar provide one year from the date of taking possession as the period within which the owner must bring the land resumed under his personal cultivation. In West Bengal this period is two years. The Bihar Regulation of Agricultural Leases Act has left the period to be prescribed by rules. There is also a time factor within which, if the owner discontinues personal cultivation, the tenant can seek remedy for restoration of his rights. In Hyderabad, if the owner discontinues possession for any year within a period of 10 years, the tenant can revive his rights. Bengal and Assam have put in a period of two years during which if the owner discontinues possession, the tenant can claim his right. In PEPSU and Bihar the period is 4 years. Under the Orissa Tenants' Relief Act there is provision that the tenant can seek restoration of his possession if the landlord fails to personally cultivate the land during the first or second year of resumption. We suggest that the tenant should have the right to be restored to his posses-

sion if the landlord fails to personally cultivate the land any one year within the period of two years following the resumption, save and except on the ground of physical disability to cultivate the land personally, proved to the satisfaction of the prescribed authority.

Procedure for resumption of land for personal cultivation and payment of compensation.

270. In the foregoing notes a general outline of suggestion has been made for adjustment of the relationship between the tenant and his landlord. It has been suggested that—

- (1) No one can acquire in future any land for personal cultivation above the ceiling laid down.
- (2) There should be an adjustment between the landlord and the tenant in respect of lands for assumption for personal cultivation by the owner within the ceiling. The owner would be permitted to resume for personal cultivation lands within certain limits.

The following suggestions are made in regard to the procedure by which the owner can resume the land which he is entitled to and also by which the tenant can acquire the owner's rights in non-resumable land :

(1) Any owner intending to resume land for personal cultivation from a cultivating tenant should exercise this right within one year of the introduction of the Act. He shall give notice within that year to the tenant through the Collector specifying the lands to be resumed by him. The notice shall be for a period of not less than 90 days.

(2) The Collector on receipt of the notice shall cause it to be served on the tenant inviting objections, if any, within 30 days of service of the notice. If no objection is received within the period specified, or if the objection received is disallowed after enquiry, the Collector will take steps to deliver the land which the owner is entitled to resume.

(3) No eviction of a tenant under the resumption proceedings shall be made to take effect before the first day of the agricultural year following the last date allowed for objection in case no objection is made, or the date of the order of eviction by the Collector.

(4) In respect of the non-resumable lands the tenant shall have the option to purchase the owner's interest on payment of compensation as may be mutually agreed upon between him and the owner, or as may be fixed by the Collector in case of disagreement on the motion of either party. The option to purchase shall be made by the tenant within 3 years of the commencement of the Act, if no dispute arose on the land allowable to the owner for resumption, or from the date of Collector's decision, where claim for resumption was disputed. If the tenant fails to exercise his right of purchase within the time limit specified, the right of resumption of the owner for personal cultivation shall revive subject to the ceiling limit fixed.

(5) If the owner does not, or appears unable to resume the land for personal cultivation, or having resumed the land does not "personally" cultivate the land in any one year in two years following the date of resumption, Government may step in to acquire the land on payment to the owner of compensation, as may be prescribed. There-after Government may dispose of the land as they would consider most appropriate in the circumstances. They may consider to make over the land to a land management organisation, a Co-operative Farming Society or the Gram Panchayat on payment of the compensation amount incurred by the Government or to permit the tenant to continue to cultivate on payment of rent as before subject to reimbursement of amount of compensation in the manner of annual instalments as may be fixed by the Government.

271. The cultivating tenant will continue to have the same rights and liabilities in respect of the land as existed at the time of commencement of the Act so long as

Continuance
of the exist-
ing right of
the cultiva-
ting tenant
for a time.

the right of resumption by the owner continues in respect of any land permissible under the law or during the time permissible under the proposed law for acquisition by the tenant of the owner's interest in any non-resumable land, as the case may be.

Credit facilities to be given to tenants.

272. Government should provide facilities for credit through land Mortgage Banks or Co-operative Credit Societies to enable the tenants to acquire the owner's interests in non-resumable lands within the time permissible.

Tenants' direct relationship with Government

273. After the ceiling has been applied in regard to resumption of lands by owners, and the cultivating tenants are allowed to acquire ownership rights in non-resumable lands, there will be a uniformity in the raiyati rights. This process when completed, the cultivating tenants will all be brought into direct relationship with the Government as in ryotwari or khashmahal areas. The impediment to this desired relationship will not be cleared until the intermediaries in the chain of landed interests have not been completely removed.

274. There are in the coastal districts and elsewhere small intermediaries who are still hanging on and have not been removed. Under the Orissa Estates Abolition Act, Government have merely removed the proprietary right, but there are other intermediaries at the lower levels. There are also the revenue-free properties and tenures. Until Government remove all the intermediaries the actual cultivators holding lands under them cannot be brought into direct relationship with Government. The removal of intermediaries should be accelerated and completed within a reasonably short time, otherwise the impediment to the acquisition of ownership right by the cultivating tenant will continue.

Restrictions on future leases of raiyati rights.

274-A. Future leases of lands by owners should be prohibited, exceptions being an owner who is :

- (a) a minor or a female ;
- (b) who is permanently incapable of cultivating land by reason of any physical or mental infirmity ;
- (c) who is serving in the Naval, Military, or Air Forces of India; and
- (d) who is temporarily prevented by any sufficient cause from cultivating land to the satisfaction of the Collector.

Under the category (d) will come prisoners, students (who have no adult member in the family) and small cultivators who go out for supplementing their income periodically in case there is no other adult member in the family.

When any one exempted under the above disabilities leases his land, the lease should be for a period of not less than five years which may be renewable for a like period. If the land is required for personal cultivation, a notice of one year prior to the expiry of each successive period of lease should be given.

Where lands are so leased, the quantum of produce payable by the cultivating tenant to the owner should not exceed one-fourth the gross produce where the owner pays rents in cash, and it should not exceed one-third where the owner pays rent in kind.

275. After the introduction of the land reforms, transfers of agricultural lands should be regulated by certain principles. Under the existing law all transfers of occupancy rights are transferable. Having regard to the limit to be imposed on the area to be held for personal cultivation the transferable right of tenants should be subject to certain limits. In some of the States, e. g. Hyderabad, and Bombay, no transfer of agricultural land will be valid unless it is made with previous sanction of the revenue authority. We have noticed that the people have under-

**Restriction
on transfers
of agricul-
tural lands.**

gone considerable trouble and harassment in connection with leasing of cultivable waste lands in certain districts. For procuring consent of authorities before the transfer is effected, the agriculturists will have to run several times to the authorities in connection with the preliminary phase of proceedings and there will be a second stage after the transfer is registered.

276. We suggest that there should be free transfer within the limit of the ceiling permissible for personal cultivation and above the limit of basic holding. Any transfer outside the limit will be invalid.

277. In certain circumstances, the land devolving on an agriculturist by succession, inheritance, gift, etc. may exceed the limit permissible to a family for personal cultivation, or under other circumstances the holding may fall below the minimum area of a family holding. Such cases should be reported by the alienee to the revenue authorities. Either the Collector will acquire the excess land or dispose of the land to those who have priority to purchase it for personal cultivation. Transfer for non-agricultural use of the land should have prior sanction of Collector.

Transfer by owners who possess lands less than the basic holding should be restricted having regard to the principles of land management.

General
observations

278. Within the scope of the Second Five Year Plan outlined by the Planning Commission, the various aspects of their broad suggestion have been examined in the foregoing notes as might be adapted to the conditions in Orissa. But we are not satisfied that the administrative responsibility cast on the District administration can be discharged properly with the present personnel of officers. The intricacies involved in the implementation of the ceiling on resumption for personal cultivation will be enormous in the context of the present system of-

multiplicity of cultivating tenants and of owners, attended by a complexity of their sections, cross sections and subsections. The administrative machinery is already strained by the multifarious responsibilities imposed on it, and the personnel called upon to implement the policies enunciated would be new and inexperienced, whereas the range of diverse complications in the implementation of the above measures will be immense.

279. The working of the Orissa Tenants' Protection Act and the Orissa Tenants' Relief Act has been sufficiently elaborated in the chapter to bring out the difficulty in their implementation however simple the measures were, and the wide repercussions these measures caused in the sphere of agricultural economy. Elsewhere also the working of the Orissa Estates Abolition Act, 1951 has been sufficiently discouraged and the very unsatisfactory nature of and the tardy progress in the implementation of the legislative measures have been set forth.

280. It may spell disappointment and even disaster unless some of the general objectives and criteria are kept in the forefront in somewhat concrete terms. Whatever the sphere of action the policies have, these are generally to be coincident not only with the ideal set forth for rural and economic development but this has to be matched with the existing situation at every level. The approach to the problem should be governed by certain fundamental considerations namely :—

Objectives
and criteria.

(1) Land reforms should be appropriate, quick in action and decisive so as to shorten an atmosphere of uncertainty prevailing.

(2) With the elimination of infeudation, the cultivator should be in a position of equal bargaining opportunity with his landlord, or alternatively expansion of institutional credit should go hand in hand with land reforms in order to ensure that investment in agriculture does not

decline. With the abolition of landlordism, there is the tendency towards decline of credit in the rural economy. Unless the shortage of rural credit from sources other than the rural private sector is remedied, there will be circumvention of law, and what is intended to be done through merely legislative measures will be undone.

(3) The satisfaction of the cultivator, associated with ownership of land is an element to be recognised. This should be ensured in a form which is practicable.

(4) Financial consequences involved in the implementation of the reforms and their reaction on national economy should not be ignored.

281. As the modern Government have been progressing with ever expanding visions, the scope and magnitude of their operations render farsighted directives even more significant. When administrative agencies touch upon the affairs of a vast majority of people, it is a matter of highest concern whether or not the legislative orders for administrative machinery to proceed are framed in full comprehension and recognition of the magnitude of the task in relation to the public interest. Thus the legislature is called upon to meet the complex task in establishing priorities of goals while at the same time allowing administrators sufficient leeway to utilise their agencies to the best public advantage. Thus policy and action are correlated in achieving the objective laid down:—

282. The following general observations are made.

(a) The implementation of the provisions of the Orissa Tenants' Protection Act and the succeeding Orissa Tenants' Relief Act has been unsatisfactory and defective as already observed elsewhere in connection with the Orissa Tenants' Relief Act.

(b) The intermediary rights are not yet completely abolished and it is likely to take a few years for complete elimination of the intermediaries. It

may yet take quite a long time to remove the intermediaries in revenue free estates and those spread over in the multiplicity of tenure-holders which is a common feature in the coastal districts. Introduction of further complications in the tenancy matters should be considered with the full alertness and vigilance on its repercussions in the social economy.

If the statistics are a reliable guide, it would appear that fifteen per cent of the cultivated area is in the occupation of cultivating tenants. The non-owner cultivators represent 7.5 per cent of the agricultural population who are mostly cropsharers. The projected land reforms will churn up again political and agrarian frictions with reference to this proportion of land and of population. Government will have to consider whether rural credit will be forthcoming in a fair measure to enable the cultivating tenant to hold his own, otherwise there is no guarantee that law on statute book, however beneficial it may appear to be, will not be rendered futile or circumvented on a large scale by the very class of agricultural population who are intended to be benefited.

283. To ensure the satisfactory implementation of the suggested measures, the paramount need of an efficient system of land records maintenance on the village level is stressed so as to keep the records up-to-date with the changes taking place in land interests and in land use not only as the implementation of these measures progress but as an integral part of the land revenue administration. The above arrangement will throw a deal of vigilance by land records maintenance organisation. The future Patwari (lowest revenue officer) will have to be alert in booking changes in ryoti holdings to ensure satisfactory working of the tenancy measures. Some sort of annual zamabandi need be held for every village for detecting cases of contravention of ceiling on future acquisitions.

Need for an
up-to date
land record.

Evaluation
Organisa-
tion.

284. We would suggest that there should be a suitable agency attached to the Board of Revenue to evaluate periodically the implementation of the land reform measures, the results achieved and the impediments faced. There should be a sample detailed survey each year of conditions in a few typical villages, spread over the state, coming under the operation of various land reforms with a view to appraise and assess the changes in the economic, social and agrarian conditions of the people. It will be the object of this appraisal to obtain materials for comparative study, to detect and diagnose limiting factors which hinder advance in ownership rights in lands and in land use, and thereby to help decisions regarding the scope of type and change in the land use and in the land tenure.

285. *Amount of compensation*.—It appears that about 18 per cent of the cultivated area is covered by holdings of big owners having 30 acres or more. Allowing 30 acres for their personal cultivation, an area of 9,00,000 acres would be available for resumption by Government. It is assumed that half of this area i. e. about 4.5 lakh acres is held by cultivating tenants. Besides this area there will be another 12 lakh acres cultivated by crop-sharers. The khas possession lands of landlords will attract a higher rate of compensation, say at Rs 350/- an acre, and the other tenanted land at Rs 250/- an acre.

The compensation payable would be :

1.	4.5 lakh acres of lands of owners in excess of ceiling cultivated by personal management @ Rs 350/- an acre.	Rs. 15. 75 crores.
2.	12 lakh acres tenanted @ Rs 250/- an acre.	Rs. 30. 00 crores.
		<u>Total....Rs. 45.75 crores.</u>

Government might recover 30 crores from tenants acquiring ownership rights in 10 years on an equated annual repayment if Government finance the credit.

286. Alternatively, co-operative credit organisations will be expected to build up a capital to that extent if the tenants will seek credit from such co-operative organisations.

*Organisational set up for implementation of
Tenancy Reforms.*

287. We have elsewhere suggested a pattern of the set up of revenue administration which will not be an integral part of any local body such as an Anchal Sasan or the Gram Panchayat. It is suggested that the revenue authorities in each district would be as follows in the descending order; viz.,

Future
pattern of
revenue
administra-
tion.

- (1) the District Collector,
- (2) the Revenue Divisional Officer,
(Subdivisional Officer)
- (3) the Taluq Revenue Officer (ordinarily with an area of administration of area with 3 lakhs land revenue),
- (4) the Revenue Kanungoe (or Revenue Inspector) with a jurisdiction of area with 50 thousand revenue, and
- (5) the Revenue Patwari (one or more within a Grama Panchyat area, each dealing roughly with 5 thousand land revenue)

288. The land reforms will inevitably throw a heavy load of work on the revenue administrative machinery. We have suggested that the Revenue Officers from the Taluq level downwards should not be saddled with any development work, and that they should entirely attend to revenue collection, and maintenance of land records. If the land reforms are to be implemented before the above set up is introduced, the existing machinery should be strengthened where necessary.

**Constitution
of Land
Tribunals
and Revenue
authorities.**

289. The general pattern of machinery to deal with cases arising out of land reforms would be in each district as follows :

1. Government may constitute an Agricultural Land Tribunal for specified areas by notification. Such Tribunals may operate in important areas, specially near about the urban areas, and areas of concentration of agriculturists. The Tribunal may consist of 3 or more members, one of whom should be a Revenue Officer of not less than 5 years standing and not lower in rank than a Sub-Deputy Collector. The other two members may be nominated.

2. In any area for which a Tribunal is not constituted, the powers and duties conferrable by the land reforms measures may be discharged by such officer as Government may authorise, whose status should not be lower than that of a Sub-Deputy Collector.

3. Government may also vest in as many Grama Panchayats as possible, and Co-operative Farming Societies where established, any of the powers and duties conferrable under the new legislative measures.

**Procedure
and powers.**

290. The procedure and powers at enquiries by the above authorities may be as prescribed by Government. The Tribunal and revenue authorities will be governed by the procedure in Tenancy Act and should have powers of a Civil Court for the purpose. The Grama Panchayats should be governed by the same procedure as provided in the Grama Panchayat Act for disposal of Civil disputes or suits where Grama Panchayat Tribunals are established.

**Duties of
Tribunal.**

291. The Tribunal should deal with the following matters :

- (a) Determine matters arising out of the application of ceilings
 - (i) on existing holding,

- (ii) on resumption for personal cultivation by owners.
- (b) Decide the disputes regarding
 - (i) particular areas to be purchased by tenants,
 - (ii) reasonable price of land payable by the tenant for lands in his possession which is not resumed by the owner.
- (c) Such other functions under the Act as may be entrusted by Government.

292. For the purposes of the Act the Revenue Officers (The Taluq or Tahsildar who would be an officer not below the rank of a Sub-Deputy Collector) shall exercise the following duties and functions :—

**Duties of a
Revenue
Officer.**

- (a) The powers of a Tribunal where one is not established.
- (b) Whether, a tenant is a "protected tenant" or a tenant.
- (c) Resumption by owner of land for personal cultivation.
- (d) Failure of owner or tenant to cultivate the land or use of the land according to standards of agricultural efficiency.
- (e) Fair rent payable on the value of the crop.
- (f) Amount of compensation payable to owners and procedure of payment.
- (g) Amount of compensation payable to a tenant for any improvement on resumption of land.
- (h) To take measures for restoration to possession of either the owner or the tenant under the provisions of the Act.
- (i) To decide such other matters as may be referred to him by or under the Act.

Grama |
Panchayat
Tribunals.

293. Grama Panchayats should be utilised extensively to decide some of the above functions, such as application of ceilings for resumption by owner for personal cultivation, whether the tenant is protected or not, failure of owner or tenant to cultivate the land. The execution of the orders may in their discretion be referred to the revenue authority.

294. The Grama Panchayat Tribunal should consist of the Sarpanch, and two other persons appointed by one Grama Panchayat. The Sarpanch shall be the ex-officio President of the Tribunal. It is expected that most of the disputes will be compromised to the satisfaction of the parties concerned. The disposal by Grama Panchayats will relieve the unmanageable load of work that otherwise may fall on the revenue authorities. The parties also are not likely to be troubled by protracted and expensive proceedings away at the Taluq or Sub-divisional headquarters.

Survey and
demarka-
tion.

295. When major land reform measures are introduced, it is of considerable advantage if there is general survey and settlement to get things decided locally and recorded on a legal basis. The maintenance of correct and up-to-date land records facilitates the implementation of land reforms also. Elsewhere we have suggested the areas which need the settlement operation early. In the areas where such operations are not undertaken it will be necessary to strengthen the surveyor staff at Taluq headquarters in accordance with the size of work devolving in the area. It is desirable that as soon as the resumption of lands by the landlord for personal cultivation is determined, the area to which he is entitled should be demarcated as speedily as possible, and areas should be plotted wherever any subdivision takes place as a result. The applications for resumption of land for personal cultivation should be filed in the respective Tribunals, and where such an application is filed in a Grama Panchayat a duplicate copy should be sent to the Taluq Office by the Panchayat. The Revenue

Officer should depute Surveyor Amin for demarcation wherever necessary, and where requisitioned by a Grama Panchayat Tribunal. Each such Tribunal need not have a Surveyor Amin. Of the Surveyor Amins one should be a draftsman who will give effect to the decisions in the continuous Khatians and the village maps.

296. Ordinarily appeal power should vest with Collector and revision with the Commissioner. It is suggested however that the Subdivisional Officer should have appellate power in all cases where the resumption of land for personal cultivation refers to a ceiling within a family holding, and the dispute for compensation refers to an amount of Rs 5000/- or less.

Appeals
and Revi-
sion.

297. Before the implementation is given effect to in the State universally, a pilot scheme may be experimented in a group of 3 villages in typical areas in two or three districts (Coastal and Inland areas), to appreciate the administrative difficulties. On the basis of experience a set of suitable rules and instructions may be laid down.

Pilot
scheme

298. As regards ceiling applicable to personal cultivation, Government should notify a date from which and the district or administrative unit where this should be applied. Much depends on the administrative arrangements made to implement the provisions in the several areas.

299. It is too early to suggest the staff required. The staff pattern for Tribunals or the Revenue Officers (but not the Grama Panchayats) entrusted with the task should be:—

Cost of
Administra-
tion.

- (1) One Bench Clerk
- (2) One Typist
- (3) Four Process Servers
- (4) Four Survey Amins (one of whom should be a draftsman to give effect to decisions on maps and correction of records),
- (5) Four Chainmen

In some of the States the calculation is made on the basis of area to be covered in the operation at the rate of Re 1/- an acre. In Orissa it is estimated that 15,50,000 acres are held by cultivating tenants. The costs may be roughly estimated at Rs. 20 lakhs for the implementation of the reforms.

300. Those who apply for resumption for personal cultivation should be required to pay court fees at not less than Re 1/- an acre involved in their claims or at such rate as may be prescribed by Government.

301. The intensive phase of the implementation may spread over 18 months. During that period the Grama Panchayat Tribunals should be given the following financial aid :—

Special pay to the Secretary of the Grama Panchayat at Rs. 20/- a month. The Secretary should be given careful instruction in the matter of maintaining the requisite records and register. Such Tribunal should be given an allotment of Rs. 15/- a month to meet contingencies. No provision need be made for a process service staff. The Grama Panchayat Tribunal should levy a charge of 4 annas for process service in regard to each person called as is done by the Adalti Panchayat. It is expected that about 1260 Grama Panchayats may be invested with powers of a Tribunal. The Grama Panchayat Tribunals will requisition the services of the Surveyor Amin from the Tahsildar whenever required.

As has been suggested roughly Rs. 20 lakhs may be required on the implementation of these land reforms.

CHAPTER IV

APPENDIX I

(Paragraph 284 of Tenancy Reforms)

Financial implication of the evaluation organisation to be attached to the Board of Revenue to assess the progress and achievements made in the Land Reforms Policy :—

1. Besides obtaining the progress reports from the districts, the organisation will analyse the statistics obtained or gathered by random sampling survey and draw inferences for the information of the Board of Revenue to issue necessary instructions in the matter in conformity with the laid-down policy.

2. In addition to the random sampling survey, there will be complete and detailed survey in at least 5 representative villages of each district, to be undertaken in two districts every year. All information regarding social and economic conditions of the people arising out of land reforms and agricultural statistics necessary for the purpose shall be collected. This may be done in the off season following the harvest.

3. The staff requirement, which may be varied by the Board of Revenue with the approval of the Government, is given below :—

One A.D.M. (O.A.S. Class I)	Rs. 750-40-1150/-
One Statistician (Class II)	Rs. 200-700/-
One Statistical Assistant	Rs. 125-8-165-10-185/-
One U.D. Assistant	Rs. 90-5-120/-
One L.D. Assistant	Rs. 55-1-56-2-74-3-95/-
One Typist	Rs. 50-2-70-EB-2-90 (starting pay Rs. 56/-)
One Gr. II Stenographer	Rs. 100-5-120-6-150/-
Two Orderly peons to A.D.M. }	} Rs. 18- $\frac{1}{2}$ -22/-
One Orderly to Statistician }	
One office peon }	

Field Staff

(for a period of 4 months or 3 months for field work and one month for tabulation of data obtained)

1. 5 Amins (with survey and settlement experience) Fixed pay Rs. 50/-
2. One Kanungo (do) Fixed pay Rs. 70/-
3. 6 Chainmen in the scale of pay Rs. 16- $\frac{1}{2}$ -22

Non-recurring :—

Type machine	Rs. 1000/-
Furniture & equipments	Rs. 2500/-
Books	Rs. 500/-
Survey Instruments etc.	Rs. 1000/-
	<u>Rs. 5000/-</u>

Recurring—(Average pay)A.P. D.A.

A.D.M.	$994 + 46 = 1040 \times 12 = 12480$
Statistician	$466 + 34 = 500 \times 12 = 6000$
Statistical Asst.	$163 + 29 = 192 \times 12 = 2304$
U.D. Assistant	$109 + 27 = 136 \times 12 = 1632$
L.D. Assistant	$76 + 25 = 101 \times 12 = 1212$
Typist	$76 + 25 = 101 \times 12 = 1212$
Gr. II Stenographer	$131 + 27 = 158 \times 12 = 1896$
Peons (four)	$20 + 27 = 47 \times 12 \times 4 = 2256$

Field Staff

Amin (five)	$50 + 30 = 80 \times 4 \times 5 = 1600$
Kanungo (one)	$75 + 25 = 100 \times 4 = 400$
Chainmen (six)	$19 + 27 = 46 \times 4 \times 6 = 1104$
	<u>Rs. 32,096</u>
T.A.	Rs. 5,000/-
Contingencies	Rs. 5,000/-
	<u>Rs. 42,096/-or</u>
	Rs. 42,100/-

CHAPTER IV

APPENDIX II (Para 299)

Estimated cost of establishment of Land Tribunals

1. In 50% of the area Grama Panchayats will become the Tribunals and in the rest 50% Taluk or Revenue Officers will function as Tribunals. A Taluk Officer will be provided with one L. D. clerk, one typist, 4 Surveyor Amins, 4 process servers and 4 chainmen for the Tribunal work. In the Taluks, where Grama Panchayats will be so appointed, there should be provided an L. D. clerk, 4 Survey Amins and 4 chainmen in each Taluk office to meet the requirements of the Grama Panchayat. Thus in all 1200 Grama Panchayats will be made Tribunals within their respective areas. 40 Taluk offices are expected to be appointed as Land Tribunals, where Grama Panchayats will not be so appointed due to inherent backwardness. It is expected that the staff will be needed for 18 months from the commencement of operations.

(a) 1200 Grama Panchayats are expected to be appointed as Land Tribunals. In the case of Grama Panchayats, the cost involved will be an additional allowance to the Secretary of the Grama Panchayat at Rs. 20/- per month and a contingent expenditure of Rs. 15/- per month.

The total cost for 18 months would be :

$$18 \times 35 \times 1200 = \text{Rs. } 7,56,000/-$$

(b) The cost of staff required for the Taluk Officers appointed as Land Tribunals :—

Average pay + D. A.

One L. D. clerk (scale (50-2-70-EB-90)	Rs. 70/- + Rs. 28 = Rs. 98/-
One typist (-do-)	Rs. 70/- + Rs. 28 = Rs. 98/-
4 Process servers (Rs. 18-½-24)	(Rs. 20/- + Rs. 27)4 = Rs. 188/-
4 Amins (40-1-50-2-60)	(Rs. 50/- + Rs. 30)4 = Rs. 320/-

Average pay + D.A.

4 Chainmen (16- $\frac{1}{2}$ -24) Rs. (19/- + Rs. 27) 4 = Rs. 184/-
 Total Rs. 888/-

Rs. 888/- \times 40 = Rs. 35,520/- per month ; for 18 months—Rs. 35,520/- \times 18 = Rs. 6,39,360/-

(c) The cost of additional staff in the Taluk Offices where Grama Panchayats to act as Tribunals—

Average pay + D.A.

One L. D. clerk	Rs. 70/- + 28/- = Rs. 98/-
4 Surveyor Amins	(Rs. 50/- + 30/-) 4 = Rs. 320/-
4 Chainmen	(Rs. 19/- + 27/-) 4 = <u>Rs. 184/-</u>
	<u>Rs. 602/-</u>

Total Rs. 602/- \times 40 = Rs. 24,080/- per month. For 18 months Rs. 24,080/- \times 18 = Rs. 4,33,440/-

Contingencies—

(b) @ Rs. 200/- \times 40 = Rs. 8,000/- per year

(c) @ Rs. 100/- \times 40 = Rs. 4,000/- per year

T.A.

(b) @ Rs. 2,000/- \times 40 = Rs. 80,000/- per year

(c) @ Rs. 1,500/- \times 40 = Rs. 60,000/- „

Rs. 1,52,000/-

Total cost—

Rs. 19,80,000/- or

Rs. 20 lakhs in round figure

CHAPTER V

Agricultural Management

302. During the First Five Year Plan the crucial importance was for the success of the agricultural programme to meet the acute food shortage in the country. It was then of paramount importance that agricultural production should increase as nothing was so important for the economic stability of the country. The object was to a great extent fulfilled and so there was some reorientation in the Second Five-Year Plan for agriculture. Self-sufficiency in food was attained to an appreciable extent and so the time came to provide for inter-dependence between agriculture and industry by gearing the former to provide raw materials for the latter. The objective of the Second Five-Year Plan in the sphere of agriculture is therefore to provide adequate food to support the increased population and to provide raw materials needed for a growing industrial economy and also to make available larger exportable surpluses of agricultural commodities.

Agricultural management to be correlated with the needs of the country.

303. The fulfilment of the above objective requires careful agricultural management and it has to be seen how far legislations undertaken in the State are capable of attaining this objective.

Circumstances leading to the passing of the Agriculture Act.

304. The legislation passed in this State for agricultural management is the Orissa Agriculture Act XVI of 1952. The Act will come into operation from a date and in an area which the State Government may notify. It has not been brought into force in any part of this State. A brief outline of the provisions in the Act has to be indicated to find out how far it is compatible with the existing administrative machinery and how far it fulfils the objectives of the Second Five-Year Plan.

305. The Act is intended to provide for development of agriculture, animal husbandy, good estate management and for consolidation and prevention of fragmentation of agricultural holdings. The functionaries under the Act are—

Functionaries under the Agriculture Act.

- (1) the Board of Agriculture :
- (2) the District Agricultural Executive Committee :
- (3) the Krushi Samitis :
- (4) the Commissioner of Agriculture : and
- (5) the District Agricultural Land Tribunal.

There is another functionary called the Consolidation Officer who will be appointed when consolidation of holding is undertaken in any particular area.

The Board of Agriculture.

306. The Board of Agriculture is the ruling feature in the set-up and it is constituted by State Government. It consists of the Minister in charge of the Department of Agriculture as the Chairman, ex-officio. The members are the Commissioner of Agriculture, seven persons holding office under the State Government representing agriculture, veterinary, fisheries, forestry, co-operation, revenue, irrigation, electricity and river valley development departments to be nominated by the State Government, four Members of the Orissa Legislative Assembly to be elected by the said Assembly and four persons to be nominated by the State Government who do not hold any office under Government. The total membership excluding the Chairman is therefore fifteen of whom only four are elected and the remaining eleven are nominated by Government. The Board is a body corporate with its own funds and is thus outside Government. The executive functions of the Board will be discharged by the Commissioner of Agriculture who will be one of the officers of the State whom the Government may select.

The District Agricultural Executive Committee.

307. The Board will work through the District Agricultural Executive Committees and the Krushi Samitis. The District Agricultural Executive Committee will

consist of not less than twenty members with the Collector of the district as Chairman. The upper limit of the number of members has not been prescribed in the Act. Government will nominate all the members except of course the Collector of the district who will be a member ex-officio. The number of Government officers nominated as members will not however be more than one-third of the total number of members. The membership of non-officials will be to represent proprietors, tenants and agricultural workers. One of the Gazetted Government servants from among the members of the Committee will be appointed by Government as the Executive officer of the Committee.

308. There will be a Krushi Samiti for a definite area like a thana or a Taluk consisting of not less than seven and not more than ten members representing proprietors, tenants and agricultural workers. The constitution and functions of the Krushi Samitis have been left to be prescribed by rules.

The Krushi Samiti.

309. The District Agricultural Land Tribunal will determine matters referred to it by the Board of Agriculture or the District Agricultural Executive Committee and will be concerned with determining the cost to be recovered, malikana to be paid, compensation payable and similar other monetary claims. It will be a Three-member Tribunal consisting of the District Judge or the Additional District Judge of the district as Chairman, a senior officer of the Administrative Service working in the district and a non-official resident of the district as members.

The District Agricultural Land Tribunal.

310. The Board of Agriculture is in overall charge to carry out the functions in the Act. It is a very comprehensive responsibility as would appear from the following list of its functions :

Function of the Board of Agriculture.

- (i) enforcement of rules of good estate management and good husbandry ;

- (ii) conservation and use of soil and water ;
- (iii) conservation and use of trees whether selfgrown or planted ;
- (iv) consolidation of holdings and prevention of fragmentation ;
- (v) co-operative farming and joint-farming ;
- (vi) control and prevention of weed, pests and diseases attacking crops and animals ;
- (vii) use of seeds, manures and fertilisers ;
- (viii) construction, maintenance, repair and improvement of irrigation works, drainage work, embankments and such other protective works ;
- (ix) control and regulation of natural waterways and drainage and beneficial control of water ;
- (x) supply of land, water, labour, cattle, implements and machinery, and control and restriction of their use for certain purposes ;
- (xi) agricultural finance ;
- (xii) marketing of agricultural produce ;
- (xiii) agricultural statistics ; and
- (xiv) initiation, control and supervision over Committees and Krushi Samitis.

311. The above list is by no means exhaustive because the Board is also empowered to hear appeals against the orders of the District Agricultural Executive Committee. The appeals will be heard by an Appeal Sub-Committee appointed by the Chairman of the Board consisting of the Commissioner of Agriculture as Chairman of the Sub-Committee and two other members of the Board.

312. The District Agricultural Executive Committee is the main executive in the set up and has the onerous task of enforcing principles of good estate management and of good husbandry. Both these confer considerable power

for regulating the management of estates and cultivation of land. Under enforcement of principles of good estate management the District Agricultural Executive Committee is competent to issue directions to any proprietor to observe any or all the following matters :—

- (i) a regular and adequate supply at economic rates of water for irrigation, pisciculture, drinking and domestic purposes and for retting of fibre ;
- (ii) sufficient pasture land for cattle, goats and sheep ;
- (iii) land for an infirmary for old and useless cattle ;
- (iv) land for fuel and fodder reserves ;
- (v) a regular and adequate supply of fuel, fencing materials, bamboos and timber at economic rates from the forests of the estate ;
- (vi) drainage of water-logged land ;
- (vii) protection from floods and saline inundation ;
- (viii) protection of crops from wild animals and pests ;
- (ix) provision of improved bulls ;
- (x) protection of crops from bulls and other ownerless animals ;
- (xi) provision of communications for movement of seeds, manures and agricultural produce ;
- (xii) cultivation of such waste land as has not been reserved for pasture, fuel or forest ;
- (xiii) reclamation of swamps and marshes either for cultivation or for pisciculture ; and
- (xiv) supply of agricultural statistics and other information in prescribed forms.

313. Three-fold methods have been provided to compel a proprietor to carry out the directions given by the Committee. If he fails to carry out the directions, he is liable to a penalty not exceeding Rs. 200/- and a

Enforcing
good estate
managemen

fine not exceeding Rs. 10/- per day to be imposed by the Chairman of the Committee. The Committee is also competent to bring the estate of such a proprietor under supervision in which case an officer of Government authorised by the Committee will review the management of the estate and the proprietor will be bound to carry out any direction given by the Committee from time to time. Failure to carry out the direction after the estate is brought under supervision makes the estate liable to be brought under the management of the Committee and the proprietor will be dispossessed. So the measures to ensure the carrying out of a direction by the Committee are—

- (i) imposition of penalty and daily fine ;
- (ii) bringing the estate under supervision ; and
- (iii) taking the estate under management and dispossessing the proprietor.

The advantage of bringing the estate under supervision is not apparent. If a direction is disobeyed, there is provision in the Act to penalise the proprietor and there is also power of the Committee to get the direction carried out at the cost of the proprietor. To these two, management implying dispossession can also be added. Supervision has been interposed as a stage prior to management if a proprietor fails to comply with a direction given by the Committee but the effect of supervision is only to review the management of the estate and re-examine the necessity for issue of direction. There is already provision for filing objection before the Committee against a direction issued and there is also right to appeal to the Board if the objection is not sustained. Supervision as a step previous to management does not therefore seem at all necessary and will, on the other hand, merely throw additional load on the Committee's Officer without any real benefit either to the Committee or to the proprietor,

314. There is provision for payment of malikana to a dispossessed proprietor and there is also provision for appeal to the Board against a direction issued and to the District Agricultural Land Tribunal against malikana. This aspect of the Act has however now become unnecessary because most of the proprietors have been abolished and those who still exist are liable to be abolished in the near future. The definition of "Proprietor" is very wide as it includes even a ryot having tenants under him but actually it is meant for big landed proprietors who have all been liquidated. This part of the land management measure has therefore abated.

315. The principles of good husbandry are to be enforced on cultivators by the Committee to ensure that every tenant farms his land to the best advantage of himself and the community. Directions in this regard can be issued by the Committee in consultation with the Krushi Samiti, a Krushi Samiti with the approval of the Committee and any officer authorised by the Committee. The directions may consist of one or all of the following :—

Enforcing
methods
of good
husbandry

- (i) improvement in the agricultural practice followed by the tenant, prevention of wasteful cultivation including shifting cultivation ;
- (ii) use of improved seeds, implements and manures ;
- (iii) protection of crops from cattle and wild animals ;
- (iv) utilisation of farm yard wastes, household refuse, forest litter, and night-soil as manure ;
- (v) crop planning ;
- (vi) control of weeds, diseases and pests affecting crops and animals ;
- (vii) prevention of fragmentation of holdings ;
- (viii) reclamation of waste lands ;
- (ix) conservation and planting of trees for supply of food, fuel and fodder

- (x) maintenance and repair of irrigation sources and drainage works ;
- (xi) prevention of use of cow-dung as fuel ;
- (xii) co-operation with other tenants of the area for the purpose of procurement of seeds, implements, machinery, fertilisers, insecticides, for joint or co-operative farming or for marketing of farm products ;
- (xiii) soil conservation and prevention of soil erosion ;
- (xiv) reclamation of swamps and ponds for improvement of pisciculture ;
- (xv) care and maintenance of livestock ; and
- (xvi) provision of tanks for retting.

316. Three-fold measures have been provided to ensure the carrying out the directions. As in the case of proprietors, there is a penalty for failure to carry out a direction which however is half of what is applicable to a proprietor viz. the penalty is Rs. 100/- and the daily fine is Rs. 5/- to be imposed by the Chairman of the Committee and is appealable to the Board. It is also open to the Committee to get the work done and recover the cost from the owner of the land. The Committee can also take possession of the land and get it cultivated by another. This dispossession of the tenant will be for a period not exceeding five years. An option has been given to the tenant, when he is unable to carry out a direction, to make over the land to the authority which issued the direction or join a registered Co-operative Farming Society if formed and in operation in the area where the land is situated.

317. The directions to be given for good estate management and good husbandry are generally wholesome but some of them seem to be impracticable of achievement such as protection of crops from bulls and other ownerless animals in the case of proprietors and prevention of use of cow-dung as fuel in the case of tenants.

318. The Board has been given power to sanction improvement schemes for protective and preventive works as also for co-operative village management. Such schemes except when emergent will be prepared by the Committee or Krushi Samiti or other authority selected by the Board and will be sanctioned by the Board after determining the agency through which they should be executed. An objection can be filed by any person affected and the Committee will dispose of such objection. There is an appeal to the Board on the decision of the Committee but if three-fourths of the persons holding agricultural land in the area which will be affected by the scheme agree to its execution then the appeal will be rejected. The cost of the scheme will be recovered from the persons benefited and any objection about the distribution of the cost will be decided by the Tribunal.

Schemes of
improve-
ment.

319. If the scheme is notified by Government to be emergent, then the Board may sanction it in consultation with the Committee and its execution will be done in the manner stated. There is however some ambiguity about the sanction and execution of these schemes. The ordinary method for preparation of a scheme is for the Board to direct by notification that such a scheme which may be protective or preventive or for co-operative village management shall be prepared by a specified authority. After that notification the scheme will be prepared by the Committee, Krushi Samiti or such authority as may be specified in that notification and the scheme should contain details as may be wanted by the Board in the rules which it frames. In case of emergency however Government can do away with this but still the scheme will go to the Board for approval and they have the discretion of approving or rejecting it. It is the Board who will determine the agency for execution of the scheme, if it is approved. In the case of an emergent scheme the initiation by the Board in the form of a notification and the preparation of a scheme by an agency selected by the Board have been done away with. It has not however

been specified who will then prepare the scheme, which will be placed before the Board and what will happen if the Board does not approve of it. Government have not taken the powers of directing the Board to execute a scheme which has been declared to be emergent. The action of Government in the case of such emergent scheme is likely therefore to create difficulty and confusion. It is desirable that Government should be empowered to direct the manner in which an emergent scheme emanating from them should be executed.

Consolidation of holdings.

320. The most important function of the Board of Agriculture is the consolidation and prevention of fragmentation of holdings. The census held in 1951 went into the question of co-relation of agricultural population with holdings by different sizes. Working out the figures of distribution of households by size of holdings with the distribution of cultivated area by size of holdings, it was found that about 70 per cent of households, all having very small-sized holdings of 1 to 5 acres occupied only about 30 per cent of the total cultivated area. 14 per cent of the households having 6 to 10 acres each hold about 22 per cent of the cultivated lands. Thus nearly half the cultivated area is constituted of small-sized holdings between 1 and 10 acres and 84 per cent of the households occupied them. The rest of the cultivated area which is slightly less than half of the total is held by 16 per cent of the households who have more than 10 acres each. Less than 2 per cent of the households have more than 33 acres and they occupy about 13 per cent of the total cultivated area. The distribution of land is thus uneven.

321. The Agricultural Labour Enquiry also collected some useful data on this subject. The survey made by them showed that out of 1963 holdings covering an area of 10,917.16 acres, 51.91 per cent or 1019 holdings occupied 8521.91 acres or 78.05 per cent of the total area. 455.75 acres or 4.17 per cent were taken on rent by tenants while

1516.34 acres or 13.88 per cent were owned, taken on rent or held free of rent by agricultural workers. Non-agricultural families held 207 holdings covering 423.16 acres or 3.87 per cent of the total area.

322. Distribution of holdings in the different districts presents some very interesting aspects. For this purpose holdings have been divided into five categories. Very small holdings are those which are between 1 and 5 acres, small holdings are those which are between 6 and 10 acres, medium holdings lie between 11 and 33 acres, large holdings lie between 34 and 79 acres. All holdings above 80 acres are classed as very large. The distribution of such holdings in the different districts expressed in terms of percentage is given below :—

<u>District.</u>	<u>Very Small.</u>	<u>Small.</u>	<u>Medium.</u>	<u>large.</u>	<u>Very large.</u>	<u>Unclassified.</u>
Cuttack	80.3	6.5	3.6	.8	.7	8.1
Balasore	78.3	12.3	6.8	1.2	.3	1.1
Puri	78.8	10.1	4.7	.9	.1	5.4
Sambalpur	61.9	17.0	15.5	2.8	.7	2.1
Ganjam	79.3	10.3	6.5	.7	.2	3.0
Koraput	69.1	12.0	6.9	1.0	.3	10.7
Dhenkanal	72.8	17.2	8.5	.8	.1	.6
Keonjhar	75.9	13.3	9.0	.5	.1	1.2
Phulbani	66.8	20.9	8.8	1.5	.5	1.5
Bolangir	43.2	22.7	24.0	4.0	.9	5.2
Sundergarh	56.3	20.0	17.2	2.6	.5	3.4
Kalahandi	45.3	18.9	20.1	4.4	.7	10.6
Mayurbhanj	68.2	20.7	9.4	.9	.1	.7

323. The above analysis will show that in almost all the districts of Orissa and particularly in the three coastal districts the small holdings which are below 5 acres predominate. Cuttack has the highest number of such small holdings where it is 80.3% of the total. This is probably due to the pressure of population on land in these

districts. The inland districts are some-what better off except in Keonjhar where the small holdings exceed 75 % of the total. Bolangir and Kalahandi show a low proportion of holdings below 5 acres in size.

324. Holdings between 6 and 10 acres also predominate in most of the districts next only to the number of holdings between 1 and 5 acres. Bolangir, Phulbani, Sundergarh and Mayurbhanj are the only districts where this group forms about 20 to 23 per cent of the total number of holdings. Sambalpur, Dhenkanal and Kalahandi have between 15 and 20 per cent and the remaining districts except Cuttack have between 10 and 15 per cent. Cuttack district has 6.5% which is the smallest percentage for this type of holding.

325. Bolangir has the highest percentage of medium-sized holdings i.e. holdings between 11 and 33 acres. The percentage of such holdings in that district is 24. The coastal districts have very low percentage while the inland districts are slightly better off.

326. During the census operation a statistical study of the size of holdings was made by following what has been described as the average of concentration. This was followed because the study of the mean or the average size is not helpful when the samples depart notably from the normal and the average may not at all be typical. In such cases the median which is taken as another average of concentration is used for description of the samples. The median is the middle item in an array or in other words, it is the size of the middle individual holding in a group of 1000 holdings arranged in order of their size. If the median is thus used as the average of concentration then the variation of a series is described by fixing two other values called quartiles. These quartiles lie at the middle of the lower and the upper halves of the array just as median is the item of the middle of an array. In other words,

the quartile sizes are the sizes of individual holdings half-way between the extremes and the median. Thus in an array of 1000 holdings arranged in order of size the lower quartile is the size of the 250th holding, the median the 500th holding and the upper quartile the 750th holding, the count being started from the smallest size out of 1000 holdings.

327. The table of holdings ascertained according to the above method is given below :—

State, natural division, or district.	Size of holdings in acres.			
	Lower Quartile.	Median	Upper Quartile.	Average size.
ORISSA	1.2	2.9	6.8	4.2
Inland division	1.6	3.6	8.4	5.5
Coastal division	0.8	2.1	4.4	2.7
Cuttack	... 0.7	1.8	4.0	2.4
Balasore	... 1.0	2.5	4.6	3.7
Puri	... 0.8	2.1	4.6	3.3
Sambalpur	... 1.7	3.7	8.9	4.3
Ganjam	... 0.9	2.1	4.4	1.9
(i) Agency	... 1.1	2.3	4.2	1.5
(ii) Plains	... 0.9	2.1	4.5	2.0
Koraput	... 1.5	3.3	7.5	6.0
Dhenkanal	... 1.5	3.1	5.6	4.5
Keonjhar	... 1.3	2.9	4.9	5.3
Phulbani	... 1.3	3.1	7.0	6.1
Bolangir	... 2.9	6.5	18.4	6.9
Sundergarh	... 2.1	4.3	9.7	6.6
Kalahandi	... 1.9	6.2	22.2	4.8
Mayurbhanj	... 1.4	3.2	6.7	6.5

328. The conclusion drawn from the above detail is that the median-sized holding for Orissa is 2.9 acres while it is 3.6 in the inland division and 2.1 in the coastal division. In the lower quartile the Orissa's average is 1.2. It is below .8 in the coastal division and 1.6 in the inland division. The upper quartile for Orissa is 6.8 which again is 4.4 for coastal division and 8.4 for the inland division,

329. As far as the districts are concerned, the median-sized holdings in Bolangir and Kalahandi are 6.5 and 6.2 respectively while the lowest are 1.8 in Cuttack, 2.1 in Puri, 2.1 in Ganjam and 2.5 in Balasore. The lowest median for any district in the inland division is 2.9 in Keonjhar and the highest is 6.5 in Bolangir. The upper quartile is highest in Kalahandi where it is 22.2 followed by 18.4 of Bolangir. The same aspect for Cuttack is 4.0 followed by 4.4 of Ganjam and 4.6 for Puri and Balasore each.

330. The diversity between median and quartile holdings in the inland and the coastal districts raises the possibility of two inferences, one of which is that a cultivator of the coastal division is less prosperous than his counter-part in the inland division. The other inference is that an agricultural holding of the coastal division produces as much as a larger holding in the inland division. The median-sized holding for inland division is 3.6 acres while it is 2.1 in the coastal division. An inland cultivator holds therefore nearly 75 per cent more land than his counter-part. There are some irrigated areas in the coastal districts which are more fertile than lands in the inland division. Except these lands, fertility of soil is probably evenly distributed between the two divisions. The real reason for the difference in the size of median holdings is the pressure of population in the two regions. The inland division is still sparsely populated and that is why the holdings are larger. The pressure of population with the consequence of subdivision of holding has resulted in fragmentation in the coastal division where the median has gone low.

Cause of fragmentation of holdings—steps to prevent fragmentation.

331. The information collected during the census of 1951 as revealed in the above statement also disclosed the extent to which fragmentation of holding is rampant. These fragmentations are caused either due to partition of family property caused by succession or due to sale of parcels of land to meet the various needs of the cultivator. The smaller the cultivator, the less is his solvency and the only means of

meeting his urgent requirement is by sale of a piece of land. The evils of fragmentation need not be dilated here as they are well known and accepted. The average size of holding in Orissa is 4.2 acres which is infinitesimal when compared with 145 acres of U. S. A. and 62 acres of England. The advanced countries of the East like Japan have however a low average size of holding. The average size of holding in Japan is 3 acres and it is 3.25 acres in China. The administrative system of China is radically different from what prevails in this country. In Japan the holdings are very intensively cultivated and industrialisation also helps the people to supplement their income. Whatever be the method, it has to be accepted that economic holdings have to be created and this brings in the question of consolidation and prevention of fragmentation of holdings. This has therefore been made the most important function of the Board of Agriculture. The District Agricultural Committees do not play much part in this but the Krushi Samitis are consulted and they may also be asked to furnish schemes for consolidation. To prevent fragmentation the Board has been given power after considering the report of the Agricultural Commissioner to notify the minimum area of land below which it is unprofitable to cultivate land as a separate unit. Any extent of land below this minimum will be known as a "fragment" and transfer or partition of such a fragment has been prohibited except when it is going to be added to any neighbouring land as a result of such transfer or partition. Further fragmentation has been guarded against by prohibiting transfer of land in small parcels which would create such fragments.

332. In the sphere of consolidation, a Krushi Samiti may be asked by the Commissioner of Agriculture to prepare a scheme and an officer known as Consolidation Officer will scrutinise that scheme or prepare a scheme of his own if the Krushi Samiti fails to prepare one. The set-up of the scheme will be to pay compensation to a tenant who is allotted a holding of less market value than that of his

Method of consolidation—Functions of the Commissioner of Agriculture, the Krushi Samitis & the consolidation Officer—

Compensation to be paid to and recovered from tenants—consequences when a tenant does not pay compensation,

original holding and to recover compensation from any tenant who is allotted a holding which is of higher value than what he had. The compensation will be payable or recoverable, as the case may be, in not more than three annual instalments. The scheme thus prepared will go to the District Agricultural Executive Committee who in their turn will send it to the Board for approval. After the Board's approval the scheme will be draft-published so that objections, if any, may be filed before the Consolidation Officer within one month from the date of publication. The objections received will be heard by the Consolidation Officer who will submit his findings to the Commissioner of Agriculture together with a statement of the amount of compensation payable and recoverable, as the case may be. The Commissioner of Agriculture will finally decide the objections but he will have no power to decide the matter of compensation. The statement of compensation prepared by the Consolidation Officer will be notified after the scheme is finally approved by the Commissioner of Agriculture. Any person who does not accept the compensation as determined by the Consolidation Officer has the right to file an appeal within 15 days of the notification. The Consolidation Officer will transmit the objection to the Committee who in their turn will forward it to the Tribunal whose decision will be final.

333. The consolidation proceeding has therefore two aspects. In the general plan of consolidation the Commissioner of Agriculture gives the final decision. There is no appeal against his order though the Board has power of revision. On the financial side the Consolidation Officer's decision will be final subject to appeal to the Tribunal. After the scheme is finally approved by the Commissioner of Agriculture, the Consolidation Officer will give effect to it by putting persons in possession of the land according to the scheme from the commencement of the next agricultural year which is current in that particular area. If

there is any question to be decided as to which agricultural year prevails in that area then the notification by the Board of Revenue will be decisive. When a tenant has to pay compensation, the holding allotted to him will not be made over to him unless he deposits the first instalment of the whole of compensation, as the case may be, 15 days before the commencement of the agricultural year. If he fails to pay, then the holding can be re-allotted by the Consolidation Officer to any other person who pays the value of the holding. The amount so realised after deducting expenses will be paid to the tenant and any other person having an interest in the holding. The Consolidation Officer will grant a certificate to every tenant to whom a holding is allotted under the Act. This certificate will be registered under the Indian Registration Act, 1908 and will be to the effect that the holding has been transferred to him in pursuance of the scheme. No stamp duty or registration fee will be payable in respect of this certificate which will be a deed of title. It is permissible for the Consolidation Officer with the approval of the Board of Agriculture to grant loan to a tenant under the Land Improvement Loans Act, 1883 or the Agriculturists' Loans Act, 1884 to pay the compensation recoverable from him.

334. No sale or other kind of transfer of land in a consolidation scheme will be allowed during the continuance of the consolidation proceeding. During that period the Consolidation Officer will function as a Revenue Officer and all suits and execution proceedings under any revenue law involving sale of or dispossession from any land covered by the scheme will be transferred to him for disposal.

335. After consolidation no transfer or lease of a holding which will create a fragment will be allowed. Those whose holdings are less than the minimum area notified by the Board may transfer or lease such holding to a contiguous cultivator if it is going to be merged

in his block but the Committee may allow departure from this.

336. A tenant to whom a holding is allotted in pursuance of a scheme of consolidation will have the same right and obligation except in regard to rent which he had in his original holding but this right will not be available to a person who gets a holding by reason of the original allottee not paying the compensation.

337. The interest of mortgagees and other encumbrance holders on a tenant's land has suffered when such a tenant does not get another holding. In such a case the debt is reduced to an unsecured personal liability of the borrower. If however the tenant gets another holding, the mortgage or encumbrance is transferred to him.

338. There are certain ambiguities in the provision of consolidation which can be discussed here. A person to whom a holding is allotted because the original allottee failed to pay the compensation has not been given the rights available to a tenant. It has not been mentioned anywhere in the Act what his rights will be. It is equitable that he should have the same rights and obligations as the original raiyat possessed because he is after all the purchaser of that land.

Certain ambiguities in the provisions for consolidation discussed.

339. A mortgagee or an encumbrancer in possession of a holding or a fragment will be allowed to continue on his original terms. It is not clear to which land this right relates. If it relates to the land which is allotted to the mortgager under the scheme then it has already been provided for in Section 56 (1) which says that if the tenant gets another holding or fragment the creditor or the person entitled to the benefits under the encumbrance shall have the right to realise his benefits from the same as if it were encumbered originally. If it refers to land which is not allotted to the mortgager then it will create an anomalous

position as the new allottee will not get possession of the land. The correct arrangement should be to transfer the mortgage or encumbrance to the new holding which the tenant gets or if he gets no land then to pay off the creditor or the encumbrance holder from the compensation that will be payable.

340. The arrangement to send the appeals to the Tribunal through the Committee does not seem to serve any useful purpose as the Committee has no function to discharge. The Tribunal's function is judicial in which no assistance or comment from the Committee is wanted.

341. The right to transfer part of a holding after consolidation is not quite clear. Those whose holdings after consolidation will be less than the minimum area notified by the Board shall not transfer or lease such holdings to any one other than a contiguous cultivator in whose block of land it will be merged. The Committee may however permit deviation from this. Others will not transfer or subdivide their holdings so as to create fragments. The latter class of persons are not required to sell to contiguous land owners and as long as they sell lands above the minimum area, they can sell to any one. This will again create diversification of holdings.

342. Another difficulty will be in case of separation of joint families. The law of succession personal to the owner will not change and as subdivision below the minimum will not be permitted the result will be separate cultivation by divided coparceners although the holding will be shown as a joint holding in the collection papers. The law of succession prevalent among most Indians is a serious handicap to the consolidation of holdings. If consolidation has to be kept up, then provision will have to be made to keep the holding with the eldest or the largest cosharers, the others being entitled to the value of the land which would have gone to them. At least in making

partitions of family property the principle of giving a compact block to each co-sharer should be insisted upon instead of the practice now followed to give a portion according to the share of each bit of land to every co-sharer of the family property.

Part played by the Bhoodan Yagna Act, XVI of 1953 in the field of consolidation.

343. In the matter of consolidation the Bhoodan Yagna Act XVI of 1953 is intended to play a part because it has been provided under Sec. 7 (2) of that Act that the Bhoodan Yagna Samiti may, with a view to consolidation of holdings, accept any land in exchange for lands donated in pursuance of Bhoodan Yagna. Neither the Act nor the Rules framed under it however prescribes the manner in which such exchange of land can be effected. More will be said about the Bhoodan Yagna Act later on.

Consolidation of holdings should proceed gradually starting from the District of Cuttack where fragmentation is rampant and it will be a responsibility of the Revenue Department.

344. Fragmentation is very common in the three coastal districts and it has come to such an extent that economic farming has been jeopardised. It is not so acute in the inland districts. The process of consolidation of holdings and prevention of fragmentation is by no means simple because it will go against the century-old traditions of the people. It is easy to make a law enforcing measures of consolidation but it will be difficult to put it into practice when the public reaction will be against it. The process of consolidation has therefore to be gradual and it should begin in the district where the problem is most acute. The start should be made in the district of Cuttack where holdings have been very much scattered and of small sizes. It will gradually spread into other regions and the experience gained in Cuttack will be useful elsewhere. The implementation of consolidation will be the responsibility of the Revenue Department though co-operative societies where they are properly functioning will lend very useful assistance as will be found from the instance quoted elsewhere in this chapter. In certain other States an element of compulsion in securing consolidation of holdings has been provided by legislation. In sub-section (2), Section 6 of

the Madhya Pradesh Act and in sub-section (3) of Section 3 of the Jammu and Kashmir Consolidation of Holdings Act such element of compulsion has been introduced. Under the Madhya Pradesh Act if not less than one-half of the permanent holders in a village, mahal or patti, holding not less than two-thirds of the occupied area in the village, mahal or patti, apply for a scheme of consolidation and the scheme is confirmed, it shall be binding on all the permanent holders of that area. The corresponding proportion in the Jammu & Kashmir Act is two-thirds of the land-owners holding not less than three-fourths of the cultivated area in an estate or subdivision of an estate.

345. As will be found elsewhere in this report, voluntary effort by a co-operative society has succeeded in achieving this object. That is however a single instance from which it will be dangerous to draw any general conclusion. The instance however indicates that there is a possibility of effecting consolidation through voluntary efforts which deserves to be explored. If that does not prove very helpful then the only other way is to bring in compulsion in the consolidation of holdings.

Part to be played by Co-operative societies to effect voluntary consolidation of holdings.

346. The achievement of consolidation is really half the task as measures to prevent its recurrence are equally important. Consolidation in itself offers no permanent remedy and the problem is likely to recur every generation or even earlier unless future partitions, exchanges or transfers are restricted. On this account some States have not regarded mere consolidation as worthwhile. Unless the problem is checked at the root or at least the existence of small fragments is controlled, no lasting solution of the problem is possible. The measures provided in the Agricultural Act to prevent future fragmentation do not go far enough. Future partitions will have to be controlled by providing for compact blocks to be given to each co-sharer if the effects of consolidation have to be kept up.

Measures suggested to keep consolidated holdings intact.

Resources of
the Board—
The Agri-
cultural
Improve-
ment Fund.

347. The Board of Agriculture will have under its control a fund known as the Agricultural Improvement Fund. It was at first provided in the Act that the State Government will make an annual contribution of Rs. 10,00,000/- to the Fund but later on this was found to be far above the State's resources and this has been reduced to Rs. 1,00,000/-per year. Over and above the annual contribution from the State Government, the Fund will consist of other contributions received from the State Government or the Central Government from time to time ; all fines, forfeitures and penalties imposed under the Act ; all recoveries under the Act ; all fees and levies imposed under this Act ; all contributions received for any work to be undertaken by or under the supervision of the Board ; and grants for food production as may be placed at the disposal of the Board by the State Government.

348. The fund will be used to meet all expenditures incurred under the Act including compensation payable to dispossessed tenants, expenditure incurred on execution of Board's directions, payment to the staff and other expenditures connected with the Board, the Committee, the Krushi Samiti and the Tribunal.

Board's dues
recoverable
as public
demands—
powers and
protections
given to the
officers of
the Board.

349. Power has been taken to recover all dues of the Board as a public demand or as arrear of land revenue. The members of the Board, the Tribunal, the Committees and the Krushi Samitis have been treated as public servants within the meaning of the Indian Penal Code. The usual powers for entering upon property to carry on survey, demarcation, identification and the like have been given to persons authorised by the Board to take up any work which the Board wants to be done and usual protection against prosecution or legal proceedings for acts done under the direction of the Board has been provided. The decisions of the Board, the Committees and of the Tribunal have also been protected against being challenged in any Civil Court.

350. It will be realised from the structure and the functions of the Agriculture Act that it brings about important changes in the existing method of holding property. So far, the owners of property and persons cultivating lands were given complete freedom in the methods they pursued for the management of their property. The Act brings in a state of complete control under which an estate can be managed or land cultivated. It will hit the small cultivator hard as he will have to either give up possession of his holding in favour of the Board or join a registered Co-operative Farming Society of which there are very few and about which something has to be said later on. The Act has therefore cast an apprehension in the minds of the land-owners

351. The position of the land revenue administration after this Act comes into force will be somewhat complicated. The Board and its ancillary agencies have been given the power to deal directly with proprietors and cultivators. There is no place for the revenue staff except that a revenue officer will be a member of the Board and the Collector will be the ex-officio Chairman of the District Agricultural Committee. The Board of Revenue plays a very minor part as it has only to notify the agricultural year prevailing in a particular area when there is dispute about it. The Commissioners do not come into the picture at all. The Subdivisional Officer is no where to be seen. The Board will be an autonomous body and will work through its subordinate Committees. No doubt the Board is predominantly a Government nominated organisation but it is none the less independent of Government. The existing machinery of administration will therefore be thrown out of gear by the revolutionary changes that the Act wants to bring in. The process can hardly be called democratisation because the Board is primarily a Government nominated body. There is however no Government control over the Board and not being an elected organisa-

Effect of the Act on land revenue administration & financial stability of the Board.

tion it has no responsibility to the public. There is no safeguard against the Board abusing its powers or becoming autocratic. There is no appeal against the actions of the Board and no right to bring a civil suit to challenge an order of the Board which can exercise any of the functions assigned to the Committee or the Samiti. Such a statutory organisation with very wide powers affecting the means of livelihood of the bulk of the people is likely to overshadow the ordinary set up for revenue administration. Its actions regarding good husbandry will affect the revenue administration of the State.

352. The object of the Act is development of agriculture with emphasis on consolidation of holdings, prevention of fragmentation, good estate management and good husbandry. There can be no dispute about the desirability of introducing these measures. The only question is what machinery should be used. The Agricultural Act entrusts the highly responsible task of achieving the above objects by giving directions through its executive agencies to proprietors and cultivators. This power to give direction in the matter of good husbandry has dribbled down to the lowest unit which is the Krushi Samiti. The concurrent power of the three statutory organisations, namely, the Board, the Committee and the Samiti to give directions to cultivators runs the risk of overlapping each other's domain. The power to give direction authorizes interference with personal and private rights and it is desirable that such powers should be unilaterally exercised. The set up in the Act however makes the powers exercisable by three different agencies with the added difficulty that these statutory bodies are neither democratic nor Governmental. The position therefore is that the power to interfere with the main occupation of the bulk of the people in the State has been left in the hand of those who are not responsible either to people or to Government. This is probably why the Act though passed

in 1952 has not been brought into effect all these days. The setting up of an independent organisation with its two executive agencies will be expensive. The Board of Agriculture will naturally have an elaborate staff both technical and secretarial. The District Agricultural Executive Committee as the main executing agency will also require elaborate staff of the same nature. The Krushi Samitis will require some. The Tribunal which will discharge judicial functions will have a staff of its own. All this hierarchy of staff will be paid from the Agricultural Improvement Fund none of whose sources of income except the annual contribution by Government is stable. There is provision to recover fees and levies to be credited to this fund but the Act does not provide any fee or levy which will be a recurring source of stable income for the Board. The result therefore will be that the Government will have to finance this organisation and that is why originally a Government grant of Rs. 10,00,000/- per year was provided. This however was later on found to be beyond the means of the State Government and it has been reduced to one lakh of rupees. It is doubtful if the elaborate organisation of the Board and its two subordinate agencies can function with this amount. The income from other sources is not likely to be appreciable. The provision made in the Second Five Year Plan for Orissa for expenditure under the Agricultural Act is—

- | | |
|---|---------------------|
| (1) Cost of staff of Board of Agriculture. | Rs. 6.25 lakhs |
| (2) Contribution to the Agriculture Improvement Fund. | Rs. 1 lakh per year |

i. e. Rs. 5 lakhs in five years.

- (3) Consolidation of holdings in 2,500 villages covering an area of 6,25,000 acres.

Expenditure	....	Rs. 25 lakhs
Recovery	....	Rs. 20 lakhs
Net expenditure	....	Rs. 5 lakhs

So the total expenditure is Rs. 11.25 lakhs. The income of the Board of Agriculture is not likely to be anywhere near the mark. Financially therefore the Board of Agriculture does not seem to be a very sound proposition.

353. The above difficulties were probably behind the provision in the Anchal Sasan Act to entrust the Anchal Agriculture & Development Committee and the Grama Panchayats with the functions respectively of the District Agricultural Executive Committee and the Krushi Samitis. This is not a feasible arrangement as would be detailed in the following chapter which deals with democratic decentralisation. It may however be indicated here that the Grama Panchayats and Anchal Sasans which are agencies for local-self-government and local development have got their hands full with their compulsory responsibilities to be capable of bearing additional burden in the shape of estate and land management. Some developmental activities like protection of cattle from epidemics, supply of pedigree seeds, protective measures against crop pests and diseases and provision for irrigation sources which come under the field of agricultural development have been left to be done by the Grama Panchayats and the Anchal Sasans. They have to take up these functions as local democratic development organisations. The Grama Panchayats are in their formative stage and are still feeling their depth. The Anchal Sasans are yet to come. These two in their earlier stages will crumple down under the load of the complex administration provided in the Agricultural Act.

Board of
Agriculture
overlaps
some func-
tions of
Grاما Pan-
chayats and
Anchal
Sasans.

354. While referring to this subject it will be useful to mention that some spheres of activities of the Agriculture Board overlap those of the Grama Panchayats and the Anchal Sasans. These are in the sphere of agricultural development such as provision for seed, means of communication and the like. The Grama Panchayats are a constitu-

tional obligation and they will be started all over the State. A bulk of the State is now under the Grama Panchayats and the remaining area will be covered by Grama Panchayats in near future. Anchal Sasans are necessary in the development field as democratic organisation to coordinate the activities of these Grama Panchayats. The development part of agriculture has therefore rightly been left to them and the introduction of the Board of Agriculture which is neither democratic nor Governmental in the same sphere of activity will create conflict between the two agencies. This is an indication against the formation of the Board of Agriculture.

355. The task of ensuring good estate management and good husbandry is primarily an unavoidable part of the revenue administration of Government. Consolidation of holding and prevention of fragmentation are really means to that end. It is therefore necessary that this work should remain with the Revenue Department of Government, instead of being handed over to an extraneous agency with considerable drain on the State resources as provided in the Agricultural Act. The machinery for revenue administration should and can take up this work particularly if the decentralised administration as recommended by us is adopted.

Revenue Department of Government should discharge the function enumerated in the Act.

356. The Bhoodan Yagna Act enters into agricultural management as it provides for legalising donation of lands to be distributed among landless people and also to help consolidation of holding by accepting land in exchange of those donated.

Effect of Bhoodan Yagan Act on agricultural management—object, scope and working of the Act.

357. The Act seems to be limited at most to the life time of Shri Vinoba Bhave, the initiator of the Bhoodan Yagna Movement as the Bhoodan Yagna Samiti which is the main functionary under the Act will consist of persons nominated by him. Its main object seems to be the satisfaction of land hunger and consolidation of holdings is only subsidiary.

358. The Act has been substantially amended in 1956 by the Orissa Bhoodan Yagna (Amendment) Act XXIX of 1956. The substantial change is the provision to file the Bhoodan declaration before the Samiti or any person authorised by the Samiti. Prior to that according to the original Act the declaration was to be filed before a Revenue Officer. After filing of the declaration the Samiti or any person authorised by it can distribute the land and after such distribution the Bhoodan declaration along with the list showing the names and address of person or persons to whom the land has been distributed will be filed before the Revenue Officer who will then proceed to publish it and consider objections, if any are filed. There is no clear provision in the Act whether possession will be given to the persons to whom land is distributed by the Samiti but presumably this is not so as the donation still awaits confirmation either wholly or in part by the Revenue Officer. Delivery of possession before the Revenue Officer has considered the donation will create complication in case the donation is not confirmed as there will then be necessity to dispossess the person to whom the land has been distributed by the Samiti.

359. The operation of the Act in the State has not been widespread and the only district where its activities came to our notice was Koraput. The Committee noticed that 508 declarations had been filed before the Taluk Officer, Gunupur, in January 1957. The Taluk Officer has ordered on 24-8-1957 in 8 cases to issue notices, but this could not be readily complied with for want of printed forms. Manuscript notices were being issued at the time of the Committee's visit to Gunupur. The manner of donation was also defective as it was found that a single tenant has donated a holding which he possessed jointly with others without any specification of interest or possession. The existing administrative machinery is capable of dealing with the number of registration applications which have so far been

presented and as the number is not large, the load thrown on the administrative machinery is not heavy. The revenue officers that are available are capable of dealing with the work arising out of this Act.

360. The Agriculture Act includes co-operative farming and joint farming within the functions of the Board. There is also option given to a cultivator to join a Registered Co-operative Farming Society in case he finds that he is not in a position to carry out by himself a direction given under the Act for good husbandry. There is general agreement that co-operative farming should be developed as rapidly as possible because it is recognised as conducive to good husbandry. It is therefore relevant to examine how far such organisations exist or are possible in this State.

Co-operative
farming.

361. A question is often raised as to what precisely is a farming co-operative. There is not one particular type of society which can be named farming co-operative. A combination of farmers for better cultivation is achieved in four different ways. These all come under the designation of Farming Co-operative Societies. The easiest and the most common form of co-operation is the Service Co-operatives like grain golas which cater to the needs of the farmers in the supply of seeds, manures and the like. Most Gram Panchayats have now a grain gola each and all farmers within the Gram Panchayat can be members of it and take advantage of the facilities given for better service in the matter of cultivation.

362. The other type of co-operative is Joint Farming Society in which farmers owning land join together for common cultivation of their lands. They get the advantage of better facilities for cultivation in as much as improved machinery or implements may be used and farm requirements may also be obtained at cheap rates due to large scale purchase. They will also dispose

of their farm produce at a common centre to the advantage of all. The membership though retaining ownership of the land carries with it the limitation that when quitting the Society a member has to sell his land to another who will become a member of the Society. He cannot take the land back with him. So once joining the Society means leaving the land always with the Society. Ownership is permitted to be transferred only to one who agrees to continue as a member of the Society.

363. The third type is the 'Collective Farming' which has two variations viz. the 'Tenants Farming Society' and the "Collective Farming Society". In both these types the land belongs to the Society and the members are either cultivators or labourers. In a Tenants Farming Society the lease of the land is taken by the Society and the members are given specific areas to cultivate as sub-tenants. They pay rent and other incidental charges to the Society and then appropriate what is left out of the produce as their profit. In Collective Farming Society the members work as labourers on payment of daily wages and after meeting all cultivation charges inclusive of wages paid to the members, the remaining produce is divided as profit among the members according to their share. In the case of a Collective Farming Society the land contributed by a member becomes the property of the Society but the member's share is determined according to the value of his land. The profit that he gets is in proportion to the value of his share. In case of Tenants Farming Society which consists of landless people there is, of course, no question of share value as each member takes a definite number of shares by paying a nominal money value. So the profit is equally distributed after meeting all cultivation charges.

364. The above are the types of co-operative farming which have so far been contemplated.

365. In Orissa there are three Collective Farming Societies in the sense the lands belong to the Society and

the members work as wage-earners. The profit is divided among them. The most successful of this type is Sulia in Nayagarh. Another which is also successful is the Gopabandhu Co-operative Farming Society which is at Darpanarayanpur at Nayagarh. A third which has made good success is the Kathjuri Patha Co-operative Society where vegetables are grown and sold.

366. The next question is what type of Society should be encouraged. It will be a Herculean task to persuade the farmer to give up his right over the land. The difficulty in collective farming is that the tenant has no visible asset in the land and so he can not get any credit on the strength of his immovable property. This security is very much treasured by the Indian farmer and for obvious reasons. So the Collective or even Joint Farming Co-operative Societies will not at all appeal to the imagination of our farmers. The best way, therefore, will be to go on with the Service Co-operative which in the Co-operative parlance is known as Better Farming Co-operative Societies so that the farmers may be gradually weaned over to the advantage of joining their efforts for better agricultural out-turn. It is, we believe, premature to think of organising our farmers into any kind of co-operative farming except the Service Co-operative.

367. In certain States an element of compulsion has been introduced to form Farming Co-operative Societies. The principle of the cultivators to join a Farming Co-operative Society if two-thirds of the cultivators agreed to do so has been followed in certain States. We do not think that this is in keeping with the principles of co-operation and will be conducive to agricultural development. Co-operation is essentially a voluntary movement and if unwilling members are brought to the fold of the society, whatever be its nature of activity, there is every likelihood of dissension and indifference which will frustrate the objects of which the Society is formed. It is essential

therefore that the farming co-operatives should be based on voluntary efforts of the participants.

368. In the Koraput district in a very few villages the Gramadan Movement has succeeded in inducing the people to donate all their lands to the village community. The lands are parcelled out for cultivation and given to different persons in different years who pay some portion of the produce to the community for its upkeep and appropriate the rest. The allotment of each parcel is done every year and one man does not necessarily cultivate the same parcel of land for two consecutive years. This is not however done under the Co-operative Act because the Gramadan villages do not come under that law. The Bhoodan Yagna Samiti is however, thinking of getting the Bhoodan Yagna Act amended to bring such lands under the purview of the Co-operative Societies.

369. The formation of Co-operative Societies even the Village Service Co-operative Societies will help the efforts for consolidation of holdings. The Committee learnt from the Registrar of Co-operative Societies that in one village of Bhadrak Subdivision called Chabispada, close to Tihidi, the Multipurpose Co-operative Society has succeeded in consolidating holdings of that village. The inhabitants of the village are members of this Society and they have by mutual agreement and adjustment of cost consolidated their holdings into compact blocks with the result that nobody in that village now holds scattered cultivation. The cultivation of course is separate but the holding of land is now in compact block instead of in isolated patches. This will be a source of imitation in areas where consolidation is aimed at and there is plenty of scope for such work. If this type of work succeeds then it will do away with the elaborate machinery for consolidating holdings by compulsion under law. The adjustments have been registered by means of registered deeds which have been reported to the Collector and the changes given

effect to in the Rent Rolls. The number of holdings in the village which was about 400 to 500 has been reduced to 70 or 80 thereby not only helping the cultivators but saving a lot of inconvenience to Government in the matter of rent collection.

370. The pattern of agricultural management in the Second Five-Year Plan is as follows :—

- (1) Planning of land use ;
- (2) Determination of targets, both long-term and short term ;
- (3) Linking up of development programmes and Government assistance to production targets and the land use plan, including allocation of fertilisers etc. according to plan ; and
- (4) An appropriate price policy.

How far the Orissa Agriculture Act follows the Second Five-Year Plan recommendations for agricultural management

371. Broadly speaking, the Orissa Agriculture Act covers this line of approach except the price policy. The implementation of the Plan pattern through the Board of Agriculture will however be difficult because it will have no control over allotment of land. At the time the Agriculture Act was made into law, proprietors were existing and they had the bulk of waste lands under their control. All the big proprietors have been abolished and waste lands have come under the control of Government. The land assignment policy of Government will be interfered with by the Board of Agriculture who have got the right to give direction even to Government for the management of their lands. This may create problems for Government and may also stand in the way of following the land assignment policy which they have adopted. The Agriculture Act, it should also be pointed out here, does not throw upon its statutory organisations the responsibility of execution for achieving agricultural targets but rests with giving them powers to compel others to do so. This process of compulsion will hardly achieve the desired

object. The set up of the Agriculture Act is not therefore conducive to the implementation of agricultural management in the Second Five-Year Plan. The machinery is too elaborate, costly and the functions so limited that they can be more efficiently and more conveniently taken up by the existing Department of Government.

372. The District Development Committees can very well coordinate the efforts to achieve the target for agriculture in the Second Five-Year Plan if the execution is left to the agencies of Government as suggested above. Popular co-operation and coordination of efforts of different agencies can be obtained by taking representatives from the Anchal Sabha to the District Agriculture Development Committee.

CHAPTER VI

Democratic Decentralisation

(Village Government)

SECTION I

Introductory—Historical Background

373. The history of Local-Self Government in India presents an interesting study. Village Government in some form or other existed in India since time immemorial, and some take it so far back as the Vedic age, and at one stage existence of federation of village republics was in evidence. Cohesion of group and village life was found an indispensable condition for man at the early stages for defensive purposes and for an integrated common life. Village Government was known to Hindu polity and continued to exist and flourish till its break up in the changing conditions arising in the mid-nineteenth century. The age-old tradition of community organisations has been disrupted by various factors in different parts of the world. In the Western countries the growth of industry, the growth of large industrial areas, the impact of modern civilisation, adversely affected the cooperative social relationship in the rural area. In India the Mogul and British administrations were not to a small extent responsible for the disintegration of the traditional community organisations. There were estates in the districts of Cuttack and Balasore which included small bits of land in hundreds of villages spread over two districts. Such estates, for instance, were Jainabad and Saidabad, and the tradition is that during the Mogul period the landowners made gifts of small areas of land at the marriage of daughters of Mogul Viceroy. Such fragmentations of village proprietorship in favour of absentee landlords contributed to disruption of village

Earliest
type of
village
Government

cohesion, not to a small extent. The diversity of revenue system is also responsible for the deterioration of village organisation.

Experi-
ments under
the British
Rule.

374. The earliest experiments in introducing the British system of Municipal Self-Government were confined to the Presidency towns of Madras, Calcutta and Bombay. So far back as 1687, a charter was obtained to set up a Corporation at Madras, an institution which did not flourish for want of resources. The progress of Local-Self Government is ordinarily divided into four broad stages since the British Rule upto achievement of Independence, and thereafter. The first land mark in the development of the democratic institutions was the legislation on Local Government for Bengal in 1842 and its subsequent extension to other parts of British India in 1850. The early efforts were directed to developing Municipal Government in a number of towns. The idea was to provide civic amenities and sanitary measures.

Rural self-
Government-
Lord
Mayo's
measures.

375. The next important land mark in the growth of these institutions in rural areas was in the year 1870 when Lord Mayo emphasized, for the first time, the importance of Local Self-Government. This constituted a positive advance in the scheme of Local Self-Government institutions, both in urban and rural areas. The constitution of the local bodies was based mostly on nomination and official patronage.

Lord
Ripon's
measures—
1882.

376. The next epoch in the development of local democracy has been due to the stimulus provided by the Lord Ripon's Resolution of 1882. The fundamental principles laid down therein were :—

- (1) not less than two thirds of the members of the local bodies must be non-officials
- (2) the systematic election should be definitely accepted by Government ;

- (3) control of Government should be exercised in previous sanction being obtained of Government by the local bodies in deciding upon some of the important acts such as levy of novel taxes. Government also retained power to act in the event of gross and continued neglect of any important duty imposed on a local body.

377. The local bodies nevertheless were given wide powers than ever before, but serious handicaps in their growth were meagre finances, lack of separate administrative staff and official distrust of popular representatives.

378. The third phase in the history of Local Self-Government are the Reforms of 1919 when it was clearly felt that, after a century of experimentations, local institutions had not been a success and needed a complete overhaul. The authors of Reforms of 1919 clearly laid down that "there should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control". Local Self-Government became a transferred subject for administration by popular Ministers. There was thus decentralisation of certain vital functions in favour of local institutions. The system that obtained before the Independence was autonomy in the matter of the Municipalities for urban areas and Boards such as District Boards, Local Boards, Union Boards and Panchayats for rural areas. The functions of these bodies comprised the administration of education, public health, sanitation, medical relief and public works. The District Boards were in charge of means of local communications, hospitals and dispensaries, drainage, water supply, general sanitation, vaccination, elementary education, pounds, ferries and markets. The chief source of their income was the Road Cess (a cess on land), fees for pounds and ferries, etc. and grants made by the Provincial Governments for education and medical and public health work. It is worth mentioning here that some form of Village Panchayat or

Reforms of
1919.

Union Board was developing meanwhile. The Bihar and Orissa Union Act of 1922 constituted Union Boards, but the movement had not taken deep root in the Provinces. Similarly in the district of Ganjam there were minor and major Panchayats, which were working at the village level constituted under the Madras Local Boards Act, 1920. Union Boards were also formed in Sambalpur district under the Sambalpur Local-Self Government Act, 1939. A reading of the latest Annual Administration Reports on Local Self-Government tends to show that most of these local bodies were labouring under financial difficulties and were limited in the works of expansion and development. In certain branches inefficiency was noticed and the public health work and the hospital were provincialised.

Post Independence measures for village democracy.

379. The fourth and most important land mark in the history of Local Self-Government is the immediate post-Independence period.

380. The Report of the Congress Village Panchayat Committee (published by the All India Congress Committee in July, 1954) says, "It is apparent that conscious creation by the State of statutory village bodies entails upon it heavy burdens and responsibilities. In the present conditions of backwardness and illiteracy in our villages, the State will have to largely foster their growth. Once the village communities have been allotted a specific place in our social organism, it becomes essential to supervise their work without in any way interfering in their basic functions. Indeed, the creation of these village bodies has been one of the biggest enterprises in many of the States in India and lately in Orissa. These Panchayats have been visualised as instruments for a peaceful social change in order to make effective the directive principles of State policy and the objectives laid down in the Indian Constitution. They are required to serve not only as units of Local Self-Government but also as natural institutions for

securing social justice and fostering corporate life resulting in fuller employment.”

381. One of the directive principles of State policy in the Constitution of India is that the State shall take steps to organise Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of Self-Government (Article 40). In Orissa, considerable attention was focussed in the matter of developing democratic institutions at every level. At present there are local bodies either existing or envisaged by legislation under the four main categories:—

Democratic
decentrali-
sation in
Orissa.

- (1) Village Panchayats
- (2) Anchal Sasans (Legislation awaiting introduction)
- (3) District Boards
- (4) Municipalities

382. The Administration Enquiry Committee is not much concerned in its study on the big Municipalities which have been excluded from the scope of the Village Panchayats and Anchal Sasans. The smaller Municipalities have, however, been included in the Anchal Sasans.

SECCIÓN II

Grama Sasans

Constitutional provision.

383. The directive principles of State policy in the Indian Constitution (Article 40 of the Constitution) place obligation on the State to take steps to organise Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. The Panchayats are viewed, on one hand, as a direct product of the great experiment in democracy which has been launched in the country ; on the other hand, they are statutorily created bodies intended to draw the cooperation of the masses for development work and to become the nerve-centres of the rural progress. The Congress Village Panchayat Committee were of the view " It is clear that in the absence of economic justice in terms of the Constitution, our village Panchayats will not be able to fulfil these tasks and will fail in bringing about a peaceful transformation in our village society".

384. The State of Orissa has speedily implemented the land reform policy as laid down by the National Planning Commission in the direction of the removal of landlordism, effecting tenancy reforms and in the elimination of the exploitation of agricultural labourers. With the abolition of the intermediary systems in the chain of landed interests between the Government and the tiller of the soil a gap was created. To fill up that gap a series of reforms in the matter of devolution of responsibilities has been devised. One of the measures has been the introduction of the Village Government and another is that of the Local Government in a larger territorial sphere which is called the Anchal Sabha.

* Page 15 of the Report of the Congress Village Panchayats Committee.

385. In Orissa the Village Panchayat scheme had been under consideration before the Constitution came into force. The Orissa Grama Panchayats Act, 1949 (Orissa Act XV of 1948) received the assent of the Governor-General on the 11th December, 1948 and introduced in 1949. In that year Government issued Notifications establishing 532 Grama Panchayats at selected centres in the different districts of Orissa. Elections to these Panchayats were held in 1950-51. In 1952-53 a master plan was put into operation in compact areas and a scheme of intensive Panchayats was introduced. This scheme has covered the entire State with the formation of 2344 Grama Panchayats.

Introduction
of the
village Pan-
chayat
system in
Orissa.

386. According to the provisions of Section 5 of the Orissa Grama Panchayats Act a Grama Sasan is established for any village or group of villages having a population not less than 1500. Every adult member ordinarily resident within the area of the Grama Sasan is entitled to be the member of the Grama Sasan unless he suffers from any of the disabilities such as being of unsound mind, suffering from serious physical diseases, or is an undischarged insolvent, or convicted of an election offence or has been sentenced to imprisonment for a term exceeding three months for an offence involving moral turpitude or is not a citizen of India. The State Government have however, reserved to themselves power to remove the disqualification arising out of an election offence or of imprisonment due to moral turpitude. A register is maintained of adult persons residing within the jurisdiction of a Grama Sasan and it is revised every year. These registers are prepared in two parts. Part I contains the name of every inhabitant in the local area familywise giving particulars in respect of age, caste and occupation. Part II is the register which contains the names and particulars only of adults who are entitled to be members of the Grama Sasan. This register is prepared in Oriya and it remains in the custody of the Grama Sasan.

Constitution
of Grama
Sasan.

387. Every Grama Sasan is a legal body with corporate status. The law provides that every Grama Sasan shall hold one annual general and one half-yearly general meeting. In one of the meetings the Budget for the coming year and the programme of work planned are to be approved and in the other an assessment of the work carried out by the Panchayat Executive should be examined.

388. The Orissa Grama Panchayats Act was passed in 1948 and introduced in 1949. Elections to those Panchayats were held in 1950-51. The original intention was that a Grama Sasan (previously denominated as Grama Sabha) with all adults ordinarily residing in the area should be established for any village or group of villages having a population of 1000 to 1500. It was, however, noticed that such unit was too small to be economically sound. The scheme, therefore, was reconsidered by Government and steps were taken to reorganise Grama Panchayats according to the principle that ordinarily in thickly populated areas a Grama Panchayat should have a population of 5000 to 7000 and this may go up to 10,000 in special cases, and that each Grama Panchayat so organised should have a minimum annual income of Rs. 2,500/-. The ward arrangement was also made with reference to the population strength, the number of wards varying from 11 to 25.

Number of
Grama
Sasans.

389. Up to the end of August, 1957 altogether 2,344 Grama Sasans have been established and elections have been completed in all districts except eight Grama Panchayats in Puri and 11 in Koraput. The statistics of the Grama Panchayats and the number of members elected are shown as follows.

	<u>No. of Grama Panchayats.</u>	<u>No. of members elected.</u>
Cuttack	426(*)
Balasore	155	2732
Puri	274	5640
Mayurbhanj	161	3302
Ganjam	278	3431
Koraput	228	3888
Phulbani	78(*)
Keonjhar	99	2198
Dhenkanal	164	3082
Bolangir	152	2244
Kalahandi	91	(*)
Sundergarh	80	1587
Sambalpur	168	... (*)

There are nearly 50,000 villages in the entire State with an approximate target figure of 2,500 Grama Panchayats to cover the entire State. This has been a definite achievement in introducing Village Panchayats as basic units of Self-Government and intended to be basic agencies of planning and of development of village community, and for proper administration in all spheres of village life at the village level.

390. There are diverse opinions as to the size of the Grama Panchayats and the area structure. Pandit Nilakantha Das, the Speaker of the Orissa Legislative Assembly, is of the opinion that in any organisation that may be devised at the village level, there should be a "village sense". The size should be small not to exceed a population of 1000 or 1500 so as to give the people within the area the sense that it is "our" organisation and "our" village. On the other hand, there are certain social workers who would consider that a convenient size should be restricted to 3000 population and not to exceed 5000. There is some sense in this. The interest of the people is so very diffused in large areas that it contributes to local indifference. Though there is the provision in the Grama Panchayats

Opinion on
size of
Grama
Sasans.

* Not supplied to the Department

Act that there should be two general meetings of the Grama Sasan in a year, it is hardly found that these assemblies have ever been successfully convened in most of the Grama Panchayats. Some of the Sarpanches have frankly confessed that Grama Sasan could not be convened. The Sarpanch of Bagsala Grama Panchayat (Parlakhemidi) stated that only 200 people attended the Grama Sasan against the registered membership of about 3000. The Sarpanch of Baranasi Grama Panchayat stated that the Grama Sabha when convened was hardly attended by 100 members. He criticised that the jurisdiction of the Panchayat had been enlarged from two villages with 6000 (worked since 1950) to 8 villages with a population of 11,354. The apathy of the people of the villages brought in newly had the inevitable repercussion on the entire Panchayat area.

391. In some of the ex-State areas, the Grama Panchayats are preponderately large. In Decgarh Subdivision, there are Panchayats where the members have to come 10 miles in order to attend meetings. Their only concern is to go back as soon as they arrive at the Panchayat headquarters to attend meetings.

392. The present structure of the Village Panchayats was evolved in two stages. One was from 1949 on a smaller size pattern which evoked scant popular interest, but at that time the Sarpanch was being nominated. The next stage was that of an intensification and expansion from the year 1953-54 with elected Sarpanch. In some of the areas there is much room for reconsideration of the sizes, some random instances are given below :—

The Area
Pattern.

<u>Name of Gram</u>	<u>District</u>	<u>Size in</u>	<u>Population</u>	<u>Remarks</u>
<u>Panchayat</u>		<u>sq. miles</u>		
Tumudibandh	Phulbani	190	5717	
Kothgarh	do.	187	5716	
Adhenigarh	do.	180	6143	
Kiakata	Dhenkanal	297	3,338	
Chittol	Balasore	176	10,013	

393. There are 6 Grama Panchayats with population over 15000, 92 with over 10,000 and 1557 with population varying from 5000 to 10,000. Some of the districts have no statistics available of the area comprised in each Grama Panchayat. From the information available of 8 districts the following information is given.

394. There is one Grama Panchayat and having an area of more than 200 sq. miles, five 150 sq. miles to 200, nine 100 to 150 sq. miles, fifteen 75 to 100 sq. miles, thirty-eight 50 to 75 sq. miles.

395. It would appear that in several of the above Grama Panchayats, the structure was conceived more from economical consideration than from local consensus. Obviously the urgent pressure at the stage of formation led to some of these ponderous sizes which do not meet the basic condition of administrative convenience. In these small units of democratic institutions there is little room for differentiation between functions of policy and administration. From the broad national standpoint the work of these Panchayats is administrative and executive. They apply and administer policies prescribed and authorised at the higher levels, though there will, however, be a large measure of liberty of action within a limited and local sphere. The local units had little time to develop themselves on consideration of homogeneity, common interest and outlook. In the context of developmental work and the need of co-operation of village organisations, there was official leading in the formation of these local units taking into consideration various factors, with as much expenditure as could be commanded, such factors as grouping of villages on local circumstances, standardised patterns promising a viable administrative unit with resources sufficient to engage the minimum necessary establishment.

396. Some of the areas which had developed a tradition of local democracy and had ensured a standard of local-service, suffered by enlargement. The Sarpanches

Noticeable
feature in
large-sized
Grama
Sasans,

of Dandmakundpur (Puri), of Varanasi and Gopalpur (Ganjam) for instance, affirmed that their democratic set up suffered a set back by enlargement. The annual demand on account of Panchayat tax leviable in the Gopalpur Grama Panchayat had been on an average Rs. 13,000/-, the budget estimate in 1957-58 being Rs. 15,000/-. There are huge arrears in recent years. The collections were satisfactory in previous years as the semi-urban area formed one unit. Now that 10 villages in the out-lying rural areas have been included in the Grama Panchayat the usual psychology of people in the new area to evade tax has had also an adverse effect on the attitude of the people of the old area. This is indicated by the fact that in 1956-57 only Rs. 5,333/- was collected against the average demand of Rs. 13,000/-. The Panchayat has not yet taken any steps to recover the arrear taxes by means of distraint. Of the outstanding arrears, about Rs. 4,000/- is said to have been barred by limitation. The Panchayat has also allowed the market dues to fall into heavy arrears and it has now moved for recovery of arrear dues of about Rs. 6,000/- by means of certificate procedure. They have arrears and the lack of supervision of office is symptomatic of the disease which is creeping into the Grama Panchayat at Gopalpur (Ganjam) which was a well established and efficient body as a Major Panchayat till 1949-50. Some of the noticeable facts in this connection are :—

- (1) The franchise in those days was based on literacy and property, now it is adult (i. e. universal) franchise.
- (2) The semi-urban area being tagged on to rural areas lost much of the common interest and homogeneity of character and outlook. The democratic tradition of the little town was impaired by annexation of rural areas where people were not alive to civic responsibilities.
- (3) Growth of civic responsibilities in any structure of democratic institution depends on healthy and

sound local leadership, where the members are themselves lukewarm and lack cohesion, the result cannot be what is desired.

- (4) In the matter of organisation and expansion of Grama Panchayat areas, the opinion of local people who have homogeneity and common affinity should be consulted.

These facts clearly indicate that the Panchayat administration in such places as referred to has deteriorated to a considerable extent compared with the administration under the Madras Local Boards Act.

397. This calls for a re-examination of some of the Grama Panchayats and curtailment of sizes to conform to administrative convenience compatible with local consensus and regard for economy. The population should ordinarily be limited to 5000 within an area of 9 sq. miles. Any reorganisation, where necessary, should be made to take effect at the commencement of the next term of the Grama Panchayat.

398. The inherent defects of large sized Grama Sasans were appreciated. In 1956, by the Orissa Grama Panchayats (Second Amendment) Act, power was taken by the State Government to constitute Palli Sabhas for every revenue village consisting of all adults in the village limited to a population of not more than 1000. The Palli Sabha was to meet annually in March every year and may also meet at other times. The quorum was fixed at 50 per cent of the members of the Palli Sabha, since the meetings were to be held in the village itself. The function of the Palli Sabha was to decide on the development works which could be taken up in the village during the ensuing year. They were to indicate what amount of additional labour tax they would wish to be levied in the village to meet part of the cost of development works proposed if the Panchayat would decide to take up such works. The Palli

Sabha would perform other functions as may be assigned by the prescribed authority and the prescribed authority has not been defined in the rules.

399. It is provided that the Grama Panchayat member of the Palli should preside over the Palli Sabha. It is desirable, therefore, that the ward of a Grama Sasan should coincide with a Palli. It is too early to assess the working of Palli Sabhas, but in most of the areas the Pallis have not yet begun to function or have taken interest. None of the Panchayats has viewed with favour the contribution of physical labour. It needs good local leadership to create enthusiasm in these smaller units of Grama Sasans. Since the assembly of Grama Sasan is very disappointing, it is desirable that the Palli units be strengthened. For this purpose the Gram Panchayats, instead of holding their meetings in one place, should by rotation visit the units of Pallis and apprise the people of the accounts and progress of work of the preceding year and also of the programme of work in the coming year. The reaction of the Palli Sabhas so convened should be entered in proceedings of the Pallis.

Suggested
scheme of
Primary
Panchayat
discussed.

400. It has been suggested by some that the Palli Sabha have a primary organisation of its own to manage and promote welfare measures at the village level and for that purpose be reconstituted. The size of the Palli Sasan should be limited to a revenue village or group of villages with a population of 500 to 1500 having regard to the natural cohesion of the community and common life and interest. The Palli Sabha should consist of all adults in the village included in the register of adults prepared under Section 9 of the Grama Panchayats Act in so far as it relates to the Village or Palli.

401. The Palli Sabha, according to some should be the primary body which should elect its own Palli Panchayat consisting of 5 members with a Mukhya (or President)

who should represent the Palli Panchayat in the larger Grama Panchayat. There may be one Mukhya and another representative where two representatives are allotted to any large sized Palli.

402. In the district of Sambalpur there is a useful institution provided in the Wazile-ul-arj (or statements of customary privileges and obligations laid down under the C. P. Land Revenue Act, 1881. The Lambardar, Mukadam or Thikadar (village headman) is assisted in the village management by a Panchayat consisting of 4 ryots of the village elected by the ryots every three years. This organisation has entered into the pattern of life in every revenue village. Since after the introduction of Grama Sasans under the Grama Panchayats Act there has been a conflict between the traditional revenue Panch and the new Grama Panchayat. It has, therefore, become imperative that one of these two bodies should be abolished, and since the Grama Panchayat is the common pattern accepted universally, the Revenue Panches should be abolished as much of their functions has statutorily gone to the Grama Panchayats.

403. The Revenue Panches in the Sambalpur district used to assist the village headman (i. e. the Mukadam) in the village management on these matters:—

- (1) allocation of basti sites for cultivators, and also non-agriculturists ;
- (2) regulation and use of burial and burning grounds and their maintenance ;
- (3) maintenance of village grazing or common pasture ;
- (4) management of village Khesra or Gramya jungle assigned to village community—those forests which are not reserved or declared protected
- (5) maintenance of village roads (Dharsas) and Deraghars (guest houses) ;

- (6) distribution of water from irrigational tanks, channels ;
- (7) protection of village boundaries and forest boundaries ; and
- (8) fishery of public tank where assigned.

It is the opinion of a few that considerable advantage will be derived if primary Panchayats in every reconstituted Palli are organised to be fitted in the frame work of the larger Grama Sasan, and that there should be a responsible body of Palli Panchayat which would have initiative for local welfare measures, and can act also as agents of the larger body of Grama Panchayats in execution of projects.

404. The Administration Enquiry Committee has given careful consideration to this unique suggestion, but is led to feel that there should not be another small democratic body at the single village level if the Grama Panchayat can be reduced to a convenient size. There is likely to be conflict between the suggested primary Panchayats and the larger Grama Panchayats in matters of allocation of funds leading to diffusion of the small resources amongst the villages. There may be also spirit of unwholesome rivalry amongst the villages at a time when the foundation of village democracy has not been firmly laid. It will be quite proper for Grama Panchayats to form village Committees in any Palli area for any specific object and purpose, as for instance, for equitable distribution of irrigational water from major or minor irrigational sources, if and when, such responsibility is assigned to Grama Panchayats. Similar ad hoc Committees can also be formed to execute development and welfare works in any particular village within a Grama Panchayat. Having regard to all the circumstances, the Committee does not support the idea of a primary Panchayat for each village or Palli area ; a better and more expedient way of getting

things done in villages would be by ad hoc Committees appointed by the Grama Panchayats than by means of primary Panchayats, as a permanent feature of Panchayat organisation.

Diverse
interest in
the villages.

405. It has been stated very often that the village self-governing institutions should be encouraged so that the mass of people should themselves participate in the business of administration and in other aspects of community life, economic, social and judicial. The problems relating to the creation of the village bodies in our country are manifold in character and deserve close study. Efforts in this direction are widely divergent, as the people residing in Orissa inherit different traditions and cultural life. A study of the anthropological surveys would indicate the varied patterns of life that prevail in villages in different parts of Orissa. The life varies considerably even among neighbouring villages. In the coastal districts of Orissa where there is pressure of population the conditions differ widely. The people are well advanced but village factions are rife. The district of Ganjam inherited a different pattern of village life; the revenue administration recognised village as a unit. In the ex-Rulers' States the country was less advanced and people still clung to their old traditions. Even so, there are some features of village life which are more or less common to a large number of villages. Among these, factions and leadership are the important ones. Castism has not entirely disappeared. Though it represented an extremely important element in village life in the past, it is generally waning, but there are still acute symptoms in several places. Each caste has its own tradition, customs and way of life. Then, there are kinship groups, commonly termed as factions based on political, social and economic considerations. Most of the anthropologists stress the origin of these factions to past disputes, litigations, religious and other differences, differences over social and moral delinquencies and so on.

In such a context there is diffused leadership and leadership which is contended by factions. These difficulties lie ahead in evolving secular and democratic forms of village organisations which can effectively work as the main organ of the economic and social life of the village. They also emphasize the fact that however much the factions and lack of positive leadership is deplored, any attempt in promoting village life should reckon the underlying forces which are more often than not and constantly at play in the village life. Factions, however are not always an immutable factor, but they would be changing in the changed atmosphere and only by the inspiring leadership of disinterested persons.

406. The Panchayat Committee of the Local Self-Government Ministers held in June 1954 expressed the opinion that "it was, therefore, considered necessary that the elections to the Panchayats should not be held on the basis of party affiliations, particularly in the formative stages of the Panchayats. It would be desirable that the members of the Panchayats were elected unanimously at a meeting of the Gaon Sabha specially called for the purpose either by show of hands or by any other simple method which could reduce expenditure on elections to the barest minimum. Such a method will not only tend to make the elections to the Panchayats non-political but may also discourage formation of local parties or factions. It was, however, recommended that in order to encourage unanimous elections to the Panchayats, the Panchayats so elected may be given enhanced powers and preferential State assistance".

407. In the present stage of village life, it cannot be said that those who get elected unanimously to the Gram Panchayats are always the right type of men. The weightage of intelligent public opinion is not in support of the suggestion that enhanced power and preferential State

assistance should be given to Panchayats so elected. Until there is an advance of the rural community materially and economically and in the general level of education, and credit available not merely from the local moneylenders, there is no assurance that the elections will be unanimous, and if unanimous, the right type of men are always available.

408. Though the factions and the kinship groups may be coming into play in several areas, it is hopeful that common interest might create a cohesion in the village organisation. The Grama Sasans have been delimited on certain theoretical considerations. There was little of common interest between village and village. The feeling for corporate action should be promoted by focussing their attention to welfare measures. There is apathy in getting an assembly of the members of the Grama Sasan. In order to promote a unity of outlook, cultural and festival opportunities should be given for the entire Grama Sasan area so that people within that area will develop a common outlook and kinship in their village life. At present the village is subject to so many outside influences from all directions that it can hardly afford to remain always static.

409. Every Grama Sasan elects from amongst its members an Executive Committee called the Grama Panchayat. The number of members of a Grama Panchayat is fixed by the District Magistrate subject to a minimum of 11 members and maximum of 25 members including the Sarpanch and the Naib Sarpanch. In some of the areas there is joint electorate subject to reservation of seats for scheduled castes and scheduled tribes. In other areas the joint electorate system has not been introduced. The tribal and the scheduled caste population had not had a fair deal in some of the Grama Sasans. Where such conditions prevail and the minor communities do not have

Grama
Panchayat
(Executive
Committee
of the
Grama
Sasan)

a fair representation, it would be necessary for the District Magistrate to introduce the system of joint electorate subject to reservation of seats for the scheduled communities. Even in certain of the ex-Rulers' States where the majority community would be the tribal people, they have not always been represented in proportion to the strength of their community.

410. The original idea was that one-third of the members of the Grama Panchayat would retire every year and an equal number be elected. This gave rise to certain anomalies where leadership is so feeble and not forthcoming. It was, therefore, provided in the Act II of 1950 that the members of the Panchayat would hold office for a term of three years, but the State Government could for sufficient reasons extend the period of the Panchayat not exceeding one year. The term of office for the Panchayats in Madhya Pradesh is 5 years, in Mysore 4 years. In the Punjab, the Act enables the Panchayats to elect their Sarpanch and Naib Sarpanch every year. It has been suggested in certain quarters that the term of the Panchayat should normally be five years to be coincident with the terms prescribed for the elections to the State Assemblies and the District Boards. The Committee does not share this view because of the fact that a village community should be given opportunities only to change its leaders after a reasonable period, and that period is conveniently three years. There are not large policies to be implemented for a number of years at the village level. On the other hand, it has been noticed that where the election to the Grama Sasan takes place near about the general election, the reaction of party politics creates a very unhealthy atmosphere in the village life. This was particularly noticeable in most the Grama Panchayats which were reorganised near about the general elections in 1956-57.

411. The minimum age for the members of a Panchayat is the same as that for a voter i.e. completion of 21 years of age. The conditions which generally disqualify a voter from exercising his right to vote are also applicable in the case of membership of a Panchayat. Besides, the Act also lays down further disqualifying conditions for membership, such as—

Disqualification in regard to election to the Grama Panchayat.

- (1) holding an office of profit under the State or the Central Government or a local authority other than that of a Sarpanch, Naib Sarpanch or member of a Grama Panchayat, or President or Panch of an Adalati Panchayat ;
- (2) dismissal for misconduct from such services ;
- (3) to be in the habit of encouraging litigation in the villages and has been so declared by the prescribed authority, and
- (4) to be in arrears of dues payable to the Grama-Sasan for a continuous period of two years. The disqualification on account of dismissal from service might be condoned by the State Government and the disqualification on account of failure to pay arrear will cease upon payment.

412. The office of profit includes any office or employment, whether part-time or whole-time, whether with or without remuneration or allowances, periodic or otherwise, determined on any basis whatsoever, by virtue of which office or employment. the person holding the same exercises authority in any locality within the Grama Sasan area. This unfortunately limits some of the persons of proper calibre in their eligibility to serve the Grama Panchayats. There are persons who with the highest of motives are serving village communities in honorary capacities. There are local men who have taken honorary positions in respect of educational institutions as Secretaries or even in cooperative movements and in such other

realms of employment. In the merged States there is considerable degree of opinion in support of the Gauntias and Mukadams being eligible for election. They are not the servants of Government in the true sense of the term but are semi tenure-holders having a landed interest in the village. Such persons are eligible for the State Assembly but are obviously debarred from the Grama Panchayat. The explanation given in the Act might be too elastic to exclude some of the suitable persons from serving the Panchayats. In Bombay and Madhya Pradesh disqualification attaches to a person who holds any salaried office or place of profit under the Panchayat or is a servant of Government or any local authority or directly or indirectly has any share or interest in any work done by order of the Panchayat or done on behalf of the Panchayat. Similar disqualification is also accepted in Madras and Hyderabad. It is suggested that the explanation of "any office of profit" should be rendered specific in the manner accepted generally in other States.

Removal of Panches.

413. Provision has been made for removal by the State Government of the Sarpanch and the Naib Sarpanch if they acquire disqualification at any time as a voter or a member of the Panchayat, and if during the tenure of their office they are found abusing their powers or are willfully negligent in their duties and are otherwise found guilty of misconduct. The Grama Panchayats also have been given power to recommend to Government their removal if such recommendation is supported by two-thirds of the members of the Grama Panchayat. There is the further provision that any member of the Panchayat will cease to be a member if he absents himself without sufficient cause from three consecutive meetings of the Grama Panchayat and the District Magistrate will remove him by notification to that effect. Under Section 35 of the Anchal Sasan Act, a member would forfeit his seat by failure to attend six consecutive meetings of the Sabha. The authority who

should remove the latter should be provided in the Act. The same conditions also apply to a President or a Panch of an Adalati Panchayat. Most of the other States have similar provisions ; peculiarly Assam has a different structure of Panchayats and a primary Panchayat can recall any member of the rural Panchayat who is normally elected by them. There a 3/5th majority is required for no confidence motion of this type.

414. A general apathy of the members is noticed in most of the Grama Panchayats to attend the meetings. Certain conscientious Sarpanches are now arranging to convene meetings of the Panchayats in convenient places in the Grama Panchayat rather than have these only at the headquarters. This is a convenient way of attracting the attention of people of different areas and securing satisfactory attendance of the members of the Grama Panchayats. It, however, appears that hardly a member of a Panchayat takes much interest unless there are development works of local interest and of immediate advantage to the people in his ward. In the absence of sufficient funds for starting works of development in most villages, it might maintain interest of the members and people if there is a plan of development embracing the villages in the Panchayat area and work is started accordingly.

415. The annual general and the half-yearly general meetings of the Grama Sasans are fixed by rules to be held in the months of February and October. A meeting of the Grama Panchayat is required ordinarily to be held once a month. The quorum for meetings of the Grama Sasan and the Grama Panchayat has been fixed at one third of the total number of members. The attendance at the Grama Sasans is very poor and disappointing ; even one tenth of the adults hardly ever attend the annual assembly of the Grama Sasans. Proper enthusiasm has not been created and the appeal made to them only for taxes is somewhat irksome to the general body of the people. There is,

Conduct of
business.

however, provision in the rules that for want of a quorum the meeting may be adjourned and in the adjourned meeting, whatsoever the number of the members may be present, they will form a quorum. This provision safeguards the technical irregularity that might arise in the absence of required number of meetings, but the general assembly of Grama Sasans is becoming rare.

**Functions of
Grama
Panchayats**

416. The functions assigned to the Grama Panchayats fall broadly into two classes, viz., (1) obligatory and (2) discretionary. The compulsory type of functions is to be performed subject to the resources and requirements of the Panchayat. In addition to these functions the State Government are empowered to delegate any function, which they may consider appropriate, to the Panchayats. The statutory functions cover a wide range of activities and these may be examined under the following heads :—

- (1) Administrative
- (2) Civic
- (3) Social
- (4) Economic
- (5) Judicial
- (6) Police

**Administra-
tive func-
tions.**

417. Provision has been made for any servant of the Government authorised by the Provincial Government to require a Grama Panchayat to assist him in the performance of his duties within its area. The Grama Panchayat can make any representation to the higher authorities in respect of the welfare of the residents of its area. They can take over management of any institution or the execution or maintenance of any work or any undertaking from any private body within its area on such terms as may be mutually agreed upon but this with prior sanction of the District Magistrate and the undertaking is not detrimental to the day to day administration of the Grama Panchayat.

418. Among the obligatory functions, the Act provides for the removal of encroachments on public streets, public places and property vested in Grama Panchayats, for establishment, management and care of common grazing grounds and land for the common benefit of the village, and supervision and maintenance of village boundary marks. Another important administrative function which a Grama Panchayat may take over from Government on agreed basis, is the collection of taxes, revenue, and other dues on behalf of the Government. The commission for collection is ordinarily fixed at the rate of 15 per cent of the amount collected. When any Grama Panchayat assumes such responsibility an officer of the Government will have access to its records and accounts for the purpose of inspection.

419. Several of the Grama Panchayats have shown enthusiasm in reporting cases of encroachments on public streets and public places in so much so that in several of the districts the number of encroachment cases has accumulated, and it has not been possible for the normal staff to dispose them of. The Panchayats have complained that Government have given a formidable list of obligatory and optional functions to be exercised by them, but have not given them the power either to implement or enforce the obligations, and a case in point is cited of the encroachments on public streets and public places. The Panchayats merely report the cases of encroachments to the Subdivisional Officer, and the action on their report is tardy, slow and sometimes unknown.

Encroach-
ment on
public places

420. The Panchayats have power to take action on breach of any provision of the Grama Panchayats Act. Under Section 101, the Government can make rule, and the Panchayat a bye-law subject to sanction of Government, to provide for penalty against infringement of rules or bye-laws. The Police are required to give assistance to the Panchayat in the discharge of their lawful authority

(Section 112). The Panchayats have power to make bye-laws in certain specific matters (Section 116). Thus the Grama Panchayats should consider what rules or bye-laws are to be made. It should be necessary for Government to make a set of model rules or bye-laws for the Grama Panchayats to make their own bye-laws. These are suitable sets of bye-laws for guidance of District Boards and Municipalities in such spheres of their activities.

421. But even if the bye-laws are made, the administration of the penal measure will rest with the Magistrates or with the Adalati Panchayats where constituted, under Sec. 64 (c) of the Grama Panchayats Act. The Adalati Panchayats have been instituted only in a few of the Grama Panchayat areas.

Common
grazing
ground.

422. Nothing perceptible has yet been done in the way of the establishment and care of common grazing grounds and land for the common benefit in the village. The improvement of the common grazing grounds will depend upon what help the Panchayats get in the matter of improving the pasturage for their livestock. Section 228 of the Anchal Sasan Act provides for Anchal Sasans to assist Grama Panchayats in the matter of maintenance of suitable pasture lands and in the schemes of fodder cultivation.

Village
forests.

423. In most of the districts which are in the process of development, there are village forests. These are burdened with rights of the villagers in regard to appropriation of forest produce for domestic use and in several areas also the scheduled castes and scheduled tribes people do take forest produce for sale in the villages. The problem of village forests is getting complicated and it is desirable that such of the areas as are not fit for reservation and development of forest wealth should be available to the Revenue Department so that arrangements can be made for their management by the village

Panchayats. There is anxiety expressed by many of the representatives of Grama Panchayats to take over village forests so that they may be preserved by them in the interest of the domestic requirements of the villagers. It was mentioned by Mr. Riazuddin, the Conservator of Forests that in the Nellore district (Madras) fuel forests were placed in the management of village Panchayats, but the experiment resulted in failure. The unreserved and available perambokes might be allotted to Grama Panchayats provided the area is moderate in size and susceptible of a working scheme prepared by the Forest Department in consultation with Revenue authorities. If such unreserved areas are small in size, the forest areas will disappear under the Grama Panchayat management. Such small areas had better be available for reclamation.

424. There should be a set of Protected Gramya Jungle (village forests) Rules, a set of model rules framed in consultation with the Forest Department. The cutting of trees should be governed by rules. The quantities of firewood, fencing thorns, thatching grass and timber for agricultural implements should be clearly laid down by the Grama Panchayats and introduced after approval by the Collector. For conservation of Gramya Jungles, the Grama Panchayats may be empowered to levy fees on supply of forest produce in lands assigned to them. The area of protected Gramya Jungle should be demarcated, and also the cultivable waste which may be available for cultivation.

425. It is noticed that the Anchal Sasan has been given control over Grama Panchayats in the matter of regulating the exploitation of village forests, their maintenance and conservation, and for afforestation where necessary. (Sections 230-232 of Anahal Sasan Act.) Thus the Anchal Sasan will assume responsibility in the matter of regulating village forests when that authority comes into operation. This appears to be a suitable

arrangement for groups of Grama Panchayats comprised in an Anchal.

Transfer of
revenue col-
lection to
the Grama
Panchayats.

426. At the present stage of introduction of Grama Panchayats when the democratic institution has not yet taken deep root, there is divided opinion in regard to the transfer of such function to the Grama Panchayats. Some of the political leaders and others feel that the revenue administration might help the Grama Panchayats to evoke local interest in the various aspects of village life. On the other hand, there is the responsible opinion that the Grama Panchayats have not yet taken over all the responsibilities as contemplated in the Grama Panchayats Act. In almost all the Panchayats the Panchayat tax is not collected as the people are reluctant to pay it and the Sarpanches are nervous to enforce the assessment at the expense of their popularity. The Panchayat Executives do not exercise the power vested in them of recovering Panchayat dues by means of execution of distress warrants against the movables of the defaulting rate-payers. The Grama Panchayats with a few exceptions are struggling to maintain their existence and now the revenue administration, if entrusted to them, will create an unhealthy atmosphere. The Additional District Magistrate at Ganjam in course of the visit of the Committee in August, 1957 stated definitely that "when the question of collection of revenue will come, the inevitable result will follow. The Government officers will be made scapegoats in applying coercive measures in order to recover the Government dues in village area". He was of the view that party factions might be accentuated where the Panchayat Executives are given this function. Some responsible opinion of non-officials does not support the suggestion of devolution of collection of land revenue on the Panchayat in the formation stage. Majority of the Sarpanches is not inclined at this stage to undertake the responsibility. Sri Bodhrama Dubey, M. P. of Sambalpur is conservative

in his view and suggests that at the transitional stage the revenue administration had better be with the Government. The Committee does not favour the transfer of collection of Government dues and of revenue administration at the village level at the present stage in the growth of Panchayats, when, with few exceptions, a civic responsibility has not been developed. When a large number of Panchayats discloses that responsibility in any area, the collection of revenue, rent and cess and even water-rate may be entrusted, not to individual Panchayats scattered in an area, but to all in an administrative unit such as Anchal or Taluq to avoid expensiveness in maintenance by Government of their own collecting agents in Panchayats which do not take over the collection work.

427. The Anchal Sasan Act provides for a complete decentralisation of the revenue administration at the Anchal level, and a Grama Panchayat may lease out for cultivation waste lands or may itself cultivate these in the manner to be prescribed. The question of devolution on Anchal Sasans of revenue administration is dealt elsewhere.

428. *Civic Functions* :—These functions attempt to ensure comfort and amenities of the civil population in the area. They include such items as water supply, public health, sanitation and rules governing buildings. Most of these are obligatory in nature. Improvement of sanitation is one of the most important responsibilities devolving on the Panchayat. Apart from activities that may be undertaken by the Panchayat to ensure sanitation and cleanliness in the villages, power has been given to the Panchayat to require owners or occupiers of any land or building to take steps to prevent insanitary conditions such as cleansing drains, receptacle for filth, sullage water, clearing vegetation, undergrowth or scrub jungles and to remove obnoxious or offensive matters from any precincts which make conditions in the locality unhealthy. The

Panchayat has also power to regulate the collection, removal and disposal of sweepings, to prohibit or regulate the deposits of carcasses of animals and may prohibit or regulate the curing, tanning and dyeing of skins. The Act also gives power to the Panchayat to make adequate arrangements for daily removal of filth and carcasses of animals from private premises. Where any Grama Panchayat is not able to maintain establishment for effective sanitary purposes, the Panchayat may by written notice require the owners or occupiers of the land in the local area to cleanse such land or precincts to the satisfaction of the Panchayat. The Act also gives power to the Panchayats to make provisions for protected water supply and to maintain tanks or wells for the purpose. They may also require owners or occupiers of any land or building to construct private drains. The public health measures specified in the Act include arrangements for maternity and child welfare, provision of medical facilities, control of epidemic and contagious diseases and vaccination. Orissa is infested with water hyacinth and other pests in ponds and marshy lands. The Grama Panchayat can also require residents of a local area to undertake removal and destruction of such obnoxious weeds. Unless the local residents arrange for free labour for the purpose, the Panchayats have power to get the clearance done and recover the cost from the residents of the locality. There is the power to make regulations for the construction of new buildings and the extension of the existing buildings. There is also provision for village planning. The construction and maintenance of village roads, streets, cart-stands and encamping grounds as well as planting of trees on the roads and in public places are also included amongst the functions of the Panchayat. There is also provision for the Panchayats to maintain dispensaries with supply of required medicines. These charitable dispensaries will cater to the needs of the people whose monthly income is below Rs.100/- a year whereas the rules provide for the levy of a fee of 6 pies from persons who are not entitled to

free supply of medicines. The fund thus collected is intended to be utilised for the improvement of the dispensary. It would appear that the scope for ensuring civic amenities and comforts is very wide and comprehensive. No aspect of the civil life remains untouched for improvement, but there is a wide difference between the ideal and action. Most of the Grama Panchayats are in an infant stage. They look for everything and for financial aid from Government. It is, however, evident that the Panchayats can cause many things to be done by the owners of lands and buildings in the matter of ensuring sanitary and health conditions. With few exceptions this approach to the people has hardly been availed of. It is suggested that where a Grama Panchayat established a dispensary on the initiation and cost, the management should rest with it. But as a matter of general policy, there should not be any devolution of existing dispensaries on Grama Panchayats, but these institutions should be the concern of the Anchal Sasans when organised. The transfer of such institutions has been provided in Section 176 of the Anchal Sasan Act.

429. *Social Functions*.—The social functions of Panchayats are indicated by the provisions relating to education, recreation, social and moral welfare and help to the needy. Obligation is laid upon the Panchayat to maintain primary schools for boys and girls, and to spread education. Compulsory free education is however dependent on the general policy of the Government and on adequate resources. When any existing school is transferred to the Grama Panchayat by the District Board or any local authority a commensurate grant is to be made from the District fund. So long as the District Board exists, it is entitled to pay half of the recurring and non-recurring expenditure of a school and other such institution newly established, the remaining half being met from the Grama Panchayat funds. Amongst the enabling provisions the Grama

Panchayat can promote adult education, establish junior basic schools, maintain library or reading rooms in its area. Such reading or rooms libraries may get annual grants from the Government for equipment such as books, whereas the Panchayat has to provide building, furniture and staff required for the library. In such circumstances, the indents for books to be purchased should receive approval of the Educational authorities. The village Panchayats can also organise and maintain Akhras and clubs and other places for recreation and games. They can also provide for Dharmasalas and village rest-sheds. The Act gives scope to the Panchayats for improving the social and moral conditions of the people and rendering relief to the poor, the sick and victims of natural calamities. There is a wide range of social functions assigned to the Panchayats. So far as the existing institutions in the local areas are concerned, their transfer is bound up with the question of the future of the District Boards and other Local Boards. There is nothing however to prevent establishment of new institutions and activities within the local Panchayat areas. A significant function assigned to the Panchayat relates to the discouragement of child marriages made under the Child Marriage Restraint Act, 1929. The Panchayats can make complaints in this respect.

430. *Economic Functions* :—These functions refer to the various aspects of rural economy, viz., agriculture, animal husbandry, subsidiary and cottage industries, marketing in rural areas, co-operative movement, improvement of cattle breeding. Where a market or fair is a big one and income from it is about Rs. 2000/- per year, the State Government have power to direct allocation of a portion to such other Grama Sasan, the residents whereof use the market or fair in large numbers. The growing importance of agriculture development has been attracting widespread attention.

431. *Agricultural development* :—Amongst the enabling provisions, Grama Panchayats may take measures to assist and advise agriculturists in obtaining Government loans and in distributing the same among themselves and in their repayment. In other words, they should generally help in the establishment of a sound credit system according to law and promote measures to relieve rural indebtedness and poverty. They are also to encourage development of co-operation and establishment of stores for improved seeds and implements on co-operative lines. Co-operative farming, which offers a suitable solution to evils of small size of holdings and meagre resources of cultivator has been included in the discretionary functions of the Grama Panchayats. They can also take measures for marketing agricultural produce and the establishment of Gosalas and dairy farms on co-operative lines. Agricultural prosperity is closely bound up with the quality and efficiency of livestock and the Act provides for the Grama Panchayats to be responsible for the improved breeding and medical treatment of cattle and prevention of diseases in them. They are also to regulate construction and maintenance of slaughter houses.

432. *Industries* :—The economic welfare of the people is not merely dependent on improvement of agricultural produce, but also in promoting and encouraging cottage industries universally in the rural areas. The Panchayats also have the responsibility of management and control of agricultural and industrial stores which are not managed by any other authority.

433. *Regulation of dangerous trades and practices* :—Provision for the regulation of dangerous and objectionable trades and practices by the Panchayats has been included amongst the functions of the Panchayats. Section 49-A of the Act provides in detail the scope of such powers. A Panchayat can, with the previous sanction of the State Government, notify that no place within its jurisdiction

shall be used without a license granted by it and except in accordance with the conditions specified in such license for any one or more of the specified industries. There is also power to regulate the construction and establishment of any factory, workshop or workplace in which it is proposed to employ steam power, water power or other mechanical power or electric power. In regard to the establishment of factories there is the restraining provision that before granting permission the Grama Panchayats should obtain the approval of the Inspector of Factories in regard to the plan of the factory, workshop or workplace. They should also consult the opinion of the District Health Officer. Government have, however, retained power to give such directions as they may consider in respect of any action taken or omitted to be taken in respect of factories, workshop and work-place in which steam power, water power or mechanical or electrical power is used. This is a salutary provision to safe-guard against unreasonable attitude taken by any local authority in respect of industrial enterprises.

434. The Committee would suggest that this function had better be assigned to the Anchal Sasans when constituted. For example in Sambalpur, the annual income from this source was Rs. 50,000/- but its devolution on Grama Panchayats has resulted in serious shrinkage of income as most of the Grama Panchayats have not introduced this form of licensing.

Statistics.

435. Besides the general functions and responsibilities to be entrusted to the Grama Panchayats as enumerated above the Panchayats have also been brought into the scheme of agencies for the collection and maintenance of statistics. The Panchayats are required to register births, deaths and marriages, maintain records relating to cattle census, population census and other statistics as may be prescribed. They are further to collect statistics of unemployment. Thus it appears that Government may utilise

the Grama Panchayats for the collection of statistics which they require.

436. There should be clear instructions on this score, and an examination be made of the forms of statistics necessary to be maintained by the Village Panchayats in regard to the above matters and also regarding unemployment. The effect of introduction of various reforms on village economy can be studied with reference to the statistics maintained. The Grama Panchayat Manual should be compiled in a form understandable easily by the Panchayat members.

437. The Grain Gola scheme was started at first on an appreciable scale in the Bolangir district and has been introduced in other districts too. Each district has been carved out into a number of Grama Panchayats comprising in average 10 to 12 villages grouped together in compact blocks. At the headquarters of the Panchayats a Co-operative Society is formed to which all adult citizens are invited to become members. The share capital of the Society is of two kinds : (a) cash, (b) grains ; the emphasis at the initial stage is laid on the grain shares. Loans of paddy for the purpose of seed and for meeting the cost of agricultural operations such as transplanting and weeding, etc. take a primary place.

Grain Gola
Scheme.

438. The scope is intended to be expanded and loans to be granted in cash for less productive purposes like purchase of bullocks, implements, etc. In the long run it is intended that landless labourers will be admitted to the benefits of the scheme and re-payment of loans will be demanded in the shape of labour on community works, such as, repair of village roads, village tanks, etc. This aspect does not seem to have materialised.

439. The Grama Panchayat can purchase a number of shares and have proportionate representation in the Board of Management. Initially the Board was filled

through nomination by the Collector as a temporary phase until the organisations are established. The merit of the scheme is that there is interlinking of the Grama Panchayats and Gola Society so that there will be economy in the appointment of Goladar or a Secretary with certain amount of training. The aims and objects are five-fold :

- (a) to provide easy credit ;
- (b) to provide thrift and rural savings ;
- (c) to store paddy for meeting natural calamities;
- (d) to spread improved seeds ;
- (e) to multiply the improved seeds for distribution.

The peculiar advantage in the Balangir district is that each Grama Panchayat owns some good paddy-growing lands. These lands were brought to the common pool out of the excess Bhogra lands resumed by the State. The Panchayats are in charge of the Bhogra lands. The cultivating lands are leased out on a three-year basis at a time on a rental of one-fourth of the produce. The primary activity apart from the rural credit is to advance loans on seeds and to run its own seed farm in each village. The organisation is something more than a mere Co-operative Society being interlinked with the primary unit of rural administration, viz, the Grama Panchayat. The supervision over the Golas is frequent through Inspectors and the audit is worked about once in a month. The rural extension worker assesses the "felt needs" of the village community so that direct results may be manifested to the common man.

440. The Government in the Supply Department generously grant Rs. 5400/- per Gola for construction of the Grain Gola house consisting of three big rooms and one small room. Two of the bigger rooms are ordinarily utilised for storing seed paddy and the other for keeping ordinary grain.

441. Grain Golas numbering 1223 have been sanctioned for the Panchayat areas. The Co-operative Department are now reorganising the Golas on a co-operative basis. The Department also have their pilot project schemes for extension of Grain Golas in connection with Community Project and N. E. S. Blocks. The Grain Golas are also attracting the attention of the tribal people in their areas. There is, however, keen interest every where to have these Golas. The movement for stepping up food production is gathering momentum and there are schemes ready for establishment of Grain Gola Co-operative Societies in close collaboration with Grama Panchayats wherever they are functioning. There are also schemes for paddy seed multiplication, for green manure scheme, plant protection, fertiliser distribution and bone-meal production, all being related to the activities of the Grama Panchayats in those areas where the Community Development or the National Extension Schemes have been introduced. Bone Digesters are being provided on half loan and half grant basis by Government to selected Grama Panchayats. Government are encouraging appointment of suitable Secretaries by the Grama Panchayats subject to subsidy of Rs. 20/- a month being given. In most of the Grama Panchayats the Grain Golas are being looked after by the Secretaries with a small additional pay.

442. It is worth mentioning that the Grain Golas wherever started are popular, even in the tribal areas. It is expected that 428 grain gola buildings will be constructed by the Tribal & Welfare Department, and 500 by the Co-operative Societies during the Plan period so that by the Second Plan period, each Grama Panchayat may have one grain gola building. The recovery of paddy loans by the Societies, where organised, has not uniformly worked satisfactorily mainly due to the fact that these Societies have no separate staff of their own to look to the timely recovery of the loans. In the larger Grama Panchayats this aspect need be considered.

Supply of
pumps to
Grama
Panchayats.

443. Altogether 1328 water pumps of various descriptions involving a cost of about Rs. 32 lakhs have been distributed amongst Grama Panchayats on the basis of a grant of half loan and half grant to cover the cost of the pumps.

444. The rates of hire charges per hour fixed in respect of the pumps of different horse powers are indicated below :

5 H. P.	—	Rs. 1-4-0 per hour
10 H. P.	—	Rs. 1-6-0 „
30 H. P.	—	Rs. 2-1-0 „

In respect of the 10 and 30 H. P. pumps, the Grama Panchayats have in addition the responsibility to get the supply of fuel and lubricants on actual payment by the hirer.

445. The supply was made for a laudable object, but the use has been restricted in view of :—

- (1) Transport difficulties in rural areas.
- (2) Non-availability of a technical expert when the pumps get out of order.
- (3) The machines are lying idle for most of the year outside the cultivating season. People are content when there is moderate rain.
- (4) In some of the hilly tracts, such as in Rairakhole and elsewhere, the pumps lay idle for two or three years, and the Panchayats were not too eager to have the pumping sets. The disuse for a long time affected the parts of the sets.

The remedy lies in—

- (1) Devising an easy transport for taking the pumps across the fields. During muddy conditions transport is difficult.
- (2) Giving wide publicity to the utility of the sets of pump and giving demonstration of their working in convenient centres.

- (3) Promoting co-operative efforts in each group of villages to hire the sets and bear the expenses of transport of fuel charges etc. on equitable distribution.
- (4) Combining groups of Grama Panchayats to support a technical man. Government might subsidise where technical men are appointed.
- (5) To tackle small repairs, local volunteers may be trained.
- (6) Agricultural Department to assist in educating the people to raise second or miscellaneous crops outside the paddy season by means of supply of water with the pumps.
- (7) If possible, subject to special permission of Government, Grama Panchayats may be allowed to utilise the pumps in off seasons in non-agricultural or small enterprises in a restricted measure so as not to deteriorate the machine.

In most of the Panchayats the machines may deteriorate for lack of use. The Grama Panchayats will be repaying the loans and would have the pumping sets as their property to utilise the machines in all manner as may be conducive to agricultural and village economy.

446. During the drought of 1957 most of the pumps were engaged for irrigation purposes except such as could not be operated for want of major repairs and want of water.

447. *Grama Panchayats in backward areas:*—There are frontiers in the districts of Ganjam, Koraput, and several ex-State areas such as in Kalahandi, Keonjhar, Mayurbhanj and Sundargarh where the elementary scheduled tribes preponderate. They are in the emergence from the primitive stage, and some are still in that stage. They are shy and very conservative in their customs and

manners. The Village Panchayat Act does not make any difference in the pattern of local Government which may prove germane to them. Sri Dandapani Misra, Inspector of the Tribal and Rural Welfare Department who works among the backward hill tribes people in the Nayagarh Subdivision has characterised their lives and their present outlook in the following manner :—

“Most of the Adibasis are Khonds. There are classes of Khonds—Desuas and Maluas; the former live mixed up with other classes of people in the villages and the latter live inside forests in scattered villages. Desuas speak Oriya among themselves and to the outsiders. Maluas speak their own language Kui in their houses and communicate with outsiders in Oriya. These Maluas are rather concentrated on Baud border and in Daspalla. There are Ashram Schools for Adibasi children where all expenses in connection with their education, fooding and boarding are borne by Government. But the students do not attend the Sebashram schools regularly. The teachers use to go to their houses daily and bring the students to the school. It appears that the children help their parents in domestic works such as taking care of infants, guarding crops, collecting fuel, fruits and roots from the forests. The non-attendance is rather economic than anything else.

448. “The Adibasi villages lie scattered here and there and at a distance of 5 to 10 miles from each other. It is therefore not desirable to form Grama Panchayats of the existing type in Mal areas. These Adibasis by nature, remain away from their homes throughout the day and spend their time under a *Salan* or *Mahua* tree during non-agricultural season. They do not usually come to work. Even if they go to work, they will work for some time and will leave the work site of their own accord in a batch. Whenever officers

visit their villages, the Adibasis are found absent during day time. It will be difficult on the part of the Naib Tahsildars to collect revenue in the Adibasi areas. Padhans are their natural leaders. They obey the direction of the Padhans. But now-a-days due to political consciousness the Malliks who are the revenue collecting agents in the Mal areas do not exercise the same power as they were doing previously. Even in Grama Panchayats where there are Adibasi members they do not usually come to attend the meetings.

“There is an Advisory Committee for each Ashram School. Due to frequent absence of Adibasi members no meeting of the Advisory Committee has been possible for the last 3 years. He suggests that after 2 or 3 batches of students have come out of the Ashram Schools after education, they will return to their villages and may start schools and other literary institutions and gradually education will spread among the Adibasis. Their mode of living may to some extent be transformed.

“In Daspalla the Adibasi area is divided into Parganas. Each Pargana is under one Sardar. Every village has got a Sarbarakar. Sarbarakars pay the land revenue to Government directly. These Sardars were supervising bethi work and supplying information during the Durbar times. They were paid some remuneration. At the time of appointment of Sarbarakars their consent was taken. Khonds have their own Sardars.

“Wherever colonies are started for Adibasis they do not live in these houses. These are pucca houses with tiled roofing. The Adibasis are not interested in these houses, nor would they like to maintain them. When Government have spent a huge amount, it should likewise be maintained by Government, they think. The Adibasis have become conscious of the fact that Government will be spending huge amount for their welfare and so they are averse to contributing anything to these works.”

449. This is a picture of the Adibasis in remote hill villages of Nayagarh Subdivision which is so typical elsewhere.

Grama
Panchayat
at Suakati.

450. The Grama Panchayat at Suakati was visited by the Committee. This Grama Panchayat is in the fringe of the Bhuyanpir area in Keonjhar district covering 28 villages situated in an area of 65 square miles. There are 23 members in the Panchayat serving a population of 6,000. Last year there were six meetings. Of the 23 members, 22 are Bhuyans, 21 of whom are illiterate. The Sarpanch belongs to a non-Bhuyan community. During the last year six meetings were held. These were sparsely attended and the members present on 27-2-56 passed a resolution to impose a fine of Re. 1/- on any member who would be absent on the next meeting. The next meeting was held on 30-3-56 which was attended by only 5 members which is less than the required quorum. The Grama Panchayat has no income of its own except what it gets as Government grant. The fund is constituted of the initial Government grant of Rs. 150/- and Kendu leaf grant of Rs.26-6-0. The enlivening feature of the activities is the grain gola attached to the Panchayat with a stock of 443 maunds of paddy supplied by Government. The Naib Sarpanch is a Bhuyan who has read up to the Lower Primary standard, but is very hesitating and lacks self expression.

Large-sized
Panchayat
in Adibasi
areas.

451. The above has been the observation of the Administration Enquiry Committee on a Grama Panchayat where primitive type of Adibasis preponderate. In jungle areas, the villages lie widely scattered. In Rairakhol (Sambalpur) a Grama Panchayat has been formed with an area of 169 square miles, and in Koraput district there are Grama Panchayats in the hill tribes area with about 200 square miles. Though the idea behind the formation of such Grama Panchayats is more from consideration of economy than the village life itself, there are more vital factors involved in dealing with such vulnerable and ill-advanced communities.

452. The present generation of the primitive people is steeped in ignorance and bound by its rigid habits. The hope lies in the generations of them who are coming up and are being brought under enlightened form of education in Ashram and Sevashram Schools. The latter will be more responsive to forces of progress and adaptable to the new ways of life with a larger civic consciousness than the older generation with fossilised habits and outlook, unresponsive to ideas of progress. Meanwhile an entirely different pattern of local Government should be evolved for them. Opportunity should be afforded for a natural growth of consciousness under the sympathetic guidance of persons who have an understanding of their ways of life and thoughts. In regard to the machinery for local Government the following suggestions are made :—

Suggestions
for Pancha-
yats in
backward
areas.

- (i) There should be as many Panchayats with 500 to 1500 population within an area of 10 sq. miles at most in compact areas.
- (ii) The adult population within such areas should form the constituency for the Panchayat.
- (iii) The registered adults should elect their own Panch with 5 members including a Sarpanch who will be elected by the members so elected.
- (iv) The Village Level Worker, or the Tribal Welfare Worker or Inspector should be the Officer who would go round and attend the meetings of the Primary Panchayats according to a programme. The Sarpanch will preside over the meetings. The Tribal Welfare Inspector or such officer, whosoever he may be, will record the proceedings and assist the people in their deliberations. He will be their friend and guide to promote common activities in the cause of their welfare and development.
- (v) In the initial stage, they should not be scared away by the talks of taxes, but they may be called

upon or enthused to group themselves for executing work by voluntary labour and voluntary *chandās*. The works should be of local and immediate advantages to the people.

- (vi) All development works should be canalised through these Panchayats.
- (vii) The functions should be simple—supply of drinking water, irrigational water—village sanitation—village roads. The functions should not be a formidable affair.
- (viii) Association of the Panchayats in Co-operative Farms, Societies and Grain Golas should be encouraged. Where large areas of cultivable waste are assigned for reclamation, the local community should be encouraged by technical advice and by material resources to organise co-operative farms for the purpose.

SECTION III

Judicial Function

ADALATI PANCHAYATS

453. In the frame work of the Panchayat system it was considered that judicial powers may be given to Adalati Panchayats having jurisdiction within special local areas. For this purpose a district may be divided into Circles consisting of one or a group of Grama Sasans. Every such Sasan shall elect three adult members of its area to act as Panches. The Panches of the Grama Sasans in a Circle will form a panel. An Adalati Panchayat was to consist of a President who shall be elected from among the Panches, and two other members, one of whom who lives in the local area of the Grama Sabha in which any one of the parties to the suit, case or proceedings coming up before the Adalati Panchayat resides, and one Panch who lives in the local area of the Grama Sabha in which none of the parties reside. If there is only one Grama Sasan in the Circle, the 3 members so elected shall constitute the Panches of the Adalati Panchayat, one of whom will be elected the President. The term of office of every Panch is 3 years.

**Constitution
of Adalati
Panchayat.**

454. The criminal jurisdiction of Panchayats refers to minor cases of affray, wrongfully restraining any person, mischief to property and offences under the Cattle Trespass Act. With discretion of the District or Subdivisional Magistrate the Adalati Panchayat could try cases of house trespass, criminal trespass, criminal intimidation, dishonest misappropriation of movable property, mischief by killing, poisoning or maiming an animal, or danger of obstruction in public way. The limit of power of the Adalati Panchayat to award punishment is upto the limit of Rs. 50/- or double the value of the damage or loss caused, whichever is greater, or in default of payment of the fine

**Criminal
Jurisdiction.**

within a period of 30 days from the date of conviction, to imprisonment for a period not exceeding fourteen days. Enhanced powers might be given by the Government to selected Adalati Panchayats. No appeal in criminal cases would lie against the order of the Adalati Panchayat sentencing a person to fine but there may be revisional power resting with the Subdivisional Magistrate having jurisdiction in the area.

Civil
Jurisdiction.

455. Besides criminal jurisdiction the Adalati Panchayats could also have exclusive civil jurisdiction in their areas in the following classes of suits, namely :—

- (a) suits for money due on contracts,
- (b) suits for the recovery of movable property or or the value of such property,
- (c) suits for compensation for wrongfully taking or injuring movable property when the value of the suit is within Rs. 25/-.

Government might also give to certain Adalati Panchayats additional jurisdiction for trying suits of more money value.

Number of
Adalati
Panchayat.

456. The number of Adalati Panchayats in existence is :—

1950-51	....	150
1951-52	....	157
1952-53	....	179
1953-54	...	178

The policy is to move cautiously in the matter of giving power to the local Panchayats to try civil suits and criminal cases. It is said that in 1952-53, 179 Adalati Panchayats handled as many as 2,237 Civil suits and 3,728 Criminal cases and disposed of 1,821 Civil suits and 3,228 Criminal cases during that year. The disposal came to about 85 per cent on the whole. The number of revisions or appeals preferred against the decision of the Adalati

Panchayats was few and far between. In 1953-54, 178 Adalati Panchayats functioned. They disposed of 6,530 cases (2,749 Criminal and 3,781 Civil suits). This represents a disposal of 80 % of the cases during the year. A good number of cases is reported to have been disposed of by compromise or in default of parties failing to attend. In 1953-54, 3,180 cases were disposed of by compromise or by summary dismissals. The proportion of such disposals represents about 40 per cent of the total number of cases dealt. It is interesting to note that in some of the advanced districts such as Ganjam, elections to two Adalati Panchayats were opposed and writ petitions were filed before the High Court. Some of the Adalati Panchayats which were visited by the Committee disclosed that the Panches were taking keen interest in their work. The average duration of the cases is about one month for Criminal cases and one month and a half for Civil suits. The hearings are very summary, but on the whole it appears that a balanced view is taken generally in arriving at decisions.

457. Some of the Presidents of the Panchayats evinced a keen desire to obtain some training in the working of the Courts. In the Athgarh Subdivision, in one of the Adalati Courts, the Panches were inexperienced. In two of their cases, decisions were reversed on grounds of law, and this served as a discouragement so much so that they were nervous to take up any cases coming up before them. It may be possible for Government to permit the Sarpanches to watch the trial of cases in the Criminal Courts or hearing of suits in the Munsif Courts. They might acquire a basic idea of how cases are disposed of. But the Panches should understand that they are not required to get into the elaborate procedure as is ordinarily adopted in the regular Courts.

Training of
Panches.

458. *Appearance of women* :—The President of the Grama Panchayat at Ganjam represented that under Section 95 of the Grama Panchayat Act no woman shall, against her

Appearance
of Women.

will, be compelled to appear in person before the Panchayat as an accused or as a witness. There is, however, provision in Section 93 that parties to cases triable by an Adalati Panchayat shall appear personally, but the Panchayat may, for adequate reasons, permit an accused to appear by an agent. An agent would also include a relative of the party who may be authorised to appear and plead for the party concerned. There is, however, no provision as to what is to be done with a woman accused who does not apply to be represented by an agent. The only course in such cases would be for the Panchayat to record the fact and refer the complainant to the Magistrate having jurisdiction. The provision in the Grama Panchayat Act should be made clear.

**Difficulties
of Panches.**

459. The Adalati Panchayats had certain difficulties in getting the notices served outside their jurisdiction. Ordinarily it is made through Police in the district of Ganjam which involves great delay. In so far as any accused is concerned who resides outside the jurisdiction of the Panchayat, the summons had better be served through the Subdivisional Officer. It is mentioned, however, that if the notices in respect of persons, such as the accused or witnesses residing outside the jurisdiction of the Adalati Panchayat, could be served promptly, the cases can be more expeditiously disposed of than at present. The very fact that the duration of the cases is a month and a half would justify the expansion of the Adalati Panchayat system. It gives the aggrieved parties involved in lesser disputes an easy access to a Village Court for settlement of their disputes.

460. The Adalati Panchayats should be given guidance in matters of their difficulties. Frequent contact by the officers with the Grama Panchayats and Adalati Panchayats at their inception is important. The Adalati Panchayats often used to point out to us during our visit their difficulties in the matter of disposing of

cases. It was brought to the notice of the Committee that there are cases in which the complainant seeks redress in the Adalati Panchayat and the accused files a counter case against the complainant in the Magistrate's Court. This leads to dual jurisdiction. It sometimes leads to confusion and flouting the jurisdiction of the local Panchayat Court. In such cases necessary intimation should be sent to the Magistrate by the Adalati Panchayat for transfer of the counter case for disposal by the Adalati Panchayat so that both the cases could be tried in the same Court. Difficulty may arise if the counter case is under a Section to which the jurisdiction of Adalati Panchayat does not extend. This offence alleged is deliberately referred to a provision in law to bring the case outside the jurisdiction of the Adalati Panchayat. Such devices are not uncommon. In such circumstances the complaint might as well be referred to the Magistrate trying the counter case or the Magistrate should wait disposal of the original case by the Panches. What is desirable is co-ordination between the Local Panchayat Court and the Taluq or the Courts at higher level.

461. Some of the Adalati Panchayats have been examining accused on oath, and some have started proceedings without jurisdiction as suits are to be instituted before the Adalati Panchayat of the Circle where the defendant ordinarily resides. This represents the lack of knowledge in the law and rules laid down in the Grama Panchayat Act. There is need for frequent inspections. The Grama Panchayats as well as the Adalati Panchayats are in a formative stage. It does not appear that these have been visited as often as is necessary to give advice to the Panches. Section 95 of the Grama Panchayat Act provides that the District Judge and the District Magistrate or any other officer duly authorised by either of them shall have power to inspect the Adalati Panchayats. Neither the District Judges nor the District Magistrates in many

districts have yet authorised any of their subordinate officers to inspect the Adalati Panchayats. Most of the Adalati Panchayat have not been inspected for about four years or so. The members of the Panchayats should be helped with advice and guidance in these pioneering days. Some simple scheme of training should be devised for the training of the leaders of Adalati Panchayats in judicial proceedings and in solving their doubts. There is need for forming more Adalati Panchayats as they are useful institutions and these may be introduced in all successful areas of the Grama Panchayats. This will add dignity to the Panchayats.

Annual
Reports.

462. Annual Reports are not regularly sent up in time. This should be insisted upon. In the Annual Report there should be a paragraph in regard to the attention given to the backward population in the Panchayat areas.

SECTION IV

Taxation Powers

463. The village Panchayats have been empowered to levy the following taxes:— Powers of Taxation,

- (1) Tax upon the owner of immovable property and occupier of any building according to the circumstances and the property of such owner and occupier. Those who are too poor to pay could be exempted.
- (2) With the previous sanction of the State Government and subject to such maximum and minimum rates :—
 - (i) profession tax ;
 - (ii) license fee on brokers, commission agents, weighmen ;
 - (iii) tolls on vehicles, pack-animals, porters bringing goods for sale into the local area ;
 - (iv) rent from dealers temporarily occupying open grounds or structures belonging to the Panchayat ;
 - (v) fees on the registration of animals sold within the local area ;
 - (vi) fees for the right to expose goods for sale in any market or for use of any building or structure therein ;
 - (vii) fees for the use of slaughter houses maintained by Grama Panchayat ;
 - (viii) latrine or conservancy tax ;
 - (ix) water rate where water is supplied by the Grama Panchayat ;
 - (x) fee payable by owners of vehicles ;

- (xi) lighting rate for the lighting of the public streets if undertaken by Panchayat ;
 - (xii) drainage fee where a system of drainage has been introduced by Panchayat ;
 - (xiii) any other tax, toll, fee or rate approved by the State Government ;
- (3) Levy of compulsory labour from all able-bodied persons between the ages of 18 to 50 for a fixed number of days not exceeding four days in any one year or two days at a stretch. Failure to render labour may be compounded on each as will be fixed by the Panchayat.

464. The District Magistrate has the power of revision *suo motu* on an application of any party against whom any tax, toll, fee or rate has been imposed. He can also require the Grama Panchayat to take steps to increase its income by levy or increasing any such tax, toll etc.

Assessment
of Pancha-
yat tax.

465. There is a procedure for assessment of Panchayat tax prescribed under the rules so that every assessee has due notice of the assessment. In respect of the levy of Panchayat tax no maxima have been prescribed. In some of the Grama Panchayats there has been complaint that this gives unlimited power to the Panchayat to levy exorbitant taxes. It was represented in the Ganjam district by Shri Raghunath Panda, Secretary, Landowners' Association, that in some specific cases the assessment on owners and occupiers of buildings was raised arbitrarily to a high pitch. The basis of assessment is not regulated and appeal provision is very difficult to obtain. Further it is said that elected bodies are not conversant with tax levying business. There is some justification for prescribing a maximum limit in the levy of the Panchayat tax, and it is suggested that the maximum should be limited to Rs. 50/- a year.

466. In the levy of a profession tax, the limit of tax varies from Rs. 5/- to Rs. 50/-,

467. As regards license fees, the fees on brokers, commission agents have been fixed within Re. 1/- to Rs. 5/- a year, tolls and rents on goods brought into the area of the Grama Panchayat are fixed at three pies to one anna per rupee of the value of the goods sold. Fees upto maximum of 4 annas per animal slaughtered in the slaughter houses have been fixed. Latrine or conservancy tax has been imposed like the Municipal assessment upto a minimum of $6\frac{1}{2}$ per cent and maximum of $12\frac{1}{2}$ per cent of the Panchayat tax. Water rate for irrigation where water is supplied by Grama Panchayat is to be regulated by Government rates subject however, to the approval of the rates by the Collector. For lighting provided in public streets by the Grama Panchayat, lighting rate may vary between $6\frac{1}{2}$ per cent to $12\frac{1}{2}$ per cent of the Panchayat tax. For the drainage fee the rates may vary from $3\frac{1}{2}$ to 6 per cent of the Panchayat tax.

468. The tax powers which have devolved on Panchayat prima facie appear very comprehensive and the list is quite formidable, as comprehensive as the functions enumerated in the Acts and Rules with reference to the eventual scope of duties which Panchayat may discharge. The functions as have been described will cover all aspects of village life. In actual practice however, the Grama Panchayats are in an infant stage. Some have existed for six and some for three years. It is difficult to evaluate properly the achievements of the Grama Panchayats. With few exceptions the Grama Panchayats have been found reluctant to impose any direct tax. At the inception of the Panchayats this levy has brought a certain amount of unpopularity on the Panchayat Executive as this has not been commensurate with any visible works of improvement in the village Panchayats.

469. The tax powers devolving on Grama Panchayat range almost parallel to those of an average Municipality, but the Grama Panchayats have hardly availed themselves of the power given; there are however exceptions.

Every district can take pride of the signal achievements of a couple of Grama Panchayats which are under healthy leadership and have built up local resources. Barring these few Panchayats, there is a general apathy even verging on resentment towards direct taxation.

Panchayat
Taxes.

470. In regard to Panchayat Taxes, the Government report of 1954-55 states—

“Panchayat taxes which are taxes on property and are to be levied in consideration of the size of the property and the financial condition of the Tax-Payer are expected to constitute the major portion of the income which Panchayats are enable to derive out of their own resources. It was found however that collection of Panchayat taxes was not appreciable except in a few districts. While about 79% of the total number of Grama Panchayats in the district of Puri and about 75% in the district of Balasore collected Panchayat taxes, only about 9% of the Panchayats in Balangir could collect Panchayat taxes. In other districts only about 20% to 50% of the Panchayats could collect such taxes. The others made no such collections. This was due to the fact that many of the Panchayats being still in their infancy have not developed a sense of urgency towards their own responsibilities and were chary to risk displeasure of the people by imposing taxes. Misguided local propaganda at some places was also responsible for this.” The position has further deteriorated since 1954-55.

An analysis
of income of
Panchayats.

471. An analysis of income of Panchayats (1954-55) reveals that direct taxation yielded about 11% and income from markets, fisheries, pounds and other miscellaneous income accounted for 38% whereas loans from Government 15% and grants represented 36%. During the infancy, Government have been striving to give as much help as could be spared. A share of one-third of the land cess is also assigned to the Panchayats. If loans received from

Government are excluded, the average income of a Grama Panchayat is Rs. 1708, but if exceptional cases are excluded, the income varies from Rs. 126 to Rs. 780 a year. This has not helped the Panchayats to show any tangible works of development in their areas and much of the income is covered by costs on establishments.

472. Government have been making allocation of about half the income from Kendu leaves. In some of the districts such as Sundergarh, a substantial amount to the extent of about Rs. 3000/- is received by each Grama Panchayat annually from Government as Kendu leaf grant. These are reserved by the authorities for expenditure either on remunerative enterprises or on works of development. There is some grievance of the Panchayats on this score in as much as they are not allowed freely to operate on the funds accumulating in the special accounts of each Panchayat. Since the Kendu leaf grant is a form of assistance from Government, the officers are anxious that the money available is not utilised by the Panchayats in representing their share of contribution for any work of development for which Government make an offer of special subsidy. This is a controversy which should attract consideration by Government.

473. It is noticed that in those areas where the tradition of a local Government had developed in the past through such organisations as Union Board, or major Panchayats, taxation is contributing quite a substantial proportion to the total income of the Panchayats. Where however, such Panchayats with their own traditions have been expanded to include other neighbouring areas the general aversion to pay taxes in acceded areas has imperceptibly affected the psychology of the people of the old areas.

474. The Panchayat institution was introduced universally in pursuance of the general policy laid down in

the First Five Year Plan. It has been urged that the imposition of Panchayat tax has created an unfavourable impression with the people of large number of Panchayats in the initial phase of their formation, and that encouragement should have been given only to those areas which had shown willingness by some concrete form of welfare activities within their local area. Already six years have elapsed since the Grama Panchayats began to be formed. Some of them have already given evidence of a constructive approach to their local problems and are building up their resources. The majority are still apathetic to tax themselves. The Panchayat Executives are anxious to levy the taxes but fight shy of popular displeasure. They often suggest that the Criminal Courts should assist in realising the taxes on the complaint of the Panchayat as is done for the Municipal bodies or under Section 224 of the Local Board (Madras Act XIV) of 1920 whereby fines, costs and taxes or other sums imposed or assessed shall be recoverable by the Magistrate.

**Direct
Taxes.**

475. The collection of direct taxes has become a problem with the Grama Panchayats. In the opinion of many the Grama Panchayats should not have been saddled with the unpopular task of levying taxes in the initial stage, but there should have been a phase of voluntary activities bringing in the people for a common cause, and serving as an instrument of all the development works at the lowest level. Whatever that may be, a delicate situation has arisen now by which in a few of the areas people are responding to claims of civic responsibilities whereas in the majority of cases, there is inertia and strong reaction against levy of direct taxes. The reason for reaction is obvious. The political factions in the villages have taken advantage of the reaction and effective leadership is wanting. If support is not given at this stage by the authority in effecting recovery of the taxes imposed, a chronic

attitude will develop in the people in future against taxation and this will almost be playing into the hands of reactionaries.

476. According to the Grama Panchayat Rules, the Panchayat should take steps to recover the arrears of Panchayat or property taxes by means of distraint of movables of the defaulter. Since there is a local combination by a few influential men in many Panchayat areas, the Panchayat Executives fight shy of taking direct action. It is desirable that such combinations should be broken down. Where the Panchayat would report such a state of things, it should be possible for the Revenue officers to start certificate proceedings against the leaders of local combinations. Successful results have been achieved where the officers have lent their active support to Panchayats at the initial stage. Panchayat institution has come to stay in India as a vital element in democratic decentralisation, and since taxation powers were exercised by the Panchayat in Orissa, official weightage should be given in the exercise of those powers effectively. The legislation should not merely enable the local bodies to levy taxes but should also ensure that collections are made.

Effective
mode of
collection.

477. For effective recovery of the taxes the following measures are suggested :—

- (1) We have elsewhere suggested that Adalati Panchayats should be established in most Grama Panchayats, barring only such Panchayats where no literates are found. On complaints made by the Sarpanch, the Adalati Panchayat should recover the costs in the manner provided as in Section 224 of the Madras Local Board Act, 1920. The claim should be within a limit of Rs. 50/-. The Adalati Panchayat may refer the case to the Subdivisional Magistrate where the Panchayat comes to the conclusion that there is a local combination in

- certain section of the people against the recovery of the tax.
- (2) The Grama Panchayat may in the above exceptional circumstances send up requisition for direct certificate proceedings to be taken by the Subdivisional Officer without recourse to distraints of property. We have elsewhere recommended that in the Grama Panchayat area there should be one or more Patwaries as Revenue Officer, and distraints may be made through him if the Panchayats so wish on payment of prescribed scale of fee.
 - (3) There should be a maximum level fixed for Panchayat taxes to be levied. In some cases the Panchayats have not been judicious enough in imposing such taxes.

Principles of
taxation.

478. In the absence of any definite instructions the Grama Panchayats have not been very fair in the assessment of Panchayat taxes. The Panchayat tax is based upon ownership of immovable property and occupation of any building within the local area of Panchayat to be imposed according to the circumstances and the property of such owner and occupier. This is almost akin to a profession tax when circumstances of the owner or occupier enter into consideration. Valuation of property for the purpose of taxation is highly technical business, but the Panchayats should have a very elementary consideration in the assessment of the property tax. The problem of assessment has not assumed any large dimension with respect to Panchayats. There should be certain uniform principles which should be followed by the Grama Panchayat otherwise grave discontent and flouting of authority become a feature amongst the people of one Grama Panchayat where they find that different principle to the advantage of the people is adopted in a neighbouring Grama Panchayat. It is, however, noticed that in Panchayat Seminars the

problem is discussed by the groups of Panchayats who take part in such discussion. An opportunity is given there for uniform principle to be evolved. In some of the Panchayats the tax is related to the rental value of agricultural lands, and in regard to houses the circumstances of the occupier.

479. Where the chowkidari Panchayat organisation was functioning previously the maximum chowkidari tax leviable on property or house was Rs.12/-per annum. This level was too low. It is also noticed that the Panchayats in their eagerness to make up the deficiency in the general tax have a wistful eye on Government buildings and the taxation is pitched too high compared to the principle they apply generally to others in their area. In the initial stage, therefore, there should be a definite principle which should be suggested to the Panchayats. So far as the agricultural lands are concerned, it may be convenient principle to relate the taxation to the annual rent paid or payable for the agricultural lands. In regard to the houses or buildings ordinarily the tax is related to the annual value or the ratable value which is the basis of the tax. This in turn is generally arrived in the Municipalities on the basis of rent at which the property can be reasonably let from year to year. Then the valuation on the annual value of the buildings a certain percentage is taken as tax. In the remote rural areas the people will be guided more by the circumstances of the occupier rather than the actual valuation of the property. The composite property-cum-circumstances tax is more in the nature of a profession tax than a property tax. The Panchayat therefore, may be allowed to tax in accordance with the circumstances of the occupier, but this should not be in any way oppressive. With this observation it is suggested that the maximum tax to be leviable should be fixed by Government. At the initial stage the tax should not exceed Rs.50/a year. Where this is exceeded as in the case of factories and other

big enterprises it may go up to Rs.250/ a year. The Panchayats have the power to exempt very poor people from payment of taxes. They should also have the option to exclude charitable and educational institutions.

480. The maintenance of chowkidars is to be kept from the Panchayat tax. In addition to the Panchayat tax, the Panchayats have power to levy profession tax. At the initial stage Panchayats are not likely to take advantage of this source of tax, and the burden of taxation should not be irksome at the outset. If the Panchayat tax goes to meet the remuneration of chowkidars there will be hardly any substantial source of income for development and welfare local projects. The incomes from markets, cattle pounds etc. are unequal and small. Government have a positive responsibility in regard to Grama Panchayats and Government should be prepared to earmark sufficient fund to make grants-in-aid for development works at the Grama Panchayat level.

Suggestions
of the Taxa-
tion Enquiry
Commission.

481. The Taxation Enquiry Commission have recommended four taxes as the principal ones to be levied by Village Panchayats and in that connection have observed as follows :—*

“Even after the initial phase has passed and the Panchayat has adequately established itself, it would not in most cases be either practicable or desirable to expect the Panchayat to raise the bulk of its income from taxes which are levied and collected by itself. Provision must be made for an appreciable part of the income being derived from non-tax revenue, assignment of a share of land revenue and grants-in-aid. This does not, of course, mean that the Panchayat should not in due course be encouraged or even compelled to levy all the taxes, as suitably may. At the same time, it needs to be noted that the range of

suitable taxation is, for more than one reason, limited in the case of Panchayats. From the point of view of staff and personnel available, it is obvious that Panchayat taxes should be such as are simple to assess and cheap to collect. From this point of view many of the taxes which the Panchayats are empowered to levy under the Acts of different States can hardly be considered suitable. In some instances, Panchayats have been empowered to levy octroi duties and tolls which are obviously inappropriate. Taxes on marriage, births and adoptions, a tax on the collection of firewood (Assam), tax on owners of animals, carts and cycles and the many other minor taxes featuring in more or less every Panchayat Act do not have much value from the point of view of revenue. We recommend the following four taxes as the principal ones to be levied by village Panchayats :—

- (1) general property tax ;
- (2) service taxes ;
- (3) land cess ; and
- (4) a duty on transfer of property.

In addition, powers to levy tax on vehicles, the profession tax and the theatre or show tax may be devolved on individual Panchayats found suitable for the purpose by State Government."

482. The duty on transfer of property can be realised as a form of surcharge at the Registration Offices. This might provide some income for allocation to the local bodies, but might encourage the vendor to undervalue property to escape reasonable stamp duties on transfer. This aspect should not be ignored.

483. In the scheme of Grama Panchayat there is provision that the Panchayat may require all able-bodied persons between the ages of 18 and 50 to give free manual labour for the material improvement of the village for a

Taxes in
manual
labour.

fixed number of days not exceeding four days in any year or two days at a stretch. This contribution of labour may be given either in person or by proxy. In default of such labour being forth coming the person failing in this respect can capitalise labour to a cash payment as fixed by the Panchayat, which will be equivalent to double the rate of manual labour prevailing in the village. A Palli Sabha, by a decision of not less than seventyfive per-cent of the members may recommend to Grama Panchayat to impose additional labour tax for any specific project not exceeding ten mandays in a year. These afford a very radical provision in the scheme. While the general principle of the desirability and utility of mutual aid and community spirit is almost universally accepted, the far-reaching consequences of a serious effort to develop it have yet to be realised. The Grama Panchayats in Orissa are in a formative stage, but even in the case of the few well-established Grama Panchayats, there is hardly any evidence of implementation of this form of tax by the levy of compulsory labour. There are singular exceptions noticed in connection with Community Development Schemes which are on a voluntary basis. There are also Grama Panchayats, such instances are a few, where healthy leadership has evoked contribution of labour on a voluntary basis. There is probably some wisdom in the present leaders of Panchayats not to antagonise the people at the initial stage of development by too many burdens which may be irksome. In India there are two streams of movement in this respect. There is the Sarbodaya Movement which has been sponsored by Acharya Binoba Bhave, who has been creating a climate in the country for voluntary contribution in the shape of land, money and in labour. The voluntary contribution in the shape of labour is called 'Sramadan'. The other stream of forces is intended to be derived from the common consent of the village community and the legislation provides for it. One of the most serious problems in the country is that of under-employment in the rural areas.

The U. N. Mission's Report on Community Organisations in South and South-East Asia has brought to light a most interesting information. In that Report the number of idle days is said to represent about 1/3rd of the total days actually worked in Asian countries. Even if the estimate is 50 per cent out, it indicates the enormous potentialities for improvement, if this reserve could be organised and put to use, especially through selfhelp community activities. There is a concrete expression of this enormous potentiality in a Report submitted to the Government of India on "River Valley Projects of China". Mr. Kanwar Sain, Chairaman, Central Water and Power Commission of the Government of India says in the Report :—

"One of the most important and largest irrigation canals constructed in China is the main irrigation canal of North Kiangsu intended for irrigation of 4 million acres and navigation and regulation of flood. The bed width of the canal is 420 ft., with a carrying capacity of 25,000 cusecs. The entire length of 100 miles of this canal, involving 247 crores cft. of earth work was completed in the course of 80 days. That is, every day 3 crores of cft. of earth work were done. There was no machinery and the entire earthwork including excavation, transport was done by human labour. The finishing work is neat and the canal is functioning efficiently. Such speed of construction of earthwork on canals has not been achieved in India or anywhere else in the world even with the help of heavy earthwork equipment".

484. When such pictures of other countries are presented there are varying opinions in regard to their merits and background of operation. It is possible that a mobilisation of vast number of people on self-help basis is possible in a democratic set up through the organisation of self-governing village communities, if they can be enthused by, not merely an idealism, but by a recognition of the

value of immediate benefits to themselves. The problem is how to evoke such a spirit which gives manual labour for the benefit of the entire community. In the rural areas where elementary life prevails there is always expression of such mutual self-help by sections of community in regard to the annual thatching of houses, in weeding and harvesting of crops. In such efforts, there is mutual benefits. These can be done by the following means—

- (1) Manual labour should be inculcated not in the form of an artificial sense, but by faith in it. Those who are leaders should show the way by their example and their faith in an idea.
- (2) The executives of the village organisations should be the first in complying with the requirements of the Panchayat scheme by leadership in doing earth-work by human labour.
- (3) Common enthusiasm can be created by some form of labour festivals in which groups of villages might participate.
- (4) The Panchayat Executives are disinclined to impose the compulsory levy of labour. Until there is corporate responsibility, the common form of encouragement should be by the grant of a percentage of the estimated value of work by cash payment. There should be a earmarked grant for this purpose.

Referring to the role of these village communities, Mahatma Gandhi said on July 28, 1946 :

“In this structure composed of innumerable villages, there will be ever-widening, never-ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle, whose centre will be the individual always ready to perish for the village, the latter ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals, never aggressive in their arrogance but ever humble,

sharing the majesty of the oceanic circle of which they are integral units.' Mutual aid is necessary for economic betterment. Community spirit is essential for raising the level of man to a standard of decent life. More emphasis should be given to the basic urge of mankind to exist in co-operation and mutual self-help than a compulsion at the initial stage which has its reaction."

485. The Taxation Enquiry Commission (1953-54) have observed as follows :—*

"One of the features of the suggested system is the corelation between the specific grants (recurring and non-recurring) and the efforts of the local body to utilise its own resources adequately. These efforts, in the context of village Panchayats, should be construed not necessarily or wholly as taxes levied and collected, but increasingly in terms of the manual labour contributed. In no case, however, should manual labour be equated with tax payment. We consider that a 'labour tax' should be ruled out altogether as a possible feature of local or other taxation. So far as the relation between grants-in-aid and labour is concerned, therefore, our recommendation is that specific grant-in-aid should be linked with voluntary contributions in labour (or cash) mobilised by the Panchayat. In particular, for specific and approved developmental works in the rural areas, the State Government should give grants-in-aid subject to the condition that the Panchayat contributes a certain proportion of the total cost in labour or cash. So far as the State Government's part of the commitment is concerned, we would mention that we have come across instances in which such commitments were not fulfilled, though meanwhile they had evoked the necessary response from the villages. It is needless to add that each such default meant that the villagers ceased to be enthusiastic about the making of voluntary contributions".

* Page 367 of Taxation Enquiry Commission Report

SECTION V

Rural Police

Maintenance of Rural Police.

486. The Orissa Grama Panchayats Act provides for the maintenance of a rural police force by every Panchayat. It is obligatory on the part of the District Magistrate to appoint, after consideration of the proposals of the Grama Panchayat, the requisite number of dafadars and chowkidars to be employed within each Grama Panchayat. He has also to determine the salaries to be paid to the village police maintained by the Panchayat. The ultimate authority rests with the District Magistrate in regard to appointment of dafadars or chowkidars when any vacancy occurs after taking into consideration persons nominated by the Grama Panchayats. If the Grama Panchayat would fail to nominate any person within a specified time, the District Magistrate could appoint any person to the vacancy as he may think fit. The dismissal of the dafadar or chowkidar rests with the District Magistrate. The Grama Panchayat can also dismiss any such person with sanction of the District Magistrate. The power of the Grama Panchayat extends to the punishment of any dafadar or chowkidar with fine not exceeding one-quarter of a month's salary, but such orders are subject to the revisional power of the District Magistrate.

Duties of chowkidars.

487. The duties of a chowkidar are to give immediate information at the police Station and to the Sarpanch of a Grama Panchayat of every unnatural, suspicious or sudden death and of serious offences such as murder, dacoity, theft, mischief by fire, house-breaking, etc. The chowkidar can arrest proclaimed offenders and persons whom he may find in the act of committing specified serious offences or any person who is suspected to be in possession of stolen property. Besides the above, he has to report at the thana the movements of all bad characters within the Grama

Panchayat. He has to assist the Panchayat in making collections under the Act, and also keep watch within the local area of the Panchayat within his beat. He is also required to watch over the boundary marks, and report to the Grama Panchayat loss or damage caused to the boundary marks defining the villages.. The salary of the chowkidars and dafadars are to be met by the Grama Panchayat from out of the Panchayat Tax.

488. In the districts of Cuttack, Puri and Balasore (excluding merged State) there was one pattern of chowkidari system deriving its authority from the Bengal Chowkidari Act of 1870. There were 6125 chowkidars and 578 dafadars maintained from out of local assessment by the Chowkidari Panchayats, the monthly pay of chowkidars being Rs. 5/- plus Rs. 4/- dearness allowance, and of dafadars being Rs. 6/- plus Rs. 5/- dearness allowance. In the temporarily settled areas Government used to meet the pay of dafadars in consideration of income derived from the rents assessed on the resumed chowkidari jagir lands, but in the permanently settled areas the dafadar was paid out of local assessment. The system was however getting unpopular, and in 1938 a Chowkidari Enquiry Committee was appointed, one of whose recommendation was to revive the jagir system, the cost of acquisition being met by Government and the people in equal proportion. During Maddox Settlement (1897), there were altogether 8629 chowkidars holding 20,200 acres of land which were resumed and settled at Rs. 43,000 as rent. One significant fact emerges from the report of the Chowkidari Enquiry Committee (1938) that the Chowkidari system maintained by local assessment was getting very unpopular. This also serves as a pointer to the situation which has arisen in the State wherever the Grama Panchayats have attempted to levy Panchayat tax. All the chowkidars and dafadars have been transferred to the Grama Panchayats in Balasore, and quite a number about 400 in the districts

Chowkidari
system
coastal
districts of
Cuttack,
Puri and
Balasore.

of Puri and Cuttack. The chowkidars have not been regularly paid since after the transfer, the Grama Panchayats lay blame on the outgoing chowkidari Panchayats that their assessment lists were not timely available to the former; but the fact remains that a democratic body fights shy to levy a new tax. In certain districts such as in Puri Sadar, the Grama Panchayats have attempted to economise the expenditure on chowkidars by reduction of their number, and nominating one of them as head chowkidar with an extra payment of Rs. 2/- a month rather than maintain a Dafadar.

Angul and
Khondmals.

489. In Angul, there are 310 chowkidars who enjoy 1630 acres and are in addition paid Rs. 2-8-0 a month, the amount being realised at the rate of Re. 0.1-3 per rupee of rental. The chowkidars are governed by Angul Laws Regulations. They have not been transferred to Grama Panchayats. In Khondmals, the Chowkidars have no lands but are paid Rs. 4/- by collection at the rate of Rs. 0-0-9 per plough and Rs. 3-4-0 as dearness allowance met by Government. They are governed by the Khondmal Laws Regulation.

Ganjam.

490. The district of Ganjam has a unique system of village officers called Taliyaris and Vettis, with the main functions relating to assistance in revenue collection and vigilance in their group of villages. Besides giving effective assistance to the village headmen and Karnams in collection of revenue, they help in enquiries by Police and Revenue Officers in their villages. The inams enjoyed by them were resumed long ago, and the present salary enjoyed by them is Rs. 11/- plus Rs. 7/- D. A. (in ryotwari areas) and Rs. 9/- plus Rs. 7/- D. A. (in ex-proprietory areas) They are governed by the Hereditary Village Officers Act, 1895 and the Proprietary Estates Village Service Act 1894. With the vesting of Zamindaries in the Government, the position of the village servants

in ex-proprietary areas has become anomalous, and there is an agitation for their being brought into line with their compeers in the Ryotwari areas in regard to pay etc. The village servants are under the direct control of Karjis (village headman). The Taliyaris and Vettis do not attend at the Police Station for weekly parades, but are required to give assistance in Police investigations in their villages. The police strength at each Police Station is regulated to provide for constables going on roster duty visiting the villages. The control of Taliyaris and Vettis rests still with the Revenue authorities. The expenditure involved in payment to the village servants comes upto Rs. 3,65,760/- which almost represents 10% of the land revenue demand of the district, their number is 1249.

491. Sambalpur (old area) has its own chowkidari system governed by the C. P. Land Revenue Act, 1881. There are 2430 chowkidars enjoying 19,799 acres of Jaigir, the extent varying from 0.03 to 52 acres. Those who have got no jagir or insufficient land get a subsidy of Rs. 5/- to Rs. 10/- a year from the Government. Such cases are but a few. Jhankers also do the ordinary duties of a chowkidar besides worshipping the village deity. They are not like the chowkidars of untouchable class. Sambalpur.

492. In Koraput, there is no regular rural police, but a shadow of it is in the Bariklis who were creatures of the Mustajirs during the Zamindar's time. The position is unsatisfactory. Koraput.

493. In the agency tracts of Phulbani district, the Mutha heads are neglecting reporting of crimes as *Mamuls* collected from people have been abolished. In Tikka-bali Digals performing duties of chowkidar get sheaves of paddy from villagers, and in G. Udayagiri Malliks get 4 measures (Danis) of liquor at festivals. Phulbani.

494. There is a great diversity in the system of village chowkidars in the merged States, but the usual Merged States-
Mayurbhanj

feature is that the majority of them were given jagir of varying extents, the only exception being Mayurbhanj, where the Ruler had introduced a paid system sustained by local assessment fashioned after the Bengal system. The chowkidari Panchayat institution prevailed in Mayurbhanj; the chowkidars were paid Rs. 5/- by local assessment and Government now pays D. A. at Rs. 4/-. The chowkidars have been transferred to the Grama Panchayats.

Ex-State
areas.

495. In most of the ex-states the chowkidars (under different denominations such as Kalo, Kotwal, Mahanayakos, Gandas, Jhankars etc.) enjoy jagir lands from less than an acre to 20 acres. In Sundergarh, they are paid Re. 1/- a month each in Bhuyan area, in Kalahandi there are 397 chowkidars in the hilly countries who get rations of boiled rice gruel (gundipej) from villagers and also some paddy at the harvest. It is worth mentioning that there are 48 chowkidars (19 in Bonai & 39 in Bolangir) who have neither land nor do they get any cash payment. They cling to their duties because of the position of being a chowkidar and of the bare allurements of a dress uniform symbolising some authority and also of a few paddy sheaves obtained at the harvest from villagers they serve.

496. The above represents a wide range of diversity in the Chowkidari system prevailing in different areas. These derive their origin to the primary need of a village community for a watch-man to go round on vigilance against murders and for alertness during the harvesting season; the system lent itself to certain adjustments, having regard to the requirements of the officers of the ruling power, consideration in the light of local circumstances and historical events.

Three
phases of
Chowkidari
System, in
Orissa.

497. In Orissa, itself there are three phases in the slow advance in the institution of the village watchman. Firstly the early stage prevails in most of the merged states where the chowkidars are remunerated by service tenure

lands and in kind such as customary sheaves received at harvest time or rations of boiled rice gruel from the people, and even cups of liquor in hill tribes areas. They are immediately under control of the traditional village headman subject to the ultimate control of the Government of the time. In most cases, the position of a chowkidar is hereditary because he has a service tenure land, probably reclaimed by his ancestors, and where hereditary right was not recognised in principle, in actual practice in vacancies arising, members of the deceased or discharged chowkidar's family were preferred. Secondly, there is a quasi-democratic body on whom the maintenance of the village watchman was thrust as in the coastal districts of Cuttack, Puri and Balasore but ultimate control rested with the District Magistrate with a partial control by the police. This system became unpopular as payment was made by the people without a shadow of control by them. Thirdly, there is the system as in Ganjam where the revenue authorities have assumed full control of the establishment, financed entirely from Government revenues, where the interest of revenue administration is paramount and the police function only secondary.

498. That there is need for coordination and an efficient system is fully evident, but the mode in which it should be achieved has attracted a divergence of opinion. At the outset it must be mentioned that formerly the chowkidars were working under the direct control of the Police with ultimate responsibilities resting with the District Magistrate, but now a chowkidar is under dual control, i. e. of the Police as well as of the Sarpanch in all Grama Panchayats where they have taken over the village chowkidars. This anomalous position has created discontent amongst the chowkidars, and a certain amount of friction between the executives of the Panchayat and the Police. The chowkidars are required to report at the Police Station ordinarily once a week. In some of the

Dual control
over chowki-
dars.

Grama Panchayats the Sarpanches have been considered and in others they are more conscious of their power as the authority who pays the chowkidars. The chowkidar appears to be between the upper and netter mills, i. e., between the Police authority and the Panchayat authority. The chowkidars are very poorly remunerated and can hardly afford to spare three four days in a week in attending to their routine duties at the Police Station and at the Panchayat Office. They used to supplement their living as wage labourers. The addition of duties without any corresponding addition to their emoluments so as to give them a living wage has created a sense of frustration in the personnel of rural police. This also the case in the Mayurbhanj district. In the Mayurbhanj district, chowkidars previously working under the Police have been transferred to Grama Panchayats.

499. In most of the Ex-Rulers' States no payment was made to the chowkidars under the Durbar administration as the village chowkidars and head chowkidars were enjoying jagirs of varying extent from less than one acre to seven acres. In such districts, the transfer of the rural police to the Panchayat has created a problem. The people in the Grama Panchayats are averse to pay Panchayat Taxes and the chowkidars are gravely discontented by the dual control which involves attention to two authorities without any added remuneration. On the whole, the poor income which the chowkidars derive out of their pay, and in most cases out of their scanty jagir lands, are not sufficient for their living. The chowkidars were not having full time work, and the duties involved in a village or group of villages have not been such as to engage the chowkidar's entire attention. The chowkidars were, therefore, supplementing their income by agricultural labour or otherwise. In the present state of things, they are not likely to be fully engaged unless their number is greatly reduced.

500. The chowkidars in the district of Sambalpur have not been transferred to the control of Grama Panchayats and have been continuing to work under the Police as they were under the C. P. Land Revenue Act. Similar is the case in the Angul Subdivision which is continuing to be governed by the Angul Laws Regulation and in Khondmals where the Khondmals Regulation operates.

501. Though the Grama Panchayat Act has provided for the maintenance of rural police, the implementation has not been carried out uniformly throughout the State. Even in those areas, where there was the tradition of maintaining rural police by local taxation as in the three coastal districts of Puri, Balasore and Cuttack there has been an attempt by the Grama Panchayats to reduce the strength of the chowkidars in order to lighten the assesment of Panchayat tax. In the district of Ganjam the village Officer's system is entirely different (a feature of the Ryotwari system of land revenue administration where prevails) and at the village level Taliaries and Vettis used to be maintained by Government to assist the village headman and the village Accountant. The Taliaries were not required to attend parades at the police Stations, but they were responsible to the village headman in the performance of their duties and incidentally served as messengers to carry reports to the Revenue and police authorities. The position as outlined about obtaining in different areas of the State has not been satisfactory from the point of view of village administration.

502. There is a keen desire among the Grama Panchayats to have exclusive control over the chowkidars, they do not favour the present system of dual control. Those areas in which there is appreciable extent of chowkidari jagir lands, the Panchayats would fain have the lands transferred to them and in lieu they would undertake payment of salaries to the chowkidars. In places where the

extent of jagir is small, there is much diffidence to undertake the entire responsibility for payment to the chowkidars.

503. The approach to the solution of the problem of the rural police lies in the consideration of several factors. There are various alternative suggestions which need careful consideration.

Alternative suggestions examined.

Paid system :— (1) There is weightage of official opinion that Government should take over the rural police and assume responsibility for payment to the chowkidars at a fairly wage level. This will no doubt ensure effective official control devoid of any interest to be taken by the villagers or of co-operation at the village level. There are at present nearly 26,000 chowkidars (excluding dafadars, a feature in the three coastal districts) in the State as will be seen at Appendix I. As soon as they become Government servants, they will claim a basic salary not much below the scale of pay prescribed for members of Class IV service. This will throw a serious burden on the general revenues at the present juncture when the State finances are already strained, and any augmentation to the revenues should be canalised towards the development programme in the country. The financial consequences would be in the neighbourhood of 36 lakhs of rupees if a basic salary of Rs. 10/- plus Rs. 4/- as dearness allowance is given to each chowkidar which may be the lowest minimum to start with.

The Taliyaris and Vettis in the district of Ganjam have hereditary rights to their offices. They are primarily Revenue officers and secondarily they do the police work. The relationship of the police to the Taliyaris and Vettis is slender. In the Ganjam district, therefore, the strength of constables at each police Station is larger than what is ordinarily allowed in other districts of the State. The constables are required to have peripatetic duties going

round the villages in the Police Station area in district of Ganjam. The question of the continuance of Taliyaris and Vettis will be considered in connection with the pattern of revenue administration which is dealt elsewhere. If this class of village officers are abolished, Government will have to pay them compensation for the abolition of hereditary rights which may approximate to Rs 10 lakhs (non-recurring). The payment of compensation was envisaged in Section 120 (1) of the Anchal Sasan Act, 1955. If the rural police are financed by Government, the Grama Panchayats will be completely absolved from any responsibility in regard to the police work and other statistical works which devolve on the Grama Panchayats under the Grama Panchayat Act. This will not be a very satisfactory arrangement.

Jagir system :—(2) There is the other suggestion that the jagir system should be left wherever possible and to be revived where it has been abolished. This view had been supported by the Chowkidari Enquiry Committee of 1938. Where the service tenure land is insufficient in extent for a chowkidar's family, it is suggested by a certain section of public opinion that cultivable land should be given to make up the insufficiency and that loans and grants should be made to enable the chowkidars concerned to bring the waste land under cultivation. It is said that in the merged States, large areas of land are available for grant as service tenures and there is no reason why a convenient and economic time old system of service tenure should be discontinued. In the coastal districts, specially in the plain area, very little land is available for cultivation or for assignment to the Grama Panchayat for maintenance of rural police. The chowkidari lands were resumed about 1897 and the land so resumed though identifiable as "Chowkidari Chakran land", the reversion to a policy of service tenure system in the advanced districts will not be workable. In those districts where the jagir system is in

vogue, the variation in the area of jagir land held by each chowkidar is wide enough (Appendix II). The quantity held by a good proportion of chowkidars though meagre, the total area of the jagir lands in the State is 1,24,405 acres (Appendix III). The jagir system has two-fold drawbacks for an efficient working of the rural police. The chowkidar's post becomes hereditary and, secondly, if fines are imposed as a deterrent in remissness of duties, the chowkidar is unable to pay the fine and the amount can hardly be realised from service tenure lands.

Proposed Scheme :— (3) There is the third suggestion that the rural police should be financed partly out of Government subsidy and partly by the Grama Panchayat. It has been shown that the component areas in the State vary widely in local conditions, village customs and usage, and system of administration. The emergence of a unified system should not be an overnight achievement and the process for securing a homogeneity should take time. Our view is that the Grama Panchayats should be responsible for payment of a basic salary to the chowkidars and Government should subsidise it by grant of dearness allowance to the chowkidars. The scheme which has been incorporated in the Grama Panchayat Act seems to be fairly suitable, but its implementation has received a very half-hearted measure of official support.

504. The provisions which are in the Grama Panchayat Act are mainly :—

- (i) The Grama Panchayat should within one month of its constitution determine the number of dafadars and chowkidars to be employed within its local area and submit its proposal to the District Magistrate. Thereupon the District Magistrate, shall, subject to the control of the Revenue Commissioner, appoint the requisite number of dafadars and chowkidars for the said local area.

- (ii) The salaries and cost of equipment of dafadars and chowkidars should be paid by the Grama Panchayat from out of the taxes imposed under sub-section (1) of Section 44.
- (iii) The dafadars and chowkidars shall each be paid a monthly salary at the rate of Rs. 9-4-0 and Rs. 8-4-0 respectively on a date not later than the 5th of the succeeding month.
- (iv) Where the dafadars and chowkidars enjoy jagir lands the cash value of the jagir should be taken into consideration in fixing the difference payable in cash. In case of disputes as to valuation, the District Magistrate's decision shall be final.
- (v) The Grama Panchayats may punish any dafadar or chowkidar who is guilty of misconduct in his office or neglect of duty with a fine not exceeding one-quarter of a month's salary. The District Magistrate has revisional power in this connection.
- (vi) Chowkidars should not be employed by either the police or the Sarpanch, Naib-Sarpanch or any member of the Grama Panchayat, Punch or President of Adalati Panchayat or any other authority as a private servant or a menial in personal capacity.
- (vii) The chowkidar should not be taken away from his area for miscellaneous or other work except in cases of special urgency when he is required to guard or escort an accused.
- (viii) It is incumbent on a Grama Panchayat to assist in the general administration. Under Section 28 of the Grama Panchayat Act any servant of the Government may, if so authorised by the Government, by a general or special order, require a Grama Panchayat to assist him in the performance of his duties within its areas and the Grama

Panchayat shall so assist him so far as it lies in its power.

505. The above provisions in the Grama Panchayat Act are suitable in maintaining a fair standard of rural police administration.

Recommendations.

506. We would suggest that—

- (1) the dafadar's post should be abolished. There is no need now to have a dafadar. The Grama Panchayat through its executives and ward members as well as the local revenue authorities can ensure a proper supervision.
- (2) the basic salary may be within Rs. 7/- to Rs. 10/- for each chowkidar per month, as may be decided by a Grama Panchayat for its chowkidars.
- (3) Government should bear the responsibility of payment of dearness allowance at the rate of Rs. 4/- a month for each chowkidar.
- (4) From the consolidated emoluments of pay and dearness allowance payable to each chowkidar, should be deducted the net profit derived by the chowkidar from chowkidari jagir land if any enjoyed by him. The net profit per acre of such land may be fixed at a flat rate by each District Magistrate periodically for his district to simplify its application by the Grama Panchayats. It is worth mentioning in this connection that the total area of jagir land enjoyed by chowkidars is 1,24,405 acres where rental valuation would be Rs. 1,65,506 at an average of Rs. 1-4-0 an acre, but the net annual profit at one-fourth of the gross produce to the chowkidars is Rs. 25 lakhs at Rs. 20/- an acre at a conservative estimate.
- (5) The roster for attendance at the Police Station and at the Grama Panchayat should be decided by

the Subdivisional Officer in consultation with the concerned authorities.

- (6) The disciplinary control should be with the Subdivisional Magistrate, and any remissness of duty of chowkidars disclosed by the Officers in charge of Police Stations should be reported to the Subdivisional Magistrate.

507. The District Magistrate who has the general and disciplinary control over the rural police under the Grama Panchayat Act should evolve suitable methods to secure increasing co-operation between the Grama Panchayats, the police and the revenue authorities in the matter of the performance of the duties by the members of the rural police. The District Magistrate through the Subdivisional Officer will be able to coordinate the relationship of the village watch man to the regular police on the one hand and to the Grama Panchayat on the other in the smooth performance of their various functions and duties, without any friction between the several authorities. The Committee has noted that in several Subdivisions satisfactory working arrangements have been evolved. The Subdivisional Officer, Rairakhol has assured that by proper arrangement and fixation of particular week-days on which the chowkidars should attend the Thana parades and the Grama Panchayats, there has arisen no occasion for friction none for the chowkidars to grumble and none for Grama Panchayats and the police to complain. The police may keep the Grama Panchayats informed, if and when the chowkidars are required to deviate from the arrangement for employment in the police duties prescribed for them. For the purpose, the chowkidars should be made to maintain a daily diary where the dates and time of attendance at and departure from their respective places of duty need be entered, either by Officer in charge of the Police Station or the Secretary of the Grama Panchayat as the case may be. The Sarpanch

as well as the Subdivisional Officers would be able to check the diary occasionally if any conflict arises.

Enforce-
ment of
Panchayat
tax.

508. Much has been said that the Grama Panchayats have not been able to pay the chowkidars timely. The change over from the Chowkidari Panchayat to the Grama Panchayat in the coastal districts has not been smooth. In many cases the Grama Panchayats could not get the assessment list of the outgoing Chowkidari Panchayats. In regard to the collection of the Panchayat tax, it may be said that in some of the Grama Panchayats the collection has been satisfactory though the number of such Panchayats is small. The number of such Panchayats will get smaller as the people there notice that the people in the neighbouring Panchayats are not paying Panchayat tax with impugny. The general apathy which has set in has been due to political as well as the natural tendency of the people to avoid taxes. There has been combination in several areas against the Panchayat tax. The Panchayat can recover such taxes by distraint, but the Sarpanches are very nervous against strong combinations. If at the outset there had been a full weightage of official support against such combinations, things might have improved. It is desirable that coercive procedure through certificates under Land Revenue Recovery Acts should be taken at once where there is evidence that any combined body is flouting the authority of the Panchayat by not paying the Panchayat taxes. With official support the Grama Panchayats will rehabilitate themselves in their position and there is no reason why Panchayat taxes will not be realised. In the Municipal Acts, there is provision that dues of municipalities may be recovered on fines under the Criminal Procedure Code. Several Sarpanches have longed that the same procedure may be available to the Grama Panchayats so that on their report Magistrates may start proceedings against defaulters. This is said to secure a speedy measure of recovery. Government may take power

to set in motion this procedure only where it appears that there is a habitual combination to frustrate the authority of Grama Panchayats to enforce taxation.

509. Traditionally, the chowkidar belonged to the village community and was remunerated in kind at the time of the harvest or by other means. It would be unwise to do anything which would weaken the tie between the rural police and the community whom they are intended to serve. In the Western countries, specially in the United Kingdom, the local Government began with a nucleus of police and regulative powers. The chief duty of the democratically elected Councils was to administer, through Watch Committees the new police forces. The maintenance of police is still the responsibility of Country Councils. The first group of services which were developed in the West can be called the protective services, of which the more obvious and important are the Police and the Fire Services. The conditions of these Services are nationally determined and prescribed, but the Forces are administratively controlled by the local authorities subject to over-riding control by the Home Secretary. These services are sustained by the local authorities entirely at the charge of the rates, and these authorities enjoy a wide freedom from central supervision in the actual discharge of their duties in this sphere. Such a tradition should be built up in the Grama Panchayats from the inception of the institution otherwise, the Panchayats will be a shadow without a sufficient medium of power and authority to enforce a vital responsibility in the rural sphere. An atmosphere has to be created so that the civic consciousness and responsibility of the villagers should respond to the demands of a protective service which is so vital to the village community, such as the maintenance of the Chowkidari Force, and the continual up-keep of a fire fighting squad of volunteers.

510. In the future set up of village administration it is desirable that the Grama Panchayats should develop a voluntary squad of Watch and Ward Service. Amongst

Voluntary
organisation
of Grama
Sevaks,

the discretionary functions of the Grama Panchayat, there is provision for organisation of a body of Grama Sebaks subject to prior sanction of the State Government, for assisting the Grama Panchayat in the discharge of its functions in the matter of social services such as extinguishing village fire, protecting life and property when natural calamities arise, in disposing of dead bodies and rendering such other social and philanthropic services as may be specified by the Government from time to time. In order to stimulate social life and development of physical strength, the Grama Panchayats have the option of organising and maintaining *Akhras* and Clubs and other centres of recreation and games. If encouragement is given and the youth of the village are inspired, they can be united in common activities to have a Watch and Ward Service. It is desirable that the villagers should be encouraged to have such a service with the help of volunteers to fight fires and to render protective help during emergencies such as floods and other natural calamities. It has been noticed that where there is healthy leadership, the youth of a village have been organised in the service of the community. Such a service is found in village—in Bhanjagar Subdivision. The Anchal Sasan Act (Section 194) provides for fire fighting squads to be organised by the Grama Panchayat; the Anchal Sasan is required to provide suitable training facilities for fire fighting squads. The Grama Panchayats would require financial assistance of Government to a certain extent for the purpose. A sum of Rs. 25,000 should be set apart each year in order to enable a Grama Panchayat to send up one of its leading youngman to take a course of training in the Physical Instruction College at Cuttack. This should be a brief course of training covering 6 months, suitable to village activities. Thereby encouragement can be given to construct youthful leadership in every Grama Panchayat, in promoting *akhras*, physical culture and through such activities combine the youth for service of the community in Watch and Ward, combating emergent

situations arising out of out-break of fire, natural calamities, flood, breach of protective embankments, and withstanding combined dacoities.

511. Government have power to define by rules the duties, powers and functions of Grama Sevaks. It is suggested that Government may make rules and regulations for the formation of the village voluntary force, called Grama Sevaks, for their training and discipline and provide for such conditions as will contribute to the maintenance of the force in due state of efficiency. From out of the fund to be earmarked for the training of the voluntary force, gratuities may be given to persons who may give information and render effective services to the force on occasions of natural calamities and emergent situations.

512. If the Government agree to meet the expenditure on account of grant of dearness allowance to the chowkidars, it should be made abundantly clear to the Grama Panchayats that this subsidy is made to assist them to tide over difficulties at the inception of the Grama Panchayat institutions and to enable the Grama Panchayats to spend more funds on development works in the villages than ever before so that the Panchayat institutions may be popular and the people will be less resistant to the payment of taxes. It is also suggested that the Government do make a grant of Rs. 1 lakh each year to be placed at the disposal of the District Magistrates for giving reward to those chowkidars who help in the police duties and outstanding services. There is no provision for giving rewards to the chowkidars in the Grama Panchayat Act or the rules framed thereunder although there is provision for imposing fine for neglect of duty or for acts of indiscipline, the fine so imposed goes to the Grama Fund under section 56 of the Grama Panchayat Act. This fine together with the contribution of Government to the extent of Rs. 1 lakh every year to the chowkidari Reward Fund may stimulate

**Financial
conse-
quences.**

chowkidars for good performance of their work. The allotment for chowkidari rewards will be distributed to the several districts according to the strength of chowkidars maintained by the Grama Panchayats in each district. Rule 258 under the Grama Panchayat Act lays down that the fine if imposed on a chowkidar shall be realised from his salary and only at the time of payment of the salary. Since each chowkidar will receive some cash according to the present scheme fines can be realised. This was not possible when the chowkidars used to enjoy merely jagir lands. It is quite possible that some of the chowkidars may not-receive any salary, if the cash value of his jagir lands is equal to or exceeds his monthly emoluments, but the number of such chowkidars will be only a few, and that only in the Sambalpur district. In such cases where chowkidars are in affluent circumstances with reference to the area of jagir land held; habitual remissness in duty should be attended with dismissal. This will be a good deterrent to the chowkidars where they are in an advantageous position by means of their service tenure lands.

513. Assuming that the number of chowkidars will be reduced by 1/5th by a process of reorganisation by the Grama Panchayats, i. e. from the existing strength of 26,031 to 20,825 or, say, 21,000 chowkidars the cost of dearness allowance to be met annually by Government would be :

	Rs. 10,08,000	
Plus	Rs. 1,00,000	(On account of grant for Chowkidari Reward Fund)
Total	<u>Rs. 11,08,000</u>	
Deduct	Rs. 4,17,000	(On account of dearness allowance met by Govt. and pay in some cases to chowkidars and daffadars.
	Rs. 43,000	(Saving if daffadaris system is abolished)
Deduct	<u>Rs. 4,60,000</u>	(Appendix IV)

Net cost Rs,	6,48,000	
Add Rs.	25,000	(Training for Grama Sevaks or firefighting squad)
Total	<u>Rs. 6,73,000</u>	or 6,75,000

The reorganisation of the rural police force to be maintained by the Grama Panchayats will involve Government, under the above scheme, to an annual commitment of Rs. 6,75,000.

SECTION VI

Miscellaneous

COORDINATION OF LAW IN REGARD TO GRAMA PANCHAYAT

Inconsistencies in the operation of Sections 1, 5, 7 & 8 of the Grama Panchayat Act.

514. By an amendment in 1957 of Section 1 of the Act the power of the State Government to withdraw the remaining provisions of the Act (i.e. excepting Section 1) either in whole or in part from any specified area has been removed. Therefore, once the Orissa Grama Panchayat Act is extended to any area the State Government have no power to withdraw the same. But under Section 5 as amended in 1957 the power is retained by the State Government to cancel any notification declaring any village or a group of villages to be a Grama. In view of the above amendment to Section 1, it is doubtful if the State Government can cancel any notification. But it can have the power to modify any notification under sub-section 1 of Section 5. Under Section 98 (g) power has been given to the District Magistrate to Order dissolution and reconstitution or abolition of a Grama Panchayat or Adalati Panchayat. But abolition is not permissible in view of the amendment of Section 1. It is further noted that every Grama Panchayat is a body corporate having a perpetual succession. The Grama Paychayat can be superseded but not abolished altogether. Hence Sections 5 and 98 (g) need amendment accordingly.

Overlapping of boundaries of administrative units Section 5 of Grama Panchayat Act, Section 4 of the Anchal Sasan Act.

515. There is nothing in the Act or under the rules whether a Grama constituted under Section 5 can overlap the boundaries of police stations, a Subdivision or a district. But under Section 4 of the Orissa Anchal Sasan Act, Anchals to be formed shall not overlap the district boundaries. It is perhaps necessary to specify in the Act that the Grama Panchayats should not overlap the Subdivisional boundaries as the Subdivisional Officer has got certain

statutory duties to perform in respect of the Grama Panchayats. In practice, the Grama have not overlapped the Subvisional boundaries but in some cases they have overlapped the police station boundaries. It would perhaps be better to restrict the jurisdiction of Gramas within every police station so that difficulties may not arise in the matter of reporting crimes by the Panchayat police. Further, this may not give rise to any anomaly in the maintenance of law and order.

516. Section 9 enumerates the disqualification which will bar an adult to be a member of the Grama Sasan. One of the disqualifications is that a person of unsound mind will not be included in the register of adults. But there is nothing to indicate as to who is to decide that a person is of sound mind. In the Orissa Anchal Sasan Act the disqualification in this respect is qualified by the clause that one who had been adjudged by a competent court to be of unsound mind. This qualifying clause should govern it.

Disqualification attaching to persons of unsound mind Section 9 of the Grama Panchayat Act, Section 16 (1) (c) of the Anchal Sasan Act.

517. Besides the State Government, several other officers have been empowered under the Act to control the activities of the Grama Panchayat. They are, namely, the District Magistrate, the Subdivisional Officer, the Director of Grama Panchayats, the District Health Officer and the District Judge. The State Government can delegate all its powers to a subordinate Officer excepting the framing of rules. Similarly the District Magistrate has been empowered to delegate all his powers to an Officer subordinate to him. The District Magistrate is the supreme authority with regard to almost all the activities of the Grama Panchayats. The following are the powers of the District Magistrate under Section 10 :

Functions of District Magistrate and other Officers—Anomaly with reference to Anchal Sasan Act.

- (1) Division of Gramas into wards ;
- (2) power has been given to the Collector to readjust boundaries of wards in the event of any change

- of population of a Grama Sasan under Section 13. It is not understandable why Collector has been given this power and not the District Magistrate.
- (3) to prescribe the qualifications of literacy in the case of Sarpanches and Naib-Sarpanches under Section 16.
 - (4) receiving the resignations of the President and Panches of the Adalati Panchayats under Section 18.
 - (5) sanctioning the scheme of appointment of staff including the Secretaries under Section 32. Hearing of appeals against dismissal, removal or other punishments of Grama Panchayat employees against the orders of the Grama Panchayat.
 - (6) Civil suits by Grama Panchayats for recovery of loss, damage, etc. should have the prior sanction of the District Magistrate, to hear appeals against the order of Grama Panchayat regarding any property under dispute under Section 42.
 - (7) to hear appeals against decisions of Grama Panchayat for levy of taxes, tolls, fees, etc. under Section 44 to direct Grama Panchayats to increase their income within a period of 6 months and to enforce such order by levy and increasing any tax, toll, fee or rate within a Grama Panchayat ;
 - (8) to sanction and modify the budget of the Grama Panchayat under Section 49—cause audit of any Grama Panchayat under the Orissa Local Fund Audit Act, 1948
 - (9) appointment and dismissal of Panchayat police under Section 52.
 - (10) to decide all election disputes with regard to election of President and Panches of Adalati Panchayat under Section 59

- (11) to inspect the proceedings and records in the criminal side under Section 96—the District Magistrate can also authorise any other officer to do so ;
- (12) power to order dissolution and reconstitution or abolition of an Adalati Panchayat or Grama Panchayat for neglect of duty or abuse of power under Section 98. If Anchal Sasan scheme is introduced, the District Magistrate on recommendation of Anchal Sasan or in consultation or reconstitution of Adalati Panchayat and Grama Panchayat—may also abolish Adalati Panchayat.
- (13) power to appoint authorities for the functioning of Grama Panchayat when the Grama Panchayat is unable to function due to any defect, irregularity, illegality or by an order, judgement or decree of a Court under Section 98 ;
- (14) to cause inspection of property and works in progress, to call for and inspect a book or document in possession or under the control of the Grama Panchayats, to call for statements, reports, copies of documents relating to proceedings of the Grama Panchayats, to direct officers of any of the departments mentioned in subsection (e) of Section 98, to attend any meeting of the Grama Panchayat in order to advise and assist Grama Panchayats in any matter affecting the work of the department to which such officer belongs and to direct the Grama Panchayat to consider any of his proposals made with regard to the proceedings or duties of the Grama Panchayats under Section 98 ;
- (15) emergency power to suspend any resolution or any order passed by the Grama Panchayat, if in his opinion, such resolution or order will cause or tend to cause obstruction, annoyance or injury to

the public, or endanger human life, health or safety to the people. He can do so on his own initiative or on information received by him under Section 99 ;

- (16) exercise general powers of inspection, supervision and control over the performance of the administration duties of the Grama Panchayat under Section 97 ;
- (17) to hear appeals of any aggrieved person against an order or direction given by the Grama Panchayat under Section 105 ;
- (18) approval of the bye-laws framed by the Grama Panchayat ;
- (19) power to nominate a Panch to act as President of Adalati Panchayat in case of a vacancy under Section 18 ;
- (20) power to remove a Panch or a member of the Grama panchayat for any disqualification under Rule 38-A ;
- (21) all correspondences by Grama Panchayats or Adalati Panchayats requiring order of Government shall be made to the District Magistrate under Rule 241 ;

The following are the powers of a Subdivisional Officer :—

- (1) power to decide all disputes arising out of election of members of Grama Panchayat, Naib-Sarpanch and Sarpanch under rule 24 ;
- (2) power to nominate a Panch to carry on the duties of a Sarpanch in the event of vacancies in the posts of Sarpanch and Naib-Sarpanch till a new Sarpanch is elected under Section 18 ;
- (3) power to set aside the decision of Grama Panchayat either on his own motion or on the

representation of the Sarpanch under Section 17, if he finds that the decision is—

- (a) subversive of peace and order in the locality ;
 - (b) results in the manifestation on injustice or unfairness to an individual or a body of individuals or a particular community ; and
 - (c) generally against public interest. An appeal against this order of the Subdivisional Officer lies to the prescribed authority which has not yet been defined.
- (4) power of transfer of criminal cases, from one Adalati Panchayat to another under Section 64 (2) (b) ;
 - (5) power of revision against decisions of Adalati Panchayats under Section 68.

The following are the powers of the Director of Grama Panchayats :—

- (1) to cause the accounts of the Grama Panchayats and Adalati Panchayats periodically audited under section 4 of the Orissa Local Funds Audit Act, 1948. He is the Examiner of Local Accounts in respect of the Grama Fund and will exercise all such powers of the Examiner of Local Funds under Section 48 (Orissa Grama Panchayat Act).

The following are the powers of the District Health Officer :—

- (1) to hear appeals made by any aggrieved person against the order of the Grama Panchayat in the matter of improvement and sanitation of a village under Section 24.

The following are the powers of the District Judge :

- (1) the District Judge has the power to inspect the proceedings and records of an Adalati Panchayat

on civil side or authorise any Officer under him to do so. Besides, the Chairman and Vice-Chairman of the District Board concerned and such other Officer as may be nominated by the State Government are Ex-Officio visitors of a Grama Sasan, Grama Panchayat or an Adalati Panchayat.

518. The District Magistrate or any Officer authorised by the State Government and the Sub-divisional Magistrate have been empowered to set aside the decisions and orders of the Grama Panchayat in certain matters. So many Officers to interfere with the decisions of the Grama Panchayat does not appear to be a wholesome arrangement. A few instances cited above will indicate that the rules framed under the Orissa Grama Panchayat Act have not kept pace with the amendments to the Act. As a result, many anomalies appear in the rules with reference to the provisions of the Act. It is, therefore, necessary to revise the rules in conformity with the Act, as early as possible.

Double
taxation
in regard to
vehicular
traffic.

519. *Anchal Sasan* :—Another point of no small concern to Grama Panchayats is the problem they face in the matter of licensing by-cycles, rickshaws, bullock carts and carriages. Grama Panchayats bordering Municipalities are much embarrassed due to the action taken by Municipalities in demanding license fees from bicycle, bullock-carts, rickshaws and carriages which have been licensed by such Grama Panchayats when they carry passengers or goods to the Municipal limits or pass through Municipal areas in the course of their trips for hire. Thus the double payment of license fees by the owners of such vehicles generates a feeling of disregard towards the Grama Panchayat authorities and they consider it safer to have their vehicles licensed by the Municipal authorities. If an owner will be required to license his vehicles with all the local authorities within whose jurisdictions these may pass during the course of trips for hire, his worries will know

no bounds and the amount of fees he will have to pay may make the occupation profitless. Thus it is considered necessary that a sort of reciprocal arrangement may be made among Grama Panchayats and between Grama Panchayats and Municipalities to the effect that a vehicle licensed by any local authority should be free to move in other areas. In order that Municipalities may not lose their income on this account to any considerable degree the rates of license fees in Grama Panchayats should be equalised with those of neighbouring Municipality. The license fee need be paid by a person ordinarily resident in the area of a local body. Where there is a large volume of vehicular traffic between the urban and suburban areas, a single tax need be paid at the place of residence of the owner of the vehicle or bicycle. In the case of friction between two local authorities, i.e. Municipality and Grama Panchayat or two or more Grama Panchayats, the District Magistrate may decide the proportion of tax income to be distributed amongst the concerned local authorities.

520. The Grama Panchayat Act came into force when the Anchal Sasan Act had not been envisaged. It would, therefore, need technical examination in order to put the two Acts in proper form. Some of the instances are given below which would show that substantive provisions which should have been in the Grama Panchayat Act have found place in the Orissa Anchal Sasan Act.

Coordina-
tion between
Grama
Panchayat
Act and
Anchal
Sasan Act.

521. Under Section 231, Grama Panchayats have given power to control the exercise of rights of user and exploitation of forest produce from the village forests in accordance with the directions issued by the Anchal Sasan. Further a member of the Grama Panchayat may arrest any person infringing the rules of the forest contrary to the directions issued by the Anchal Sasan. Such provisions should properly find place in the Grama Panchayat Act.

522. Under Section 238 of the Anchal Sasan Act, the Anchal may be responsible for such matters as conservancy and sanitary conveniences and control over the Grama Panchayats, development of cottage and village industries and such other matters which come within the scope of the Grama Panchayat. It may be necessary to provide for the original functions of the Grama Panchayat and the controlling authority of Anchal Sasans. After the introduction of the Anchal Sasan Act both the Acts need be brought into a proper technical shape in regard to their concurrent functions and the controlling function of Anchal Sasan.

Proposed amendment of central Provinces Land Revenue Act 1881 with reference to chowkidars and Jhunkers in district

523. Although Grama Panchayats have been established throughout the district of Sambalpur they have not yet undertaken the appointment of village watchmen whose services are continuing and who are being guided by the C. P. Land Revenue Act of 1881. There is clearly overlapping of functions. As there will no longer Makadams after the intermediaries are completely removed and the estates abolished, the control, supervision and appointment of Chowkidars will have to be carried out under the provisions of the Orissa Grama Panchayat Act. The relevant sections of 147A and 141 of the C. P. Land Revenue Act of 1881 should be amended.

Proposed amendment of Central Provinces Land Revenue Act 1917 in regard to village watchmen in Nawapara Subdivision.

524. Under section 196 of the C.P. Land Revenue Act of 1917 which is in force in the Nawapara subdivision in the district of Kalahandi, Katwars or village watchmen have been appointed with powers and duties which are similar to those performed by the village chowkidars and dafadars under the Orissa Grama Panchayat Act. Their works are supervised by the Makadams appointed under section 190 of the C.P. Land Revenue Act of 1917 under the ex-C.P. system. Section 193 of the same Act also provides for the control and superintendence of the village watchmen by the Makadams. After abolition of zamindari system there will no longer be any Makadams. When

appointment and control of the village chowkidars is now the special function of the Grama Panchayat it seems unnecessary to provide them under the C. P. Land Revenue system specially in view of the abolition of the zamindari system and consequently of the Makadamy system. Necessary amendment of the C.P. Land Revenue Act, 1917 should be made.

525. There is provision in the Grama Panchayat Act that the legal practitioners should not be allowed to appear in the Adalati Panchayat. There is also disparagement against the village touts. It must be recognised that there are factions in many of the villages led by influential men. In the village politics the landlords, the moneylenders and others use to play their parts. Even after the authority and supremacy of the village landlord is done away with, there is still the village creditor. In the transitional stage the dispossessed intermediaries of landed interest will still continue to be in an influential position for a time. The old influence of dominating the village bodies will gradually disappear. The common people are coming to assume their proper place and the previous influential men are gradually inuring themselves to a spirit of resignation. In some cases it is believed that in the absence of the great democratic experiment which has been launched in India, the alternative would have been violence fraught with grave consequences. One of the promising signs of the day is that as the vacuum is created by the elimination of the unchallenged authority and supremacy of the landlords and feudal magnates and by the removal of the many intermediaries, a process of democratic institutions is being introduced from the village level. The Panchayats have become the useful means for averting violent revolution, the dangers of which would have been real in other conditions. These village bodies must be regarded as the best means for peaceful social change and progress. Whereas the change in the old order is becoming

General
observations

increasingly manifest there is still much to be done to turn up the moral and educational standard of the people. There should be some form of literature which should in an understandable form represent the spirit with which the village communities should work and function. Such literature should be appropriate to the kind of people they are intended to touch. There should also be dramatic literature and other forms of literature for representation in the rural festivities showing the grave consequences of party factions and want of goodwill and cooperation in the village communities, and the paramount need of civic responsibility. We are glad to notice that recently Grama Panchayat periodicals are being published to diffuse information on the working of individual Panchayats which would call forth a spirit of emulation in the village bodies. The other forum is the arrangement of Grama Panchayat seminars for the benefit of both the executives and the Secretaries. These have become very useful means of giving training to the Grama Panchayat personnel, and a convenient place for ventilating local problems. The Committee attended one such seminar and were struck with the enthusiasm created. The only disparaging factor expressed by very many who were taking part in the seminar was that their correspondence to the officers at the higher levels was not evoking a reply within a reasonable length of time, and replies are inordinately delayed or matters become obsolete by offlux of time.

Administrative machinery.

526. It is obligatory under the Grama Panchayat Act that each Panchayat should appoint a Secretary, and may also prepare a scheme containing proposals for the employment of wholtime or part-time staff, which could be introduced after approval by the district authorities. The minimum qualification of a Secretary is that he should have passed the Middle School Examination. The Grama Panchayats have been given the option, in case of an emergency, to employ persons whose salary should not

exceed Rs. 20 a month for a period not exceeding three months. Government have formulated rules for the establishment to be entertained by the Grama Panchayats which are quite suitable. In disciplinary matters on appeal lies to the District Magistrate against the orders of the Grama Panchayat.

527. In the initial stage of the Grama Panchayat the Government have offered to bear a portion of the salary, to the extent of Rs. 20/-, for each Secretary who is a matriculate. There are hardly matriculates available in the rural areas for employment as Secretaries of Grama Panchayats. It would suffice if such Secretaries have passed Middle English standard and are men of intelligence. The Secretaries usually maintain the Grama Panchayat records, collect the taxes wherever possible. They also maintain the records of Grain Golas and recover paddy loans. The Secretaries are paid on an average at Rs. 40/- a month out of which Government give a subsidy of Rs. 20/- per mensem. Some of the Grama Panchayats who have sufficient resources maintain their own peons and sweepers and a few have also appointed Tax Collectors. Until the Grama Panchayats are alive to their responsibility and are earnest about collection of taxes, it will not be possible for them to have a proper establishment to manage the work devolving on the Panchayats under the Grama Panchayat Act.

528. It is a hopeful sign that Government are giving facilities to the Grama Panchayats to come together to clear the air about their difficulties. In several of the subdivisions; a meeting of the Sarpanches is held where the difficult problems of the Panchayats are discussed and uniform action to be taken is decided. These seminars have proved fruitful in many ways and are likely to help the Panchayats to work along the right lines.

529. The Block Development Officers, in such areas where development projects are in progress, call monthly meetings at Block Headquarters where various difficult problems relating to development and other local affairs are discussed with a view to their solution.

530. We suggest that there should be coordination between the Public Relation and Publicity Department and the Panchayat Directorate. The people in the rural areas are still ignorant of the implications of the Panchayat institutions, and the significance of civic responsibilities in the context of democratic freedom. We are glad to notice that some enthusiastic leaders of Panchayat institutions have attempted to bring out periodicals on Grama Panchayat affairs to enlighten the people. Such ventures should be encouraged.

531. As regards tax administration we have suggested coordination between the Grama Panchayats and the administrative officers. At the initial stage the officers should lend support in the recovery of assessed taxes. Where local combinations are made on party basis to thwart the authority of the Panchayat to tax the people, such combinations should be broken by coercive action under law for realisation of taxes levied.

532. Lastly it is observed that the experiment of the village Panchayats during the past six years indicate great potentiality for reconstruction of the corporate village life, notwithstanding the feeble response noticed in many Panchayats to their responsibilities. A village Panchayat, constituted by the elected members of a village forms the main forum of political activity of the village, and should act as a cohesive factor in uniting the people of various communities in the village. The dynamic urge should be fostered in the village Panchayats by sound and effective political leaders which is lacking. The administrative machinery should play an important role in giving

impetus to the executives of the Grama Panchayats to carry out the objectives laid down. The mere formation of a statutory Panchayat does not by itself mean that it will become a true vehicle of rural development programme. Old traditions are still lingering and the people are looking for effective leadership. The village Panchayat has come to stay in the country, but it will be sometime before people are accustomed to the new corporate way of life and until then rural improvements must be sponsored and executed alongside efforts to stabilise the foundation of the village democracy.

CHAPTER VI

APPENDIX-I (Para 503 (1))

NUMBER OF VILLAGE WATCHMEN AS EXISTING IN DIFFERENT DISTRICTS OF THE STATE

Serial No.	Name of district	No. of village Watchmen remunerated in cash			No. village watchmen remunerated mainly or wholly by Jagir or in kind.			Grand Total	REMARKS.
		No. of daffadars	No. of chowkidars etc.	Total	No. of daffadars.	No. of chowkidars etc.	Total		
1.	Cuttack	269	3035	3304	4	541	545	3849	* 108 are also partly getting cash remuneration and 3 are without any remuneration, @ 69 getting no remuneration and 40 Mahanayaks of Bonai (Paburi Bhuyan area) get Re. l. per month. £ 397 are on Gundipej in ex-state of Kalahandi and 424 of Nawapara Subdivision are remunerated by "Jewar".
2.	Puri	165	1508	1673	13	950	963	2636	
3.	Balasore ...	144	1612	1756	..	145	145	1901	
4.	Sambalpur ...	...	13	13	....	3706	3706	3719
5.	Sundergarh ..	....	8	8	...	1148	1148	1156 @
6.	Mayurbhanj ....	....	1535	1535	...	....	....	1535
7.	Dhenkanal ....	....	....	....	....	1991	1991	1991
8.	Keonjhar ....	....	6	6	....	905	905	911
9.	Bolangir ....	....	....	....	....	3741	3741	3741
10.	Kalahandi ...	....	....	....	....	2595	2595	2595 £
11.	Baud-Khondmals	....	203	203	....	579	579	782
12.	Ganjam	1793	1793	1793	
13.	Koraput	
Total :		578	9713	10,291	17	16,301	16,318	26,609	

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CHAPTER VI

Appendix II (para 503(2))

STATEMENT SHOWING THE AREA OF JAGIR LANDS HELD BY THE RURAL POLICE IN DIFFERENT DISTRICTS OF THE STATE

Sl. No.	Name of district	Name of Subdivision	Number of village watchmen holding jagir lands.					Chaukidars with no remuneration.	Remarks.
			Less than one acre.	Less than 2 acres but more than one acre.	Less than 3 acres but more than two acres.	Less than 4 acres but more than 3 acres	Less than 5 acres but more than four acres.			Above five acres
1.	Cuttack	Athgarh	36	91	138	114	88	69	
2.	Puri	Nayagarh	81	140	233	319	99	75	
		Khurda	—	—	—	—	—	3	
3.	Balasore	Nilgiri	—	2	44	90	5	—	
		Bhadrak	—	—	—	—	4	—	
4.	Sundergarh	Sadar	49	77	97	123	94	190	
		Bonai	12	30	59	28	96	42	69
		Panposh	18	55	43	24	13	32	
5.	Sambalpur	Sadar	31	49	57	93	128	891	
		Bargarh	14	43	71	91	120	1554	1
		Deogarh	—	6	66	64	39	8	2
		Kuchinda	—	1	5	26	38	152	
		Rairakhola	1	1	13	13	25	92	
6.	Keonjhar	Sadar	4	14	62	71	86	187	
		Champua	—	—	15	26	44	105	9
		Anandapur	34	58	128	139	234	292	8
			280	567	1031	1221	1113	3693	89

In Koraput there is no village police and in Ganjam they are remunerated by Government. In Mayurbhanj, they are remunerated in cash from chowkidari assessment. Figures not available for other district.

CHAPTER VI

APPENDIX III(Para 503 (2))

STATEMENT SHOWING THE JAGIR LANDS ENJOYED BY THE CHOWKIDARS IN THE STATE OF ORISSA.

Sl. No.	Name of the district.	Extent of jaagir land enjoyed in acres.	Remark
1.	Cuttack (including Athgarh subdivision)	1714.79	
2.	Puri	3390.14	
3.	Balasore	446.93	
4.	Sundergarh	4306.50 *	
5.	Dhenkanal	7149.23 @	
6.	Sambalpur	47,903.45	
7.	Keonjhar	4000.43	
8.	Bolangir	19,645.00 *	
9.	Baud-Phulbani	2890.00 *	
10.	Kalahandi : Chowkidar—19105.27 Jhankar— 13854.67	} 32,959.94	
11.	Mayurbhanj	8.07	
12.	Ganjam	Nil.	
13.	Koraput	Nil.	
		Ac.1,24,404.48	(or 1.25 lakhs of acres in round figures)

* Figures given are approximate.

@ In Talcher Subdivision, in jagir lands of 308.21 acres having a rental of Rs. 796/— are enjoyed by chowkidars but the amount is realised from villagers.

CHAPTER VI

APPENDIX IV (Para 513)

CHOWKIDARS AND DAFFADARS REMUNERATED BY GOVERNMENT.

A. Chowkidars and Daffadars on receipt of D. A. only :—

Chowkidars D. A. @ Rs. 4/— Daffadars D. A. @ Rs. 5/—

1. Cuttack	...	3035			269
2. Puri	....	1508			165
3. Balasore	....	1612			144
4. Mayurbhanj	....	1535			....
		Total	7690		578

5. Khondmals ... 203 D. A. @ Rs. 3-4-0 (pay borne from
Chowkidari Assessment).

B. Chowkidars on receipt of pay and D. A.

1. Nayagarh	....	18 @ Rs. 6-8-0	pay		
2. -do-	....	2 @ Rs. 5-8-0	„		
(Mal areas)	....			
3. Keonjhar	....	5 @ Rs. 8-4-0	„		
		1 @ Rs. 10-4-0	„		
4. Baudgarh	....	1 @ Rs. 12-8-0	„		
5. Bonai	....	40 @ Re. 1/-	„		
		1 @ Rs. 15/-	pay + Rs. 5/-	D. A.	
6. Pallahara	....	4 @ Rs. 8/-	per month		
7 Panposh	....	7 @ Rs. 25/-	(average)		

DEARNNESS ALLOWANCE

Chowkidars	7690	× 4 = Rs. 30,760	× 12 = Rs. 3,69,120/-
	203	× 3-4-0 = Rs. 659-12-0	× 12 = Rs. 7,917/-
	1	× 5/- = Rs. 5/-	× 12 = Rs. 60/-
Daffadars	578	× 5 = Rs. 2,890/-	× 12 = Rs. 34,680/-

Rs. 4,11,777-0-0

Pay of Chowkidars

$$18 \times 6-8-0 = \text{Rs. } 117-0-0$$

$$2 \times 5-8-0 = \text{Rs. } 11-0-0$$

$$5 \times 8-4-0 = \text{Rs. } 41-4-0$$

$$1 \times 10-4-0 = \text{Rs. } 10-4-0$$

$$1 \times 12-8-0 = \text{Rs. } 12-8-0$$

$$40 \times 1 = \text{Rs. } 40/-$$

$$1 \times 15 = \text{Rs. } 15-0-0$$

$$4 \times 8 = \text{Rs. } 32-0-0$$

$$7 \times 25 = \text{Rs. } 175-0-0$$

$$\text{Rs. } 454-0-0 \times 12 = \text{Rs. } 5,448 \text{ } 0-0$$

Rs. 4,17,225-0-0

Saving : pay and D. A. of chowkidars

Rent of Chowkidari Chakran lands
(on the abolition of Daffadars)

} Rs. 43,000-0-0

Rs. 4,60,225-0-0

OR

Rs. 4.60lakhs.

CHAPTER VII

Democratic Decentralisation

Intermediate Local Bodies (Anchal Sasan)

533. The Orissa Anchal Sasan Act which has come into Statute Book since 12-3-1956 is designed to decentralise administration by dividing a District into convenient groups and entrusting its administration to a body of local representatives elected by local authorities where they exist and by groups of villages elsewhere. The sphere of administration thus entrusted is comprehensive consisting of municipal, agrarian, land revenue and land reforms.

Introductory objects of the Act—decentralisation of administration.

534. The purpose of such a legislation can best be stated by quoting from the statement of objects and reasons appended to the Bill when the Act was in that stage :—

“ Decentralization of administration combined with central direction and planning has long been advocated as most satisfactory pattern for a free democratic society. Implementation of this avowed objective has already been initiated in this State by the establishment of Grama Panchayats under the Grama Panchayats Act and the constitution of Anchal Sasans and creation of Anchal Funds under the Orissa Estates Abolition Act, 1951. The present Bill seeks to give full shape to this plan of setting up a local authority at a level higher than the Grama Panchayats so that people’s representatives may have a decisive voice in conducting activities in the fields of public health, education, agriculture, development of cottage industries etc., that directly concern their welfare.

The entire State is therefore sought to be divided into compact territorial units of administration called Anchals, each with an Anchal Sasan as the administrative authority consisting of an Anchal Sabha and the Anchal Adhikari.

The former will be a body of members elected by the Grama Panchayats, Notified areas and Municipalities comprising the Anchal. The Anchal Adhikari will be a permanent officer from State Administrative Services and will be a Chief Executive Officer of the Sasan carrying out the decisions of the Anchal Sabha and its standing Committees dealing with Finance, Education, Public Health, Public Works etc. The Anchal Sasan will have a team of technical officers under the Anchal Adhikari. The various Departments of the Government shall make the services of their officers at the District and State levels available to the Anchal Sasan for technical supervision and advice in the different fields of development.

The Anchal Sasan will be a body corporate and will have a Fund of its own comprised of the proceeds from land revenue, fees, tolls, cesses and taxes allowed to be imposed and collected by or on behalf of the Sasan. Besides, there will be a separate Education Fund, consisting mainly of the proceeds from Education Cess, contributions from the State Government and the Anchal Fund, to finance the educational programme of the Sasan. The Sasan is also proposed to have its own cadre of officers to be paid out of the Anchal Fund controlled by the Anchal Sabha and the Anchal Adhikari.

As the proposed administrative reform will be of a radical nature it has been considered advisable to retain control in the hands of the State Government to meet all kinds of emergencies and difficulties.

The Anchal officers are made public servants within the meaning of the Indian Penal Code. The contravention of some of the provisions of this Act are sought to be penalised by imposition of fines of varying amounts. The State Government have power to make rules with reference to the varying circumstances of different local areas. Bye-laws are to be framed by the Anchal Sabha on its own

initiative or on directions from the State Government and all bye-laws attain validity only when they are confirmed by the State Government."

535. The Report of the Bengal administration Enquiry Committee (Rewland's Committee) recommended the decentralisation of administration on the ground—

"Organisational structures and methods which were suitable enough when the activities of Government were confined to the regulatory policing and revenue fields are quite inadequate to handle the advances on the economic and social fronts which have increasingly become the major concern of Governments in progressive countries."

This decentralisation is aimed to be achieved through the Anchal Sasan Act.

536. The structure of the Act is that the State Government may declare any compact local area not overlapping the boundaries of a district to be an Anchal and constitute an Anchal Sasan for that area. Each Anchal Sasan will have an Anchal Sabha which will exercise all the powers, duties and functions of the Anchal Sasan. The State Government have power to exclude specified Municipalities from inclusion in the Anchal. They have excluded the Municipalities of Cuttack, Puri, Berhampur, Balasore and Sambalpur from being included in any Anchal.

Structure
of the Act.

537. The Anchal Sabha will consist of members elected from areas of representation and members co-opted for special representation. Each Anchal will be divided into areas of representation for constitution of Anchal Sabha. Each Municipality, Grama Panchayat or Notified Area Council will be an area of representation. All villages which are not included within any Municipality or notified Area Council or Grama Panchayat will be grouped into different compact areas each with a

Composition
of Anchal
Sabha,

population of not less than 2000 and not more than 4000 inhabitants to form areas of representation. Each area of representation will elect a representative to the Anchal Sabha. This places the Municipalities, Notified Area Councils and Grama Panchayats in rather a disadvantageous position because these, even when populated by more than 4000 persons, will send only one representative each while other areas of representation will send one representative for a maximum of 4000 population. The Jeypore Municipality in Koraput district with a population of 21,000 will send only one representative while areas not included in any local authority will send five or six representatives for the same population. This indicates the necessity of unifying representation on population basis.

537. (A) If the election to an Anchal does not return a representative of a Scheduled Caste or a woman and in Anchal specially notified by the State Government a member belonging to the Scheduled Tribe, the Anchal Sabha shall co-opt a member ordinarily representing in the Anchal each of the class or classes not represented.

538. It has to be mentioned here that some anomalies exist about disqualifications to be a member of an Anchal Sabha when compared with similar provisions for members of Grama Sabhas. A person who is declared a tout under the Legal Practitioner's Act, 1879, a leper or consumptive or who is convicted of any election offence for the time being in force, is debarred from being elected to a Grama Sabha but these disqualifications do not stand in the way of election or nomination to the Anchal Sabha. It is but fair that these disqualifications should also apply for election or nomination to Anchal Sasan.

539. The members elected and if necessary co-opted as above will form the Anchal Sabha and they will elect from among themselves a Chairman and a vice-Chairman.

540. The Anchal Sabha will have three Committees viz (1) Education Committee; (2) Public Health Committee; and (3) Agriculture & Development Committee. There will also be an Executive Committee consisting of the Chairman, the Vice-Chairman and the Anchal Executive Officer. There may also be a Special Committee consisting of not more than five members elected either from among the Anchal Sabha members or from among outsiders qualified to be members of the Anchal Sabha to exercise such powers and discharge such duties and perform such functions of the Anchal Sabha as may be specified and for enquiring into and report and advice on any matter which may be referred to them by the Anchal Sabha.

Standing
Committees.

541. There may also be a Joint Committee appointed by the State Government consisting of selected members from Anchal Sabhas or other Local Authority to deal with matters in which two or more Anchals are interested.

Joint
Committee.

542. The Anchals have been given very important functions in respect of municipal as well as revenue administration. They have also been given important functions in respect of development. To put it in a word, they have been given all the functions of the State Government except in the sphere of administration of justice and maintenance of law and order. In the municipal sphere the obligatory responsibility of the Anchal Sasan will be public health, sanitation, purity of food, enforcement and administration of sanitary laws, prevention of food adulteration, promotion of vaccination, prevention and control of epidemics, control of Grama Panchayats in registration of birth, death, welfare work, social hygiene, work in connection with Red Cross and St. John's Ambulance, improvement of livestock, prevention and control of cattle disease, regulation of vehicular traffic on Anchal roads, control over establishment and management of markets, rest houses, Sarais and other

Functions
of the
Anchal and
relationship
with the
Grama
Panchayat
Act.

public institutions which may be established by Grama Panchayats, relief on account of natural calamities such as floods, earthquakes and the like, and establishment and maintenance of works for the provision of employment in times of scarcity, rewards for destruction of wild animals, disposal of stray dogs and regulation regarding keeping of pigs.

543. In the sphere of education the Anchal Sasan will be responsible for the maintenance and management of all primary schools, Sanskrit Tolls, Maktabas, Middle Schools and Basic Schools other than post-Basic Schools which are under public management. The State Government will transfer to the Anchal all such schools which they might be managing. All educational institutions which are being managed by the District Board except High Schools will be transferred to the control and management of the Anchal. The Anchal Sasan will ofcourse be competent to establish new schools of this type. The Anchal Sasan will also be competent to grant scholarships for furtherance of technical or any other special form of education within the Anchal and, with special permission of the State Government, outside the Anchal.

544. In the sphere of medical, veterinary and public health, the Anchal Sasan will be responsible to provide dispensaries, hospitals, health centres, child and maternity welfare centres for the public and dispensaries or hospitals for animals within the Anchal. They will also take over such of the existing institutions under public management which Government ask them to do. The Anchal Sasan may also make contributions to other Local Authorities who are maintaining any dispensary, hospital or health centre either for men or for animals on their own. The supply of drinking water will also be a responsibility of the Anchal Sasan which will construct and maintain water works benefiting more than one Local Authority within its area. The prevention and control of epidemics will be the

responsibility of the Anchal Sasan which will disinfect wells, tanks and other sources of drinking water during prevalence of epidemic and will provide facilities for inoculation or vaccination as also for disinfection. The Anchal Sasan will also license places for disposal of the dead and will register such places.

545. In the field of communication, the Anchal Sasan will construct and maintain roads, bridges, causeways for inter-Panchayat communication. It will remove obstruction from any public road and will also take measures to compel owners of dangerous structures adjoining public roads to repair or demolish such structures. The Municipal functions regarding regulation of construction of building or other structures will be exercised by the Anchal Sasan.

546. In the sphere of agriculture and development the Anchal Sasan's responsibilities will include those mentioned in the Orissa Agricultural Act. The compulsory functions of the Anchal Sasan in the sphere of agricultural development will be to establish and maintain experimental seed farms and nursery farms, distribute seeds, implements and manures, insecticides and also organise pest control. The Anchal Sasan will also provide for soil conservation measures and prevention of soil erosion. The Anchal Sasan may also provide for improvement of livestock and assist Grama Panchayats in the maintenance of pasture grounds and fodder cultivation.

547. The village forests may be provided by the Anchal Sasan who will regulate the exploitation of such forests. It will also be open to the Anchal Sasan to do afforestation in areas where the existing village forests have been over-exploited or are insufficient to meet the needs of the people.

548. Very important responsibilities have been cast on the Anchal Sasan in respect of irrigation sources. The

State Government may transfer to the Anchal Sasan any irrigation or drainage work maintained by Government and the Anchal Sasan will maintain such irrigation works. If the State Government were realising any water rate from those sources then the Anchal will be competent to realise and appropriate those rates.

549. In the sphere of land revenue administration the Anchal Sasan will collect and appropriate all land revenue, rent and cess which were being paid to Government or to any Local Body. All Zamindari Anchals which were formed under the Orissa Estates Abolition Act will vest in the Anchal who will collect all dues which the Anchal Sasan under the Zamindari Abolition Act was collecting. Government have reserved the right to direct an Anchal Sasan to pay a certain proportion of the land revenue, rent and cess collected or a certain fixed contribution to the State Fund and to the Grama Funds within the Anchal.

550. As a concomitant to the collection of land revenue, rent and cess, the Anchal Sasan will maintain Rent Rolls with the consequent function of dealing with mutation. Uncontested mutations of entries in the Rent Roll will be done by the Anchal Sasan or when collection is entrusted to a Grama Panchayat, by the Sarpanch. Contested mutations will be decided by a competent authority as may be prescribed by Government. The Grama Panchayat will maintain records of all communal lands, waste lands, pasture lands, village forests and water sources which will be transferred to them on the formation of an Anchal.

551. Over and above the income from land revenue, rent and cess, the Anchal Sasan may levy fees with previous sanction of the State Government for acts done or services rendered for the promotion of the safety, health, welfare or convenience of the inhabitants within the Anchal.

552. Over and above the functions enumerated above, the Anchal Sasan will be responsible to supervise the work of the Grama Panchayats who would be their executive agencies.

553. The Orissa Agricultural Act which will come into operation immediately an Anchal is formed will cast the responsibility on the Anchal of ensuring good estate management, good husbandry, works of improvement and consolidation of holdings. The last mentioned item will include prevention of fragmentation. Elaborate procedure has been laid down in the Agricultural Act for the carrying out of these functions. The holdings which do not conform to minimum area of land below which it is considered unprofitable to cultivate as a separate unit will be declared as fragments and such fragments should not be allowed to be transferred except when they are going to be merged in a contiguous block of land. Even leasing out of such fragments will not be allowed except to a contiguous cultivator. No land will be allowed to be transferred which will create a fragment. This function will be exercised by the Agriculture & Development Committee of the Anchal Sasan. If any one transfers or lets out a fragment or creates a fragment by transfer, he will be penalised by the Chairman of the Agriculture & Development Committee.

Certain functions of the Orissa Agriculture Act to be exercised by Anchal Agriculture & Development Board and Grama Panchayats.

554. A scheme for consolidation of holding will be prepared by the Grama Panchayat functioning as Krushi Samiti under the Orissa Agricultural Act and will go to the Agricultural Commissioner through the Agriculture & Development Committee of the Anchal. A special officer called the Consolidation Officer will be appointed to give effect to the scheme with modifications as may be necessary.

555. The functions of the Anchal Sasan are therefore not only onerous but manifold. They cover practically

Functions of Anchal analysed,

the entire field of administration with which the local inhabitants may be concerned except administration of justice. Even in this sphere the Adalati Panchayats formed under the Grama Panchayat Act come into play and the law and order section is also represented in the Panchayat police. So a complete administration within the Anchal is envisaged by the Anchal Sasan and its principal executive agency, the Grama Panchayats. The Anchal Sasan Act is therefore closely related with the Grama Panchayats Act XV of 1948. The Grama Panchayat the principal executive agency of the Anchal Sasans will cover most of the grounds within the sphere of activity of the Anchal Sasans. The number of Municipalities and Notified Area Councils within the Anchal will be few. It is the duty of State Government under constitution to cover the entire State with Grama Panchayats. This direction has been carried out and practically the whole of the State except a few isolated pockets have already been brought under Grama Panchayats. These pockets will also come under Grama Panchayats in the near future. The whole State may therefore be taken practically to be under Grama Panchayats who according to the Anchal Sasan Act will be supervised by the Anchals. The Grama Panchayats are responsible for the sanitation, education and communication within their respective areas. They are also the agencies for implementation of development programmes which may be entrusted to them. With the coming of the Anchal Sasan, the Grama Panchayats if they so desire may take up collection of land revenue, rent and cesses on a commission basis. The Act has given the Grama Panchayats the right to be allowed to make this collection if they wish to do so. All existing collecting agencies will cease to function if a Grama Panchayat decides to take up this work. Incidentally this provision has been misunderstood and has created undue apprehension in the minds of the existing collecting agencies like the Village Officer of Ganjam

and the Sarbarakars in some of the ex-States that they will be thrown out of office immediately the Anchal Sasan comes into force. This misconception of Sections 118 and 119 of the Anchal Sasan Act has created unnecessary panic among them. The correct position is that the existing collecting agencies will be abolished only when a Grama Panchayat volunteers to take up that work.

556. While about this subject it will be worth-while mentioning here the impression existing in certain quarters that Gountias and Sarbarakars where they exist will, if abolished under Sec. 119, be entitled to compensation under the Orissa Estates Abolition Act I of 1952, the basis for such an impression is the inclusion of 'Gountia' and 'Sarbarakar' in the definition of 'Intermediaries' in Sec. 2(h) of the Estate Abolition Act. A critical examination of this definition however shows that a 'Gountia' or a 'Sarbarakar' will be an intermediary only when he holds or owns interest in land between the Raiyat and the State. Such an interest, if it exists, has to vest in the State and payment of compensation will follow. The Anchal Sasan Act however refers to agents, or servants of the State, i.e. to functionaries or holders of office as distinguished from holders of interest. There is thus no overlapping in the class of persons contemplated in the two Acts.

557. In the field of taxation both the Grama Panchayats and the Anchals have been given powers of levy but there is provision that the Anchal will exercise the supervisory power so that there is no overlapping or conflict in imposing these taxes. In short, the Grama Panchayat is the local representative of the Anchal and functions under its supervision. The sphere of activity is common in many respects. The Grama Panchayat is the foundation on which Anchal Sasans will stand. The election of the Grama Panchayats is direct while that to the Anchal is indirect through the Grama Panchayats.

Scope for
taxation.

Powers and functions of office bearers and officers.

558. The Anchal Sasan will function through the Anchal Sabha which will be composed of representatives sent by the Local Authorities i.e. the Grama Panchayats, the Municipalities and the Notified Area Councils and those elected by groups of villages which do not come under any Local Authority. The Grama Sabha will have a Chairman, a Vice-Chairman and Committees for

- (1) Education ;
- (2) Public Health ; and
- (3) Agriculture & Development.

Committee for education.

559. The Committee for education will consist of the Chairman or the Vice-Chairman in the Anchal Sabha as the Chairman of the Committee and the Anchal Education Officer, the Anchal Executive Officer, three members of the Anchal Sabha not being the Chairman or the Vice-Chairman and not more than three outsiders elected by the Anchal Sabha from out of the persons qualified to be members of the Anchal Sabha. This Committee will therefore consist of nine members at the most. It will control Education Fund, superintend all matters connected with the finance, accounts, control, maintenance and management of schools maintained or aided by the Anchal Sasan and superintend schools of the Grama Panchayats, Municipalities, and Notified Area Councils aided from the Education Fund, examine the existing provisions for education and make suggestions for ways and means for further provision necessary to place education within the reach of all children of school going age, suggest schemes for diffusion of education in the Anchal and advise on all matters relating to education referred to the Anchal Sasan by the Director of Public Instruction. This Committee will have a fund of its own called the Anchal Education Fund. This fund will get the proceeds of the Education Cess levied within the Anchal, a contribution from the Anchal Fund the minimum of which will be fixed by the State Govern-

ment, income derived from endowments or other property owned or managed by the Anchal Sasan for the benefit of education, all sums granted to the Anchal Sasan by the State Government for the benefit of education and all other sums of money which may be contributed or received by the Anchal for the benefit of education.

The Anchal
Education
Fund.

560. The Act also lays down the contribution which the State Government has to make to the Anchal Education Fund every year. This contribution will be the recurring expenditure which the State Government was incurring for educational institutions transferred to the Anchal and the grants-in-aid as also stipends which were being paid by Government to privately managed schools within the Anchal.

561. The Committee for Public Health will consist of the Chairman or the Vice-Chairman of the Anchal Sabha as the Chairman of the Committee and a Medical Officer nominated by the Civil Surgeon of the district, the Anchal Health Officer, the Anchal Executive Officer, not more than three members of the Anchal Sabha not being Chairman or the Vice-Chairman and not more than two outsiders elected by the Anchal Sabha from out of the persons qualified to be members of the Anchal Sabha. The total number of members in the Committee including the Chairman will thus be nine at the most. The functions of the Committee will be to suggest schemes for all proposals for grants-in-aid in the Anchal for public health and medical relief, suggest schemes for all proposals for increased medical relief and increased provision for public health in the Anchal, supervise all works connected with the public health and medical relief of the Anchal and exercise such powers as may be delegated to it by the Anchal Sabha.

Committee
for Public
Health.

562. This Committee has been given the power to authorize expenditure on public health arrangements and medical relief in case of emergency upto a limit as may be provided by the Anchal Sabha.

**Committee
for Agri-
culture &
Develop-
ment:**

563. The Committee for Agriculture & Development will consist of the Chairman or the Vice-Chairman of the Anchal Sabha as the Chairman of the Committee, the Anchal Executive officer, the Anchal Agricultural officer, the Anchal Veterinary officer, not more than three members of the Anchal Sabha not being its Chairman or Vice-Chairman and four outsiders to be elected by the Anchal Sabha from out of the persons qualified to be members of the Anchal Sabha out of whom two shall be agriculturists of the Anchal and one shall be an agricultural worker of the Anchal. This Committee will thus consist of eleven persons including the Chairman. It is somewhat difficult to follow who will come under the category of agricultural worker. This has not been defined in the Act. The functions of the Committee will be to initiate and advise the Anchal Sabha on all matters concerning developmental activities such as Agriculture, Co-operation, Fishery, Cottage Industry; initiate and advise on proposals for organising and controlling fire-fighting; initiate and advise on matters concerning village forests; initiate and advise on matters concerning irrigation sources and assessment of water rate; initiate and advise on matters concerning improvement of livestock and prevention and control of animal disease; to coordinate the work done by itself as the Committee under the Anchal Sabha and the District Agricultural Executive Committee under the Orissa Agricultural Act XVI of 1951 for better development in the Anchal.

**Difficulties
of the Agri-
culture &
Develop-
ment
Committee
functioning
as District
Agricultural
Executive
Committee.**

564. The functions of this Committee will be considerably enhanced by its working as the District Agricultural Executive Committee for the Anchal under the Orissa Agricultural Act which will come immediately into operation as soon as an Anchal is formed. The District Agricultural Committee has important functions to discharge in the sphere of good estate management, good husbandry, improvements and consolidation as also prevention of frag-

mentation of holdings. The Anchal Agriculture and Development Committee will exercise all those functions under the Agricultural Act. Details of these functions will be mentioned later on.

565. The Anchal Executive Officer will be the Secretary of all the Committees.

566. The Anchal Sabha has the right to constitute a Special Committee consisting of not more than five members either elected from among its members or from outsiders who are qualified to be members of the Sabha as occasion may demand for any special purpose, the restriction being that such Committees should not be formed for a function analogous to what is given to one of the standing Committees.

Functions of
Special
Committees.

567. The Act also provides for tackling of problems in which more than one Anchal are interested. This has been done by empowering the State Government to constitute Joint Committees which will consist of representatives from the Anchals interested as also the Local Authorities within the Anchals who may be interested in it.

Functions of
Joint
Committees.

568. Each Anchal Sabha will also have one Executive Committee consisting of the Chairman, the Vice-Chairman and the Anchal Executive Officer. This Executive Committee has power to co-opt any officer of the Anchal cadre. The function of this Executive Committee is administrative as well as advisory. It will advise the Anchal Sabha on matters of budget, finance and matters of policy. On the administrative side it will scrutinise and sanction all plans and estimate for works sanctioned in the budget, coordinate planning and execution of the work of Anchal Sabha and prepare agenda for discussion in the meetings of the Anchal Sabha.

Functions of
the Execu-
tive Commi-
tee.

569. The above are the office bearers of the Anchal. The officers of the Anchal will be the Anchal Executive

Officers of
the Anchal.

Officer who will belong to an Administrative Service of the State Government and officers belonging to the Anchal Sasan cadre who will be the Anchal Engineer, the Anchal Health Officer, the Anchal Agricultural Officer, the Anchal Veterinary Officer and the Anchal Education Officer. All the above five officers who will constitute the Anchal cadre will be under the administrative control of the Anchal Service Board. Besides the officers of the Anchal Cadre, there will be other staff of the Anchal whose class, grade, strength, pay and conditions of service will be fixed by the State Government.

Appoint-
ment to
Anchal
posts.

570. Different methods of appointment have been provided for these three classes of officers. The Anchal Executive Officer belonging to an Administrative Service of Government will be recruited according to the rules of that service. The Anchal Cadre officers will be recruited by the Anchal Service Board on the advice of the Public Service Commission. This Board which will be constituted by the State Government will consist of :—

The Anchal
Service
Board.

- (1) the Secretary to Government in charge of the Anchal Sasan Department ;
- (2) a Chairman of an Anchal Sabha elected in the prescribed manner ; and
- (3) a non-official member to be nominated by the State Government.

The Secretary of the Anchal Sasan Department will be the Chairman of the Board. Until this Board is constituted, the State Government themselves will exercise the powers of the Board.

Powers and
functions of
the Anchal
Service
Board.

571. The Anchal Service Board has been given very wide powers to control the services of the Anchal Cadre. It is this Board who will make appointments to the cadre in case of direct recruitment in consultation with the Public Service Commission. The Board will transfer officers of

Anchal Cadre from one Anchal to another. It will control and manage the centralised Pension Fund or the Contributory Provident Fund. It will have power to punish all officers appointed by it and will be competent to revise or set aside on the request of an Anchal Sabha a selection made by a District Selection Board on the ground of any breach of the rule or mistake of fact.

572. A District Selection Board will be constituted by the State Government for each district and this Board will prepare a list of candidates in order of preference every year for recruitment to the Anchal Service other than cadre service. Vacancies to such posts during the year in the Anchal Service in the Anchals within the district will be filled up from this list in the order of preference given there. The appointing authority for such posts has not been specified but as the Anchal Executive Officer has the power to dismiss persons of Anchal service, it is reasonable to presume that he will be the appointing officer. The appointment by the Executive Officer will be mechanical as the selection and order of preference in the District Selection Board's list will have to be followed except, of course, where it is altered or set aside by the Anchal Service Board on the requisition of the Anchal Sabha.

The District
Selection
Board.

573. The Anchal Executive Officer is the chief executive of the Anchal and he is responsible to carry out the directions of the Anchal Sabha and of the three Committees. He will also carry out the directions given to him by the Chairman. He is the custodian of the Anchal Fund and will collect all Anchal dues. He can take action for prevention of nuisance, for removal of encroachment; grant, refuse, suspend or withdraw all licenses mentioned in the Act. He has got the power in case of emergency which may cause extensive damage to the property of the Anchal or danger to human life to take immediate action to prevent the occurrence of any such event. He has also been given power of inspection and entry concomitant to carrying on his duty,

Powers and
functions of
the Anchal
Executive
Officer.

Control o
Anchal
Sabha over
the Anchal
Executive
Officer.

574. The Anchal Sabha will have no power to dispense with the services of the Anchal Executive Officer but a resolution may be passed in a meeting specially convened by the Anchal Sabha expressing its displeasure about the work of the Executive Officer. The State Government will then take action on that resolution. If the allegation against the Executive Officer in the resolution indicates dishonesty, indiscipline, insubordination or persistent negligence in the discharge of duties then the State Government will be bound to put an officer of Deputy Collector's rank in charge of the Executive Officer's work and the Executive Officer will then cease to do his work in the Anchal. This is really suspension pending enquiry into allegations.

Control over
the Anchal
cadre
officers.

575. The cadre officers will work in their respective spheres under the control of the Executive Officer but the disciplinary power will be in the hands of the Anchal service Board. The other staff of the Anchal will be under the supervision as well as disciplinary control of the Anchal Executive Officer. The Executive Committee of the Anchal will hear appeals against orders by the Executive Officer while any appeal against the order of the Anchal Service Board will go to the State Government.

576. The above are the office bearers and officers of an Anchal. It is obligatory for an Anchal to entertain the five Cadre officers whose qualifications and conditions of service will be prescribed by Government.

Funds and
Finance.

577. The Anchal will be the collecting agency for all dues from land and the proceeds of this collection will go to the Anchal Fund which will be augmented by such taxes, fees and rates which may be levied by the Anchal itself. Over and above these levies, the Fund will receive contributions which the Central or the State Government may make either to discharge agency functions or as grants-in-aid. The Anchal Fund will also

receive all fines levied under the Act and composition fees recovered for compounding offences.

578. The financial stability of Anchals will depend on the size of an Anchal. The State Government appointed a Committee for delimitation of Anchals and Government in their Resolution No. 1028 LR dated the 27th December 1955 directed that each Anchal should comprise of two National Extension Service Blocks and each Block should consist of 10 Grama Panchayats as the normal pattern, the total population of an Anchal being in the order of 1,20,000. The standard was relaxable within reasonable limit in consideration of overall convenience, geographical features, compactness, facilities of communication, financial viability and similar relevant considerations. It was envisaged that in extreme instances even one N. E. S. Block with a sizeable population may comprise one Anchal or where circumstances so warrant an Anchal may consist of three N.E.S. Blocks. Later on, in their Resolution No. 987-A.S. of the 17th April 1956 Government after re-examining the matter decided that an Anchal should comprise of one Block only, the size of the Anchal varying according to local conditions but broadly adhering to the pattern that an Anchal in coastal districts may have a population of 1,00,000, in the midland regions 70,000 and in hill tracts 40,000 to 50,000. Each Anchal was however to consist of an integral number of Grama Panchayats. It is understood that the Anchal Delimitation Committee which has completed its labours has recommended the division of the State into 175 Anchals. We had not the advantage of seeing the report of the Anchal Delimitation Committee but the number of Anchals proposed by them does not seem to be in keeping with the direction of Government that each N.E.S. Block will be an Anchal. The State is proposed to be divided into 307 National Extension Blocks. In that case the number of Anchals will be 307. There is, however, a suggestion that 187 of these N.E.S. Blocks should be single

Delimitation
of Anchals.

Block Anchals while the remaining 120 will be made into double or triple Block Anchals. Whatever be the extent of an Anchal, it is essential that it should be financially stable. It will have sufficient income to pay its staff, have a clear margin to spend on development and provide for a sinking fund. The schematic budget (App. I) which has been prepared for an Anchal in a Department of Government shows an expenditure of Rs. 64,680/—or Rs. 65,000/- in Round figures per year on establishment which includes staff for collection of land revenue and contribution towards the cost of the staff employed in the Anchal Service Board. The staff for collection of land revenue consist of one Grade II Non-Gazetted Tahsildar, one Revenue Inspector or Naib Tahsildar and two peons. The annual expenditure on this staff is Rs. 2,688/-. If this is taken out because land revenue administration is not intended to be transferred to the Anchal then the cost will go down from Rs. 64,680/- to Rs. 61,992 or Rs. 62,000/- in round figures. In making the schematic budget the pay of the Anchal Health Officer, the veterinary officer and the Education Officer have been omitted on the ground that they will be paid out of the Government grant under Chapters XI and XII. This is not however a correct Appreciation because Government will give to the Anchal only what was being spent as recurring grant on the schools. This will not include the recurring expenditure on supervisory staff. The expenditure on these three officers will have therefore to be borne by the Anchal. It will come to Rs. 4, 944/-per year (Rs. 2,472/-each) for these two officers and their peons. The Medical Officer will be an Assistant Surgeon and therefore the cost will be a little more and the expenditure on his pay will be taken at Rs. 2,500/-per year. So the expenditure on this account will be Rs. 7,444/- bringing the total to Rs. 69,444/- or Rs. 70,000/- in round figures. It has to be examined what source of income an Anchal will have to meet these obligatory charges.

579. The main permanent source of income for an Anchal will be the cess. It will therefore be worthwhile examining the position of cess imposition and cess collection as in the State.

Expected
income of
Anchala,

580. The imposition of cess in the different parts of the State are made under different laws. The Bengal Cess Act of 1880 prevails in the districts of Cuttack, Puri and Balasore. The two southern districts of Ganjam and Koraput are governed by the Madras Local Boards Act for levy of cess. The Sambalpur L.S.G. Act, 1939 governs the levy of cess in the Sambalpur District. Angul is Governed by the Angul Laws and Regulations for levy of cess. No cess is realised in Khondmals and in the Agency of Ganjam district. In the merged States cess was being realised according to different local laws or orders. The highest amount of cess was in Dhenkanal and Talcher where it at one time amounted to six annas in the rupee of rent excluding forest cess. All the States had a fairly large income from this source. In certain States the cess realised had no relation to the service rendered. In the Patna State a Patwari cess was being levied although there were no Patwaris. In Kalahandi a Patwari cess was levied but the entire expenditure on revenue and land records establishment was less than the cess collected. Government have not extended any of the cess laws to the merged States but, they have, soon after the merger, limited the cess to a maximum of two annas in the rupee of rent. This order was issued by Government on the 18th May 1948 and has subsequently been included in the Merged States (Laws) Act of 1950.

581. In the districts of Cuttack, Puri and Balasore where the Bengal Cess Act of 1880 is in force the maximum rate of cess was one anna in the rupee of rent or the annual net profit of the land as the case may be. This was amended by the Orissa Act II, 1947 raising the minimum of cess to two annas per rupee and subject to the previous sanction of the State Government to two annas and six pies. The

method of distribution for cess is for the cultivating ryot to pay half of the cess levied while the other half will be paid by the proprietor on the amount of his profit. If there is a tenure-holder between the proprietor and the cultivator then the proprietor's half will be apportioned between them according to their profits.

582. In Sambalpur the cess is realised at nine pies per rupee of rent from the ryots in the Khalsa, Gountiai and ryotwari villages. No cess is paid by the tenants in the Zamindari and Malgujari villages. The Zamindar and the Malgujars were paying cess at 6½ per cent on the Kamiljama of the Zamindari or the Malgujari. Kamiljama is 60 per cent of the total assets of the estates. When the Sambalpur L. S. G. Act of 1939 was passed the District Board levied an additional cess at the rate of 6½ per cent on the Kamiljama for each Zamindari and Malgujari village. This became payable from 1947-48. Of the new imposition the Zamindar or the Malgujar has been authorised to collect half from the tenants. This means that of the new imposition of one anna on the Kamiljama the Zamindar or the Malgujar reimburses himself by realising half anna per rupee of rent from the tenants. The Zamindar's portion of cess is being paid by the Anchal after the Zamindaris were taken over by Government.

583. In the districts of Ganjam and Koraput two cesses are levied. One is the local cess which is levied u/s 75 of the Madras Local Boards Act, 1920. The other is the Education cess levied u/s 34 of the Madras Elementary Education Act VIII of 1920. The rate of cess in the Madras Local Boards Act was also amended by the Orissa Government in 1947 raising the minimum of local cess to two annas in the rupee of rent and the maximum with permission of the State Government to two annas six pies in the rupee. The rate of education cess is limited to 25 per cent of the local cess. Municipalities as well as District Boards are

tent to levy this cess. It may be mentioned here that education cess is not levied in any of the other coastal districts.

584. The machinery for collecting cess is the same as for collecting rent or land revenue. In the Zamindaris the cess was collected by the Zamindars and paid into the treasury. Small revenue-free estates which do not exceed 500 Bighas in area are attached to contiguous Zamindaris for purpose of cess collection. The Zamindars collect cess from these revenue-free proprietors and deposit it in the treasury. Bigger revenue-free estates pay cess direct to Government.

585. An attempt was made to have an Act for levy and recovery of cess which will be applicable to the whole of the State but such an Act has not yet been passed. So cess is being realised at different rates in different districts as would appear from the statement enclosed (Appendix II). The lowest rate of cess is in the districts of Mayurbhanj and Keonjhar where it is one anna per rupee of rent. There has been specification of cess in the merged States as education cess, dispensary cess and the like but these have lost significance as cess has been consolidated and the limit is not to exceed two annas in the rupee. The total cess income in the State is Rs. 23,96,492/- or Rs. 24,00,000/- in round figures.

586. The Anchal Sasan Act contemplates the repeal of all L. S. G. Acts which at present play an important part in the cess valuation organisation. The District Boards play an important part in the levy of cess according to Section 46 of the Bihar & Orissa L. S. G. (Amendment) Act. The District Board is required to pass a resolution as to the rate of cess to be levied in the ensuing cess year. After the District Boards are abolished with the promulgation of Anchals there will be no agency to discharge this function. The Anchals cannot serve as this

agency because an Anchal will not cover the whole of a district and it will not be possible to have different cess rates for different Anchals. The obvious course to be adopted is therefore on the analogy of the Madras Local Boards Act under which Government have power to fix the rate of land cess. So Government will have to take such a power by amending the cess Acts in those parts of the State where the District Boards are determining the rate of cess.

587. If the recommendation of the Anchal Delimitation Committee is accepted by Government then there may be 175 Anchals. The average cess income of an Anchal, after giving one-third share to the Grama Panchayats, will be Rs. 10,200/- per year. This will be hardly sufficient to meet the expenditure on establishment and Anchals will have to find their own resources. They have been given the right to levy taxes but here again the Grama Panchayats will cover many of the sources of income. Some miscellaneous income like pounds, ferries, markets and the like will go to augment the funds of the Anchal but here again the Grama Panchayats will claim a share. In many areas cattle pounds have already been transferred to the Grama Panchayats. According to Sec. 198 (c) the Anchal Sasan will control and maintain such ferry ghats and ferries on the routes in the charge of the Anchal Sasan or as may be transferred to it by the State Government. This is not a very dependable source of income. The field of taxation covers the levy of an education cess and the imposing of a toll bar. In other spheres the taxation covers the same items as are within the competence of the Grama Panchayats. The scope of taxation for the Anchal will therefore be very narrow. The principal source of income will thus be the grants which are received from Government. The total grant that Government now make to all the District Boards which are six in number is given below for three years.

1953-54	Government grant	Rs. 65,18,410/-
	Grant-in-aid	Rs. 3,51,797/-
		<hr/>
		Rs. 68,70,207/-
1954-55	Government grant	Rs. 66,35,036/-
	Grant-in-aid	Rs. 2,85,403/-
		<hr/>
		Rs. 69,20,439/-
1955-56	Government grant	Rs. 84,13,078/-
	Grant-in-aid	Rs. 4,08,283/-
		<hr/>
		Rs. 88,21,361/-

The grant is therefore on the increase. The average grant per district per year comes to Rs. 12,56,000/- in round figures. The number of Anchals recommended by the Anchal Delimitation Committee for different districts varies. They have, it is understood, recommended 24 Anchals for Cuttack District. So the income of each Anchal in the Cuttack district from Government grant will be Rs. 52,340/-. To this will be added the cess income which will be in the neighbourhood of Rs. 10,000/- for each Anchal. The total income will be Rs 60,000/- in round figures from these two sources and there will be some addition from miscellaneous income like ferries, lease of road-side lands and the like. So 175 as recommended by the Anchal Delimitation Committee will be the maximum number of Anchals which can be financially stable. There will be some Anchals in which the National Extension Blocks or Community Development Blocks will be functioning. In those areas there will be some relief as the Veterinary Officer, the Agricultural Officer and the Engineer will be paid from the Block grant. In community Development Blocks the Medical Officer will also be paid from the same grant. The Anchals will therefore be viable units if the number is kept to 175 at the most.

588. The question that arises next is whether to start Anchals all over the State immediately or at later date. We have already expressed the opinion that the

Difficulties
in starting
Anchals
immediately.

Anchals should deal with only the development part of administration while revenue administration will remain with Government. This will mean that Government will continue to keep their revenue officers and a fresh set of officers will be required to be Anchal Executive Officers. A possibility envisaged is that these Anchal Executive Officers will also be Block Development Officers where N.E.S. Blocks or Community Development Blocks are running within the Anchals or will be started within that area. The Block Development Officer has so much to do to implement the Block programme that it is very doubtful whether he can combine that with the work of Anchal Executive Officer who will be the adviser and chief executive of a democratic body like the Anchal Sabha. The combination of these two functions will not be compatible because while the Block Development Officer acts on his own, the Anchal Executive Officer carries out the decision of a democratic body. We therefore do not feel that it will be a practical possibility to combine the functions of Block Development Officer with that of the Anchal Executive Officer. These two will therefore remain separate although very close coordination is possible and desirable. So Government will require 175 officers to man the Anchals in addition to what they require for their revenue administration and the National Extension programme. We apprehend that it will not be possible for Government to get so many officers from their existing cadre and they will therefore have to make a fresh recruitment, which will entail the disadvantages of lowering the standard as otherwise so many officers cannot be had at one time. A large recruitment at one time will necessarily mean lowering the standard which has already adulterated the calibre and efficiency of officers. Further adulteration will be unjustified.

Convenient
time to
start the
Anchals.

589. The most convenient time to start the Anchals will be after all the N.E.S. Blocks have functioned. Already 124 N.E.S. Blocks have been started in different

districts of which some are in the intensive phase of development while some others have relapsed to the normal basic stage. The remaining 183 Blocks will be started during the 2nd Five-Year Plan according to the programme which has been drawn up and the whole State will be covered by National Extension Blocks by the year 1960-61 which is the final year of the 2nd Five-Year Plan. All the Blocks will have relapsed to the normal basic stage by 1966-67 which is the first year of the 4th Five-Year Plan. If Anchal Sasan is introduced all at once throughout the State then different Anchals will experience different stages of development according as where a National Extension Block is functioning or has already developed into Community Development Block or has relapsed into normal basic pattern or has not yet been started. In the Anchals where N.E.S. Block is existing some financial relief will come to the Anchals as they may not have to recruit the same set of officers as are in the Blocks. In the Anchals where N.E.S. Blocks have finished their work no financial assistance will be available and all the staff will have to be maintained from the Anchal Fund. It is therefore advantageous and convenient to start Anchals at a period when uniform conditions of development prevail throughout the State and the Anchals can proceed on a common level of activity. We therefore suggest that the Anchal Sasan may be introduced in the year 1966-67 i.e. at the beginning of the 4th Five-Year Plan period when all the Blocks have undergone the phase of intensive development and relapsed to the normal basic pattern. By that time it is also expected that all the Intermediaries must have been abolished, land records in most areas made up-to-date, the land revenue income taken to a higher level due to levy of surcharge or by Settlement operation and the paying capacity of the people increased due to the development through Blocks. It will then be possible to expect higher tax income which will be materially helpful to the Anchals. The Government will also have sufficient time to recruit and train up a band

of officers who would have attained maturity to function as Anchal Executive Officers. Some relief in the cadre position will also be obtained due to release of officers from the N.E.S. Blocks. It may then also be possible to enlarge the dimension of the Anchals and make them coterminus with Taluks. By this the number of Anchals in the State will be reduced to about 80.

590. It will be possible under the above arrangement to start Anchals all over the State at the same time, but if there be difficulty of organisation, the process can be staggered and Anchals formed by stages spread over three years. The latter course will be preferable because the doubts and difficulties inevitable in a new organisation can be easily known and solved in small areas than in a large field of operation.

Anchals can be started immediately in a limited area.

591. If, on the other hand, it is desired to start Anchals immediately because of the present uncertain position regarding District Boards, the six districts where such Boards exist may be brought under the Anchal Sasan Act but the rest of the State may be gradually brought under Anchal Sasan as and when Government find men and resources to do so.

Relation with Orissa Agricultural Act.

592. The Orissa Anchal Sasan Act IV of 1956 provides that the Orissa Agricultural Act shall come immediately into operation in the areas formed into Anchals under Sec. 4 of the Anchal Sasan Act.

593. The Agricultural Act provides for good estate management (Chapter III), good husbandry (Chapter IV), improvement schemes (Chapter V) and consolidation and prevention of fragmentation of holdings (Chapter VI).

594. The agency for carrying out the above provisions are—

- (1) the Board of Agriculture ;

- (2) the District Agricultural Executive Committee ; and
- (3) the Krushi Samiti.

The chief executive officer to carry out the functions of the Act is the Commissioner of Agriculture.

595. The Anchal Sasan Act provides that in areas formed into Anchals the Agriculture & Development Committee will take the place of the District Agricultural Executive Committee while the Grama Panchayats will take the place of the Krushi Samitis.

596. The responsibility cast on the District Agricultural Executive Committee which in the case of an Anchal will be the Agriculture and Development Committee is considerable. In the sphere of good estate management the District Agricultural Executive Committee can give direction to any proprietor to observe good estate management which will include provision of drinking water, pasture lands, land for old and useless cattle, land for fuel and fodder reserves, adequate supply of fuel, fencing materials, thatching materials and provision of drainage, protection from floods and saline inundation, protection of crops from wild animals and pests, provision of improved bulls, protection of crops from stray cattle, communication for movement of seeds, manure and agricultural produce, cultivation of waste lands not reserved for pasture, fuel or forest, reclamation of swamps and marshes for agriculture or pisciculture and supply of agricultural statistics and other information. If a proprietor does not carry out the direction of the Committee, the estate may be taken under the supervision of the Board and if that does not improve matters, the proprietor may be dispossessed and the management of the estate may be taken over by the Committee which in the case of an Anchal is the Agriculture and Development Committee.

597. The conception of proprietor in the Agricultural Act is very wide and includes any person having tenants under him and also departments of Government. The management and dispossession provisions do not, however, apply to Government lands. If the proprietor of an estate does not carry out any improvement ordered by the Committee then the work can be done by the Committee through its own agency and the cost recovered from the proprietor. In addition to this, failure to carry out the direction of the Committee entails a penalty not exceeding Rs. 200/- and daily penalty not exceeding Rs. 10/- per day. The Chairman of the Committee who in the case of an Anchal will be either the Chairman or the Vice-Chairman of the Anchal Sabha has been authorized to impose the penalty. A dispossessed proprietor is entitled to Malikana which will be fixed by the Committee and the payment will last for the entire period of dispossession.

598. The enforcement of principles of good husbandry casts an equal, if not greater, responsibility on the Anchal. Directions are to be given to tenants for improved cultivation, prevention of fragmentation, conservation and planting of trees and maintenance as also repair of irrigation sources. Over and above these there may be direction for cooperation with other tenants for procurement of seeds, implements, machinery etc. as also for soil conservation, reclamation of swamps, care of livestock and provision of tanks for retting. A tenant to whom such directions are given will be bound to carry them out or to make over his holding for management by the Committee if he finds that he is not able to carry out the direction. The Committee may also take over the management of the land if the tenant does not carry out their direction. In case of such dispossession the Committee has the option of managing the land themselves or through another tenant or through a Registered Co-operative Farming Society. The dispossessed tenant will get annual payment

as may be decided by the Committee but it shall not be less than 5% of the prevailing market value or five times the rental of the holding, whichever is less. The dispossession will not be for a period of more than 5 years. A tenant who does not carry out the direction of the Committee will be liable to a penalty not exceeding Rs. 100/- and a daily penalty not exceeding Rs.5/-. The Chairman of the Committee has been authorized to impose this penalty. Power has also been given to the Committee to execute works of improvement and recover the cost from the tenant concerned. There is however power with the Committee to remit a portion of the cost. The Committee or the Krushi Samiti under it can prepare a scheme of improvement which after approval of the Board may be executed through the Committee or such other agency as may be considered suitable.

599. Consolidation and prevention of fragmentation of holding will start with the Krushi Samitis and will be done by a special officer known as the Consolidation officer.

600. As the Anchal Sasan provides for immediate application of the Agricultural Act to Anchals the administrative machinery now existing will be totally inadequate to carry on the functions thus conferred on the Anchal. Government will have immediately to set up an Agricultural Board and a Commissioner of Agriculture. They would also have to constitute the Agricultural Improvement Fund to which a contribution will be made every year by Government. The Anchal Agriculture & Development Committee will take up the functions of the District Agricultural Executive Committee while the Grama Sabhas will take up the functions of the Krushi Samitis. One of the most important functions of the Krushi Samiti will be to prepare scheme for consolidation and prevention of fragmentation of holdings. These Krushi Samitis will be the executing agency for the measures

under the Agricultural Act and they will have to be consulted before any action under Chapter III, 1V or VI is taken.

601, Besides the Committees, there will be a Tribunal known as the District Agricultural Land a Tribunal which will determine matters referred to it by the Board or the Committees. This Tribunal will consist of the District Judge or an Additional Judge as Chairman, a senior officer of the Administrative Service and a non-official resident of the village nominated by Government as members. The Tribunal will determine

- (1) the cost to be recovered from the proprietor and cost from a tenant for works of improvement ;
- (2) annual Malikana payable to a proprietor or annual payment to a tenant ;
- (3) disputes arising out of the costs of schemes, apportionment of a cost or rate of annual fee ;
- (4) compensation payable to the owner of a fragment of land for taking over that fragment ;
- (5) disposal of appeal in respect of payment of compensation fixed by the Commissioner of Agriculture ;
- (6) determination of compensation on appeal payable to the lessee, mortgagee, creditor or other encumbrances in case his land is taken over for consolidation ; and
- (7) determination of compensation payable for temporary dispossession.

602. Government will thus have to set up an entirely new organisation for administering the Agricultural Act. It will be costly and elaborate. The system of administration which will come in will be complicated and will require highly technical knowledge and experience of Survey for implementation. It is doubtful whether the Anchal Agricul-

ture and Development Committee will be able to deliver the goods. They will need an experienced and capable officer with a high degree of technical knowledge to assist them in their task. Similarly the Grama Panchayats who will constitute the Krushi Samities will find their task too complicated. Some of the Grama Panchayats even at the Bill stage fought shy of the Anchal Sasan Act on the ground that it is far too complicated to be understood by the type of persons who are ordinarily elected to Grama Sabhas. The Grama Panchayats who are still in their initiation stage will, it is apprehended, collapse under this heavy load of responsibility and the administration of the Agricultural Act with its machinery dovetailed into the Anchal Sasan Act is thus apprehended to cripple the activities of the Anchals and their component Grama Panchayats.

603. The administrative set-up under the Orissa Agriculture Act has been dealt with elsewhere in this report. Broadly speaking, the District Agricultural Executive Committee besides its executive functions is also the coordinating agency for all the Krushi Samitis in the district. If the Anchal Executive Committee discharges the functions of the District Agricultural Executive Committee then the function of coordination within the district will suffer as there will be more than one Anchal in the district with no central agency to co-ordinate their activities. The functions under the Agriculture Act do not overlap or conflict with the functions under the Anchal Sasan Act. There will be no difficulty in keeping the operation of these two Acts separate. The administrative machinery prescribed in the Orissa Agriculture Act is self-contained and will not require any reinforcement from the Anchal Sasan except that the Anchal Agricultural Executive Committees may function as Krushi Samitis. A Grama Panchayat will be too small an area to function as Krushi Samiti and they will be so many that coordination of their activi-

ties will take up much time of the District Agricultural Executive Committee. The extent of an Anchal will at most be a Taluk and it can therefore discharge the functions of a Krushi Samiti which is not likely to be as heavy as that of a District Agricultural Executive Committee. The specific functions of the Krushi Samiti have not been enumerated in the Act which merely lays down that these Samitis will be consulted when any action is taken under Chapters III, IV and VI of the Agriculture Act and can issue directions to a tenant for good husbandry and should prepare a scheme for consolidation of holdings when asked to do so by the Commissioner of Agriculture. The rest of the functions has been left to be prescribed by rules and there is a general narration that the District Agricultural Executive Committees shall ordinarily use the Krushi Samitis as their agencies. The limited functions of the Krushi Samitis can therefore be left to the Anchal Sasan but this also is not advisable as the Anchals will have their hands full to do justice to what the Anchal Sasan Act expects them to do.

Relation
with revenue
administra-
tion.

604. The Anchal Sasan Act provides for immediate vesting of revenue administration with the Anchal Sabha in respect of the Anchal Sasan area. All land revenue and agrarian matters will come within the scope of the Anchal Sabha's administration. This question which touches every individual within an Anchal and affects the main source of living of almost the whole of the people in the State requires very careful consideration. Agriculture is the main occupation of almost the entire population of the State and the economy of the State is centred on land. The maintenance of law and order and the dispensation of justice is linked with the land which for most of the people in the State is the only visible asset and security for credit. The alienation of such an administration from the State Government to a self-contained independent democratic body requires

very careful consideration. The well-being, safety and security of the people as of the society are linked with the land revenue administration in this State where the bulk of the people think of their stability in terms of the land they possess. The Committee have therefore given their most careful consideration to the question of transfer of land revenue administration to the Anchals and they have closely analysed the opinions expressed before them on this subject by people of different categories.

605. Under the provisions in the Anchal Sasan Act the Grama Panchayats are likely to form the primary units under the Anchal Sasan for revenue administration at the village level. The collection of land revenue will be done by the Grama Panchayats whenever they wish to do so. The difficulty is that the Grama Panchayats have not been able yet to collect their own taxes due to various reasons. Some of the Sarpanches have deposed before the Committee that they will find it very difficult to take up the revenue administration and collect the land revenue if this work is entrusted to them. The Grama Panchayat as a revenue collecting agency or for the matter of that as a collecting agency of any type is not likely to be effective. On the other hand, such a function will threaten their very existence by making them unpopular from the start. The Taxation Enquiry Commission applied their minds to this question and have emphasized that a Panchayat should not be compelled to levy taxes immediately on its establishment but should be financed from other sources for an initial period so that by achieving some concrete results during that period the Panchayats will be acceptable to the villagers and may then think of introducing itself as a tax collecting body. The very idea was expressed as early as 1909 by the Decentralisation Commission which said

“The foundation of any stable edifice which shall associate the people with the administration must

be the village." They considered that Panchayats should be the vehicle of the new type of village Government, their functions including disposal of petty civil and criminal cases and looking after village sanitation, village education and minor civil works. The Decentralisation Commission emphasized that the Panchayat should not be asked to impose taxes. Whatever has been said of the Panchayats will apply with equal force to Anchals which are the upper chambers of these Grama Panchayats.

Difficulties
in trans-
ferring
Revenue
Administra-
tion to
Anchals.

606. The revenue system in the State is now in a process of upheaval. The age-old Intermediary system is being gradually abolished. The big Zamindars have gone but there are other types of Intermediaries who are still there and whose abolition will take time. Until all the Intermediaries are abolished and all cultivators of land are brought directly under Government it will be difficult for any local democratic agency to come into the picture of revenue administration. To do so will merely be creating another Intermediary in the chain of such interest and thereby complicate matters.

607. The diverse revenue laws operating in different component parts of the State and no laws in some parts of the State will be a stumbling block for the Anchal Sasan and its component Grama Panchayats to carry on the revenue administration. It will not be possible for them to move without a fixed process of law which at present is wanting in many places.

608. Revenue administration requires up to-date and correct Record of Rights. In major part of the State the Record of Rights and Rent Rolls are very much out of date which will make collection very difficult for the Anchal Sasan.

609. Survey and Revision Settlement in many parts of the State have become overdue and certain

areas have not been surveyed at all. It is necessary to get the unsurveyed portions surveyed and revise the map and the Record of Rights where survey has already been done before any democratic agency can in fairness be asked to take up land revenue administration.

610. The question of relation between the people and the Government after transfer of land revenue administration to a democratic body merits very serious consideration. Government's contact with the people is through the administration of justice, the administration of land revenue and measures of relief during distress. Administration of justice in the sphere of crime is with the magistracy whose head is the Magistrate of the District who also is the district's chief Revenue Officer. It is now an accepted thing that administration of justice in the sphere of crime will go to the civil judiciary. The revenue administration will go to a democratic body according to the set up in the Anchal Sasan Act. Government will have no means of contacting the people and will not know the reaction of the people to different measures. A possible rejoinder may be that Government will come into contact with the representatives of the people in the Assembly and will know the people's reactions through them. The representation so contemplated has not been so intensive as to keep Government informed of the minds of the people. A vast majority of the rural populace do not even know who their representative is and what he can do for them. The representatives have not also the time and opportunity of contacting their constituency to have a correct appraisal of their reactions. Government will therefore gradually estrange themselves from the people who will be susceptible to influence by undesirable elements.

611. Government cannot absolve themselves of their responsibility for the welfare and well being of the people and to give quick relief in the case of natural calamities. This has been possible for them because they have got a

network of revenue officers under the existing system who can bring them information and carry out their directions. With the revenue administration gone to a democratic body Government will not have at its command a sufficient number of officers and offices to immediately meet any untoward situation.

612. If land revenue is transferred to Anchals and Government are left with a contribution from the Anchal income for a Pool Fund to assist the Local Authorities in less advanced areas then there will be necessity for periodical financial settlement with the Anchals in the light of advances or retrogration in the land revenue resources of each such Anchal. Such periodical settlement is apt to create friction with those Anchals from whom increased share may be asked for to benefit the less fortunate ones. The simpler and more expedient course would be for the State Government to collect all land revenue and assign shares in the form of grants to the Local Authorities according to their needs.

613. The question of sharing land revenue with Local Authorities was gone into by the Taxation Enquiry Commission whose recommendation contained in paragraph 25 at page 232 of their Report, Volume III is reproduced below :—

“25. The suggestion is often made that land revenue should be shared with the local authorities. The local Finance Enquiry Committee has recommended that fifteen per cent of the land revenue should be given to village Panchayats. The Orissa Land Revenue Committee has gone much further and recommended complete transfer of land revenue to the local authorities. According to this Committee's scheme, the state would be divided into several administrative units and the right of the State to receive land revenue would vest in the community as a whole and will be exercised through the local authorities in those

units. The scheme will work in two stages; in the first stage, the local bodies will pay annually to the State Government such proportion of its annual collection as may be determined by that Government; in the second stage, the whole of the land revenue collections will be retained by the local authorities and shared with the village Panchayats. We do not think that the suggestion for complete transfer of land revenue to the local authorities has any special merit. For one thing, the State Government are unlikely, in such an event, to be able to maintain the present level of grants-in-aid to local bodies. The grants-in-aid are likely to be reduced very substantially. Secondly, not all local bodies will benefit adequately, as those in fertile or irrigated tracts will get larger amounts of land revenues than those in other areas though the financial needs of the latter will in many cases be greater. The proper method, in our view, is to allot a fairly reasonable share of the land revenue as is done at present by certain States, (e. g. Bombay) and supplement this by grants according to the financial needs of each of the local authorities concerned. We recommend that no less than fifteen per cent of the land revenue collected in the area of a local body should, in all states, be allotted as its share of the revenue to that body. We would emphasize that we regard fifteen per cent as the very minimum, and even where only this minimum, and no more is allotted, we consider that an increase of land revenue receipts, if this results from standardisation or revision, should be made the occasion for increasing the percentage or for otherwise passing on the benefit to local areas either as general grants to local bodies or as contribution for the execution of specific projects."

614. The Committee is glad to find that its view that land revenue administration should not be transferred to any local authority is supported by the Taxation Enquiry Commission. Fifteen percent of the land revenue demand may be earmarked to be given as grants to the Anchal Sasans

Suitability
of existing
administra-
tive system
under
Anchal
Sasan.

615. If Anchal Sasan as contemplated in the Act is introduced, the existing administrative machinery will not fit in with it. The Collector, the Additional District Magistrate, the Subdivisional Magistrate and selected Deputy Collectors from among the existing administrative set-up will be functionaries under the Anchal Sasan Act. The functions of the Subdivisional Officer are however almost nominal as he is to preside over a meeting for the election of Chairman or Vice-Chairman when nominated to do so by the Collector. The Collector's functions are—

- (1) to call upon each Local Authority included in the Anchal within 15 days of division of an Anchal into representations to elect representatives (Sec. 10) ;
- (2) to receive declaration from a member who has been elected to two constituencies (Sec. 15) ;
- (3) within 15 days of the publication of the names of the elected members to call the first meeting for co-option of members [Sec. 36 (1)] ;
- (4) to preside over the meeting for the election of Chairman and Vice-Chairman or to nominate an officer not below the rank of a Subdivisional Magistrate to preside over such meeting ;
- (5) to call upon the Anchal Sabha to elect a Chairman or Vice-Chairman within 15 days of a vacancy occurring ;
- (6) to receive the Budget and the Revised Budgets and either approve them or direct modifications (Secs. 104, 105 and 107) ;
- (7) general supervision of Anchal Sasan (Sec. 249) ;
- (8) power to suspend operation of resolution, order, licence, permission etc. (Sec. 242) ;
- (9) to report to Government if Anchal does not work satisfactorily (Sec. 243) ;

(10) hear appeals against original orders passed by Anchal Sabha or Executive Committee (Sec. 265); and

(11) power of revision and power to stay execution or order against which revision proceedings are started (Sec. 266).

616. The powers of the Additional District Magistrate are in connection with elections. He is to decide whether or not a person is disqualified for election [Sec. 17 (2)]; to receive election petitions (Sec. 19) and dispose them of as a Tribunal (Sec. 21); set aside election on account of corrupt practice (Sec. 25); and disqualify a person for election (Sec. 26).

617. Specially selected Deputy Collectors take charge of Anchal Sabha in case of supersession and hear appeals when authorized to do so by the Collector.

618. The Divisional Commissioners or the Board of Revenue do not come into the picture at all. If Anchal Sasan, as in the Act, is introduced then there will be hardly anything in the field of revenue administration for the Divisional Commissioners or the Board of Revenue to do. The collection of land revenue and its concomitant the maintenance of land records will be the responsibility of the Anchal Sasan. Till now the preparation of land records has been the responsibility of Government and as the land revenue was received by Government they were doing this work at their own cost except in the few permanently settled estates where the landlord and the tenants shared the cost. Now that the land revenue will be alienated to the Anchal Sasan, Government will have neither the capacity nor the justification to undertake preparation of land records at their own cost and it is doubtful if the Anchal will be able to bear the expenditure of a Survey and Settlement from their own resources.

619. The Subdivisional Officer will be without any function and Government will therefore lose the services of a responsible agency to carry out their directions and keep them informed of what is happening in the rural areas. The Collector will have no paid agency to execute his orders. The entire machinery for revenue administration now existing will be inoperative and Government will have to set up an alternative agency which will be responsible for measures other than land revenue administration. These will be execution of Certificates for Income tax, Sales tax, Agricultural Income tax and similar other dues. At present this work is done by the officers who are responsible for land revenue administration. It will not be possible for the Anchal Sasan to take up this work as assets of defaulters may have to be followed outside the Anchal within the same district. There are functions like demarcation of ryoti lands which are at present done by revenue subordinates as part of their functions in the revenue administration. A machinery has to be maintained to carry on this work. The Commissioners and the Board of Revenue will have no function if revenue administration is transferred to the Anchal as contemplated in the Act. The entire revenue administrative machinery will have to be re-arranged if the Anchal Sasan Act as framed is brought into use. The nature of re-arrangement will depend on how much load the Government wish to keep to themselves. If, on the other hand, the Anchal Sasan Act is kept confined to the sphere of development and Local Self-Government then the present administrative machinery will be able to cope with the work that will arise and no major change will be necessary. The Collector has been brought into the picture as the supervising and controlling agency while the Additional District Magistrate will exercise judicial functions in the matter of election. The responsibility given to the Additional District Magistrate under the Anchal Sasan Act may create some difficulty because every district may not

have this functionary. An Additional District Magistrate is given to a district when there is excessive work in the hands of the Collector and the post may remain vacant for some time. However, as every district has now an Additional District Magistrate this provision of law which presumes the presence of an Additional District Magistrate in every district need not be contested. The Subdivisional Officer has very little to do under the Anchal Sasan Act. The Collector's functions under the Anchal Sasan Act are analogous to what he now has under the various Acts controlling District Boards and Municipalities in different parts of the State. He was bearing that burden because the number of District Boards in a district was one and Municipalities were not many. When Anchal Sasan is introduced the Collector will have to exercise his supervisory and controlling functions in respect of a number of Anchals and even though the District Board may be abolished, the supervisory function in addition to his existing revenue function will throw a heavy load on him. It is here that the Collector may be burdened with too heavy a load but it is possible to give him relief by bringing the Subdivisional Officers more into the picture and allow them to exercise some of the functions which have been reserved in the Act for the Collector. The real difficulty will be to find the required number of officers from the Administrative Service to be Anchal Executive Officers if Anchals are started at the same time throughout the State. If Government accept the recommendation of the Anchal Delimitation Committee they will have to engage 175 Anchal Officers. There is the question of utilising some of the Block Development Officers to function as Anchal Executive Officers also. The feasibility of this is doubtful. The Block work requires wholetime attention of the Block Development Officer and it is doubtful if the Block Development Officer will be allowed to take up any other work. The existing cadre of Administrative Officers will not provide for as many as 175 to go to Anchals. It will

be remembered that the Anchal that is under contemplation here will have only development functions. Government will therefore have to keep intact the revenue organisation which at present exists and so no officer could be spared from it. This indicates that the introduction of Anchal Sasan will preferably be by stages. Otherwise, Government will have to make a large recruitment at the same time with the result of recruiting men of below the required calibre and standard. The existing administrative system can therefore cope with the introduction of Anchal Sasan if this process is followed. Some more relief can also be obtained by relaxing control in certain matters over the Anchal Sasans.

620. It will not be amiss to mention here certain reactions that have been notified in the minds of the public about the official control over Anchal Sasan. One school of thought is for complete abolition of any official control over the Anchal on the ground that a democratic body should not be subservient to officialdom. The other school of thought is that official control is necessary as it is expert advice on administration. These divergent opinions were also expressed when the Act was circulated in its Bill stage to elicit public opinion. If land revenue administration is not entrusted to the Anchal Sasan, which is the recommendation of the Committee, then some of the controls can very well be relaxed. The criticism against the Act in its Bill stage was that it hardly decentralises anything when even the appointment of staff has been left in the hands of extraneous bodies like the Anchal service Board and the District Selection Board over whom the Anchal has absolutely no control. Even after the Bill had emerged out of the Select Committee some members of that Committee were very strongly of the opinion that too much control was retained by Government over the Anchal Sasans which destroyed their democratic freedom. It will not be out of place to reproduce some of the opinions then expressed.

“ I regret to say that the Bill as it emerges out of the Select Committee is not much of an improvement on the original Bill. The Select Committee has not mollified the preponderantly bureaucratic bias in the original Bill. The Bill strongly reminds me of the fable wherein the stork invites the fox to dinner and serves the soup in a jar with a neck too narrow for the fox to drink from. The members of the public are invited to share the responsibility of local administration and large power is given to the Anchals but I have grave doubts if the elected members will have any real powers though they will have all the responsibilities, which a popular representative has, when shouldering an elected post. It is intended that more and more powers and duties, which the Government are at present using and doing, will be given to the Anchals and if more and more work requiring whole-hearted public co-operation will have to be done (having regard to the huge development programmes likely to be taken up in near future), it seems to me that the Bill does not show sufficient faith in the capabilities of the elected members of the Anchal Sabhas. It is difficult to say if the machinery envisaged in the Bill will evoke sufficient enthusiasm in the minds of the peoples' representatives. I feel this feeling is shared by many members of the Select Committee.”

Another opinion is :—

“ The psychology of the officialdom, who are the successors of the British Regime in the matter of transfer of power, is too well known to be repeated here. There has been persistent effort to resist parting with power. They have as yet been treated for all practical purposes as a class distinct from the masses. This position still continues in the present set-up of Government and it is due to the fact that the present administration does not have faith in right judgement of the people. While accepting the principles of a new democracy which is

built up from the bottom, it is high time that a definite and bold step should be taken. There may be certain lapses in the initial stage in the democratic functioning of these primary units of administration. An attempt to remove the existing gulf between the masses and the officialdom should be made here and now and the officials be given opportunity to cast their lot with the people."

621. Judged from the statement of objects and reasons Government wanted to retain control in their hands to meet all kinds of difficulties and emergencies as the proposed administrative reform was to be of radical nature. The set-up for recruitment to the Anchal posts including cadre posts had been thought of to secure uniformity in the conditions of service of persons some of whom will be drafted from Government services and some others from existing local bodies. The question of persons going to the Anchal Service either from Government or from Anchals under the Orissa Estates Abolition Act will not arise if revenue administration is not transferred. Some staff of District Boards may be drafted into the Anchal but their condition of service may be fixed in advance. The Anchals may be given full power to appoint their own staff subject to qualifications laid down by Government as is done by the District Boards. The rules framed under the Madras Local Boards' Act in the matter of disciplinary control can be usefully adopted by the Anchals for their own staff. It may be advisable to provide for inter-Anchal transfer of the technical officers to keep up their efficiency and gain experience under different working conditions. Such officers may be recruited by and kept under the control of the Service Board but the remaining staff should be under the full control of the Anchal. This will remove the cause for the grouse that the Anchal Sabha is nothing more than an Advisory Committee of the Anchal Executive Officer and through him of the Collector. As the Anchals work and stabilise themselves, some of the

other controls may also be gradually relaxed. The Anchals may have the final say in their budgets and the Collector's powers of ordering modifications can be removed.

622. Sections 233 and 234 of the Anchal Sasan Act provide for transfer of irrigation or drainage works maintained by the State to the Anchal Sasans. After such transfer it will be the responsibility of the Anchal Sasan to repair, maintain and improve such works. If the State Government were realising any water rate before the transfer, the Anchal will be entitled to continue this levy. The transfer of some such works to the Anchal while some others are retained by Government is fraught with the risk of creating anomaly and complication in the matter of collection of water rates. This may lead to duplication of staff. There may also be different standards of maintenance of the works which will give rise to discontent among the persons benefited by such works. The Committee therefore is of the opinion that all such irrigation and drainage works should remain with Government and will not be transferred to any other agency. The repair and other works can however be done through the Anchals who will do it as an agency function.

Transfer of
irrigation
and drainage
works.

623. The Committee is fortified in making this recommendation with the opinions which were expressed when the Act was circulated for public opinion in the Bill stage that the provisions in it are far too complicated to be understood by local units like the Grama Panchayat which are the executing agencies under the Act. A few of such opinions which will bear reproduction are those from the Grama Panchayats of Kamaladihi, Mohabiritu and Tulsipur.

ସରପଞ୍ଚ, କମଳାଡ଼ିହି

“ନିବେଦନର କାରଣ ଏହି କି ନି ୩୬୭ ମୂର (୫୯) କ.ପି ତା ୨୭-୭-୫୯ରୁ
ହୁମୁମ ମୁକାବଳ ଓଡ଼ିଶା ଅଞ୍ଚଳ ଶାସନ ବଲ୍ ୧୯୫୭ ଜନମତ ପାଇଁ ଆମ୍ଭ କମଳାଡ଼ିହି
ଛାମପଞ୍ଚାୟତକୁ ଆସିଥିବାରୁ ଆମ୍ଭେ ସମସ୍ତ ମେମ୍ବରମାନେ ଏକତ୍ର ହୋଇ ତହିଁରୁ

ଆଲୋଚନା କଲୁ । ଏଥିରୁ କେତେକ ବିଷୟ ହୁଏତ ସ୍ମରଣୀୟ କଲୁ, ଅବଶିଷ୍ଟ କେତେକ ଅଂଶ ଭଲ ଭାବରେ ବୁଝିପାରିଲୁ ନାହିଁ । କାରଣ ଆମ୍ଭେ ତା ୧୦-୨-୫୩ରୁ ଶେଷରେ ବହି ପାଇ ମେମ୍ବରମାନଙ୍କୁ ତକାଇ ଦୁଇଦିନ ମଧ୍ୟରେ ଆଲୋଚନା କରିବାକୁ ସମୟାଭବ ହେବାରୁ ଓ ବହିଟି ତା ୧୫-୨-୫୩ରୁ ଶେଷରେ ଅଫିସରେ ଦାଖଲ କରିବାକୁ କାଇଦା-ଥିକାରୁ ଏ ବହିଟି ଉକ୍ତ ତାରିଖରେ ଅଫିସକୁ ପଠାଇବାକୁ ବାଧ୍ୟ ହେଲୁ । ଏଥିରୁ କେତେକ ଅଂଶ ଆଦୌ ବୁଝିପାରିଲୁ ନାହିଁ । ସେତେକାଂଶ ପାଠକଲୁ ସେଥିରୁ ପରିବର୍ତ୍ତନର କିଛି ନଥିବାରୁ ଅଫିସକୁ ଜଣାଇଲୁ । ଯଦି ଉପରସ୍ଥ କେହି କର୍ମଚାରୀ ଆସି ଅନୁମାନକୁ ପଞ୍ଜୀକୃତ ଶାସନ ବାବଦରେ ବୁଝାଇ ଦିଅନ୍ତେ ଭଲ ହୁଅନ୍ତା ।”

ସରପଞ୍ଚ, ମୋହାବରତୁ

“ନିବେଦନ ଏହିକ—ଅଧୀନ ମୋହାବରତୁ ଗ୍ରାମପଞ୍ଚାୟତର ସରପଞ୍ଚ ଅଟେ । ଉକ୍ତ ମୋହାବରତୁ ପଞ୍ଚାୟତର ସ୍ତ ୧୯୫୩ର ଓଡ଼ିଶା ଅଞ୍ଚଳ ଶାସନ ବିଲ୍ ନାମକ ଏକଗୋଟା ବହି ଅଧୀନକୁ ଦିଆଯାଇଥିଲା ଏବଂ ଉକ୍ତ ବହି ପଢ଼ି ନିଜର ମତାମତ ଯାହା ରିପୋର୍ଟ ଦ୍ଵାରା ଜଣାଇବାକୁ ଆଦେଶ ଥିଲା । ମାତ୍ର ବହିଲିଖିତ ଆଇନମାନ ବୁଝି ନପାରି ରିପୋର୍ଟ ଦ୍ଵାରା ଜଣାଇଲି । ଇତି ।”

ତୁଳସୀପୁର ଗ୍ରାମସଭା

“ପୁର୍ବୋକ୍ତ ଉଠିସହ ଆସିଥିବା ଓଡ଼ିଶା ଅଞ୍ଚଳ ଶାସନ ବିଲ୍ ୧୯୫୩ ବହିଖଣ୍ଡକ ତୁଳସୀପୁର ଗ୍ରାମପଞ୍ଚାୟତ କମିଟିର ତା ୪-୨-୧୯୫୩ରୁ ଶେଷରେ କେଠକରେ ସଭ୍ୟମାନଙ୍କ ମତାମତ ପାଇଁ ପେର୍ସ୍ କରାଯାଇଥିଲା । ଶାସନର ବିକେନ୍ଦ୍ରକରଣ ପ୍ରସ୍ତାବକୁ ସମସ୍ତ ସଭ୍ୟମାନେ ନିତାନ୍ତ ଜରୁରୀ ଆବଶ୍ୟକ ମନେକରି ସାଗତ କରିଥିଲେ । କିନ୍ତୁ ଏହି ବିଲ୍ ଦ୍ଵାରା ଉକ୍ତ ଉଦ୍ଦେଶ୍ୟ କେତେଦୂର ସାଧିତ ହେବ ସେ ବିଷୟରେ ସନ୍ଦେହ ପ୍ରକାଶ ପାଇଥିଲା । କାରଣ ଏହି ଆଇନ ଦ୍ଵାରା ଅଞ୍ଚଳ ଶାସନ ପ୍ରକୃତ ପନ୍ଥରେ ଅଞ୍ଚଳାଧିକାରୀଙ୍କ ଉପରେ ବିଶେଷ ଭାବରେ ନ୍ୟସ୍ତ କରାଯାଇଅଛି । ଅଞ୍ଚଳ ସଭା ଉପରେ ସେତେ ନୁହେଁ । ଯାହାହେଉ କମିଟି ଏ କଥାଟି ସ୍ଵୀକାର କରୁଅଛି ଯେ ଦ୍ଵିତୀୟ ମହାୟୁଦ୍ଧ ପରେ ଆମ ଦେଶରେ ବିଶେଷରେ ମଫସଲରେ ଧର୍ମଭାବ ଏବଂ ନୈତିକତାର ବିଶେଷ ଅଧ୍ୟୟନ ଘଟିଅଛି । ସମକାୟ ସୁନ୍ଦରେ କାର୍ଯ୍ୟ କରିବା ମନୋଭାବ ଗ୍ରାସ୍ତ ନାହିଁ । ଏପରି ଅବସ୍ଥାରେ ଅଞ୍ଚଳସଭା ଗୋଟିଏ ବିବାଦର କେନ୍ଦ୍ରରେ ପରିଣତ ହେବାର ଆଶଙ୍କା ରହୁଥିବାରୁ ବର୍ତ୍ତମାନ ବର୍ଷ ପାଇଁ ପରାମର୍ଶ ସ୍ଵରୂପ ଅଞ୍ଚଳ ଶାସନଭାବ ଅଞ୍ଚଳାଧିକାରୀ ଉପରେ ଆଇନରେ ବ୍ୟବସ୍ଥା କରାଯାଇଥିବା ମୁତାବକ ରଖାଯାଇ ପାରିପାଏ ।

୨ । ବର୍ତ୍ତମାନ ବିଲ୍ ଆକାରରେ ପ୍ରସ୍ତୁତ ହେଉଥିବା ଅଞ୍ଚଳ ଶାସନ ଆଇନଟି ଓଡ଼ିଶା ଗ୍ରାମପଞ୍ଚାୟତ ଆଇନ ଭଳି ବଡ଼ ଜଟିଳ ଏବଂ ମଫସଲର ଲୋକମାନଙ୍କ ପକ୍ଷରେ ବଡ଼ ଦୁର୍ବୋଧ ଅଟେ । ଏହି ଉଭୟ ଆଇନକୁ ମଫସଲରେ ସଫଳତା ସହିତ ଚାଲୁ ହେବାପାଇଁ ସରଳ ଆକାରରେ କରିଥିଲେ ଭଲ ହୋଇଥାନ୍ତା ।”

624. In 1936 when the Province of Orissa was formed, there were six District Boards as follows :

Future of
District
Boards,

- (1) The District Board of Cuttack
- (2) The District Board of Puri
- (3) The District Board of Balasore
- (4) The District Board of Sambalpur
- (5) The District Board of Ganjam
- (6) The District Board of Koraput.

625. The District Boards of Cuttack, Puri and Balasore were regulated by the provisions of the Bihar and Orissa Local-Self-Government Act, 1885. The District Board of Koraput was regulated by the Madras Local Boards Act, 1920 which provided for constitution of Taluq Boards. The District Board of Ganjam was regulated by the same Act as amended upto 1936. The Sambalpur District Board was regulated by the Central Provinces District Council Act. But in 1939 the Sambalpur Local-Self Government Act was enacted in order to reconstruct certain powers in regard to the local cess. Since in 1948 and in 1949 the Rulers' States numbering 24 were integrated with Orissa. Though these areas have been divided into seven Revenue Districts, no District Boards have been constituted in these areas so far.

626. In 1950 the Local Government Act, 1950 was enacted in order to consolidate and unify the laws governing the District Boards. Meanwhile the establishment of Anchal Sasans in the State was conceived, and the Anchal Sasan Act was passed in 1955.

627. The Anchal Sasan Act provides for the repeal of the different Acts under which District Boards are functioning in this State. It is believed that with the Anchal Sasan taking over the work which is at present done by District Boards in smaller compact groups, the necessity for an institution for a whole district will not arise.

628. The position of the District Boards after the establishment of Anchal Sasan will be very precarious and it is doubtful if they will be viable units which can pay their way. The Grama Panchayats are already taking one-third of the cess income thereby leaving only two-thirds for the District Boards. The Anchals will take at least something more out of the cess income and some of the miscellaneous income. The financial position of the District Boards will therefore become very weak. Already the District Boards are feeling the pinch as their income has gone down due to the different land reform measures. The more important roads and dispensaries which were being managed by the District Boards have been taken out of their control and with the Anchals taking away some more of the District Board's functions there will be hardly any necessity to have an organisation of that stature for the whole of a district. This question had engaged the attention of the Taxation Enquiry Commission whose recommendation in para 6 at pages 355 to 357 of their Report—Volume III is worth quoting. It runs as follows :—

“There are many reasons why the position of District Boards in the structure of local self-Government is increasingly becoming unstable and, in the opinion of some, even untenable. The view that one board for as large an area as the normal district might prove unsuitable a unit of local self-Government is not of recent origin. In a resolution of 1882, the Government of India observed that it was very important that the area of jurisdiction allotted to each board should in no case be too large. The Decentralisation Commission of 1909 preferred the universal establishment of ‘sub-district boards’ for small areas with independent powers and resources to act as the principal agencies in the rural areas, though they did not propose an outright abolition of the district local boards. Later, several State Governments emphasized before the Simon Commission the desirability of having smaller units than the existing

district boards. Such smaller units, in the shape of taluka boards, had indeed been established in many provinces, but that was in addition to the district boards, not in replacement of them. What happened later, largely as the result of grave lack of finance during the thirties, was the general abolition of the taluka boards themselves. The needs of planning have served to focus attention again on the size and efficiency of the district local board. Some of its more important functions have, in many states, tended to the transfer from it, e.g., primary education to school boards more or less nominated by the State Government, and roads and some of the major items of public health direct to Government itself. But perhaps the most important of the relevant factors is the one connected with the extension of village Panchayats. Functionally as well as financially, each Panchayat in its area overlaps the jurisdiction of the district board to a substantial degree. The overlapping has sometimes extended to tax powers. In certain States, there are taxes and fees which both the Panchayats and the District Boards are permitted to levy. In Hyderabad, there are five such taxes viz. (1) profession tax, (2) market toll, (3) general water tax, (4) theatre tax and (5) pilgrim tax. In Uttar Pradesh and Delhi there is overlapping in respect of profession tax or fees on professions. In Bihar, a number of taxes and fees are common to the two types of bodies, but it is provided at the same time that Panchayats cannot levy such taxes or fees as have already been levied by Local Boards. In Madras and Andhra, when a new Panchayat is formed, part of the previous income of the district board from land cess in the village and the whole of its previous income from the duty on transfer of immovable property in the village go to the Panchayat. Ways of co-ordination between these competing jurisdictions are of course being evolved. Thus, in Bihar and Uttar Pradesh, the Panchayat bye-laws are framed by or require the approval of the District Boards concerned and sometimes the Panchayats are under the control, nominal or effective, of the District

Boards as in Bihar and Bombay. But this in turn has raised the question whether District Boards, as at present constituted, are approximately placed for controlling the village Panchayats and clashes of interest have often arisen between the village as represented by the Panchayat and the district as represented by the local Board. The situation thus created for Local Boards by the extension of Panchayats is, therefore, not so much an older problem intensified as a new problem superadded. The question is no longer merely one of the size of the District Board but more fundamental, viz., the problem of evolving a proper co-ordination of the functions and finances of the village Panchayats and the other rural bodies, be they the District Boards or some other organisation which may replace them. It is clear that District Local Boards can no longer continue in their existing form. Whether they should be modified e.g. converted into bodies elected by the Panchayats themselves, when the latter are sufficiently widespread, or whether they should be abolished and replaced by smaller bodies, and, in that case, what the size and constitution of the smaller bodies should be are matters to be decided by the State Government in the light of the differing circumstances of different States. The experience hitherto gained by the States appears to warrant the conclusion that no single course of reorganisation can be made applicable to all. For example, the first state to experiment with the replacement of the bigger territorial body by a smaller one, viz., Madhya Pradesh (where 96 Janapada Sabhas were substituted for the 23 District Boards in the year 1948) has found that the smaller bodies have not by any means worked satisfactorily; this led to the State Government appointing a Committee to enquire into their affairs within two years of their establishment. A different type of experiment, where the village Panchayat has a share in the election of members to the 'District Board' and, through it, to another board at the State level, is being conducted in the context of the Kendra Panchayat and Mandal Panchayats of

Madhya Bharat and the District Mandals and Madhyasthá Mandals of Saurashtra. But these two States, it may be mentioned, never had District Boards of the older type. Not even at an experimental stage is the proposal of the Orissa Government to create, in the form of an 'Anchal Sasan' a smaller local board for each group of hundred Panchayats or so, on the principle of indirect election by such bodies. Whatever shape, in different States, the successor of the District Board may take, it is clear that prior consideration will have to be given to the question of co-ordinating its functions, finances and tax powers with those of the village Panchayat itself, treating the latter as the more basic type or organisation whose growth and efficiency it will be a function of the intermediate body to safeguard. Moreover, this intermediate structure, even if it hereafter normally covers less than the area of a district, should not be too small for the efficient and economical operation of the local services with which it is entrusted. Finally, it has to be emphasized that one of the important factors responsible for the unsatisfactory working of the district local boards and the inutility and abolition of the taluq boards has been unwillingness, or the inability of State Governments to provide adequate finance for these organisations. It will be necessary for the State Government to ensure that the existing District Boards, or the new administrative units which may replace them, are not only given adequate tax powers, but, where necessary, are adequately financed from the resources of the State."

629. The Planning Commission while considering the recommendation of the Taxation Enquiry Commission also agreed that with democratic structure of administration within the district the position of District Board has become unstable.

630. District Boards, as they were formed under the different self-Government Acts, were directly elected

autonomous bodies. With the formation of Anchals it will not be advisable to have another independent directly elected body functioning in the same sphere as the Anchals and the Grama Panchayats. For the last few years there has been much narrowing down of the activities of the District Boards due to provincialisation in many of their administrative spheres. The health services have been provincialised as also the major District Boards. The Veterinary services are now the responsibility of the Government. The devolution of self-Government functions on the Grama Panchayat and the Anchals will leave very little for the District Boards to do. All that can be said in support of maintaining District Boards is the necessity for a coordinating agency for the different Anchals within the district. This is not, however, enough to justify the maintenance of a third democratic body in the district. The co-ordination between the Anchals has been provided for in the Anchal Sasan Act by the Joint Committees and if still further coordination is necessary, it can be achieved through the District Development Board. This Board is not a democratic body in the sense that the members are not elected but with the formation of Anchal the representatives may come from the Anchals in addition to the present membership in which case the District Development Board can effectively coordinate the activities of the Anchals where it is beyond the scope of a Joint Committee. In view of this there does not seem to be any justification for continuance of the District Boards.

Some anomalies to be reconciled.

631. Before closing this Chapter some minor adjustments between this and its contributory or complementary acts will bear mention.

Schools under Municipalities should also be transferred to Anchals.

632. The relation between the Municipalities and Anchal has not been clearly defined. One exception in favour of Municipalities, when compared with Grama Panchayats, which easily attracts attention is in Sec. 166(1)

of the Anchal Sasan Act according to which schools under District Boards, Local Boards, Grama Panchayats and Notified Area Councils will be transferred to the Anchal Sasan while no such transfer has been prescribed for schools run by Municipalities. The plurality of local institutions with overlapping functions may create conflict in future.

633. The provision for the tenure of membership in the Anchal Sasan is not quite clear. In Section 12 a member elected for an area of representation or co-opted shall not hold office for more than three years. The election is under Sec. 10 or Sec. 13 while cooption is under Section 11. Section 10 refers to first election after declaration of the division of an Anchal into areas of representation while Sec. 13 relates to vacancies caused by supersession, dissolution or by efflux of time for the representatives elected in the first election. There is no clear indication in the Act about the tenure of membership for those who are elected subsequent to the expiry of the term of membership after the first election. The expression "not more than three years" in Sec. 12 does not prescribe any definite period of membership. Further more, there is room for the claim that a member elected even during the currency of an Anchal Sabha due to vacancies arising by death, resignation etc., will continue for a full term of three years.

Tenure of membership in the Anchal Sabha to be definite.

634. The intention in the Act seems to be to keep the tenure of the membership for three years. This has not been clearly expressed. It may be clarified by suitable amendment in the Act and provision may be made to limit the tenure of membership of those who come within that three year period to the unexpired portion of the term.

635. There seems to be some risk of conflict among the Committees under the Anchal Sasan Act and the Committees under the Grama Panchayat Act. There will be

Joint Committees of Grama Panchayats should

require
prior appro-
val of
Anchal
Sabha.

four statutory Committees, viz., (1) Executive; (2) Education; (3) Public Health and (4) Agriculture & Development under the Anchal Sasan Act besides special Committees for any other matter within the purview of the Anchal Sabha. In the Orissa Grama Panchayat Act provision has been made under Sec. 38 to form Joint Committees of Grama Panchayats by executing an instrument and any difference between them will be decided by the District Magistrate. Similarly, under the provision of the Orissa Municipal Act Municipalities have got standing Committees for (1) finance; (2) Public Health and dispensaries; (3) Public Works; (4) Education; and (5) Water works with defined functions and duties. There is also provision of forming Joint Committees.

636. There is nothing in the Grama Panchayat Act to prohibit formation of Joint Committees of Grama Panchayats which may come within different Anchals. The Grama Panchayats can form such Joint Committees of their own accord and so anomalous position may arise between such Grama Panchayats' Joint Committees and the Anchal Sasan. The functions of Committees at different levels may clash and there is no provision how to coordinate their functions without detriment to their statutory authority. This difficulty may be solved by providing for the approval of Anchal Sasan or Anchal Sasans concerned before any Joint Committee is formed by two or more Grama Panchayats.

Collector
should
exercise
functions
of Anchal
Service
Board till
it is formed.

637. There is provision in the Act that till Anchal Service Board is formed Government will discharge that function. This may lead to the difficulty that an appointment by Government can only be terminated by them and it may be difficult to distinguish between Government acting on their own and acting as self-contained corporate body like the Anchal Sasan. The risk of Article 311 of the Constitution coming into play in case of disciplinary action against any person appointed by Government acting as

Anchal Service Board cannot be eliminated. A more proper agency for the exercise of that function till Anchal Service Board is created will be the Collector of the District in which case there will be no risk of the appointment being considered as done by Government.

638. There is a lacuna in the Act which does not prescribe the number of members to be present at the meeting in which displeasure will be expressed on the work of the Anchal Executive Officer. It is quite possible that only a few members may attend and pass such a resolution. At most, the required quorum of one-third will be the deciding factor. It is perhaps necessary to prescribe that at least two thirds of the members will attend if such a meeting is to be held. This will be analogous to the provision in Sec. 40 for removal of the Chairman or the Vice-Chairman.

Number of members to be present in the meeting to express displeasure on the work of Anchal Executive Officer.

639. According to Sec. 152 of the Anchal Sasan Act if a local authority within the Anchal or his jurisdiction in that area ceases, the movable or immovable property or a portion of it as was held by or in trust by that authority will vest in the Anchal in which such property is situated. If the State Government so notifies a portion of that property may vest in a Grama Sabha. This refers presumably to District Boards and local Boards which will be abolished on the establishment of Anchal. The distribution of assets of such District Boards or Local Boards with regard to the movables according to the accident of situation will give rise to anomalies. For instance if a steam roller of the Cuttack District Board is found located at Kendrapara or Pattamundai it will be taken over by the Anchal in whose area it was found though such small units will have no necessity for this complicated machinery. A more convenient and equitable arrangement will be for Government to take power to make equitable distribution of such assets, particularly movables.

Government to retain power to distribute assets of local bodies abolished in consequence of forming Anchals.

Anchals to
Act through
Municipali-
ties to carry
out Sections
203 and 206.

640. Controversy between a Municipality and an Anchal may arise in administration of Secs. 203 and 206 of the Anchal Sasan Act which apply to all public roads irrespective of whether they are vested in the Anchal or not. Actions under these sections are to be taken by the Anchal Executive Officer and as each Municipality will also have an Executive Officer of its own, the chances of conflict will be greater when the two differ in their views. To avoid such a situation developing in this sphere where the sphere of activity is concurrent it will be appropriate to provide for the Anchal to act through the Municipality to avoid duplication of control and consequent conflict.

CHAPTER VII

APPENDIX I (para 578)

SCHEMATIC BUDGET OF AN ANCHAL

I.	(a)	(i) General Administration			
		Pay of Establishment			
		Office staff :			
		U. D. Clerk (70-100) ... 1	}		
		L. D. Clerks (50-90) .. 6	}		
		Peons (18-24) ... 3	}	7,632	
		Process servers Do ... 2	}		
		Watchman Do 1	}		
		(ii) Land Revenue Staff :—			
		Gr. II non-gazetted	}		
		Tahsildar (90-120) 1	}		
		R. I. or Naib Tahasildar	}	2,688	
		(50-90) — ... 1	}		
		Peons(18-24) — 2	}		
	(b)	(1) Allowances :			
		(i) D. A.		4,552	
		(ii) T. A. (Rs. 30 and Rs. 20 respectively for the officer and peon—plus Rs. 400 L. S. for the office staff)	1,600	16,472	
		(2) T. A. of the Members of the Sabha and Committees @Rs. 20/-each P. M. for 12 members on the average.		2,880	
		(3) T. A. of the Chairman and Vice-Chairman at Rs. 30/- each P. M.		720	
		(4) Allowances to Chairman and Vice-Chairman at Rs. 80/- and Rs. 40/- respectively P. M.	1,440	5,040	
	(c)	Contingencies at 20% of the total expenditure minus expenditure provided under the head elsewhere.	4,000	4,000	

II. Commission to Grama Panchayats for collection work—Has been provided under fixed charges & accounted for as L. S. for the whole State.

III. (a)	Public Health		
	Pay of Establishment		
	Health Inspector (60-2-90)	...1	} 2,208
	Vaccinators (24-34)	...3	
	Disinfectors (21-29)	...1	
(b)	Allowances		
(i)	D. A.		1,212
(ii)	T. A. at Rs. 30, Rs. 20 & Rs. 20 each p. m. respectively.		1,320
(c)	Contingencies		
	(Purchase of medicine etc.)		1,000 5,740

IV. (a)	Civil Works		
	Pay of Establishment		
	Overseer (120-250)	1}	} 2,472
	Peon (18-24)	1}	
(b)	Allowances		
(i)	D.A.		576
(ii)	T.A. (at Rs. 50/- and Rs. 20/- respectively)		840
(c)	Contingencies		
(i)	Repairs to buildings	....	3,000
(ii)	Repairs to roads	....	5,000
(iii)	Repairs to irrigation sources		4,000 15,888

V. (a)	Agriculture		
	Pay of establishment		
	Overseer (120-250)	1 }	} 3,852
	Fieldmen (30-39)	3 }	

(b) Allowances

(i) D A.	....	....	1,008	
(ii) T.A. at Rs. 50 and Rs. 20/- p.m.			1,320	6,180

respectively.

VI. Medical	}	Will be transferred from the State Government to Anchals and the expenditure met from Government grants under Chapters XI & XII of the Anchal Sasan Act.
VII. Veterinary		
VIII. Education		

IX. Superannuation

At 10% of the pay of the Gr. III employees and 1/16th of the pay of Gr. IV employees.		4,500	4,500
X. Stationery and printing L.S.	....	600	600
XI. Audit charges L.S.	....	200	200
XII. Leave salary at 11% of the pay of the superior staff and 5% of the inferior staff.		4,500	4,500
XIII. Contribution towards the cost of the staff employed in Anchal Service Board at 2.5% of the cost of staff employed.		1,560	1,560

Total :	<hr/>	64,680 or
		65,000/-

Contribution to the Consolidated Fund at 20% of the demand for payment of compensation.	has been provided under fixed charges & accounted for in L.S. for the whole State of Orissa.
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TOTAL EXPENDITURE	Rs. 64,680 or 65,000/-
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**CHAPTER
APPENDIX**

EXISTING RATES OF DIFFERENT CESSSES LEVIED

Districts	Subdivisions	Land Cess	Forest Cess	Education Cess	Fuel Cess
1	2	3	4	5	6
1. Puri	...	(Re. 0-2-0 (local cess)			
2. Kalahandi	(Ex-State of Kalahandi) (Khariar Ex-zamindari)		Re. 0-2-0	...	...
3. Mayurbhanj	...	Rs. 0-1-0	...	...	...
4. Ganjam	...	Rs. 0-2-6	...	Rs. 0-0-6	...
5. Balasore	...	...	...	...	...
6. Cuttack	...	Rs. 0-2-6	...	...	...
	Athgarh	Rs. 0-2-0	Rs. 0-0-6	} ... Sarad lands. Rs. 0-0-6 per acre of other lands.	
	Tigiria	Rs. 0-2-0	Rs. 0-0-3		
	Baramba	Rs. 0-2-0	Rs. 0-0-9		
	Narsingpur	Rs. 0-2-0	Rs 0-1-0 per acre of		
			Rs. 0-0-6 per acre of		
7. Bolangir	Bolangir	...	...	...	...

VII

II (Para 585)

IN ORISSA & COLLECTIONS (ARREARS AND CURRENT)

Nistar Cess	Other Cess	Cess collections 1951-52 to 1955-56				
		1951-52	1952-53	1953-54	1954-55	1955-56
7	8	9	10	11	12	13
		Rs.	Rs.	Rs.	Rs.	Rs.
...	...	2,69,295	2,63,953	2,51,251	1,33,100	1,16,515
.....	Rs. 0-2-0	37,025	47,689	61,828	54,270	51,953
Rnewa @	}	33,867	68,725	72,221	77,227	43,068
Re. 1- 0 0						
Rs. 0-12-0						
Grazing fee or chari @						
different rates of 0-1-0,						
0-2-0, 0-4-0, 0-8-0, Re.1/-						
...	...	83,503	81,518	81,443	81,944	92,423
...	...	3,45,471	3,77,081	3,20,727	5,36,421	4,88,115
...	...	Not available.				
...	...	5,52,305	5,30,854	4,68,584	2,83,210	5,90,122
...	...	22,318	24,458	28,406	21,093	18,387
Levied accord-	Rs.0-2-0	55,320	63,065	74,411	62,286	59,650
ing to distance (general)	(general	(general				
of reserve	-	cess)				
forest from the		53,075	71,186	82,212	62,444	48,859
village. viz :—		(nistar)				
Less than 5 miles	}	Rs. 0-2-0	}	per acre of paddy land		
		Rs. 0-1-0		per acre of At land		
More than 5 miles &	}	Rs. 0-1-0	}	per acre of paddy land		
less than 10 miles		Rs. 0-0-6		per acre of At land		
More than 10 miles	}	Rs. 0-0-6	}	per acre of paddy land		
		Rs. 0-0-3		per acre of At land		

*Nistar cess is levied at different rates according to different classes of land in Sonepur Subdivision.

Appendix II (Para 585)—Contd.

Districts	Subdivisions	Land Cess	Forest Cess	Education Cess	Fuel Cess
1	2	3	4	5	6
8. Dhenkanal	Sadar and Kamakshya-nagar.	Rs. 0-2-0 (consolidated)	Rs. 0-1-3		
	Hindol	Rs. 0-2-0	Rs. 0-1-3		
	Talcher	Rs. 0-2-0	Rs. 0-1-0		
	Athmallik	...	Rs. 0-1-0	Rs. 0-1-6	...
	Angul	...	...	Rs. 0-1-0	...
	Pallahara	Rs. 0-2-0	} Rs. 0-1-0 (Sarada) per acre Rs. 0-0-6 (Goda lands) per acre		
9. Koraput	...	Rs. 0-2-0	
10. Phulbani	(Baudh Sub-division only)	Rs. 0-2-0	Rs. 0-0-9	...	...
11. Sundergarh	Bonai	...	...	Rs. 0-1-0	Rs. 0-1-6 (per acre of wet lands). Rs. 0-2-3 (per acre of maufi lands).
	Gangpur	...	...	Rs. 0-1-3	...
12. Keonjhar		...	Rs. 0-1-0 (per acre of Goda lands) Rs. 0-2-0 (per acre of wet lands)	Rs. 0-0-6	...
13 Sambalpur	Sadar and Bargarh	@ 9 pies per rupee of rent in Khalsa Gauntiahi and Raiyatwari villages. 6½% on the Kamiljama of the entire assets and additional cess @ 6½% on the Kamiljama of the assets of the villages in those estates.			
	Deogarh & Kuchinda.	...	...	4½ pies per rupee of rent. (school cess)	
	Rairakhola	...	Rs. 0-1-0 per rupees of rent	Rs. 0-1-0	... (school cess)

Nistar Cess	Other Cess	Cess collections (1951-52 to 1955-56)				
		1951-52	1952-53	1953-54	1954-55	1955-56
7	8	9	10	11	12	13
		Rs. 1,00,947	Rs. 1,10,422	Rs. 1,09,743	Rs. 1,03,305	Rs. 1,05,734
...	...	1,90,497	82,347	82,930	84,322	91,112
Rs. 0-0-6	...	22,642	27,587	24,962	16,894	19,505
Rs. 0-1	Rs. 0-0-9 (dispensary)	34,463	67,088	45,561	30,102	31,384
	Rs. 0-0-6 (Dispensary)	98,461	96,355	99,296	80,053	62,731
Rs. 0-1-0 (1) commuted per rupee value of Kar of rent. Kartali@0-1-0 per rupee of rent.		...	77,542	62,791	70,541	68,991
...	(2) Chowkidari tax 0-0-1 per rupee of rent. 0-1-0 per rupee of rent (Dispensary cess.)					

CHAPTER VIII

Diversities in Tenancy Laws in Different parts of the State:

SECTION A

641. The various land revenue systems obtaining in different parts of the State have been described at length in Chapter II in connection with historical background of the land revenue system. The Province of Orissa constituted in 1936 by the Government of India Act, 1935 was carved out of the neighbouring provinces of Central Provinces, Bihar and Orissa and Madras. In 1948 and 1949, 24 Ex-Rulers' States were integrated into the province. The State has, therefore no single uniform land system and there is a wide diversity in the revenue and Tenancy Laws.

The coastal districts of Cuttack, Puri & Balasore .

642. There were two distinct areas which were known as Zamindari areas and Khasmahal areas. The relationship of landlords and tenants in this area is governed by the provisions of the Orissa Tenancy Act. The proprietary rights have been abolished under the Orissa Estates Abolition Act, but nevertheless there is a large number of revenue-free estates as well as sub-proprietary rights and innumerable intermediary rights of tenure-holders which have not yet been taken up for their removal. The process of elimination is likely to take a long time judging by the slow progress of the removal of the intermediary rights. Until the process is completed, there will be two types of revenue systems in the three coastal districts, which would run parallel, namely the Ryotwari (the area in which the raiyat shall come under the direct control of the State) and the other is the Proprietary area which includes the large number of revenue-free estates as well as other intermediaries such as the different classes of landed interest in the

chain of tenure-holders. This state of things has presented a problem for effectual co-ordination in the revenue system at present. No co-ordination can be said to be perfect or complete until the entire area in the coastal districts have been converted into the ryotwari system (known as the Khasmahal system) upon the completion of removal of all the intermediary rights. The structure of administration in the two different areas should be the same before the laws applicable to them can be unified. It would, therefore, be necessary to keep in view two sets of laws governing the landed interest :—

- (1) A complete set of rights which govern the relationship between the raiyat and his superior landlord who may be either a revenue-free proprietor or a tenure-holder,
- (2) The other type would be where the State has stepped into the position of the landlord in respect of the ryots.

It would, therefore, be difficult to provide one set of laws for these two distinct areas.

643. *Ex-Madras area* :—This area consists of the districts of Ganjam and Koraput where the provisions of the Madras Estates Land Act were in operation governing the relationship between the landlord and the tenant before its repeal under the Orissa Estates Abolition Act.

District Ganjam :—In this district the Zamindari rights have been abolished and the Inams are in process of elimination. There was quite a large area of ryotwari tract and with the removal of the zamindaris the entire district should conform to the pattern of the ryotwari system of revenue administration.

District of Koraput :—This district was under one Zamindar and this has been now abolished under the Orissa Estates Abolition Act. There are tenures known as

Mokhasas which were created by the Ex-Zamindar. They are in process of elimination. This area, therefore, should conform to the ryotwari pattern of revenue administration.

644. *Sambalpur district (Old area)* :—The land revenue system in this area as well as the relationship between the landlord and the tenants are governed by the provisions of the C. P. Land-Revenue Act, 1881 and the C. P. Tenancy Act, 1898. Here all the big Zamindari estates have been abolished. There are also extensive areas of Malguzar, Mafidar and other rights. But the majority of the villages have either the Gauntiahi or Thikadari system. These Gauntiahs and Thikadars intervene between the State and the raiyats. It will be necessary to remove these intermediary rights under the Orissa Estates Abolition Act. The application of the provision of the Orissa Estates Abolition Act will not be necessary for the removal of Thicadars who have no protected status. There is a large number of Gauntiahs in this district and along with other Intermediaries who have not yet been removed it would take three years or more before the entire administrative system in the Sambalpur district would conform to the ryotwari pattern of administration. There are already a few ryotwari villages in this district.

645. *(New area)* :—

The new area which is Nawapara subdivision of the district of Kalahandi as well as the Padampur tract (Mahadebpalli P. S.) of Sambalpur district was governed by a later C. P. Tenancy Act of 1920 and Land Revenue Act of 1917. The Khariar zamindari has been abolished which covers the entire Nawapara subdivision. But here too there are some Mafidary villages which are yet to be abolished. There are also the rights of Thikadars. If any of these have got protected rights the provisions of the Orissa Estates Abolition Act will be invoked for their abolition otherwise they can be removed after expiry of

their leases. With the elimination of the remaining Intermediaries the administration will be transformed to the ryotwari pattern.

The Merged States:

646. The land tenures prevailing in these merged states have been influenced by the laws and practices obtaining in the neighbouring districts. There is, therefore, diversity in the practices and laws adopted in the several merged states. A uniformity has been achieved to some extent by the Merged States (Laws) Act of 1950, never the less diversity persists in respect of the individual class of tenures.

647. There are, however, certain holders of grants of whole villages or assignees of revenues of entire villages such as Kharposhdars, maintenance grantees, Debottar (temple grants) and numerous other grants for service rendered or for rendering services, which are noticeable throughout the merged states.

648. There were a few Zamindaries here and there which had been created by the Ex-Rulers and these have already been abolished. Mostly the village headmen who intervene in the matter of land revenue collection appear in most cases to be holders of office to which have been attached areas of service tenure lands. In certain districts, such as Balangir these village headmen have been removed and in other areas they are to be removed which is an administrative task to be undertaken as early as possible.

649. The problem of co-ordination of land revenue system has, therefore to keep in view not only the three different laws and revenue systems which are governing the component parts of the State but also the two systems namely the Ryotwari and the Zamindary systems. Until the two revenue systems of administration are unified

and converted into ryotwari system by the abolition of the remaining intermediaries in different component parts, there will be difficulty in co-ordination in the present stage. By the amendment of Chapter III of the Orissa Estates Abolition Act in the year 1957 the ryotwari or Khasmahal system of administration has been introduced in areas where Intermediaries have been abolished. There has consequently been unification between the two systems in these areas and the laws which are applicable to ryotwari or Khasmahal areas have now been extended to these areas.

Piece meal
legislation
to improve
status of
Rayati
Tenants.

650. Besides the difficulties mentioned above in the present transitional period, land-reform measures enacted in recent years are in process of implementation. The first of the series of piece-meal legislation enacted to ameliorate the conditions of raiyats and the tenants was the Orissa Tenancy (Amendment) Act, 1938, wherein the occupancy rights were declared transferable and no consent of landlord was required to the transfer nor was any fee payable to him for recognising the transfer. The occupancy raiyat also got the right to the tree on his land, to plant tree, enjoy fruit, cut and utilise the timber of trees felled. Legislation was also enacted to confer rights of partition of agricultural land to raiyats. Service tenures were given occupancy rights of their homesteads and so also the non-agricultural tenants.

651. In the Ex-Madras areas the tenants holding agricultural lands under Inamdars were protected from eviction until 1947 when the former were conferred heritable and permanent ryoti rights. In the proprietary States of South Orissa the incidence of rent was very high. The question of rent reduction was taken up by the Government and the Madras Estates Land Act was amended with a view to empower Government to fix a fair and equitable rent as nearly as possible on a par with that prevailing in the adjoining ryotwari areas. Settlement operations were also

started and the rents have been revised in almost all the estates bringing them on a par with those prevailing in the adjoining ryotwari areas. The hill-men also received further protection against exploitation by amendment of the Agency Tract Interest and Land Transfer Act (Orissa Amendment) Act, 1948 declaring that relinquishment of a holding by a raiyat belonging to a hill tribe would be held valid only if the land holder settled the holding with another member of a hill tribe. The Act also made provisions for exercising stricter control over illegal transfers.

652. The Orissa Merged States' (Laws) Act, 1950 also placed the tenants of the merged States on a par with those of the parent province by conferring certain rights on the tenants. Among other rights the tenants were given the right of free transfer, full rights over trees standing in their holdings, and security against eviction. Sukhbasis or non-agriculture tenants were also given occupancy rights in respect of their homestead lands. This legislation has also allowed the service Jagir holders to cease rendering personal service to the Rulers and the members of their families and to acquire occupancy right on land on payment of fair and equitable rent.

653. In the Ex-C.P. areas there were restrictions against free transferability of occupancy right by occupancy tenant. These were removed by the amendment of Tenancy Acts in 1953. The tenants were also given the right to enjoy and cut trees on ryoti holdings.

654. As already stated above all these measures have helped ameliorating the condition of tenants while the basic pattern of land organisation remained the same. As a result of the report published by the Land-Revenue Commission, Bengal, there was pressing need for radical reforms in land organisation. The Land-Revenue and Land Tenure Committee, Orissa recommended abolition of the proprietary estates which was given effect to by the enactment known as the Orissa Estates Abolition Act.

655. Pending enactment of a permanent legislation with regard to prohibition of sub-letting and protection of cultivating tenants, the State Government enacted a temporary legislation in 1948 known as Orissa Tenants Protection Act. This Act gave protection to certain cultivating tenants against eviction and also fixed the quantum of kind rent to be paid by them. It was being extended from year to year. In the year 1955 it was replaced by a legislation known as the Orissa Tenants Relief Act, 1955, the main object being to prevent large scale eviction of tenants from actual cultivation of agricultural lands which was being resorted to by the owners of such lands subsequent to the passing of Orissa Estates Abolition Act. This Act continued protection to cultivating tenants and reduced payment of produce rent to one-fourth of gross produce but in the case of tenants having permanent and heritable rights the rent was limited to one-sixth of the gross produce. This Act was enacted as a temporary measure for a period of two years and has since been extended till June, 1958.

656. Thus it will appear that the present period is one of transition and not only some of the measures of land reforms have not been fully implemented, but the future of the tenancy is yet in a fluid state and certain aspects of land reform measures have yet to be enacted. The Tenants Relief Act which affected vitally the position of the tenants and their relationship with the landholders, is still now a temporary measure. The entire position of landholders and tenants is quite uncertain. The future land reforms are yet to be enacted. The introduction of several reform measures enumerated above sufficiently disclose how fluid is the present position of the tenants and the tenancy system. Any attempt to coordinate tenancy laws or system at this stage and under the circumstances stated above is hardly likely to bring about any uniformity and permanent result.

657. Meanwhile certain definite principles are adumbrated in the recommendation of the Planning Commission. This has added further complication in the matter of a co-ordinated law to govern the future land revenue system. There are certain basic principles which have been considered by the Planning Commission in connection with the Tenancy Reforms.

658. Besides the abolition of Intermediaries between the State and the tillers, the First Five-Year Plan recommended :—

Tenancy Reforms suggested in the 1st Five-year Plan.

- (1) Tenancy Reforms such as security of tenure, provision of fair rents and a right of purchase for the tenants.
- (2) Fixation of a ceiling on land holdings and the distribution of surplus lands.
- (3) Improvement of the condition of the agricultural workers.
- (4) Agricultural management by Co-operative Organisation of agriculture with the ultimate objective of Co-operative village management.

659. The basic principles which have been suggested in the Second Five-Year Plan are :—

Basic Principles suggested in the 2nd Five-year Plan.

- (1) A fairly uniform pattern of ownership to be evolved concerning certain common rights and obligations.
- (2) Measures relating to consolidation of holdings.
- (3) Measures for preventing fragmentation of holdings below a prescribed limit.
- (4) Obligation for proper use and management of land—land management practices.
- (5) The raiyat holding direct from the State should have the right to mortgage land in order to obtain loans from Government and Co-operative Societies on security of lands.

- (6) Certain limited rights of subletting to be given to the owners of lands, such as, persons suffering from certain physical disabilities, widows, minors, persons serving in the defence services.
- (7) Ceiling on agricultural holdings involving questions :—
 - (a) to what land the ceiling should apply,
 - (b) the level at which the ceiling may generally be fixed,
 - (c) what exemption should be made to the operation of ceiling,
 - (d) the right of compensation for lands which are acquired,
 - (e) re-distribution of lands which are acquired.
- (8) Co-operative farming and village management.
- (9) Resumption for personal cultivation.
- (10) Distribution and size of holdings.
- (11) Agrarian re-organisation and scheme of re-settlement.

660. In Orissa in recent years legislation has been passed in which the landlords' right has been accepted to resume certain ryoti rights subject to the upper limit. There is no indication of the minimum areas that the tenant is entitled to retain for his own cultivation where the landlord may resume his right.

661. From the above it will appear the proposed reforms are radical in nature and comprehensive. In fact this will bring about a revolutionary change in the land system and the Tenancy Reforms of the State. The impending land reforms envisage imposition of a limit of the area upto which a person can hold lands for personal cultivation. The right to resume by the land owner the lands from cultivating tenants within certain limits, prohibition of sub-lease by the land owner and such allied

matters connected with the land reforms have affected the future of tenants and tenancy right. The policy of Agricultural management has cast an atmosphere of uncertainty in regard to certain incidents of tenancy such as limited right of transfer, consolidation of holdings, imposition of principles of land management, etc. Any measure of a unified system of tenancy or land revenue law applicable throughout the State or any co-ordination between the different land systems obtaining in several areas of the State can not be satisfactorily undertaken.

662. In this connection it is worthwhile to bring about certain anomalies and divergencies in the Tenancy Laws of different parts of the State with recommendation of a broad out line of the provisions to be made for unification.

663. In the Orissa Tenancy Act there are the following classes of tenants excepting the tenure-holders :—

Classes of
Tenants.

- (1) Raiyats,
- (2) Under—Raiyats, and
- (3) Chandnadars.

The raiyats are of following classes :—

- (a) Raiyats holding at fixed rates,
- (b) Occupancy raiyats.
- (c) Non-occupancy raiyats.

Under the Madras Estates Land Act the only class of tenant is Raiyat.

Under the C. P. Tenancy Act of 1898 there are 5 classes of tenants namely :—

- (1) Absolute Occupancy tenants,
- (2) Occupancy raiyats,
- (3) Ordinary tenants,
- (4) Sub-tenants and
- (5) Village Service-tenants.

Under the C.P. Tenancy Act of 1920 there are 3 classes of tenants namely :—

- (1) Absolute Occupancy tenants.
- (2) Occupancy tenants,
- (3) Sub-tenants.

664. In former years and to a large extent even now, in the absence of proper laws binding upon the State and the intermediaries as well as upon the cultivator, the only security the cultivator has enjoyed in respect of his land has been the fact that he is a desirable person who contributes to the revenue of the State.

665. In the ryotwari area of the district of Ganjam the individual registered as the owner of a ryotwari holding is, as regards Government, a proprietor of the lands he holds. After the provisions of the Estates Abolition Act are completely implemented, there will be no tenure-holders or under-tenure-holders in any part of the State.

666. *Chandnadars* : — In the North Orissa districts, there is practically little difference between Chandnadar and Occupancy raiyats. So also the case in the merged States. Most of the homesteads in the deltaic area form a part and parcel of the agricultural land and they are governed by the incidents of the ryotwari tenures. A Chandnadar need not be retained as a separate class in these areas. So far as Sambalpur and Ganjam districts are concerned, the homesteads are treated as a sort of common land and no occupancy right accrues on them. It is too late in the day to refuse occupancy right to these occupiers of house sites. The modern trend of opinion is in support of grant of substantial rights of ownership in homestead site. The owners should get occupancy rights as in the coastal districts of North Orissa. The Sambalpur Land Laws Committee made similar recommendation. It may further be noted here that in

Sambalpur the village site constitutes one village survey number. When these are surveyed and plotted, then only occupancy right should be given. The same applies to house sites in Ganjam

667. *Non-occupancy Raiyats* : — Non-occupancy raiyats are distinguished from occupancy raiyats mainly on the ground that the former is liable to eviction on the expiry of the term of the lease or when he refuses to pay a fair and equitable rent. It is now high time that these should be protected from eviction and they should be treated equally with those having occupancy rights.

668. In making new settlement of waste lands no rights should be allowed to accrue for three years until there is full reclamation of the land. Permission for reclamation may be given for this period. Later on after reclamation is completely made, occupancy right should accrue in the reclaimed land.

669. The vast majority of tenants under different laws in the component parts of the State are either occupancy ryots or are given substantial rights of a ryot. In the merged States any one who breaks the soil and fulfils the conditions laid down, becomes a desirable tenant. In the ryotwari tracts of Ganjam there is only one class of raiyat. The same is the case in the Madras Zamindari area. Under the C. P. Tenancy Act, 1920 there is no provision for ordinary tenants. These have been merged in the occupancy tenants. There are no absolute occupancy tenants at present in the district of Sambalpur. In the ryotwari areas of the districts of Ganjam the owner of a ryotwari holding is treated as a proprietor of ryotwari lands registered in his name. In Sambalpur the raiyats in the Khalsa ryotwari villages are known as holders of survey numbers and are not treated as occupancy raiyats. In future they should acquire occupancy rights to bring them in line with the tenants in other parts

of the State. One of the objects of abolition of intermediaries is to reduce the complexity of tenures and for the most part tenants holding lands under intermediaries have become owners of the land. It is desirable that a fairly uniform pattern of ownership should be evolved which conforms to certain commonly agreed rights and obligations. Therefore it is suggested that there should now be one class of tenants namely - occupancy tenants throughout the State besides the Under-raiyats.

Rights of
occupancy
raiyats in
respect of
use of land.

670. Under the Orissa Tenancy Act an occupancy raiyat may use the land in any manner which does not materially impair the value of the land or render it unfit for the purpose of tenancy. In fact he shall be the owner of his land but shall not be entitled to any sub-soil rights.

671. The same is the right of a raiyat under the Madras Estates land Act. In Sambalpur the rights for occupancy tenant for use of the land are rather more restricted. They have no rights to fell trees (vide Wazibulars). So also in the merged states areas. These rights have since been given in the merged states areas (vide Section 7 of the Merged States' (Laws) Act, 1950). It seems desirable that all should be brought on to one level as provided in the Orissa Tenancy Act and an occupancy raiyat shall be entitled to plant, enjoy the flower, fruit, and other products of and to fell, to utilise the timber of any tree on such land.

Protection
from eviction
of
occupancy
raiyats.

672. The existing rights of an occupancy tenant in the coastal districts will be found in section 29 of the Orissa Tenancy Act. No occupancy raiyat shall be ejected except in execution of a decree for ejectment passed on the ground that he has used the land in a manner which renders it unfit for the purpose of agriculture or he has broken a condition consistent with the provisions of the Act on the breach of which he is liable to be ejected.

673. Under Section 9 of the Madras Estates Land Act no land-holder shall be entitled to eject a raiyat from his holding or any part thereof otherwise than in accordance with the provisions of the Madras Estates Land Act.

674. In the district of Sambalpur while the rights of an occupancy tenant in this respect are almost similar to those provided in the Orissa Tenancy Act, the absolute occupancy tenants are not liable to ejection from their holdings by the landlord for any cause. But as has already been stated there are no absolute occupancy tenants in the district of Sambalpur and Nawapara. In the merged states areas any person found in possession of any land which is being used for any purpose other than for which it was leased out by the State is liable to eviction summarily.

675. Considering the existing provisions of law in this respect in different areas, the present provisions of the Orissa Tenancy Act may be made applicable throughout the State.

676. Under the Orissa Tenancy Act, all occupancy rights are transferable. So also the case in the Madras ryotwari area as well as the Zamindari area where the Madras Estates Land Act was in force (vide Section 10 M. E. Land Act). There were however statutory restrictions against transfer both under the C. P. Tenancy Acts of 1898 and 1920.

Section
30-A. O. T.
Act. Trans-
ferability of
ryoti rights.

677. Section 46 of the C. P. Tenancy Act of 1898 provides that an occupancy tenant may transfer his right to any person who if he survived the tenant would inherit the right of occupancy or who has become by succession a co-sharer therein. Similarly Section 12 of the Act of 1920 provides that an occupancy tenant may transfer any right in his holding to any co-tenant or person who if he survived the tenant without nearer heir would inherit the right. These restrictions have however been removed by

amending these Sections in 1953 which provide that an occupancy tenant shall have the right to transfer his holding to a bonafide agriculturist, that a member of the scheduled tribe can not transfer his holding to one who is not a member of the scheduled tribe except with the previous permission of the Deputy Commissioner. In the merged states there were various restrictions against transfer of ryoti rights, but these restrictions have been removed by the Merged States Laws Act, 1950. The present position is that in all the areas of the State, occupancy rights are transferable except in Khondmals and Angul Subdivisions where restriction still continues under the Khondmals Laws Regulations 1936 and the Angul Laws Regulations 1936. In the future legislation the transferable right of a ryot should be subject to the restrictions, namely :

- (1) Observance of the principles of good husbandry
- (2) Area to be left with the transferor after transfer must not be less than a basic holding ;
- (3) A member of the scheduled tribe cannot transfer his holding to one who is not a member of the scheduled tribe except with the sanction of the competent revenue authority to be prescribed ;
- (4) Transfer to be prohibited in favour of a non-agriculturist unless genuine desire to take up the agriculture as principal profession is proved on his part to the satisfaction of competent revenue authority.

678. Where the rent of any land is paid in kind, or on the estimated value of a portion of crop, Section 78 of the Orissa Tenancy Act provides that the payment should not exceed one-half the gross produce or the value thereof by the tenant to his land-lord. The payment has been limited, by the provisions of the Orissa Tenants Relief Act, to one-fourth of the gross produce. The future policy will be to prevent sub-letting except by persons of

Produce
rent.

the exempted category, such as widows, minors, Defence Services personnel and persons suffering from physical or mental disability. When these persons being themselves on produce-paying terms, cannot but lease their lands, their tenants should pay something more to leave a margin to the landlord to cover payment of rent, cess and other Government dues. Accordingly it has been recommended elsewhere that where a ryot pays rent in cash, his tenant should not pay more than one-fourth of the gross produce or its value, but where the ryot himself pays rent in kind, the quantum of produce payable by his tenant should not exceed one-third of the gross produce.

679. Under Section 45 of the Orissa Tenancy Act, an occupancy raiyat may institute a suit for reduction of rent on the grounds of permanent deterioration of soil or due to fall in the average local price of staple food crops during the currency of current settlement.

Reduction
of rent.

680. There are similar provisions in the Madras Estates Land Act. Under this Act an additional ground for which reduction of rent may be applied for, is when in the case of irrigated land there has been a permanent failure of supply of water from irrigation weir on which it is dependent.

681. There are similar provisions also under the C. P. Tenancy Acts where the Revenue Officers are empowered suo-motto to grant reductions where necessary on the ground of deterioration of the soil. This principle may be adopted for the entire State and an occupancy tenant can apply for reduction of rent on any of the grounds mentioned above. The same principle may also apply for the Ex-States where there was very little of what is known as codified law.

682. ~~The~~ The division of a holding or distribution of the rent payable in respect thereof, is not binding on the

Subdivision
of Tenancy.

landlord unless it is made with his express consent in writing or that of his duly authorised agent. This Section has been amended by the Orissa Tenancy (Amendment) Act of 1947. The amendment provides to make division by metes and bounds binding on the landlord on receipt of notice and payment of a registration fee of Rs. 2/-. The landlord is however given an opportunity to make an application to the Collector for a just and equitable division of holding and distribution of rent. The co-sharer tenants also may apply to Collector if they fail to arrive at an agreement in the matter of division and distribution.

683. The provision of the Madras Estates Land Act in this respect appears to be very comprehensive. Under this the landlord is bound to recognise transfer or devolution of a holding or a portion of a holding. It also provides that in case the transfer or devolution is of a portion of the holding and the portion is defined by metes and bounds, the land-holder shall be bound to enter into separate engagements with the holders of the subdivision. The land-holders will not, however, be bound to enter into separate engagements unless each of the subdivision conforms to the rules which may be framed by the State Government.

684. Under Section 93 of the C. P. Tenancy Act the co-sharer raiyat may apply to a Revenue Officer for partition of a share in his holding and the Revenue Officer may after hearing the parties divide the holding and apportion the rent.

685. In view of the present trend of agrarian policy and in order to prevent fragmentation of holdings, a limited right should be provided to the effect, no division of the holding nor a distribution of rent will be permissible unless it conforms to the rules made by the State Government in the matter of prevention of fragmentation and of consolidation of holdings.

686. Under the amended section of Section 31 of Orissa Tenancy Act it is laid down that every transfer of an occupancy holding shall be made by a registered instrument except in the case of a sale in execution of a decree or of a certificate under the Bihar and Orissa Public Demand Recovery Act, and that a registering officer shall not accept for registration any such instrument unless the rent of each holding or a portion or a share thereof is stated separately in the instrument and unless it is accompanied by the notice signed by the transferer and the transferee giving the particulars of the transfer in the prescribed form and the fee prescribed for the services of such notice on the landlord. When any such instrument is admitted for registration the registering Officer shall transmit the notice to Collector who shall cause it to be served on the landlord named in the notice in the prescribed manner.

Manner of transfer and notice to landlord.

687. The manner of transfer has not been laid down in any other Tenancy Acts which are now in force or were in force before the abolition of the Estates. It is therefore, suggested that the provisions of the Orissa Tenancy Act in this respect may be made applicable in the entire State.

688. In the Orissa Tenancy Act provision has been made that money rent settled by contract should not be liable to enhancement during a term of 15 years from the date of such settlement. In the Sambalpur district which is governed by the C. P. Land Revenue Act, resettlement takes place after 20 years. In the merged states the term of revision of rent settlement varies from 7 years to 15 years.

Period of settlement of rent-

689. In every successive Five-Year-Plan large scale improvements are approved for ensuring agricultural productivity. There are schemes of big irrigational projects, protective embankments and for providing minor sources of irrigation. In view of the improvements to be made and due to the fluctuation of price level of staple

food crops, it is desirable that a convenient period of settlement should be provided. The Taxation Enquiry Committee have recommended that the minimum period of resettlement of rent should be at intervals of 10 years. The decision in this respect involves a matter of policy. It is suggested that the views of the Taxational Enquiry Committee might be accepted.

**Under-
Raiyats.**

690. Under-raiyats are persons holding land under raiyats. These are recognised under the Orissa Tenancy Act. They are liable to be evicted on the expiration of the term of the agreement or after service of notice to quit by the landlord. Rent payable by the under-raiyats is generally 25 to 50 percent higher than the rent which the raiyat pays to the superior landlord. They have been recorded in the record of rights. In some cases where under-raiyat is in possession for a pretty long period or with the consent of the raiyat, he has been given the status of occupancy raiyat in the last settlement records.

691. No under-raiyat is recognised under the Madras Estates land Act, although it cannot be denied that raiyats do often sub-let their holding for cultivation by other persons. They are generally evicted at the end of the agricultural year unless the term of agreement is extended.

692. Under the C. P. Tenancy Act, this class of tenants are known as sub-tenants. He is liable to eviction at the end of the term of agreement between him and his landlord. Although a lease is granted to a sub-tenant by a tenant it does not remain valid for a period exceeding one year. He is also liable to be ejected for arrears of rent. The State Government however has the power to declare the sub-tenants to have rights of occupancy tenants in certain cases.

693. In the merged states under-raiyats do not acquire any rights on land and are purely tenants-at-will. In certain cases where the tenants have been in cultivating

possession of the land for generations they have been given rights in the holdings and often the rents are much higher than the rents paid by the ordinary tenants. Such rights are however not recognised in all cases. The practice of sub-letting is however in vogue considerably in all parts of the State although they are generally treated as tenants at-will and are evicted at the end of the agricultural year unless the term of agreement is extended afresh. Very few of these have been recorded in settlement records. Whatever that may be, the enactment of Orissa Tenants Protection Act of 1948 which has been substituted later by the Orissa Tenants Relief Act has protected the tenants against such eviction. As these are, however temporary relief measures, the future policy of treating this class of tenants is still under consideration.

694. The Committee have proposed that after the reforms are brought into operation no lands should be leased for any period whatsoever, exceptions being in respect of an owner who :

- (a) is a minor or a female ;
- (b) is permanently incapable of cultivating land by reason of physical or mental infirmity ;
- (c) is serving in Naval, Military or Air Forces of India ;
- (d) is temporarily prevented by any sufficient cause to the satisfaction of the Collector from cultivating land.

695. Those who have leased lands owing to the above disabilities before the commencement of the proposed legislation should also be given privileges as above.

696. It has been suggested elsewhere that, when any one under the above disabilities, leases his lands, the lease should be at least for a period of five years, but it may be renewable for another period of 5 years so long as the disabilities

continue. This should be kept in view in future tenancy legislation.

Reclamation
of waste
land.

697. Under the provisions of the Orissa Tenancy Act waste land cannot be reclaimed by a raiyat without the written consent of the landlord except where the land was before such reclamation, included in the tenancy of the raiyat and he has acquired a right of occupancy in it. It also provides that the consent of the landlord where necessary shall be deemed to have been given if, within 4 years from the date on which the raiyat commenced his reclamation of the land, the land-lord has not made an application to the Collector for his ejection. The rent to be assessed will be based on the agreement between the parties. Apparently there is no clear provision for payment of any premium to the land-holder for reclamation of waste land, but as a matter of practice the private landlords used to recover premium for reclamation of waste lands. The rate varies according to the quality of the soil and other advantages available for cultivation.

698. In Government Estates of North Orissa, leases for bonafide agricultural purposes are usually granted without levy of any premium from the lessee. There is no provision for any such recovery. In town Khasmahals and in leasing out lands for other than agricultural purposes premium is generally levied. No land is allowed to be reclaimed without the written permission of the Collector. The detailed procedure is laid down in rules 19 to 28 of the B. & O. Government Estates Manual.

699. Under the Madras Estates Land Act a raiyat is required to pay premium as well as rent prevailing for similar lands with similar advantages in the neighbourhood for reclamation or possession of what is known as raiyati land which includes culturable waste lands.

700. In the ryotwari area of South Orissa for purpose of leases of waste lands, lands are divided into assessed

and non-assessed. Besides different procedure is adopted for lands specially valuable and those which are not so valuable. The detailed instructions laid down for disposal of the lands are given in B. S. O. 15 - pages 37 to 67. Premiums are generally levied specially where lands are treated as valuable.

701. In the districts of Sambalpur and other areas where C. P. Tenancy Acts of 1898 and 1920 are in operation, no restriction is imposed for reclamation of waste lands probably because there being vast areas of waste lands reclamation is generally encouraged. Provision has however been made to give preference to contiguous tenants in settlement of waste lands. There is no hard and fast rule in the Ex-State areas where there is still plenty of waste lands for reclamation.

702. Government have recently introduced rigid rules for prevention of encroachment and its removal unless prior permission of the Collector is obtained. This rule will govern the reclamation of waste lands. The practice of levying premium is not uniform in the different areas of the State. The difference is likely to continue with reference to the demand on cultivable wastes in the several parts of the State.

703. Under the Orissa Tenancy Act, a money-rent payable by a tenant shall be paid in two equal instalments falling due on the last day of each half of the agricultural year which commences from Baisakh. Subject to agreement or established usage, a produce rent payable by a tenant shall be payable at the time of harvest, and shall be deemed to have fallen due on the last day of the Oriya month during which the crop is harvested.

Instalment
of Rent.

704. Under the Madras Estates Land Act, rent shall be payable in instalments according to agreement or in the absence of agreement according to established usage.

705. Under the C.P. Tenancy Acts of 1898 and 1920, the rent is payable in such instalments and on such dates as the State Government may, by Notification, prescribe and, in the absence of such Notification, according to the contract between the parties or according to the local usage.

706. In the merged states there are varying customs for recovery of revenue. In most of these states both instalments of revenue are recovered between the months of December and April. In Orissa the landlords used to pay their revenue in April and November. In most of the merged states areas both payments are made in the last few months of the financial year. In view of the varying customs in the merged states areas and in different parts of the State it is proposed to leave the exact dates to be fixed by rules by Notification or according to the local usage.

Interest on
arrears of
money-rent.

707. Section 76 of the Orissa Tenancy Act lays down that an arrear of money-rent shall bear simple interest, at the rate of 6 per cent per annum from the expiration of due date.

708. There are similar provisions in the Madras Estates Land Act and C. P. Tenancy Acts. The Madras Estates Land Act lays down that the interest should be levied at the rate of one-half per-cent per mensem.

709. The C. P. Tenancy Act lays down that the rate of interest should not exceed 12 per-cent per annum as the Court thinks fit.

710. The provisions of the Orissa Tenancy Act may be made applicable to the entire State.

Appraise-
ment of
Produce.
rent.

711. Appraisement, division and recovery of produce rent are dealt with under sections 78, 79, 80 & 81 of Orissa Tenancy Act. Section 78 deals with the recovery of produce rent, 79 relates to order for appraising or dividing

produce, Sections 80 and 81 deal with procedure for appraisal and rights and liabilities as to possession of crop. The provisions in the Orissa Tenancy Act are comprehensive. There are similar provisions in all these respects in the Madras Estates Land Act vide Sections 73 to 75. The only material point of difference noticed is that under Section 75, clause 8 (b) of the Madras Estates Land Act, if an objection is raised before the Collector that the rent is not payable by division or appraisal, or that no rent is payable and the Collector upholds the objection he shall set aside the award. The decision of the Collector in this respect shall be subject to an appeal to the District Court. Under the Orissa Tenancy Act Section 80(5) such disputes between the parties may be referred to by the Collector, if he thinks fit for the decision of a Revenue Court against whose order, appeal will lie in usual channel. Where question of rights and title are involved, the appeal lies to the District Judge under the Orissa Tenancy Act also. In the circumstances there will be no difficulty if the relevant provisions of the Orissa Tenancy Act are made applicable throughout the State.

712. There is no such provision in the C. P. Tenancy Act probably because there are very little produce rented holdings.

713. Section 76 of the Madras Estates Land Act lays down that for the purpose of making the division or appraisal, the officer deputed, with his assessors, may enter upon any land on which or into any building in which the produce is stored. There is no clear provision in this respect in the Orissa Tenancy Act, although the officer appointed to appraise or divide the produce shall, for the purposes be deemed to be a public servant. It is suggested that a clear provision as laid down in Section 76 of the Madras Estates Land Act may be adopted for the entire State.

Survey and
Settlement
Act.

714. Provisions for survey and settlement operations have been laid down in all the three different Tenancy Acts which are or were in force in different component parts of the State. It is very necessary these provisions should be unified.

Co-ordination with other land revenue laws:

Makadam
vis-a-vis the
Grama
Panchayat
in Sambal-
pur and
Nawapara.

715. From Sections 21 and 22 of the Orissa Grama Panchayat Act laying down powers, duties and functions of Grama Panchayat it appears the Grama Panchayats can be vested with powers to undertake control, administration and be responsible for sanitation, conservancy, preventive measures to remove and stop the spread and recurrence of epidemic or infectious diseases, registering births, deaths, removal of encroachments on public streets, medical relief, village communication, maintaining village forest, prevention of cattle diseases, control and management of cattle pounds, ferries and Ghats, taking measures of relief in times of scarcity, construction and maintenance of Sarais, in the village and rest sheds, encouragement of human and animal vaccination and many other similar measures of public utility. All these functions and duties appear to be overlapping with those of the Makadams under the Sambalpur Land Revenue system as laid down under Section 141 of the Central Provinces Land Revenue Act of 1881 which is in operation in the district of Sambalpur. It is mainly the Lambardars of the Zamindari, Thikadary or Gauntihai villages who are appointed Makadams. As the Zamindars have already been removed under the provisions of the Orissa Estates Abolition Act and the Thikadars and Gauntias are about to be removed in a year or so and as Grama Panchayats have been established throughout the State, there is no reason why the same functions and duties should be entrusted to different village agencies nor it is desirable that both the agencies should be responsible for the same duties. Section 141 of the Central Provinces Land Revenue Act of 1881 needs amendment in this connection and all the residuary

functions of the Makadams should be entrusted to the Grama Panchayats who should alone be responsible for the village administration and management. Coordination is necessary on this score.

716. Section 183 of the Central Provinces Land Revenue Act of 1917 which is in operation in the Nawapara Subdivision of the district of Kalahandi makes it obligatory on the part of the Makadams who are appointed for village administration under Ex-C. P. system to control and superintend the village watchman, look to the sanitation and conservancy of the village, report and prevent encroachment, preserve boundary marks, report birth death etc. and many other matters in connection with village administration. Almost all these functions have been entrusted to the Grama Panchayats under Sections 21 and 22 of the Act in connection with the control and management of village affairs. With the abolition of the Zamin-dars and Thikadars under the Orissa Estates Abolition Act, there will be no longer any agency like Lambardar or Makadams under the C. P. Land Revenue Act of 1917 to undertake these functions and duties. This is another instance of overlapping of functions. As the Grama Panchayats have been established throughout the State the necessary amendments should be made of Section 193 of the Land Revenue Act of 1917.

717. Under the Sambalpur Land Revenue system there are village Panchayats who have got several important duties to perform in connection with the village management as laid down in the wazi-bul-arz. They assist the Makadams or Lambardars in connection with the allocation of house sites, management of protected forests and other similar duties. There are no such revenue Panches in the Nawapara subdivision functioning at present under the control of Government Officers. Some of the functions of these revenue Panches have also been

Revenue
Panchayats
in Sambal-
pur Vis-a-
Vis the
Grama
Panchayats.

entrusted to the Grama Panchayats under the provisions of the Grama Panchayat Act. After the introduction of the Grama Panchayat the existence of two Panches is not likely to work smoothly in the interest of village administration. Necessary amendment for abolition of the revenue Panches is called for.

CHAPTER VIII

SECTION B.

Co-ordination of laws

718. As has been already indicated, the differences and dissimilarities in the diverse revenue laws operating in the different parts of the State are tending to be uniform in the essential principles relating to land tenures and tenancy matters and the process for unification and co-ordination of the revenue laws and practices are advancing by means of amendment of law and of reforms legislations being enacted from time to time. That a co-ordinated law for the whole State, has immense advantages is obvious. It is equally obvious that it will be an enormous task to prepare a co-ordinated set of law at present embodying all the features and peculiarities of the existing diverse and sundry laws, and that in the present context of further changes due to the impending land reforms will not yield any satisfactory result. Conclusion.

719. As soon as the intermediaries between the State and the ryots are completely eliminated, a large measure of uniformity in the land tenure will be achieved. The uncertainty now prevailing between the land owners (ryots) and the cultivating tenants who enjoy temporary protection against eviction under the Orissa Tenancy Relief Act will be removed as soon as the resumable and non-resumable areas are determined on the principles recommended for application in the matter of resumption by land owners of agricultural lands for personal cultivation. This will result in fixity of tenure after the adjustments between the ryots and tenants are made. The replacement of the different types of village agencies, obtaining in different areas at present for the collection of land revenue and cess, by the new decentralised set-up recommended by us will bring about a large measure

of uniformity in the revenue law and its administration and is likely to lead to simplification in the practice and procedure in administering the law. When the above fulfilments are made, a single set of land-revenue law for the whole State will be easy and simple.

Outline of
Land
Revenue
Act.

720. Since the entire State will eventually be covered by a ryotwari system in which the ryot will hold his land directly under the State, and the rent payable by him will be in the nature of land revenue (with the exception of a few ryots of exempted category, such as widows, minors, physically disabled and Defence Service personnel, who can temporarily sublet the lands) the future pattern of law will be in the form of a Land Revenue Act which will govern the relationship of the land owner (the ryot) with the State. There should be these provisions in broad outline ;

- (1) General provisions regarding incidents of the land holders' rights
 - (a) rights in respect of use of land, but not to materially impair the land for agricultural purposes,
 - (b) specific rights in regard to planting and disposal of timber, trees, fruits, etc.
 - (c) right to make improvements,
 - (d) right to transfer lands limited within ceiling and by principles prescribed for efficient agricultural management and production, consolidation of holding, etc.
 - (e) obligation to pay fair and equitable rent, subject to accepted principles governing
 - (i) enhancement of rent,
 - (ii) alteration of rent,
 - (iii) commutation of produce into cash rents.
- (2) Provision regarding tenants holding under exempted category of ryots,

- (a) right in respect of use of land so as not to materially impair the land,
 - (b) renewal of periodical lease,
 - (c) limited right of transfer to Credit Societies, recognised agricultural organisations or to the State for reasonable loans for ensuring agricultural production to which land holder will be bound, if approved by the Revenue authority,
 - (d) limit of payment of rent to one-fourth of gross produce where land holder pays rent in cash to the State, and one-third where the latter pays rent in produce.
- (3) Provisions regarding ceiling in regard to personal cultivation of agricultural land with explanation of;
- (i) basic holding,
 - (ii) family holding,
 - (iii) ceiling.
- (4) Management of lands left by land holder—
- (i) uncultivated,
 - (ii) improperly cultivated,
 - (iii) lands held surplus over ceiling.
- (5) Prevention of fragmentation of holdings and provision for consolidation of holding.
- (6) Provision for co-operative farms.
- (7) Forum for administration of the Act.

The above is the outline of the future pattern of Land Revenue Act.

721. There should be a separate law for recovery of land revenue and of all public demands. Arrear dues will be recovered by certificate procedure.

Land
Revenue
Recovery
Act.

722. In the Tenancy Acts which governed the relationship of landlords and rayats, there were provisions for

Survey and
Settlement
Act.

land settlement. There should be a separate law to provide for survey and settlement.

723. When the proprietary rights both revenue paying and revenue free are abolished completely, many of the old regulations and law will be obsolete. These will need examination.

CHAPTER IX

Administrative Structure

SECTION—'A'

INTRODUCTORY

724. The administrative set-up what we see to-day General is largely the outcome of the land revenue administration in the course of years. Till some years past the land revenue formed the principal source of revenue of the State and it is also now one of the main sources of the State revenues. The population is so largely agricultural and different classes of people so wedded to custom, it is impossible to think to do away with the land revenue. The collection, when once the assessment is arranged for a term of years, used to be effected without inquisitorial proceedings and without trouble or coercion. The so called "Sun-set" law for the recovery of land revenue payable by the landholders, and the inexorable arrangements for payment of land rents according to kists bespeak of a system which was hardly elastic. Considering the large proportion of the total population who live wholly or in part from the land, it is obvious that the determination of landed rights and the record of everything appertaining to the agricultural and social habits of the people constituted an immense task.

725. The collection of land revenue and the management of all affairs connected with the maintenance of land holders and the agricultural population in prosperity demanded subdivision of the country into districts and minor official charges such as, subdivisions, Tahsils, Parganas, Halkas and revenue villages. This sub-division of the country into administrative units, and a hierarchy of officers working in them constituted the basis of the present administrative system. The administration had to take a

sort of paternal interest in the whole range of agricultural conditions apart from mere collection of revenue. It is on this account that the Government in some times represented as the "universal land lord". The term, it is true, is used with some reference to the fact that the Government has the right in various circumstances, over all waste and unoccupied lands and that to secure its revenue, it holds in a sort of hypothecation the ultimate right over every acre of land under occupation. But there is more than that. In order that revenue may not be jeopardised and not reduced below what a prosperous country should yield, the state officers, among the most important is the District Officer or Collector who was vested with more administrative authority than is a feature in most democratic countries. It was no more accident that the magisterial authority formerly exercised by Civil Judges was transferred to the Collector in the early stage of British rule. This Union of the Executive with Judicial authority has been a target of popular criticism—the highest revenue authority in the district who was the "Collector of Revenue" thus became also the 'District Magistrate'".

726. The District Officer was charged with the responsibility in the spheres of revenue, magisterial, police and general administration. At a certain stage of the initial development of the country in regard to agriculture, live-stocks, co-operative, the District Magistrate and Collector had the supervisory functions until the developmental functions expanded beyond the reasonable limits. At the present moment, the structure of district administration is a texture of the above functions, in which the District Officer is the most important person within his territorial jurisdiction.

727. He has to take note of the approach of famine, to arrange for suspension and remission of revenue in due time, he has to watch the State of the crops, the failure

of rain, occurrence of flood, and other natural calamities ; spread of cattle disease, all of which may affect the revenue paying capacity of the land. He has to repress crime and other sources of social disturbances which demoralise and pauperise the people. He has to consider how the lands and agriculture should improve by studying the requirements of the districts in respect of communications which would improve the market, of irrigational works which would render the waste land cultivable, of drainage and embankment works and other improvements. The Collector has to distribute Tuccavi loans to enable the agriculturists to buy stock and seeds and to sink wells and to undertake individual and local improvements all tending to ensure the prosperity of the agricultural population and the country as a whole.

728 The system of public administration by means of District Officers may be said to have been derived from Bengal which included the old Orissa Division till the formation of the province of Bihar and Orissa. There the system originated, there it was modified from time to time and ultimately it has emanated in its modern form.

Early
History

729. With the assumption of Government Bengal, Bihar and Orissa by the East India Company no attempt was made to interfere with the then existing method of revenue management. In 1770, two "Revenue Councils" were established and soon after the machinery of administration through District Collectors was tried. A Board of Revenue was appointed at Calcutta in 1772 to supervise the revenue generally and consisted of the Governor and members of the Council with an Accountant General. After the Regulating Act of 1793, the Collectors were withdrawn from districts and aggregated into provincial councils. They were supervised by the Board of Revenue remodelled as a "Committee of Revenue". In 1781, the provincial councils were dissolved and Collectors were

sent back to the districts, as the control of districts was found a cardinal feature of administration. The Board of Revenue took a permanent shape in 1786 in accordance with the directions of the Board of Directors with one of the members of Government as the President. It had powers to sanction all land settlements and to give directions to Collectors in all matters connected with the collection of revenue. As the revenue system developed and work increased the Board of Revenue was pressed with too much detail and too much judicial work. So, in 1829 Revenue Commissioners were introduced for a group of districts for direct supervision over Collectors. After undergoing certain changes the Board was finally constituted in 1871 with two members and two Secretaries with powers to sit jointly or singly. In 1909 with the creation of an Executive Council of Bengal, the Government of India proposed the abolition of the Board and suggested that a member of the Executive Council might take over the control. This proposal was turned down by the Secretary of State in 1912.

Board of Revenue.

730. After separation of Bihar and Orissa from Bengal as a separate province, the Bihar and Orissa Board of Revenue Act, 1913 was passed providing for one member only and the provincial Government was empowered to appoint a temporary additional Member with such powers and duties as may be specified. After the enactment of the Government of India Act, 1935, Orissa was made into a separate province in 1936 in pursuance of article 289 of the said Act and provision was made in the Government of India (Constitution of Orissa) Order, 1936 for appointment of one Revenue Commissioner for the province to discharge the powers and functions of the Boards of Revenue of Bihar and Orissa and Madras and other authorities (including those of Commissioner) as laid down in the Government of Orissa Notification No. 22 dated 1-4-1936. Later with the merger of the states the post of

the Chief Administrator and Special Commissioner was created under the provisions of the Administration of Orissa States Order, 1948 for the merged states. Power was given to the State Government under the Orissa Revenue Commissioner's (Regulation of Functions) Act, 1948 to appoint as many Additional Revenue Commissioners as they would think fit and to assign functions to be discharged by them. In 1949 the post of the Chief Administrator and Special Commissioner was converted into the Commissioner, Northern Division. The Districts were grouped under two commissionerships viz. the Revenue Commissioner and the Commissioner, Northern Division. Meanwhile, the recommendations of the Bengal Administrative Enquiry Committee (known as the Rowland Committee) received wide publicity. Those recommendations suggested to increase the membership of the Board of Revenue, to abolish the Commissioners and to assign their functions and powers to the Board of Revenue or Collectors and to make the Members of the Board of Revenue as Secretaries to Government. Obviously with these considerations in view, the Orissa Board of Revenue Act 1951 was passed providing for not more than 3 Members to be appointed by the State Government to form the Board of Revenue with one of the Members as President. The functions and powers exercised by the Commissioners were assigned to the Members of the Board of Revenue and the President became the ex-officio Secretary to Government and the Members ex-officio Additional Secretaries. The Secretary to the Board of Revenue was appointed as ex-officio Additional Secretary or Joint Secretary or Deputy Secretary according to his seniority in the cadre of officers. The Deputy and the Under Secretaries to the Board of Revenue were also made the ex-officio Deputy and Under Secretaries to the Government. Recently the Orissa Board of Revenue (Amendment) Act, 1957 and the Orissa Revenue Divisional Commissioners Act, 1957 were passed. The Board of Revenue now consists of a single member and the

state has been divided into three Commissionerships viz., Central, Southern and Northern. The Board of Revenue is separated from the Revenue Department having headquarters at Cuttack and the Member is no longer the Secretary to Government in the Revenue Department. The Revenue Divisional Commissioners have their headquarters at Cuttack, Sambalpur and Berhampur. The former two were the headquarters of the two Commissioners, which had continued to be the headquarters of the Board of Revenue as constituted under the 1951 Act. These changes have taken place towards the latter part of the Committee's term of office. According to the provisions of the amended Act of 1957 the duties of the Board are :—

- (1) to superintend the administrative work of the Divisional Commissioners, Collectors and other Revenue Officers in the districts in respect of revenue matters to be prescribed :
- (2) to make proposals to augment the revenue and
- (3) to superintend and regulate collections of revenue and all measures of land reforms.

Government have reserved the power to assign such powers and duties of the Board as may be necessary to the Revenue Divisional Commissioner or Commissioners. In the matter of general administration the Divisional Commissioners are directly under the control of Government.

Commission-
ers.

731. As already indicated the appointment of Commissioners of Divisions under the general powers of supervision and control of the Board of Revenue dates from 1829 (Regulation 1 of 1829). At first the Commissioners had civil powers and were criminal judges on circuit. In Orissa, at one time, the Divisional Commissioner was also the Superintendent of Tributary Mahals having political functions as the Agent of the Governor. The Commissioners were, however, relieved of Civil Court duties by Act III of 1835 and afterwards were relieved of criminal

duties by the appointment of separate Sessions Judges under the Code of Criminal Procedure. Although appeals in rent cases are now heard by the Civil Courts there are still important revenue matters in which appeals of quasi-judicial nature lie from the Collector's order to the Commissioner. The Commissioner had also general control in police matters. He has functions also relating to local bodies under the Local Self Government laws. As has been described the number of Commissioners in Orissa is now limited to three. Since the system of the Board of Revenue and the Commissionership has reverted to the original Bengal pattern very recently as a result of experience obtained of the working of a combined system of the Board of Revenue during the past 6 years, the Committee does not wish to offer any comments on this pattern of controlling revenue authority, but it need, however, be mentioned that with the sudden expanse of territorial jurisdiction after the integration of the neighbouring Rulers' States in 1948 and 1949, and the speedy implementation of land reforms in various phases, and the process of democratic decentralisation already introduced, there is a complexity in administrative problems in all spheres, and this situation calls for closer supervision and frequent guidance of officers by the higher authorities. The institution of Commissionerships is a timely move in the right direction.

732. In describing the history of Board of Revenue mention has been made that as early as 1769 Supervisors were appointed with a view to collecting information of all kinds and keeping check in the work of local District Officers. In 1772 they were styled 'Collectors' ; and in 1773 they were withdrawn and the districts were left in the charge of 'Dewans' and 'Amils'. After the various attempts at revenue administration by means of local and central Committees, District Collectors were again appointed in 1786. The main changes in the office since that time have been with reference to the union of Magisterial and Civil

Collector
and District
Officers.

Court powers with revenue duties. Prior to 1786 the duty of Civil Judge, Police Officer, Criminal Judge and Revenue Officer would seem to have been vested in separate officers subject to the general control of the Company. Civil and criminal courts were established in each provincial division or Collectorship. The Collector who was generally a Government Officer presided over the Dewani Adalat. The Kaji and Muftis and two Moulvis sat in the Fouzdari Adalati subject to the general supervision of their proceedings by the Collector. Appeal from the decisions of the Civil Officer lay to the Sadar Dewani Adalat and those of the Criminal courts to the Nijamat Adalat. The Dewani Adalati consisted of the president and members of the Council. The Nizamati Adalati consisted of the Chief Officer of Justice appointed by the Nawab Nazim and the Head Kaji and 3 Moulvis. In 1781 the Indian Officer of Police attached to each district called the Fouzdar was abolished and Judges of the Civil Courts were invested with the powers of Magistrates to apprehend persons charged with commission of any crime or acts of violence. But they were not authorised to try and punish offenders but had to send them immediately to the Daroga of the nearest Fouzdari court with a Charge sheet. In 1787 Lord Cornwallis ordered the offices of the Judge and Collector to be united on the ground that people accustomed to despotic authorities should look to one master and it was impossible to draw a line between the revenue and judicial departments in such a manner as to prevent them from clashing. As a result of this excepting the City Civil Courts, the European civil servants in every district were vested with the powers of a Judge, Collector and Magistrate, but were directed to keep their proceedings wholly distinct in each department. Here, therefore, there was a complete combination of the civil, revenue and police functions in one officer.

733. In course of time and after several changes enacted by law, the Civil Court powers were withdrawn and

criminal powers alone remained in union with the revenue powers. It was in 1831 that the regulations gave rise to the present office of the Magistrate and Collector. But in 1837 the double function was for a time divided owing to the pressure of revenue work. But separation was gradually carried out and upto 1845 Collectors were relieved of their Magisterial-duty, though it was only in 1859 that the magisterial and revenue functions were again finally united in the District Officer.

734. In this connection, it may not be out of place to mention that until 1861 there existed in British India two parallel system of judicial institutions of entirely dissimilar in origin, one in the presidency towns where Crown Courts were established by Royal Charters and Acts of Parliament and other in the moffusils where Courts were organised by the Company by virtue of the powers derived from the Indian rulers. Until 1834 the former were amenable only to the legislative authority of British Parliament and such regulations of the Indian Council as the Supreme Courts chose to decide. The Mofussil Courts administered Hindu and Mohammedan law as amended and supplemented by Indian legislation and had generally speaking no jurisdiction over Europeans. The Crown Courts followed English Law procedure, and applied for the most part English substantive law except in certain classes of civil suits instituted against Hindus and Mohammedans. By the Charter Act of 1833 a Law Commission with Lord Maculay at its head was appointed to enquire into and report on the state of laws and administration of justice in British India. The Indian Penal Code was passed into law in 1860. In 1833 by an Act of the British Parliament the Privy Council as a Court of Appeal was constituted. The right of appeal to the King in Council was first granted in connection with the judgements of the Mayor's Courts and subsequently extended to the Supreme Court at Fort William and Recorder's Courts (subsequently replaced by

Criminal
Courts.

the Supreme Courts) at Madras and Bombay and the Sudder Dewani Adalat.

735. The next step taken in the direction of uniformity was to abolish the Supreme and Sudder Courts and to constitute in their places in each Presidency one Sole Court of Appeal with control over all the Courts both in the Presidency town and in the Moffusil. This was done by the Indian High Courts Act of 1861. By letters Patent three High Courts at Calcutta, Madras and Bombay were established. In 1872 was passed the Code of Criminal Procedure (subsequently replaced by the Code of 1890) repealing the earlier Acts on the subject. The Courts in their present form came into existence under the provisions of the Criminal Procedure Code. Besides the High Courts and the Judicial Commissioner's Courts in the Non-Regulation Provinces, four grades of Courts were established namely Sessions Courts for each Sessions Division (each province being divided into a number of Sessions Divisions) and Courts of the Magistrates graded into 3 classes viz., (First Class, 2nd Class and 3rd class). The Local Government was also authorised to appoint in any district Special Magistrates or a Bench of Magistrates with the powers of 1st, 2nd or 3rd Class. The District was subdivided and a Subdivision was placed in charge of a First or 2nd Class Magistrate. The Subdivisional Magistrates are subject to the control of the District Magistrates and they in turn control the Magistrates within their Subdivisions. In the Non-Regulation Provinces the Local Government was empowered to invest the Deputy Commissioner of the district with the power to try as Magistrate all offences not punishable with death and to pass sentences of imprisonment for a term not exceeding 7 years. The District Officer was designed as 'Collector and District Magistrate' but in provinces or parts of provinces where formerly what was called Non-Regulation system prevailed, the District head is styled "Deputy Commissioner".

736. Besides the revenue and magisterial functions District Magistrate is the head of the police in the district. He has various miscellaneous duties such as Civil Supply, Gram Panchayats, Municipalities and District Boards, immigrations, etc. Mr. Baden Powell has described "the District Officer as the Central authority, the 'Hakim' par excellence of his district".

737. From an early date there were, besides the Collector, officers called Assistant Collectors but they had no legal powers. By Regulation IV of 1821 the Collectors were first formally empowered to delegate to their covenanted assistants any part of their duties to which they could not give due attention. By Regulation IV of 1833 the appointment of uncovenanted officers with the title of "Deputy Collectors" were legalised. In 1872 Executive Revenue Officers called Sub-Deputy Collectors (subsequently became magistrates as well) were appointed for the purpose of giving local or special aid in particular places or departments of duty. The Sub-Deputy Collector is appointed by executive authority and can be invested with such powers of Deputy Collectors under the various acts and regulations as may be necessary. Even Kanungoes are reckoned on the staff of revenue agency and where they are employed they can be utilised in various ways and do other revenue functions. In order to facilitate the district management by officers with powers of various grades the plan of subdividing the district and giving the charge of the subdivision to one of the subordinate officers to the District Officer was thought of. In 1845 Subdivisions were created and at present each district has 3 or more Subdivisions. On the recommendations of the Decentralisation Commission of 1907 each district was subdivided into Sadar and Mofusil Subdivisions in charge of a Subdivisional Officer for disposal of criminal work, who in the former resides at the headquarters of the district and his office forms a part of the District Office and in the latter

Sub-divisional and other officers.

the Subdivisional Officer resides at the Subdivisional headquarters.

Taluq
Officers
or Tahsil-
dars.

738. In other provinces, speaking generally, the districts have been divided up into small local revenue divisions known variously as the Tahsils, Parganas or the Taluks (as in Ganjam district of ex-Madras area), and when this is the case there is an Officer-in-charge called by various titles—Tahsildar, Taluqdar, Mamlatdar, Amildar, etc. with his office located within the area. Often under this officer there are other subordinates to aid in the general work of the Tahsil or Taluka and to help in the supervision of village officers and finally for each village or group of villages a system exists of 'headman' or village 'accountant', variously termed Karji, Mokadam, Muliks, or village accountants as 'Karnams'. Thus, there is a complete set of revenue hierarchy from the District Collector at the top to the Village Officer at the bottom. In Bengal the revenue history will show how the Zamindari system gradually swept away all these convenient administrative and revenue units, and cut across the traditional and time honoured village Pargana and Tahsil, units of administration, destroying the agency of Tahsildars, Kanungoes, Patwaris and village accountants. The village, Pargana and Tahsil units were completely done away with by the zamindari institution with its infeudation and sub-infeudation contributing to the disintegration of the traditional systems, accentuated further by the law of inheritance. Thus the natural subdivisions of revenue administrative areas which facilitate administration in other provinces were lost in Bengal. The three coastal districts of Cuttack, Puri and Balasore shared this feature of Bengal administration.

739. The village system which existed in earlier times disappeared and the officers no longer had to deal with the village heads for rent collection but to look to estate holders such as Zamindars, Jagirdars and the like. The Village Accountant either became a mere servant of

the land-lord to keep his accounts or disappeared altogether. The system of Village Watchman or the Chowkidar who was germane to the village community suffered by the disintegration of village homogeneity under the ever increasing multiplicity of zamindari management; and it was found necessary by the Bengal Government to keep up the village chowkidari institution with cash payment out of local assessments by a peculiar body known as Chowkidari Union Panchayat. The coastal districts of Orissa inherited this type of village police.

740. As the village system disappeared under the plan of farming or contracting for revenues, so the Pargana system of which the Kanungo was the representative, disappeared. In 1793 it was thought that the retention of Kanungoes would be a good check on the Zamindar, and the latter was required to maintain Patwaris in the villages and they were in turn to render accounts to the Kanungoes. But the Zamindars naturally did not maintain the Patwaris apprehending that the real state of income of their estates being known might lead to an increase in payment of land revenue. Later attempts made by the promulgation of regulations of 1817, 1818 and 1819 to revive the establishment of Kanungoes and Patwaris met with scant success against the opposition of the Zamindars. In Orissa, however, where the settlements are mostly for a period of years, Kanungoes have survived. The Patwaris were absorbed as employees of the Zamindars. Still the terms 'Parganas' and 'Thanas' are in use in the land revenue records. The Marhattas used the term 'Chakla' for a revenue division and at present the Kanungoes in the Mofusil areas are known as 'Chakla Kanungoes'.

741. As can be seen from the above, under the Bengal system, the administrative devolution stops at the Subdivisional Officer's level, below whom, outside the Government estates, there is no subordinate agency other

than the police, to act as a means of communication between Government and the villagers, and the Police are not necessarily the popular liaison between Government and the people, and no wonder the village chowkidar shares popular indifference and apathy. Therefore, there is loss of an effective touch between Government officers and the people. In Uttar Pradesh and Madhya Pradesh Subdivisional Officers have one or more Tahsildars subordinate to them. Each Tahsildar is stationed at his own Tahsil headquarters and controls the Kanungoes and Patwaris (now Lekhpals) working in the villages. Under The Madras system which is obtaining in Ganjam district there is a highly organised village agency in each village working in subordination to the Revenue Inspectors, Tahsildars and Revenue Divisional Officers and performing many of the functions which in the coastal districts of Cuttack, Puri and Balasore, for want of any other agency, have to be entrusted to the police. The usefulness of an agency of this kind so completely decentralised and so close to the people is obvious, and for want of it the District and Subdivisional Officers under the Bengal system are at a serious disadvantage. In other States, Tahsildars, as their names imply, are primarily agents for the collection of Government revenue; but as a rule, collection work occupies only a portion of their time and they are usefully employed by District Officers on many miscellaneous revenue and executive functions. With its centralised and automatic system for the realisation of land revenue from the Zamindars under the 'sun-set law', there was no place for Tahsildars in the districts which originally formed part of Bengal. Some other justification for the creation of a subordinate agency of the kind that exists in other States had to be found.

Village
Choukidari
system.

-742. The village system as it is found in Madras, Bombay and Madhya Pradesh are absent from the Bengal system. The Zamindari system and the predominating

local influence of the land lords and the ever increasing tendency to centralisation of control have contributed to the disappearance of the village system which had existed in earlier times. Reference has already been made to the radical but unsatisfactory change made under the Bengal system of the traditional institution of the village choukidar. The choukidari Panchayat system which was introduced under Act VI of 1870 was purely an artificial organisation. Attempts to improve the position of the Panchayats and to make them useful members of the general administration of the district met with little success. Because, the tendency was to treat the Panchayats purely as an agency for assessment and collection of the Chawkidari tax and for punctual payment of the Salary of the Chowkidars and it is by this standard that the efficiency or otherwise of the Panchayat system was judged. The Choukidari Panchayat system was replaced by the President Panchayat system in 1904 on the recommendation of Mr. Savage. The dignity and status of the President was enhanced by investing him with powers under Sections 64, 127 and 128 of the Criminal Procedure Code, and empowering him to make enquiries into unnatural deaths where no suspicion or foul play exists. He was also entrusted with certain miscellaneous functions such as supervision of service of processes by Daffadars and the collection of vital and other statistics. All these did not go far enough to make the Panchayats as useful units in the administration to bring the villages into closer relation with the Government officers. The village systems that prevail in the ex-Madras and ex-C. P. areas and in the merged states have been referred to in connection with the basic units of land revenue administration discussed later. These choukidari Union Panchayats under Bengal system and other types of Panchayats that existed in other parts of the State have been replaced by the Grama Panchayats, constituted under the Orissa Grama Panchayat Act,

1948. But the Revenue Panchayats constituted under the C. P. Land Revenue Act still exist as the law has not been amended. The reorganisation of the rural police has been dealt in connection with the working of the Grama Panchayats.

SECTION B

Scheduled Areas

743. It is necessary to give a brief account of what are now known as 'scheduled areas' in the State. Under the Government of India Act, 1935, there were certain areas known as 'Excluded or Partially Excluded areas'. The following areas were specified as partially excluded areas in the province of Orissa by the Government of India (Excluded and Partially Excluded Areas) Order, 1936 :—

- (1) The district of Angul (comprising Angul and Khondmals Subdivision).
- (2) The district of Sambalpur as constituted in 1936 in the Orissa Province (including the transferred areas from the C. P.)
- (3) The Ganjam Agency tracts (as in 1936).
- (4) Koraput district.

Excluded
and Partially
Excluded
Areas.

The total extent of these areas was 20,836 sq. miles. The present Angul Subdivision having an area of 902 sq. miles came under the British Rule in 1848 and was placed in charge of a Tahsildar under the administration of the Superintendent of the Orissa States, then called the Orissa Tributary Mahals till 1891 when this area with the Khondmals (now a Subdivision of the Phulbani-Baud district) was formed into a separate district under the charge of a Deputy Commissioner. The Regulation III of 1913 which repealed all the previous Regulations remained in operation till 1936 when Orissa was formed into a separate province. The Khondmals Subdivision was tagged on to Ganjam district which acceded from Madras and the Collector, Ganjam was styled 'Deputy Commissioner' in respect of this area. The Angul Subdivision formed a part of Cuttack district with the Collector of Cuttack as its Deputy Commissioner. Two separate regulations namely the Khondmals Laws

Angul and
Khondmals.

Regulation, 1936 and the Angul Laws Regulation, 1936 were passed on the lines of Regulation III of 1913. The administration of Civil and Criminal justice, village police and land revenue, and some other matters were being carried out under these Regulations. On the reorganisation of districts, after the merger of States in January 1948, Angul formed a Subdivision of Dhenkanal district and Khondmals was raised to the status of a district under the name of Phulbani (subsequently known as Baud-Khondmals) district, with Baliguda Subdivision of Ganjam Agency and ex-Baudh State (including Panchra Zamindari of ex Sonepur State added subsequently to Baudh Subdivision). By amendment to the Angul Laws Regulations in 1943 the Civil and Criminal Courts came under the control of High Court and the normal pattern of administration of civil and criminal justice as in the non-scheduled districts has come into existence. Under the Constitution of India, it is no longer a 'scheduled area' but the land revenue and village police administration continues under the Angul Laws Regulation 1936.

744. The administration of Civil and Criminal Justice in Khondmals Subdivision (having an area of 779 sq. miles) was brought to the same standard as in the non-scheduled districts with effect from 1st January, 1953 by the Khondmals Laws (Second Amendment) Regulation, 1951 which received the assent of the President on 15-9-51.

Sambalpur.

745. Sambalpur district originally formed a part of South-West Frontier Agency which had its headquarters at Ranchi. In 1860 it was transferred to Orissa Division, then administered under the Bengal Presidency. The district was transferred to the newly constituted Central Provinces in 1862, but it was again retransferred to Bengal in 1905 without the Phuljhar Zamindari and Chandrapur-Padmapur tracts. Then it came under the province of Bihar and Orissa which was separated from Bengal in 1912. On the formation of Orissa as a separate

province in 1936 under the Government of India (Constitution of Orissa) Order, 1936 Sambalpur district was reconstituted (with an area of 5394 sq. miles) with the transferred areas from the C. P. The Khariar Zamindari which was transferred from Raipur district formed the Nawapara Subdivision and the Padmapur tract transferred from Bilaspur district was amalgamated with the Sadar Subdivision of Sambalpur district. Prior to the introduction of the Montagu-Chelmsford reforms the three Zamin-daris of Borasambar, Kolabira and Rampur of the Sambalpur district were declared as scheduled districts under the Scheduled Districts Act 1874. By Notification No. 4 G. dated the 3rd January 1920, of the Government of India, the district of Sambalpur was declared as a backward tract. Khariar Zamindari which was not a scheduled area till its transfer from Raipur district, came to be reckoned as a 'Partially Excluded area' with the remaining parts of the district. The Civil and Criminal Justice administration was the same as in other districts, because of its coming under the class of 'back-ward area' as late as 1920. But the Subdivisional Officer, Nawapara was exercising the functions of a Civil Munsif for some time at the beginning. The C. P. Land Revenue Act, 1881 and the C. P. Tenancy Act, 1898 are in force in the Sadar Subdivision (excluding the area transferred from Bilaspur district in 1936) and Bargarh Subdivision. The C. P. Land Revenue Act 1917. and the C. P. Tenancy Act, 1920 are in force in the area transferr-ed from the C. P. in 1936 and included in the Sadar Sub-division and in Nawapara Subdivision. The latter Sub-division now forms a part of Kalahandi district. The district of Sambalpur was reconstituted in 1949 with the addition of ex-states of Bamra and Rairakhol and the transfer of Nawapara Subdivision to Kalahandi district. The present area of the district is 6765 sq. miles.

746. The districts of Ganjam and Koraput were transferred from Madras at the time of formation of new Ganjam and Koraput agency.

province of Orissa in 1936. The entire district of Koraput having an area of 9875 sq. miles was the Zamindari of the Maharaj of Jeypore (since taken over by the Government) known as Jeypore Samasthanam and formed a part of the agency division of Vizagapatnam district. The district of Ganjam which formed a part of the old Ganjam district under Madras consisted of both plains and agency areas. The total area of the district at the time of transfer was 6898 sq. miles out of which the Agency portion was 3583 sq. miles. As already indicated above the Khondmals Subdivision was added to it and the Collector of Ganjam administered the area under the designation of Deputy Commissioner. The Parlakhimedi Taluk which was tagged to Rayaghada Subdivision of Koraput district at the beginning was retransferred to Ganjam district and remained under Berhampur Subdivision (since raised to the status of a Subdivision with the R. Udayagiri Taluk and other contiguous area). With the reformation of the districts after merger of states the Baliguda subdivision which is entirely an agency area has been transferred to Phulbani district. Koraput district had originally two Subdivisions, namely, Nawarangpur Subdivision (called Upper Division) and Rayaghada Subdivision (Lower Division). Subsequently a third Subdivision, called Koraput Subdivision was formed comprising Koraput Taluk and Pottangi Taluk and Narayanpatnam area transferred from Rayaghada Subdivision. In order to give a trial to the North Orissa System there, the Taluk offices in Koraput Subdivision were abolished and North Orissa pattern of Subdivisional administration was introduced. The Bissemtack Taluk for its unhealthy climate was abolished and its area distributed between Gunupur and Rayaghada Taluks. After abolition of zamindaris, the old Bissemtack Taluk has been constituted into an Anchal. Both the Ganjam agency and Koraput district were scheduled districts and governed under the provisions of the Scheduled Districts Act of 1874. The administration of justice and the collection of

land revenue in the district of Koraput and Ganjam Agency were regulated by the Ganjam and Vizagapatnam Act (Act XXIV of 1839) and were vested in the Collectors of the districts who functioned as agents to the Governor. The Revenue Divisional Officers (corresponding to Subdivisional Officers in other areas) in Koraput district were styled "Special Assistant Agents". But in Ganjam agency the Revenue Divisional Officers were called Assistant Agents so far as their jurisdiction over the agency areas are concerned. Subsequently the designation of "Agents to the Governor" was changed into Agents for the Provincial Government. The Collector as "Agent for the Provincial Government" was the executive and judicial head of the district subject to certain matters under the superintendence of the Revenue Commissioner of Orissa. The High Court was the highest judicial authority for the district of Koraput as well as for the Ganjam Agency unlike Angul and Khondmals, where the Revenue Commissioner was exercising the powers of the High Court. The 'Agency Rules' framed under section 6 of the Scheduled Districts Act by the Madras Government in 1924 formed the Code of Civil Practice and Procedure which governed the proceedings in the agency courts. The Agent functioned as the District Judge and the Assistant Agents had the functions and powers of subordinate Judges in the agency areas. The Tahasildars or Taluk Officers were the Agency Munsifs and the Stationery Sub-Magistrates Additional Agency Munsifs. As regards criminal justice, there were courts of Taluk Magistrates and Stationery Sub-Magistrates who were either 1st Class or 2nd Class Magistrates and the Revenue Divisional Officer had powers under Section 30 of the Cr. P. C. to try offences not punishable with death and triable by the Court of Sessions. The Agent was the District and Sessions Judge. By Orissa Regulation No. VII of 1941 a Sub-Judge was posted to Koraput district and designated as the Agency Subordinate Judge. All civil suits triable by the Agency Revenue

Civil and
criminal
Justice.

Divisional Officer were tried by the Agency Subordinate Judge and appeals against his orders and judgements lay to the High Court. Subsequently he was also vested with powers of a Sessions Court and tried sessions cases transferred to him by the Agent to the Governor. By the passing of Orissa Regulation V of 1951 entitled "Koraput and Ganjam Agency Repealing and Extension Laws Regulation of 1951" the administration of civil and criminal justice was changed into the pattern of non-scheduled districts with effect from 1st January, 1953 (vide Government Notification No. 10222-J dated 17th December 1952). By the above regulation the Ganjam and Vizagpatnam Act, 1839 and the Agency Rules were repealed and the Code of Civil Procedure and the Bengal, Agra and Assam Civil Courts Act, 1887 were extended. The Koraput district was made into a District Judgeship and Sessions Division with effect from 1-1-53 under Notification No. 10225-J. dated 17-12-52. Thus the administration of Criminal and Civil Justice became uniform throughout the state with effect from 1-1-53.

Land
Revenue
Administra-
tion.

747. Except the district of Koraput which was a Zamindari area (since vested in Government) and the old district of Sambalpur which included both Zamindari and Khalsa (containing Gauntiahi, Malguzari, and ryotwari villages) areas, the remaining areas are Government estates. In Angul, Sarbarakari system was in vogue and has been replaced by the Naib-Tahsildari system. In Sambalpur district the Central Province land revenue system prevails. Further details have been given later in dealing with the basic units of land revenue administration.

Sambalpur
and Angul.

Koraput.

748. Koraput district being a Zamindari area of a single proprietor, there was not much of revenue administration. Although the district is governed under the Madras system, the general administration stops at the Taluk level. In order to keep contact with the villages,

there is a rule that the Taluk Officer should visit every village in his area at least once in a year.

749. Although the agency tracts are Government estates, the system of land revenue administration in the different parts of these areas are not uniform and differ from the ryotwari system obtaining in the Ganjam plains. The largest portion of this area is occupied by Khond and Savara peasantry who pay no rent; they derive some support in this from the proclamation made by the Government of India in 1846. Consequently there are no village organisations for collection of rent as in the plains area. The Taluks have been sub-divided into Firkas in charge of Revenue Inspectors who collect the land revenue (or Nazarana) from Mutha heads who hold lands on service tenures. The tract is split up into several Muttahs and each Muttah is in charge of a Muttah head called Bissoyis or Patros. There are also Chief Muttahdars (among whom are the former hill-chiefs) who hold lands on service tenure by virtue of Sanads granted to them (vide G. O. No. 545 of Madras Government dated 20-4-1874) and collect nazrana from Sub Muttahdars. The agency Maliahs coming within the Zamindari areas of several Zamindars are held by them on service tenure without the proprietary right which they enjoy in the plains. The Muttah heads are responsible for assisting in the execution of agency civil works administered by the Colletcor through the Revenue Officers and agency Overseers. The mamuls collected in kind by the Muttah heads from the aboriginal population have since been commuted to money rates.

Ganjam
Agency.

750. As a result of large scale alienation of lands in favour of the plains people who took advantage of the freedom from assessment in the agency area, the Government of Madras passed the Agency Tracts Interests and Land Transfer Act, 1917 (Act I of 1917) prohibiting all

kinds of transfers of lands between the hill-men and non-hill people. The Government of Madras ordered the survey and settlement of all lands alienated before the introduction of the Act I of 1917 and such lands were assessed. With the introduction of the Constitution of India and redefining of the 'scheduled areas' in the State, the A.T.I.L.T. Act, 1917 has been replaced by the Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Regulation, 1956 (Regulation No. 2 of 1956, a detailed account of which has been given elsewhere in the Report.

Khondmals.

751. By a proclamation, dated the 20th October 1846 the Government of India guaranteed that no taxes or service labour would be imposed on the hill races in Khondmals nor they would abrogate the hereditary authority and privileges of the hill chiefs and the tribal heads. But in 1872 at the request of the Khond Sardars a tax was imposed on liquor shops to check drunkenness. The Khonds volunteered to subscribe at the rate of four annas per house for purposes of raising a fund for improvements of local communications. The house rate was afterwards converted into a plough tax at the rate of 3 annas a plough. Since then it is called plough tax, it being levied on the basis of land, cultivable with the help of a plough and where one possesses no land on the basis of his income. The plough tax is realised by the Sardars who are the village headmen and paid into the Government Treasury. The plough tax is not called rent or revenue assessment but as a subscription voluntarily paid for the general improvement of their country (vide proclamation of Mr. Ravenshaw in 1875). In 1893-94 Government of India considered that the exemption from assessment of land revenue on Khonds was purely personal and lands held by others should be assessed. So survey and settlement operations were ordered and concluded in 1924. The lands thus held by the alien population were assessed giving an indication that the special privilege granted to the Khonds was a temporary concession and not for all time to come as a matter of right.

752. The areas declared as "Scheduled Areas" in Orissa under the Scheduled Areas (Part A States) Order, 1950 are the following :

'Scheduled areas' after inauguration of the Constitution.

- (1) Koraput, Mayurbhanj and Sundergarh districts.
- (2) Ganjam Agency including Khondmals, excluding the Chokapad Khandam and the Pandakhhol Muttah of Surada Muliahs,

The district of Mayurbhanj, which corresponds to the princely state of Mayurbhanj and Sundergarh which includes the ex-Gangpur and ex-Bonai states have been added to the Scheduled areas and the Angul Subdivision and the Sambalpur district which were previously declared as "partially excluded areas" have been removed from that category.

Constitutional provisions.

Area & Population

Ganjam agency—	3583	sq. miles
Khondmals—	779	„
Korput—	9875	„
Sundergarh—	3788	„
Mayurbhanj—	4021	„
	<hr/>	
	22,046	sq. miles.

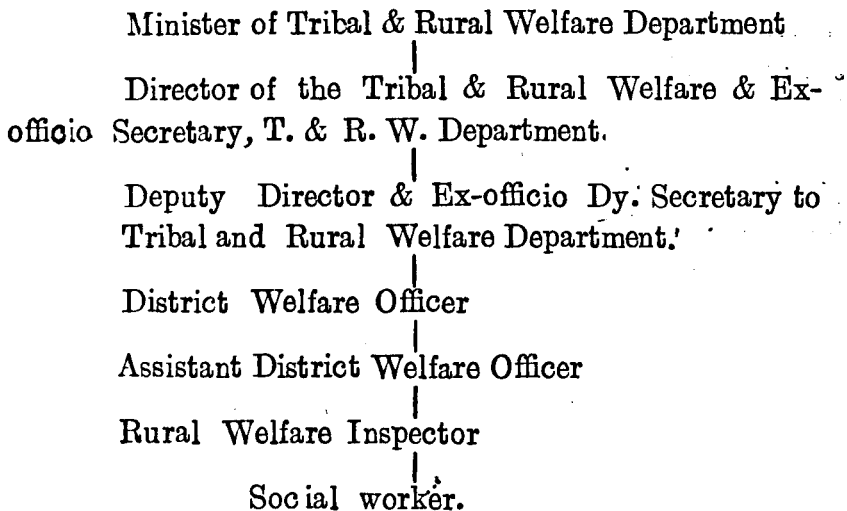
753. The extent of scheduled areas in the state is 22,046 sq. miles that is about 36.6 percent of the total area of the State. The total backward population including Scheduled Castes and Tribes represents 67.7%, and the scheduled tribes population alone constitutes 20.26% of the total population. Provision has been made in the Fifth Schedule of the Constitution as to the administration and control of Scheduled areas and Scheduled Tribes. A Tribes Advisory Council has been constituted for the State as provided for in the Constitution to advise the Governor concerning welfare of the Scheduled Tribes as may be referred to them. The

Constitutional provisions.

Governor has the power to withhold the application of any Central or State law to a Scheduled area or part of it or notify its application with certain modifications and exceptions as he considers necessary. Under Articles 330, 332 and 334 of the Constitution seats, proportionate as far as possible to their population in the States, have been reserved for the Scheduled Castes and Tribes in the Lok Sabha and the State Vidhan Sabha for a period of 10 years after the inauguration of the Constitution. In pursuance of the proviso to Article 164 (1) of the Constitution a Welfare Department in charge of a Minister has been set up. Article 16 (4) of the Constitution read with Article 335 empowers the State to provide reservation for backward classes in the public services and to consider their claims in the matter of appointments to services under the Union or States, consistently, however, with the maintenance of efficiency of the administration. Thus the Centre has decided to reserve for the Scheduled Caste 12½% of the posts in the case of recruitment by open competition and 16½% of those to be filled otherwise. For the Scheduled tribes, the vacancies are reserved at a uniform rate of 5% in both cases. The minimum age limit for the recruitment of such people has been raised by 5 years in the case of All-India and Central Services and the examination fee has been reduced by three fourths. In Orissa 18% of vacancies in all services is reserved for Scheduled Castes and 20% for the Scheduled Tribes, and the maximum age limit has been increased by 5 years for all classes of post in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes. The reserved posts if not filled in one year for want of suitable candidates, these will be carried over to the next year after which the unfilled quota of reservation, if any, will lapse. A special provision has been made to reserve 50% of all new posts or vacancies in Class III and Class IV services for the Scheduled Caste and Scheduled Tribe candidates till such time

when the percentage of officers belonging to the Scheduled Caste and Tribes under the Government rises to the desired level of 18% and 20% respectively (vide H. D. Memo No. 1284-22-Reforms).

754. The administrative organisation for the welfare of the Backward Classes is represented in the following diagram :



Administrative organisation.
(Tribal & Rural welfare)

The District Welfare Officer is placed under the District Officer who co-ordinates the tribal and rural welfare activities with other branches of the administration. There is a District Welfare Committee consisting of Members of the Parliament, Scheduled Caste and Scheduled Tribe M.L.A.s and selected non-official workers in the field of the social Welfare with the District Magistrate as the Chairman of the Committee and the District Welfare Officer as the Secretary.

SECTION C

Historical Background of the State of Orissa

755. Orissa as a separate unit of administration is comparatively of recent origin. The province of Orissa was created in the year 1936 by joining together the Orissa Division of Bihar and Orissa with the Oriya speaking tracts of Madras and Central Provinces. The agency tracts of Vizagapatnam district comprising the Jeypore Zamindari and major part Ganjam district were transferred from Madras to Orissa and named as Koraput and Ganjam districts respectively. The Khariar Zamindari (now Nawapara Subdivision) of Raipur district and Padmapur tract of Bilaspur district of the Central Province were transferred to constitute the province of Orissa. The areas thus transferred from Madras and Central provinces have been dealt with sufficiently in detail in connection with the 'scheduled areas'. After a short transitional period of administration by the Governor with the help of an Advisory Council the first Congress Ministry took over the administration in April, 1937. In the old Orissa Division the land revenue administration was not uniform. The three coastal districts were governed by the Orissa Tenancy Act and had the Bengal system of land revenue administration, already described in detail. The district of Sambalpur was governed by the Central Provinces Land Revenue Act and the C. P. Tenancy Act as amended upto 1898 under the C. P. Land Revenue system which has its peculiar features. Unlike the Bengal system, the devolution of land revenue administration goes upto the village level in the ex-C. P. area akin to the Ryotwari system but the village system is not so well organised as in the Ryotwari areas of Ganjam. The village headman has certain functions and duties prescribed under the Revenue Law and is helped by a village Panchayat in the discharge of his functions. The land revenue administration in Angul

district which comprised Angul Sadar Subdivision and Khondmals Subdivision has already been indicated earlier. The district of Koraput and Ganjam which include both ryotwari and Zamindari areas are governed under the Madras land revenue system, described hereafter. The areas transferred from the Central Provinces had the same C. P. system as in the old Sambalpur district but were governed by the Central Provinces Land Revenue and Central Provinces Tanancy Act as enacted in 1917 and 1920 respectively. Before these land revenue systems could be assimilated into a unified system, the Second World War broke out in September, 1939. The attention and resources of the State Government were diverted towards the war time activities. The Congress Ministry resigned and was replaced by an Adviser to the Governor. The Department of Civil Supply was instituted to control and regulate the supply and distribution of food articles and other essential commodities in short supply, and the burden of administration as well as procurement of food grains fell on the District and Subdivisional Officers. The Grow More Food Campaign and the small savings campaign to check the war time inflation came into prominence and the District Officers and the officers of the Revenue Administration had to bear the brunt of the burden, on various fields of activities in connection with requisition of property for war purposes, in regard to operation of the Defence of India Act and Rules made thereunder, besides raising war funds and helping in the recruitment of defence personnel. Before the conclusion of the War and after the War emphasis had to be given on the Post-War Reconstruction schemes in order to provide employment to and rehabilitate the personnel released from the War, and to prevent sudden relapse from the war-time economy. Shortly after independence was attained in August 1947 and thereafter 25 princely states known as Orissa States were integrated with the State of Orissa in January 1948 and in the same year the two states of Saraikela and Kharswan were placed under

the administration of Bihar Government. In January 1949 the remaining Orissa State of Mayurbhanj was merged with the State of Orissa. The districts were reorganised and the entire state was divided into 13 districts in place of 6 prior to the merger of the states. Each merged state had its separate revenue law and distinct land revenue administration. They had mainly one common feature that the land revenue is collected on commission basis through the agency of village headmen called Gauntiahs, Thikadars, Padhans, Sarbarakars, etc. except in Athgarh, Boud and Anandapur Subdivision of ex-Keonjhar state where the collection of land revenue was made directly by the State Durbar through the agency of Tahsildars, Revenue Inspectors or Kanungoes. But in Boud, Sarbarakars were retained to continue to do the other functions of village headmen and receive a commission of 5% of the land revenue demand of the village. Some of the merged states had no codified revenue laws. There was an attempt to codify and unify revenue laws of the states but could not possibly be carried through due to other pressing problems. The amalgamation of former princely states with widely varying standards of administration and economic development and inadequate tradition of popular democracy brought to the fore many problems of administration including the absorption of ex-states personnel in the corresponding cadres of the Orissa Service and determination of their pay and seniority in the cadre and this imposed a severe strain on the existing Government machinery.

756. In 1948, the Orissa Gram Panchayat Act was passed with a view to establish and develop local Self-Government in the village communities and the Grama Panchayats began to be established in 1949. This burden also fell on the revenue administration. In 1950-51 the First Five Year Plan, as prepared by the Planning Commission was before the country, and after approval by the National Development Council, came into operation.

According to the land reforms policy laid down in the First Five Year Plan action was taken to abolish the intermediaries by the enactment of the Orissa Estates Abolition Act, 1951. Then came the Community Development Projects in 1952 with its precursor of 'Ford Foundation Project' under the T.C.A. and it was followed by the Community Development Blocks and National Extension Service programmes described herein afterwards. This has also caused some strain on the administration to find out the personnel of the required calibre and experience to man the Community Development and National Extension Service Blocks.

757. The implementation of the policy of abolition of intermediaries and the difficulties encountered, have been dealt with in detail in the chapter under the O.E.A. Act, 1951. The vacuum created by the elimination of Zamindars who formed the link between the tenants and the Government in the matter of revenue administration was sought to be replaced by the Anchal Adhikaris as a connecting link to introduce at a later stage the Anchal Sasan Scheme as envisaged in the Orissa Anchal Sasan Act, 1955, but the Anchal Adhikari system has been substituted only recently in 1957 by the existing land revenue system of administration obtaining in different parts of the state. The Orissa Estates Abolition Act has been amended accordingly.

758. In the First Five Year Plan great emphasis was laid on the execution of Minor Irrigation Projects to step up food production to save as much of the foreign exchange previously utilised on imports of food grains, now for industrial development. The resettlement of displaced persons as well as the Tribal Welfare and Development schemes and the acquisition of lands for the projects like Hirakud, Machkund and Raurkella Steel Plant and the consequential problems of resettling the displaced persons have got to be contended with. The unrest created between the land-lords

and tenants on account of the Orissa Tenancy Protection Act and its successor, the Orissa Tenants Relief Act had its repercussion on the general and revenue administration involving a strain on the machinery of the Government. The Orissa Anchal Sasan Act was passed in 1955 envisaging democratisation and devolution of power in the fields of local self-Government, Development, and revenue administration ; the Act awaits implementation. The provisions of this Act have been discussed in detail elsewhere, having formed a part of the terms of reference to this Committee. Orissa has got its inherent problems due to the frequent visitation of natural calamities such as floods, droughts, etc. when the revenue officers are called upon to cope with the emergencies. The experience of drought followed by the devastating floods in 1955 is still vivid in the memory of the people. The States Reorganisation Commission which was set up by the Government of India in December, 1953 completed its task towards the end of 1955 and the boundaries of the State of Orissa remained unaffected, but the decision had repercussions in the political field.

759. The above problems, some of which are of immense major importance, have followed in a continuous stream since the war throwing an unprecedented strain on the administrative machinery of the Government, with expanding responsibilities on officers and other personnel working in Government organisations, each successive wave of added responsibilities being faced before the organisation had adapted itself to the new demands with proper man power and requisite experience. This factor has to be reckoned in any comment on the efficiency of administration.

SECTION—'D'

Administration as it is now.

760. The consideration is mainly confined here to the administration at the district and lower levels.

761. A general description of the pattern of 'District Administration' has already been given in the foregoing section. The administrative organisation at higher levels than the District is left out of consideration for the reason that the Board of Revenue and the Commissionerships have been recently reorganised during the Committee's tenure of office by the enactment of the Orissa Board of Revenue (Amendment) Act, 1957 and the Orissa Revenue Divisional Commissioners Act, 1957. It has therefore been considered not necessary by the Committee to study the organisational set-up above the district level in making recommendations in this regard. At present there are mainly four agencies which function in the district, viz. (1) normal district administration, (2) community project administration and national extension service, (3) District and Local Boards, and (4) Grama Panchayats, Municipalities and Notified Area Councils. Under category 3 will come the Anchal Sasans as envisaged in the Orissa Anchal Sasan Act, which is yet to be given a trial and intended to replace the existing district and Local Boards. A brief description of the structure and organisation of each of these agencies is given below before attempting an analysis of their relationships among one another and their adequacy or otherwise to cope with the tremendous changes brought about in the Post-independence period.

762. Already a brief history of the evolution of district administration to its present form has been indicated and how it has closely followed the land revenue administration,

General.

District
Administra-
tion.

The administrative devolution stops at the Subdivisional level, except in Government estates where further sub-division has taken place into Tahsils for the convenience of collection of land revenue and cess, or goes further down as in the ex-Madras areas where a sub-division is divided into Taluks, Taluks into revenue firkas and a firka into a number of village groups. The staffing pattern at the district and subdivisional headquarters depends on whether a sub-division is further sub-divided into smaller units or not. It is needless to give a description of the same here as it is too well known. But a description of the basic unit of land revenue administration as obtaining in the different parts of the state is considered necessary for the purpose of co-ordination with the other agencies entrusted with the developmental or the local self-Government or municipal administration at the lowest level and then gradually ascending upto the district level.

Basic unit
of land
revenue
administra-
tion.

763. Power and prestige of the executives are derived not to a small extent by their hold over the land revenue. This is specially evident where the ryotwari system prevails, i.e. where land is held directly from the state and the holders of land pay revenue directly to the state without intervention of the intermediaries like Zamindars in Zamindari areas. By its control over the waste or uncultivated lands and its power of sale, and distraint for the recovery of land revenue, the executives wield perceptible power in the eyes of the people. Revenue cases are decided by revenue officials and the Board of Revenue and the procedure prescribed is their own. It is said that the beginning of administrative law and administrative courts in India are to be traced in the land revenue administration.

764. The unit of land revenue administration is not uniform in the State of Orissa due to diverse land systems prevailing - viz., Bengal System, Madras System and Central Provinces system.

765. In Zamindari areas of Cuttack, Puri and Balasore, Subdivision was the unit of land revenue administration prior to the abolition of intermediaries. Although there are revenue thanas to which a Subdivision is divided and further sub-divided into parganas, these Subdivisions appear now to be merely of historic significance.

Coastal
Districts
Zamindari
area.

766. According to the Bengal Kanungo and Patwari Regulations of 1817, every Pargana should have a Kanungo and every village a patwari. The Patwaris were taken over by the Zamindars when the Zamindari settlement was introduced and there remain the Kanungos whose main duties are at present : —

- (1) To keep records of Government Khas land,
- (2) To keep records of revenue free lands, collect cess from the revenue free holders not paying cess direct into the treasury or through zamindars and report escheats;
- (3) To report deaths of proprietors and transfer of estates, and
- (4) To prepare and furnish agricultural statistics.

Now he is utilised in various other administrative duties such as distribution of Tuccavi loans and fire-relief money, revenue enquiries etc. His jurisdiction is now not related to the old revenue pargana.

767. Village was the unit and Sarbarakars were the collecting agents with various other duties to perform. Sarbarakari system was abolished in 1948 and Naib-Tahsildari system introduced in Khurda, Banki and Angul Khasmahals. Each Naib-Tahsildari circle consists of a number of villages with an average collectable Jama of about Rs. 25,000/-.

Khasmahal
area.

768 The ryotwari or Kulwar system was first introduced in Madras by Col. Read in 1792. The system

Ex-Madras
areas.

introduced by Col. Read embraced the survey of every holding in the district and a field assessment based on the productive powers of the soil. These particulars were determined by the entries recorded in the village accounts, by information derived from ryots and by the personal observations of the surveyors of the crops and stubbles on the ground. It fixed and recorded a specific sum of money as the maximum revenue payable on each field or tract of occupied land and when the revenue was payable in kind, it was commuted into a money payment. The ryot was not recorded as the proprietor of the soil but only as a cultivating tenant who pays land revenue to Government. While the settlement was made with each ryot for the lands held by him an element of the village system was introduced by making him liable for the entire demand on the village. The system adopted at the beginning has undergone many changes.

769. The ryotwari system in force at present means the division of all arable lands whether cultivated or waste into blocks, the assessment of each block had a fixed rate for a term of years and the payment of land revenue from each occupant according to the area of land thus assessed. That area may either remain constant or may be varied from year to year, if the occupant relinquishes the old blocks of land or occupies new ones. The distinguishing feature of this system is that the State is brought into direct contact with the owner of the land and collects its revenue through its officers and staff without intervention of an intermediate agent such as Zamindar or tenure-holder and its objective is the creation of peasant proprietors.

Zamindari
area.

770. The ryotwari system prevails in the districts of Ganjam of the ex-Madras areas transferred to Orissa in 1936. The land revenue system in Koraput district and Ganjam agency area has already been described in connection with the 'scheduled areas'. In the district of Koraput, the Zamindar had his own arrangement for collection of

revenue by dividing the entire Zamindari into Tanas in charge of an Amin or Tana Officer and each Tana was divided into a number of revenue Firkas in charge of Revenue Inspectors. The Revenue Inspectors collect the rent from the Mustajars of Mustajari villages and in case of ryotwari villages directly from the tenants or through a village headman.

771. In Ganjam Agency, Revenue Inspectors collect the land revenue from the Muttah heads and the Muttahs form the basic units for land revenue administration. Ganjam Agency.

772. There are both ryotwari and Zamindari areas in parts of the district called Ganjam plains. As already stated above, the Taluks are divided into revenue Firkas and each Firka has been divided into a number or groups of villages. Each group of village has a Karji who is responsible for collection and payment of land revenue to Government; a Karnam who maintains village accounts and records and menial servants known as Taliyaris and Vettis who assist in the collection of land revenue and other matters of revenue administration. The number of village groups and village officers and servants in Ganjam district is given below separately for proprietary estates and ryotwari area. Ganjam plains.

No. of village groups.	No. of Karjis.	No. of Karnams.	No. of Taliyaris.	No. of Vettis.
Ryotwari Village Service.	296	296	400	495
Proprietary Estate Village Service.	828	634	770	41

The average land revenue demand of a group of villages in the ryotwari area is about Rs. 4,000/- and that of a group in the proprietary estates is about Rs. 2,700/-. The Zamindars had their own arrangement of collection through the village officers. The collection of land revenue after the elimination of the Zamindars has been described later in connection with abolition of intermediaries. Thus, under

the ryotwari system the village is the unit for land revenue administration.

C.P. System

773. This system prevails in Sadar and Bargarh Subdivisions of Sambalpur district. These areas having originally formed a part of the Central Provinces, the Malguzar and Village (or Mahalwar) systems peculiar to the Central Provinces prevail in the Khalsa portion, as distinct from 'Zamindari area'. Where the village has been settled with a landlord body or community it is called "Village (or Mahalwar) Settlement" and when the proprietary right in a village is conferred on a person called "Malguzar", it is called 'Malguzari Settlement'. The Non-Regulation system being a feature of this province, the District Officer of Sambalpur is called the 'Deputy Commissioner' under whom are 'Assistant Commissioners' which by its definition include 'Extra Assistant Commissioners'. The Law also recognizes Tahsildars who are the Chief executive revenue authorities within their Tahsils and under them are Revenue Inspectors and Patwaris.

774. In Khalsa areas, village is the unit with the Gauntiah or Lambardar as the revenue collecting agent. In the Khalsa ryotwari villages, which are few in number, he is known as 'Patel'. Besides his revenue functions, he has to perform certain other public duties as headman of the village. The villages are grouped into Patwari Halkas under the charge of a 'Patwari' and the Revenue Inspector controls the Patwaris in his circle consisting of a number of Halkas. In the Zamindari areas, there are Thikadars for one or more villages settled with them for collection of land rent. The Patwari Halka is the unit for land revenue administration.

775. *Merged States* : Village is generally the unit of revenue administration and collection of revenue is mainly done through the village headmen called Sarbarakars, Gauntiahs, Thikadars, Padhans, Ganjus, etc. The

merged states have imbibed the C. P. system or the Khasmahal system of the coastal districts according as they were influenced by their propinquity to either of these areas. The Zamindaris were not many and the Zamindars had their own arrangement of collection in the villages.

776. The Sarbarakari system prevailing in Athgarh and Baud was abolished in 1935 and 1937-38 respectively. The Collection in Athgarh is done through Tahsil Moharirs controlled by two Kanungoes with two Kanungo Circles. In Baud the collection is done through Revenue Inspectors and the State is divided into 17 Revenue Inspector Circles. Each circle has about 70 villages with a land revenue demand of about Rs. 11,000/-. In Lower Keonjhar, i.e. in the plains areas of Anandpur Subdivision, the Padhani system was abolished except in two Dandpts viz. Santoshpur and Pardhiapalli which are hilly tracts, and Kanungo system was introduced with circles having an average revenue demand of Rs. 10,000/-. There were 21 Kanungo Circles during the ex-state regime. At present the Kanungoes have been replaced by Naib-Tahsildars who are 10 in number.

777. With the abolition of intermediary interests such as Zamindars, Jagirdars and other tenure holders, which is still in progress, the areas covered by the vested estates are divided into Anchals as a prelude to the introduction of the Anchal Sasan scheme, as envisaged in the Orissa Anchal Sasan Act, 1955, and each Anchal is divided into a number of Naib-tahasildari Circles with an average land revenue demand of about Rs.20,000/- and the various systems of collection adopted by the different zamindars have been replaced by the uniform Naib-Tahsildari system. Similarly with the abolition of the agency of village officers in Bolangir district, the present policy being to do away with the hereditary village headmen system, Naib Tahsildari system has been introduced. The abolition of village officers in Kalahandi

Elimination
of inter-
mediaries.

and other merged states are in progress. Naib-Tahsildars have taken up the revenue collections in their respective circles in place of the village officers.

Introduction
of Naib
Tahsildari
system.

778. The Naib Tahsildari system is not uniform in its organisation and service conditions in the Zamindari anchals, Khasmahal areas and in the areas where village officers system has been done away with. The organisation of a Naib-Tahsildari Circle in different areas is as follows :—

Angul, Khurda, Banki—

(a) One Naib Tahsildar	In the scale of	Rs. 50-2-70/-
(b) One Moharir or clerk	Do	Rs. 50-2-70/-
(c) One Chainman	Do	Rs. 16- $\frac{1}{2}$ -22
(d) One Peon	Do	Rs. 18- $\frac{1}{2}$ -24

The Naib Tahsildari circles in Khurda, Banki and Anugul have a varying collectable Jama of Rs. 18,000/- to Rs. 40,000/- and the area of each circle ranges from 40 to 60 square miles.

Bolangir district excepting Sonapur Subdivision—

(a) One Naib-Tahsildar	In the scale of	Rs. 55-1-56- 2-74-3-95.
(b) One Chainman	Do	Rs. 16- $\frac{1}{2}$ -22
(c) One Peon in the scale of		Rs. 18- $\frac{1}{2}$ -24.
(d) One temporary Mohrir is allowed for 3 months during the collection season.		

In Kalahandi district (excluding Nawapara Subdivision) and Sonapur Subdivision :—

- (a) One Naib-Tahsildar
- (b) One Patwari
- (c) One Chainman, and
- (d) One peon

Besides the above staff one Non-gazetted Tahsildar, Gr. I in the scale of pay Rs. 120-5-150-EB-10/2-250 is sanctioned for each Subdivision in Kalahandi district and Sonepur Subdivision.

In Bolangir and Kalahandi, the revenue demand of a Naib-Tahsildari Circle varies from Rs. 20,000/- to Rs. 30,000/-.

Zamindari Anchals :—

(a) One N.G.T. either in the scale of Rs. 50-2-70 or Rs. 40-2-60 in the case of educationally unqualified personnel who have been absorbed from the ex-zamindari staff.

(b) One Moharir Rs. 30-1-40

(c) One Peon Rs. 18- $\frac{1}{2}$ -24

Some Anchals are not yet organised and the staff still receive the old rates of pay they were getting during the ex-zamindar's time.

779. In some circles there are no Moharirs and in others it is managed by a Moharir.

780. Due to recent amendment of the Orissa Estates Abolition Act, Government are considering the reorganisation of Naib-Tahsildari Circles in ex-zamindari areas on the following pattern. Each Naib-Tahsildari Circle will be delimited for an average demand of land revenue and cess of Rs. 23,000/- with the following staff. But in backward areas it may be reduced to Rs. 15,000/- or so.

One Naib-Tahsildar in the scale of Rs. 55-1-56-2-76-3-95/-

One Peon -do- Rs. 18- $\frac{1}{2}$ -24/-

One Chainman -do- Rs. 16- $\frac{1}{2}$ -22/-

A temporary Moharir for
4 months in the scale of Rs. 30-1-40/-

One N. G. T. Grade I or Gr. II in the scale of Rs. 120-250/- or Rs. 90-120/- will remain in charge of 5 Naib-Tahsildari Circles.

Although it is said that each Naib-Tahsildari Circle in the Anchal will have an average revenue demand of Rs. 20,000/- it varies from Rs. 10,000/- to Rs. 60,000/- in the district of Puri. In Kodala Anchal of Ganjam district it varies between Rs. 24,000/- and Rs. 41,000/-.

781. There is also overlapping of functions of Naib-Tahsildars and Anchal employees as was seen in Kalahandi district.

782. A statement showing the number of Anchals formed so far is given at Appendix I. Another statement showing the rates of pay or commission allowed to village officers for collection of land revenue and other public duties they are required to perform, is given at appendix. II

Development Administration:

783. The Community Development and National Extension Service Blocks are two of the most remarkable developments in the recent years aiming at a radical transformation of the Country's rural economy. The beginnings of Community Development scheme are to be traced back to 1946 when experiments in intensive rural development were made at the Sarvodaya centres of Bombay and under the Firka development scheme in Madras. Encouraged by the success of these undertakings, the Planning Commission had to draw up the community development programme as an integral part of the First Five year Plan.

Objective. 784. The main aim of the Programme is to develop the social and economic life of the community based on principles of self-help and co-operation of the villagers, the Government offering guidance and assistance, financial

as well as technical. In fact, the emphasis is on increased agricultural production with increased attention being given to (1) the development of cottage and small-scale industries as a means of providing fuller and increasing employment in the rural areas, (2) the development of co-operatives, (3) the promotion of Panchayats as the basic institution for local self-Government, (4) improved village communications, (5) the promotion of education, health and recreation in the villages, and (6) the provision of improved techniques and designs for rural housing.

785. To begin with, only areas with assured rainfall, and facilities for irrigation and soil capable of giving quick returns were selected and the programme was started on October, 2nd 1952 with the launching of 3 community projects in this state as a part of the All-India programme. Each project area covered about 200 to 300 villages covering an area of 450 to 500 sq. miles with a population of about two lakhs and a cultivated area of about 1.5 lakhs acres. These 3 projects are equivalent to thirteen development blocks. The estimated expenditure of a basic type of community project was Rs. 65 lakhs spread over a period of three years, of which dollar expenditure was Rs 6.53 lakhs. The Ford Foundation has been assisting India in the training of project workers and provided assistance in the launching of 15 pilot projects for rural development of which one fell to the share of Orissa, viz. Kendrapara Ford Foundation project. The assistance given by the United States is under the operational agreement No. 8 on the Community Development programme and supplements thereto and is made available to the Indo-American Technical Co-operation Fund, more commonly known as Fund 'A' for the import of equipments required for the community projects.

Community
Projects.

786. Although the first batch of community projects aroused popular enthusiasm and emphasised the

C. D. and
N. E. S.
Blocks.

need for rapid extension of the programme to other areas, the resources of the country were not sufficient to sustain a comprehensive programme of the same magnitude as contemplated in the first batch of Community Projects. The Government, therefore, decided to launch, alongside the community development project, a programme which is somewhat less intensive in character, called the National Extension Service. The two programmes are complementary. Out of areas developed as National Extension Service Blocks, selection is made periodically for intensive development under the community development programme. It is, therefore, said that Community Development is the method and N.E.S., the agency through which an all round and co-ordinated development of the rural life is to be achieved.

Size of
blocks.

787. The present policy is to carve out National Extension Service Blocks containing an integral number of Grama Panchayats with a population coverage of about 66,000 and in hilly tracts the population coverage is between 25,000 and 30,000. On the above basis there will be altogether 307 blocks in the State of Orissa out of which 186 will be single blocks and the rest may be treated as double or triple block areas for the purpose of financial assistance and budgetary needs. Till now 106 blocks have been started out of which 72 are in the N. E. S. stage, 19 in the intensive phase and the remaining 15 have relapsed to the post-intensive stage. By the end of the Second Five Year Plan the entire State will be covered with blocks and 40% of the total number of blocks would have been converted into the Community Development Blocks. A statement showing the number of blocks to cover each district, number already started and their present stage of development and the area and population covered has been given in Appendix III.

Finance
Allocation.

788. The resources for the projects are drawn both from the people and the Government. For each project or

Block area, programme indicates a qualifying scale of voluntary contribution from the people in the form of money as well as labour and in kind. Where the State offers financial assistance for the execution of these projects the expenses are shared by the Central and State Governments, the proportion being 75% and 25% in the case of non-recurring items. The recurring expenses are shared equally between them. For productive works like irrigation, reclamation, etc. the necessary funds are advanced to the State Government in the shape of loans payable with interest.

789. According to the schematic budget of the National Extension Service the expenditure during the 3 year period was estimated at Rs. 4-50 lakhs and that of a community Development block about Rs. 15 lakhs. During the Second Five Year Plan in view of the limitation of overall resources available, the three-year expenditure on N. E. S. blocks and on Community Development blocks has been placed at Rs. 4 lakhs and 12 lakhs respectively from 1-4-56. The share of the State Government in respect of the National Extension Service Blocks comes to Rs. 1.05 lakhs and in respect of the Community Development Blocks Rs. 2.64 lakhs.

Expenditure
on each
block.

790. In regard to Community Development Blocks which had completed its scheduled period of operation by september, 1957, it has been decided that savings, if any, may be utilised up to the end of March, 1958 i. e. even after their reversion to post-intensive phase. This expenditure will also be borne by Central and State Governments according to the prescribed pattern. In order to keep up the tempo of work in Community Development Projects, on completion of the scheduled period of operation, an expenditure of Rs. 30,000/—per annum per block has been provided for three years in post-intensive phase under head 'local works' and 'Social education'. This expenditure

Post-inten-
sive blocks.

will also be shared between the Central and State Government in the proportion prescribed.

Organisation

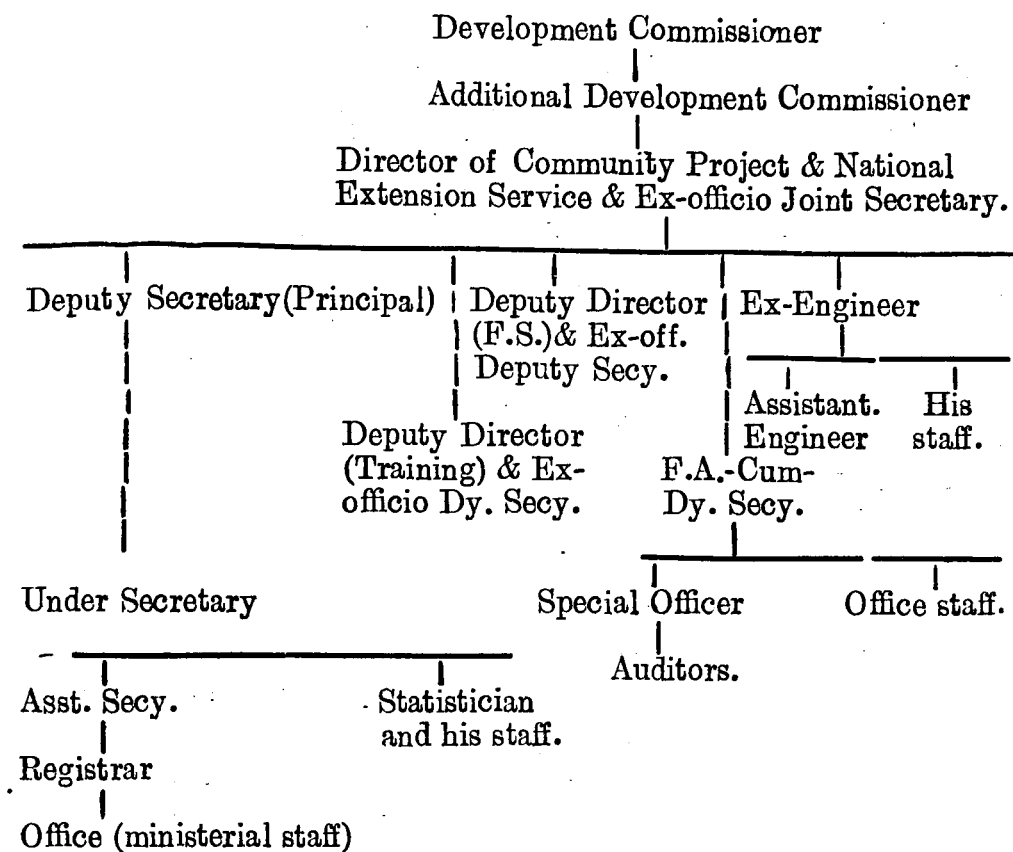
791. The execution of the development programme is the responsibility of the State Government. Generally each state has a single authority responsible for the implementation of both the extension scheme and the Community Project. This body known as the State Development Committee consist of the Chief Minister as the Chairman, the Ministers of the Development Departments as Members and the Development Commissioner as Secretary. The Development Commissioner who is the Chief Secretary co-ordinates the activities of all the development departments and ensures that a unified approach to common problems of development is made. For the purpose of bringing about co-ordination at different levels of administration a single-line organisation has been set up consisting of the following as shown below :

- (1) Chief Secretary & Development Commissioner ;
- (2) Additional Development Commissioner ;
- (3) District Officer ;
- (4) Subdivisional Officer ;
- (5) Block Development Officer
- (6) Village Level Worker

For co-ordination at the district, subdivisional and block levels functions similar to those of the Development Commissioner have been entrusted to the Collector, Subdivisional Officer and the Block Development Officer respectively. Technical officers belonging to different development departments are subject to the supervision for the purpose of coordination by the General Administrative Officer at the appropriate level, namely, Block Development Officer at the Block Level, Subdivisional Officer at the subdivisional level and District Officer at the district level. The Collector is the Chairman of the District Development Committee. All the heads of the Development Departments

in the district are represented on the Committee which also includes the Subdivisional Officers, M.L.A.s and other non-officials. The Collector is the Chairman of the Block Advisory Committee in the Community Development Blocks and the Subdivisional Officers in the N.E.S. Blocks. By recent notification the Subdivisional Officer has been made the Chairman of the Advisory Committees in Community Development Blocks to associate himself more fully in the development administration within his jurisdiction. The Board of Revenue (now Revenue Divisional Commissioners) is also responsible for supervising in a general way the work of the District Magistrates and ensuring satisfactory progress of work in the blocks.

792. The staff provided under the N.E.S. programme is small consisting of a Block Development Officer, an Extension Officer for agriculture and another Officer for Animal Husbandry and the third for co-operation, two Social Organisers, an Engineering Overseer and 10 to 12 Village Level Workers. Besides them, there would be at the Block level other technical officers 'belonging to the various development departments but not borne on the N. E. S. Budget. These officers also work as members of the team at the block level. The key person in the organisation is the Village Level worker who functions in collaboration with the Grama Panchayat and there is one Village Level Worker for each Grama Panchayat in the Block. The Block Development Officer is assisted by the non-official advisory committee in which the Sarpanches of the Grama Panchayats are represented. When N.E.S. Block is converted into Community Development Block more officers and staff are added, namely, a Medical officer, one Lady Health Visitor, a Programme Assistant and others. The headquarters organisation is briefly represented in the diagram given below :-



At the beginning there was a tendency to have a parallel administrative structure for the Block Development administration with co-ordination at the District level by the District officer who was directly responsible to the Development Commissioner. But now attempts have been made to have a single-line of hierarchical administration integrating it with the general administration. It appears to be the policy of the State Government to execute all development works through a single agency, namely, through the N.E.S. Blocks which will be integrated with the Anchals as envisaged in the Orissa Anchal Sasan Act, 1955. This point of view has been fully discussed in the Chapter dealing with the Orissa Anchal Sasan Act, 1955. It has also been decided that all works sponsored either by the Revenue Department or the Tribal and Rural Welfare Departments will be executed in block area through the

Policy of
Integration
of all Deve-
lopment
activities.

block agency. With this end in view it has been decided that funds of the Tribal and Rural Welfare Department meant to be spent in a particular tribal area which is covered by N.E.S. block may be placed at the disposal of the Block Development Officer who will be responsible for the execution of works on behalf of the Tribal and Rural Welfare Department according to their pattern. The members of the Tribal Advisory Council may attend the meetings of the Block Advisory Committee. The social workers of the Tribal and Rural Welfare Department should remain in touch with the Block Development Officers and Extension Service Block Officers so that their work can be co-ordinated and full-use made of the agency. The Ministry of Home Affairs, Government of India have sanctioned 4 Special Multi-purpose Adibasi Blocks for the State. A tentative 5-year programme for each block has been prepared in consultation with the Tribal and Rural Welfare Department. The expenditure for the 5-Year period is placed at Rs. 27 lakhs, 12 lakhs being the expenditure of the Community Development Blocks and Rs. 15 lakhs sanctioned by the Home Ministry from the Tribal and Rural Welfare Fund. The four Special Multi-purpose Blocks are located at Bhuyan Pirh in Keonjhar district, Narayanpatnam in Koraput, Reruan in Maurbhanj district and Kasipur in Kalahandi distaict.

793. As regards the question of integration of Blocks with Anchals, the matter has been fully discussed in the chapter dealing with 'Orissa Anchal Sasan Act, 1955'. There is another growing body of opinion to integrate the developmental administration with the general administration and at what level this fusion should take place, this has been discussed at length elsewhere.

Local self Government

794. Times have greatly changed since the first establishment of District Committees in 1871 with the District Officer as the Ex-officio President and the Members

both official and non-official were appointed by Government. These official ridden boards were supplanted by the 'popular' boards in the early 1920's under the Dyarchy system.

District and
Local (or
Taluk)
Boards.

795. District Boards have been established in the six old districts and there was no form of local self-Government in the merged states. Three Acts are in operation, namely, the Bihar and Orissa Local Self Government Act, 1885, governing the District and Local Boards in the three coastal districts of Cuttack, Puri and Balasore ; the Madras Local Boards Act, 1920, governing the District and Taluk Boards in the ex-Madras districts of Ganjam and Koraput and the Sambalpur Local Self-Government Act, 1939 governing the District Board of Sambalpur.

796. Outside the Municipalities and Notified Area Councils the administration of local affairs such as management of schools, roads, pounds; ferries, dispensaries and sanitation rests with the District Boards with a local Board in each Subdivision. The functions of Local Boards consist mainly of the administration of village roads, pounds, ferries and primary schools. The Union Boards formed under the Bihar and Orissa Village Administration Act, 1922 have been replaced by the Grama Panchayats and the act repealed under the Oaissa Grama Panchayat Act. There are now functioning two Union Boards at Kotpad and Gudari in Koraput district under the Madras Local Boards Act, 1920.

797. The various constituting Acts of these District and Local Boards will stand repealed as soon as the remaining provisions of the Orissa Anchal Sasan Act, 1955 come into force as provided therein (vide Section 2). Thus for the impending introduction of the Anchal Sasan Scheme, the District and Local Boards are managed during the transitional period by Special Official Officers, appointed by the State Government instead of by the popular representatives under the powers conferred by the Orissa

District Boards and Local Boards (Control and Management) Act, 1954. This has taken effect from 1st January, 1954 and the Act has been further extended till the end of June, 1958. The position of District and Local Boards in the context of changed circumstances of democratic reforms and their future have been discussed in another part of this Report.

Municipalities and Notified area Councils

798. There are altogether six Municipalities and twelve Notified Area Councils. The Notified Area Councils are governed by the Orissa Municipal Act, 1950 (Act XXIII of 1950). Under the provisions of Section 417-A of the Orissa Municipal Act small towns are declared as Notified Areas. After the introduction of the Orissa Municipal Act, a uniform law has been applied to all the Municipalities. It is needless to describe the organisation and administration of Municipalities which is too well known. Excepting five big Municipalities, the rest of the Municipalities and Notified Area Councils will come within the jurisdiction of Anchal Sasans as envisaged in the Anchal Sasan Act. Government exercise control over the administration of Municipalities through the Executive Officers who are deputed from Government Service, besides through the general control of the District Magistrate as provided in the Municipal Act,

799. The working, organisation, powers and functions of the Grama Panchayats have been described in detail in the Chapter Under '*Grama Panchayats*' and the reforms necessary to make them lively institutions have been suggested. The purpose here only is to give a brief description of the administrative machinery as is necessary for the purpose of bringing about co-ordination in the new set-up recommended in the context of the reforms measures towards decentralisation of the administration with devolution of responsibilities. In the beginning, the Grama

Grama
Panchayat
Organisa-
tion.

Panchayat administration was under the Local Self-Government Department and the Registrar of Co-operative Societies had the general powers of control, supervision over the Grama Panchayats. In 1951 the overall control and supervision was transferred to the District Magistrate by amendment of the Grama Panchayat Act and the Grama Panchayat administration came under the control of the Revenue Department. The powers of the State Government in this respect were delegated to the Member, Commercial Taxes, Board of Revenue, Sambalpur who functioned as the Head of the Department in relation to Grama Panchayats and as controlling Officer in respect of the budget heads of the Grama Panchayat expenditure. Now the Grama Panchayats have come under the Political and Services (Grama Panchayat) Department. The Director of Gram Panchayats is the Ex-officio Joint Secretary of the said Department and the Deputy Director of Grama Panchayats is the Deputy Secretary of that Department. Besides there are Grama Panchayat Organisers in every district and under them there are Supervisors and Audit Inspectors among whom the work of supervision and inspection of Grama Panchayats has been divided. The main function of the Grama Panchayat Organisers, Supervisors and Audit Inspectors is to organise Grama Panchayats under the intensive scheme in different areas allotted to them for this purpose and to audit the accounts of the Grama Panchayats in their charge. About 25 to 30 Grama Panchayats are allotted to the charge of each one of these officers. They are placed directly under the control of District and Subdivisional Officers in their respective areas. The Registrar of the Co-operative Societies was responsible for conducting audit of accounts of the Grama Panchayats but by an amendment of the Act it has now devolved on the Director of Grama Panchayats. Under the provisions of the Grama Panchayat Act the executive functions of the Grama Panchayats are controlled by the Subdivisional Officer and the District Officer. In

regard to their judicial functions they are controlled by the District Magistrate and the District Judge. So far as sanitation and public health is concerned, the District Health Officer has certain amount of control. The District Magistrate has been authorised under the Act to order dissolution, constitution or abolition of Grama Panchayats, in case of neglect of duty or abuse of powers.

SECTION É.

Administrative Set-up.

800. The terms of reference enjoin upon us to say whether the existing administrative machinery is appropriate and adequate to give effect to the measures contemplated in the various legislations enacted towards land reforms and increasing participation and interest by the people in the administration and to advise, for the above purpose, whether the existing administrative machinery needs modification or strengthening in any respect. The Directive Principles enshrined in the Constitution emphasise the need of formulating and carrying out policy for the establishment of a welfare State on the socialistic pattern as quickly as possible. It is a generally accepted proposition that the transition from a law-and-order administration, as it substantially was in the pre-war period in India, to a welfare administration in the post-independence period must be accompanied by reorientation of the structure of the mechanism that translates policy into action viz. the administrative organisation and a complete change in the out-look of the officers and personnel manning the machinery. The administrative organisation and practices inherited on attainment of independence were largely the result of the historical evolution during the last two centuries or so of the British Rule in India. During the post independence period the emphasis has shifted from law-and-order administration to developmental administration involving measures of social and economic welfare, and reforms for narrowing down disparity in ownership of properties, and devolution of power to democratic bodies at village and higher levels. Government activities have been extended to various other sectors. Due to the increasing expansion and complexity of Government functions the need for reorientation of the administrative structure and recruitment and training policies is imperative

General

to convert the traditional bureaucratic administration into dynamic democratic administration which would adequately serve the socialistic pattern of the society. Thus the forces of Development, Socialism and Democracy cannot be successfully met by adhoc or piecemeal reforms hitherto practised in this State. With the increase in the size of the organisation faced with numerous and complex problems, the decentralisation of administration has become necessary with greater devolution of powers.

801. In the preceding chapter the existing structure of administrative machinery has been fully described. The welfare administration needs very frequent contact with the people to know their felt needs and grievances and to take appropriate measures to remove them in time and thereby to secure their confidence in the administrative personnel. As has been indicated earlier the administrative devolution in most of the districts outside Government estates stopped at the Sub-divisional level and there was no effective subordinate agency to act as a means of communication between the Government and the villagers. This acted as a serious handicap for the District and Subdivisional Officers to obtain any accurate information and statistics required in matters connected with administration. After the abolition of intermediaries which is yet incomplete, the vested estates have been formed into Anchals which are not in many cases geographical units as an estate with its scattered areas formed part of one Anchal. The division of an Anchal into Naib Tahsildari circles and the administrative organisation have already been stated in the preceding chapter. Anchals cut across subdivisional boundaries and the Subdivisional Officer was kept out of the picture in the revenue administration of the Anchal. Thus a somewhat parallel revenue administration developed in the districts in respect of the Zamindari areas, resulting in overlapping and duplication. This is going to be remedied by the reorganisation of Anchals and the adoption of the revenue system

Need for administrative reorganisation.

obtaining in that area. Besides being at a disadvantage in the matter of payment of land revenue which Zamindars generally used to collect at their doors, the strictness of collection under the Government and the summary and coercive process (known as certificate procedure) employed to recover the arrears has embittered the feelings of the tenants. The defects of Anchal system have been fully described in the Chapter under the Orissa Estates Abolition Act.

Existing
Village
Agency
& deficiencies.

802. A highly organised village agency as obtaining in the Ganjam plains, working in subordination to the Revenue Inspectors and Tahsildars has been found very useful in the revenue administration and serves as a suitable link in the chain between the people and the District Officer. The District and Subdivisional Officers often make extended tours to the interior to inspect the work of these village agencies or to do 'Jamabandi' work as prescribed under the Madras system. The Patwari system in the old Sambalpur district has also similar advantages but though not to the same extent as in Ganjam. In other districts where decentralisation has not proceeded far down, the contact between the people and the administrative Officers is rather less frequent. The natural barriers to communications in the coastal districts of Cuttack, Puri and Balasore and comparatively less well developed communications in the merged states have acted as a deterrent to the officers to visit the interior parts to make frequent contacts with the people. The result is that the development activities in the less accessible parts are not so intense as in the areas easily accessible by road or other means of communications. Where development works are undertaken, their progress of execution is tardy due to inadequate supervision by the superior officers. Of course this does not apply to the areas included within Community Development or National Extension Service blocks where special staff is employed for the purpose and there is the multipurpose Village Level worker for every Grama Panchayat.

803. No doubt Grama Panchayats have been established covering almost the entire State. Grama Panchayats are in their infancy. Except a small number, others are in name only and have not started to function at all. They need constant guidance and instructions to develop properly. Thus a village agency may be of assistance to the Panchayats for their proper development and carrying out the formidable list of functions and duties imposed on them under the Grama Panchayat Act. The supervising Officers of Grama Panchayat administration have too large a charge to become quite effective and give the guidance which is too frequently needed by the infant Grama Panchayats. Although Grama Panchayats exist, development works more often than not are executed through the Sarpanches or local committees. This has led to the unpopularity of Sarpanches in the villages.

Guidance
required by
Democratic
Institutions.

804. The various land revenue systems and the agencies at work in different parts of the State have already been indicated. This does not help the efficiency in administration as officers on transfer from one part to the other have to learn and assimilate the system as well as the laws, rules and procedure before they can become skilful administrators and run the administration with ease and efficiency. Due to the growing expansion of activities and their complex nature, the District and Subdivisional Officers have to spend quite a good part of their time at headquarters to answer the references and correspondences and attend Committees, Conferences and meetings which have increased in number, and arrange reception of V.I.Ps. and notable persons visiting the district.

Difficulties
of admini-
strative
officers.

805. For want of suitable village agency in larger part of the state the District and Subdivisional Officers are at a disadvantage to get timely information about the agricultural conditions and approach of abnormal conditions such as drought, floods, etc, and incidence of crop pests

and blights and fomenting of agrarian troubles and to take remedial and preventive measures at the right moment. Now when information reaches them, things have gone out of grips and greater efforts are needed to repair and remedy them. The recent drought of 1957 which was rather widespread may be cited as an example. The team of Planning Commission which came to assess the effects of drought had to entertain doubt about its proper estimation after testing at one place. As a result of a detailed random survey was ordered as an emergency measure, for by that time harvesting of crops had made considerable progress. This could have been avoided had there been a suitable revenue organisation at the village level. The officers who are deputed to assess such conditions make an eye estimation in which they have little training and move rapidly obtaining superficial informations as are readily available from persons with whom they come in contact during their march in order to finish their work by the appointed date or they try to guess the conditions over a large area after seeing one or two localities in the course of their tour.

806. It has been pointed out by the Bengal Famine Enquiry Committee, 1943 that in Zamindary tracts with a permanent settlement of the land revenue there is not that organised linking of the Collector and the Subdivisional Officer to the villages in their charge. The only functionary in the Zamindary village is the village Choukidar, who is charged with certain police duties, is poorly paid, usually illiterate, and cannot be compared in power and influence with the village Munsiff and Karnam or Patel or Patwari in Ryotwari areas. It has been held that the existence of a Ryotwari organisation in Bengal villages would have been of the greatest use to the Government of Bengal in dealing with the crisis created by the Famine of 1943. In Ryotwari areas where the State deals with the owners and cultivators of land directly, the Collector, the Subdivisional Officer and the Tahsildar in charge of Tahsils press on the

life of the people and have direct and immediate contacts with them. As a consequence the Collector and his subordinates have a closer hold on the activities of the people than in the zamindari areas and consequently have a better hold on peace and order of the area. The Zamindars and other intermediaries are in the process of elimination and major part of the State has become ryotwari area and it is only a question of time for the remaining intermediaries to be wiped out.

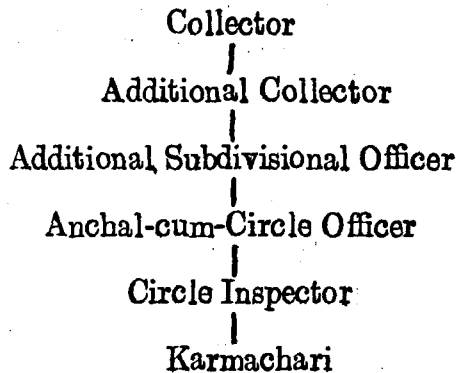
807. In view of the abolition of the intermediaries whose presence between the Government and the ryots presented certain formidable difficulties in having a unified land revenue system throughout the State (reasons already discussed under general system in the first Chapter), it is now practicable and necessary to formulate a uniform land revenue system with an organisation at the village level. As a result of the abolition of intermediaries the ryots will come into direct relationship with the Government. There may be cultivating tenants under the ryots and this does not present any serious difficulty to have a uniform land revenue system, as the ryots will be liable for payment of the land revenue. For the abolition of remaining intermediaries consisting largely of petty tenure holders, recommendations have been made elsewhere for their early elimination. As a result, the multiplicity of revenue laws, rules and practices obtaining in the different parts of the State can be replaced by a single land revenue and tenancy law with a uniform set of rules and procedure to operate throughout the State. The multiplicity of revenue laws when removed, will go a long way in increasing the efficiency of the Revenue Officers. Already a step has been taken in this direction by the repeal of the Madras Estates Land Act under the Orissa Estates Abolition Act.

Conditions favourable for a unified land revenue system

808. In Bihar, which also imbibed the Bengal system of administration, there has been complete reorganisation

Revenue organisation in Bihar and its integration with Development administration,

of the revenue administration with the abolition of the Zamindaris and the management of acquired Zamindaris has been fitted into district revenue organisation. The structure of district revenue organisation is represented in the diagram given below :



The Khasmahal administration has been merged with the Zamindari abolition organisation. The rural area of each Subdivision in a district is further subdivided into a number of circles under the charge of a Circle Officer of the rank of Sub-Deputy Collector and each circle is divided into a number of Halkas—each Halka under the charge of Karmachari.

809. A circle ordinarily consists of 10 Halkas and each Halka consists of 12 villages in the average. The statistics of Halkas and Circles with reference to the area and population of the state of Bihar is given below (prior to reorganisation of State)

Total area of the State of Bihar.	Total rural area.	Total No. of rural police Stations.	Total No. of villages.	Total rural population.	No. of Circle cum-blocks.
1	2	3	4	5	6
70,330 sq. miles	70,251 sq. miles.	445	71,358	3,93,68,227	597
Average area of each block cum—Circle	Average number of villages per unit block.	Average population per unit.	Total number of posts of Karmacharis on the basis of 10 Halkas per block plus 10% leave reserve.		
7	8	9	10		
118	120	66,000	6567		

Government of Bihar has launched a scheme recently integrating the Community Development or National Extension Service Blocks with the Revenue Circles and accordingly the circles have been carved out conforming to the Block pattern. This has been further discussed elsewhere under the Caption Integration of Developmental Administration with the Normal District Administrations. In every circle or block there is a Circle Inspector under the Circle-cum-Block Officer to supervise the work of Karmacharis. The minimum educational qualification prescribed for a Karmachari is Matriculation standard with relaxation in the backward areas of Chotanagpur that the minimum qualification to be either M. V. or M. E. But a Circle Inspector must be at least a Matriculate. The Karmachari should have training in survey and knowledge of revenue records. He is given a peon on a fixed pay of Rs. 25/- and where the collection is heavy he is given an assistant on a fixed pay of Rs. 30/- p. m. without any cost of living allowance. The duties of a Karmachari as prescribed are given below.

(1) collection of rent

- (2) maintenance of the registers and records ;
- (3) submission of returns ;
- (4) receiving applications for mutations and sending them up to the Circle Office, holding enquiries in connection with mutation petitions, correction of records on the basis of mutation slips containing orders of higher authorities ;
- (5) preparation of defaulters' lists and their submission ;
- (6) reporting of encroachments on Government and public lands ;
- (7) the maintenance of agricultural statistics ;
- (8) the carrying out of improvement works which he is ordered to do ;
- (9) such other duties as may be entrusted by Government from time to time.

In some local areas of Bihar, Pradhani system, Manki-Munda system or Thikadari system prevailed in the matter of collection of rent and these have been gradually abolished.

Abolition of Gauntiahi system in Sambalpur and hereditary village officers in Ganjam.

810. The village headmen system for collection of land revenue as has been described before is in the process of elimination here. The Gauntiahs of Sambalpur district who have got proprietary rights over the home farm or Bhogra lands are no longer interested to continue in their office as the most other advantages they were enjoying before have been taken away by law such as settlement of waste lands in the village and free transfer of ryoti land without their intervention. They can be abolished under the provisions of the Orissa Estates Abolition Act. Village Officers in Ganjam and elsewhere who are outside the scope of the Estates Abolition Act can be removed by following the principles of compensation provided in the Anchal Sasan Act. The village organisation in the district

of Ganjam suffer from two defects, namely its hereditary character and part time service. Thus in their places a village agency is necessary and it should be uniform throughout the State.

811. The Commissioner for Reorganization, Uttar Pradesh, has recently made a report for the reorganization of Tahsils. Now the Lakhpal (formerly Patwari), a revenue functionary is in charge of 5 to 6 villages. It is proposed to entrust him with Panchayat, development and collection work and reduce his charge to three villages. He will be under the Kanungo; Naib-Tahsildar and Tahsildar for revenue duties and under the Assistant Development Officer for this development work. The Supervisor Kanungos will do the work of Panchayat Inspectors and consequently their strength needs increase by absorbing the Panchayat Inspectors as Supervisor Kanungos. 85% of the Lakhpals are in the scale of pay of Rs. 35-55/- and the rest 15% on Rs. 55-65/-. By the addition of Panchayat and development work to his present duties, he will be given a cycle allowance of Rs. 4/- (unconditionally) and a development allowance of Rs. 5/-. Various other reforms measures have been suggested, which need not be gone into here.

Contemplated Reorganization of Tahsils in Uttar Pradesh

812. From an enquiry from Madras Government, it appears that the village organisation as in Ganjam plains prevails there except in the Kanyakumari district and Shenocotta Taluk of Tiruvelli district (transferred area) where the village organisation consists of a village officer, an assistant and a village-man and their remunerations are as given below :—

Village organisation in Madras compared with that in ex-Madras area of the State

	Pay	D.A.
Village Officer ...	Rs. 35-3-55-EB-3-80 p.m.	Rs. 27/- p.m.
Assistant ...	Rs. 30-2-42-EB-3-60	,, Rs. 25/-
Villageman ...	Rs. 25-1-55	Rs. 25/-

Village Officer and his assistant draw a security allowance of Rs. 10/- and Rs.5/- per month respectively. In other areas, the monthly remunerations given to Village Officers and servants are mentioned below with corresponding figures in Orissa.

MADRAS**ORISSA** (Ganjam district)

	<u>MADRAS</u>		<u>ORISSA</u> (Ganjam district)		<u>ORISSA</u> (Ganjam district)	
	<u>Pay.</u>	<u>D. A.</u>	<u>Ryotwari village service</u>		<u>Proprietary estate village service</u>	
			<u>Pay</u>	<u>D. A.</u>	<u>Pay</u>	<u>D. A.</u>
Village Headman or Karji	Rs. 17+	Rs. 8/-=	Rs. 25/-	Rs. 17+	Rs. 3=	Rs. 20/-
			p.m.			p.m.
Karnam	Rs. 18+	Rs. 12=	Rs. 30/-	Rs. 18+	Rs. 5/-=	Rs. 23/-
			p.m.			p.m.
Talyari & Vettis	Rs. 11+	Rs. 11=	Rs. 22/-	Rs. 11+	Rs. 7 =	Rs. 18/-
			p.m.			p.m.
						Rs. 15+Rs. 3=
						Rs. 18/- p.m.
						Rs. 15+Rs. 5=
						Rs. 20/- p.m.
						Rs. 9+Rs. 7=
						Rs. 16/- p.m.

In Orissa, the differences in basic pay in the Ryotwari and proprietary areas are still retained even after the abolition of Zamindars. The basic pay of these officers and servants both in Madras and ryotwari area of Orissa is equal but the Government of Madras pay higher rates of D. A. than that in Orissa. The village officers of Ganjam made a representation before the Committee to equalise their pay with that of the village Level Workers appointed in the National Extension Service Blocks i.e, Rs. 70/- Rs, 120/-. Since the Government policy is to eliminate this hereditary system of village officers on grounds of principle on payment of compensation, the adequacy or otherwise of their pay is not for us to consider but we will suggest a pay scale for the personnel of the proposed village organisation to be introduced throughout the State,

New set-up
proposed

813. As already explained, the structure of general administration is determined by the land revenue administration. So it is necessary to formulate a uniform hierarchical structure for the land revenue administration from the village level to the Subdivisional level

beyond which the conditions are uniform throughout the State. In this connection, we want to point out that in delimiting the Halkas, which will be the basic unit for land revenue administration at the village level, the main criterion should not be always the revenue to be collected in the area, but the consideration of population, the problems to be tackled, the backwardness of the area and the stage of development of local administration, namely the Grama Panchayats, should not be lost sight of and may be of importance. We have given below the general outlines of principles to be followed and the working out of details such as delimitation of Halkas, grouping of Halkas into Circles and Circles into Taluks (Revenue Anchals or Tahsils) and the number of Taluks to be formed within a subdivision may be done by the Government. In the succeeding chapter we have also made certain suggestions about the reorganisation of districts and subdivisions which may be taken into consideration along with it for viewing the matter as a co-ordinated whole in carrying out this into effect.

814. In consideration of the above, the Committee recommends the reorganisation of revenue administration in the following manner. As the declared policy of the Government is that the Grama Panchayats which are the administrative units of Local Government at the lowest level, may ultimately be associated with the revenue administration, the basic unit of revenue administration should be related to or conterminous with the Grama Panchayat areas.

815. A Subdivision should be divided into a number of Tahsils or Taluks and each Tahsil or Taluk into a number of Circles and each Circle into a number of Halkas. A Grama Panchayat may contain one or more Halkas according to its size, the revenue demand and the number of villages within its area,

Patwari
Halka

816. Each Halka will remain under the charge of village revenue officer who may be called Patwari with an average land revenue demand of Rs. 5,000/—subject to variation within certain limits in order to adapt to the conditions prevailing in the backward and intensively, cultivated areas. The annual land revenue and cess demand of the State is about Rs. 2 crores. According to the Annual Land Revenue Administration Report, the average land revenue demand is Rs. 97 lakhs excluding the Zamindari income. As a result of abolition of Zamindaris, an additional income of Rs. 76 lakhs has accrued to Government towards land revenue. Thus the total land revenue at present is Rs. 173 lakhs of rupees. The miscellaneous income from Government estates and from vested estates (excluding those from excise and forests which will go to the respective receipt heads hereafter) come to about Rs.16.5 lakhs. The cess demand for the whole State is nearly Rs.24 lakhs. Thus it is safe to assume that the present land revenue and cess demand to be Rs. 2 crores for the purpose of calculation leaving out the miscellaneous (or Sairat) income.

817. Thus on the basis of forming a Halka for an average land revenue demand of Rs 5,000/—, there shall be 4,000 Halkas throughout the State.

818. According to the last census there are 48,308 inhabited villages. But from the report of the District Magistrate, Balasore it appears that the figure of inhabited villages given in the Census Report, 1951, for Balasore district includes 518 uninhabited villages and the number of uninhabited villages in that is shown as 'nil'. According to the District Magistrate the number of inhabited villages is 3315. Thus the total number of inhabited villages is taken as 47880 in round figures and with the uninhabited villages numbering 3104 the total number of villages of both kinds comes to 50,984 or 51000 in round figures. These can be

fitted into 4000 Patwari Halkas, each of which will then be a manageable unit comprising 12-13 villages in the—average.

819. The areas of Grama Panchayats as have been formed and the number of villages they comprise vary widely from district to District as well as in the same district. So, where a Grama Panchayat comprises more than 12 villages or has a revenue demand much exceeding Rs. 5,000/-, it may be carved into more than one Halka taking into consideration geographical factors.

820. Ten Halkas in the average should be grouped into a Circle to remain under the charge of an officer who may be designated as Kanungo (or a Naib Tahasildar or Revenue Inspector). The Circle must contain an integral number of Grama Panchayats and accordingly the standard of ten Halkas per circle may vary either way. As explained below 5 Kanungo Circles in the average will constitute a Taluk or Tahsil.

821. The administrative area of a Taluk (or Tahsil) should be so demarcated as to have a revenue demand of not less than Rs. 3 lakhs in the average. The delimitation of Halkas and Kanungo Circles, as has been said before, will be with reference to the land revenue and cess demand which together amount to Rs. 2 crores. Accordingly we will have 4000 Halkas and 400 Kanungo Circles covering the State. Besides the land revenue and cess, there is the miscellaneous revenue and water rates which will be collected by the Patwaris. The miscellaneous revenue and water rates including those to be levied in Sambalpur and delta zone under the new Irrigation Act may amount to over Rs. 50 lakhs (as has been explained in a subsequent paragraph). Therefore if the entire state is divided into 80 Taluks or Tahsils the average revenue demand per Taluk will be over Rs. 3 lakhs. Accordingly, therefore, each Taluk will ordinarily consist of 5 Naib-Tahsildari Circles.

The number of Taluks, Naib Tahsildari Circles and Halkas with reference to population and other relevant information are given in the statement below :-

Total area of the State	Total Rural area	Total No. of Rural Police Stations	Total No. of villages	Total No. of inhabited villages
1	2	3	4	5
60,836 Sq.miles	60,083 Sq.miles	308	50,984	47,880
Total population	Total rural population	Total No. of house-holds.	Total No. of rural house-holds.	Total No. of Grama Panchayats
6	7	8	9	10
1,46,45,946	1,43,85,665	31,59,157	31,08,036	25000 (approximately) (so far 2351 established & in some areas G. Ps. are yet to be formed)
No. of Taluks or Tahsils for the rural areas	Average rural area	Average No. of villages per unit Taluk	Average No. of inhabited villages per unit Taluk or Tahsil.	Average population per unit Taluk
11	12	13	14	15
80	751 sq.miles	637	600	1,79,821 (or 1,80,000)
Average No. of house-holds per unit Taluk	Average No. of Grama Panchayats per unit Taluk	No. of Kanungo Circles.	Average area per circle	Average No. of villages per unit Circle
16	17	18	19	20
38,851	31 Grama Panchayats	400	150 sq. miles	128

Average No. of inhabited villages per unit Circle	Average population per unit Circle.	Average No. of households, per Circle	Average No. of Grama Panchayats per Circle	No. of Patwari Halkas
21	22	23	24	25

120	36,000	7,770	6 to 7	4,000
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Average area of a Halka	Average No. of inhabited villages per unit Halka	Average population per unit Halka	Average No. of Households.	Remarks.
26	27	28	29	30

15 sq.miles	12	3,600	777	A Grama Panchayat will have one or more Patwari Halkas.
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In the above statement, the urban area comprising the five big municipalities, namely, Cuttack, Puri, Balasore, Sambalpur and Berhampur, has been excluded as these have been excluded from Anchal Sasans to be constituted under the Orissa Anchal Sasan Act, 1955. The population of a Taluk will average 1,80,000 and will thus be equivalent to that of 3 National Extension Service Blocks. We have also said elsewhere that the sizes of Grama Panchayats are large in a good number of cases and need reduction. It would be ideal if a Grama Panchayat area conforms to a Patwari Halka. However, Patwari Halkas will not cut across the present Grama Panchayat boundaries.

822. There shall be 10% leave reserve in the case of Patwaris and 12½% in the case of Kanungos as in the case of L.D. clerks to maintain uniformity. Thus there will be one leave reserve Patwari for every Kanungo Circle and one leave reserve Kanungo (Same as L.D. clerk) for every Taluk. So the leave reserve Patwari will be attached to the office of the Kanungo to assist him in

Office organisation and leave reserves.

his office work and will be deputed to work in the Halka when a temporary vacancy arises. The leave reserve Kanungo will be attached to the Taluk office and sent to work as a Kanungo in a temporary vacancy. The Taluk, Circle and Halka organisations will be as given below :

A - Taluk Office

1. Taluk Officer of the rank of Sub Deputy Collector in the scale of Rs. 175-10-215-15 275
EB-15-305-EB-15-380/-
2. One Non-gazetted Tahsildar Grade II in the scale of Rs. 90-5-120/-
or one Non-gazetted Tahsildar Grade I in the scale of Rs. 120-5-155-EB-5-160-10-220-EB-10/2-250/-
(66 $\frac{2}{3}$ % of the N.G.Ts. will be in the scale of Gr. II and 33 $\frac{1}{3}$ % in the scale of Gr. I).
3. One Head Clerk-cum-Accountant in the scale of Rs. 70-2-80-4-100/-
4. One Nazir in the scale of Rs. 50-2-70-EB-2-90/-
5. Two L.D. clerks in the scale of -do-
6. One L.D clerk for certificate & mutation case in the scale of do
7. One Typist-cum-Despatcher in the scale of -do-

8. One Leave Reserve Kanungo (L.D. clerk) in the scale of 50-2-70-EB-2-90/-
9. One Orderly peon to Taluk Officer in the scale of Rs. 18- $\frac{1}{2}$ -24
10. One office peon in the scale of -do-
11. 3 to 5 process servers (according to the number of processes) in the scale of -do-
12. One Sweeper-cum-Night Watcher in the scale of Rs. 16- $\frac{1}{2}$ -22
13. Two Amins in the scale of Rs. 40-1-50-2-60
14. Two Chainmen in the scale of Rs. 16- $\frac{1}{2}$ -22

The separation of Judiciary from Executive is expected to be tried shortly in the three districts of Cuttack, Puri, and Balasore as an experimental measure (vide H.D. Resolution No. 6179-A, dated 30-4-57). So, when the separation is brought about, Taluk Officers in these districts will have not much criminal judicial work, which will devolve on them to the extent as may be considered necessary and convenient, except under certain preventive sections of the Criminal Procedure Code for maintenance of law and order. In other districts the Taluk Officer may be given an additional L.D. clerk if the volume of criminal work given to him is considerable, in order to benefit the litigant public and relieve pressure on the Subdivisional Officer.

B.-Kanungo's Circle

1. One Kanungo in the scale of Rs.50-2-70-EB-2-90

2. One Leave Reserve Patwari - fixed pay Rs. 40/- p. m.
3. One peon in the scale of Rs. 18- $\frac{1}{2}$ -24

75% of Kanungos should be in the L.D.clerk scale of Rs. 50-90 and 25% should be in the scale of Rs. 70-2-80-4-100/-for maintaining a steady flow of promotion to the higher category. This does not extend to the leave reserve posts. Certain Kanungo Circles may be selected to be filled up by U.D. Kanungos.

C—Patwari Halkas

1. One Patwari—on a fixed pay of Rs. 40/- p.m. (without dearness allowance)
2. One Chainman—on a fixed pay of Rs. 25/-p.m. (without dearness allowance)

The financial implications of the scheme are given in Appendix IV.

823. As may be seen from the financial implications given at Appendix IV the cost of establishment works out to 22.0% of the land revenue and cess demand and on the basis of total gross demand which includes water rates, miscellaneous revenue, betterment charges, etc. the percentage comes below 20.

Pay and allowances of Patwari

824. (a) The Patwari should be a resident of the 'Halka' on a fixed and consolidated pay of Rs. 40/- per month (without dearness allowance). Where suitable persons will not be available within the Halka for appointment as a Patwari, as may happen in backward area, an outsider may be appointed who should reside within the Halka. Government may consider grant of a suitable house allowance to such personnel. Patwaris and Chainmen may be allowed ordinary rates of T.A. when travelling on duty outside their jurisdiction.

824 (b). The minimum educational qualification of a Patwari should be of the M. E. or M. V. standard, and should have training in survey and maintenance of records and of Knowledge of accounts and such other qualifications as may be prescribed for revenue work at the village level. There should be a simple set of instructions in the form of a Village Officer's (Patwari) Manual, for their guidance.

Educational qualification of Patwari.

(c) In order to supplement the pay of the Patwari, he may be allowed 25% of the Amin fees collected from the parties for all survey work done by him in connection with identification of lands, subdivision of holdings, reclamation of waste lands, etc. This additional perquisite will give him the necessary incentive and zeal to attend to the maintenance of records and miscellaneous enquiries relating to reclamation of waste lands, etc. The present position of maintenance of records is far from satisfactory and in Ganjam district where records were being kept up-to-date due to its revenue system, the records now are in heavy arrears and the subdivisions of holdings have not been attended to for several years after withdrawal of the fee paid to Karnams as remuneration for making subdivisions. On 1.4.57, there were 45,670 mutation cases pending in the Anchal areas of Ganjam district.

Additional remuneration to Patwari

(d) The Patwaris and Chainmen will be admitted to the benefits of Contributory Provident Fund after confirmation. They will undergo probation for a period of one year on the termination of which they may be confirmed. Government share for contribution to the provident fund of a Patwari or Chainman will be paid at the end of the year, provided the work of the Patwari or Chainman was considered satisfactory otherwise he will lose the benefit of Government contribution for that year. The Patwaris and Kanungos may be required to furnish cash and personal securities as may be prescribed by the Board of Revenue,

Contributory Provident Fund and security to be given by Patwaris & Kanungos

Prescribing
uniform rate
of Amin fee

825. It would not be out of place to suggest here to prescribe a uniform rate of Amin fees throughout the State instead of multifarious rates obtaining in different districts and in different Zamindari Anchals, which may be found in the statement given at Appendix V. The rate should not depend on the distance to be travelled by the Amin from the headquarters to the land to be surveyed and the ryots close to the headquarters should not thereby get an advantage over others. The service should be rendered to all at an uniform charge which may be Rs. 2/- for the first 3 plots and annas eight extra for every additional plot to be surveyed by the Amin. This survey, when asked for by any person in writing, may be done by the Halka Patwari, leave reserve Patwari at the Naib Tahsildar Circle or the special staff of Amins at Taluk headquarters.

Training and
preparation
of waiting
lists of
candidates.

825. In order to impart training in survey and maintenance of revenue records and laws, a training centre may be opened at every district headquarters not only to give training to the Patwaris and Kanungos in service but also to a manageable number of outsiders who are prospective candidates to such posts. At the end of the training period, which shall be for a minimum period of 3 months and according to the syllabus prescribed, an examination may be held. A list of passed candidates who are not in service, may be drawn up to fill up the vacancies that may occur thereafter according to the merit list in the case of Kanungos. But in the case of Patwaris, the residential qualification in the Halka, will have to be considered where the vacancy arises. The course of training should cover a knowledge on (1) survey, (2) revenue laws, (3) maintenance of records, and (4) Gram Panchayat Manual.

827. It is proposed that the posts of Kanungos whose pay scale should be identical with that of the L.D. clerks may from one cadre with the L.D. clerks and

the posts may be interchangeable as obtaining in the district of Ganjam under the Madras system. Rules may provide that a L.D. clerk before being promoted to the post of a U.D. clerk should have worked as a Kanungo for a period of at least 2 years. Thus the U.D. clerks should have gained experience in the revenue administration which will be of much assistance in the Taluk and higher offices. A U.D. clerk will be the Head Clerk-cum-Accountant in the Taluk office as suggested hereinbefore.

Kanungo
Cadre

828. All revenues relating to land besides land revenue and cess shall be collected through the Halka Patwari and this will avoid overlapping or duplication of agencies. The villagers will not be bewildered by the multiplicity of agencies employed in the collection of revenue. The Patwari while collecting the land revenue and cess can also collect water rates, betterment charges, and forest cess where levied. At present water rates of the Orissa canals are being collected through a special establishment placed under a Deputy or Sub-Deputy Collector known as the Canal Revenue Officer, Orissa under the control of the P. W. D. Government have taken a decision to transfer the canal revenue establishment to the Revenue Department but it is yet to be implemented. In the district of Ganjam water rates levied under the Rushikulya system and M. I. works are collected by the revenue agency at the village level. No doubt the water rate has been consolidated with the land revenue under the Madras Irrigation and Cess Act. The total revenue collected towards water rate is at first credited to the "VII-Land Revenue" head and after deducting the collection charges @ 5% in the case of Rushikulya system, the balance revenue is transferred by the Accountant General to "XVII-Irrigation". The average annual demand under water rate in Ganjam district is Rs, 3½ lakhs.

Revenue
Collection

829. The following statistics obtained from the Canal Revenue Officer, Cuttack in respect of Orissa canals are given below :—

year	water rate demand	Land rent of canal side lands.	Total	Cost of establishment.
	Rs.	Rs.	Rs.	Rs.
1954-55	6,97,736-9-3	41,031-2-9	7,38,767-12-0	1,85,512-2-0
1955-56	7,18,150-3-0	40,391-15-3	7,58,542-2-3	1,78,352-9-6
1956-57	7,49,538-5-0	36,752-2-0	7,86,290-14-0	1,91,360-6-6
Average	7,21,808-6-0	39,391-14-0	7,61,100-4-0	1,85,075-0-0

Saving on account of Canal revenue establishment.

The cost of establishment, when worked out comes to 24.3% but whereas the cost of collection is charged at 5% in the district of Ganjam. Thus by introducing a revenue agency at the village level, the water rates can be collected without extra cost on establishment except some extra charges under contingencies. As a result of Hirakud Dam Project and the Delta Canal system now in execution, a large area will come under perennial irrigation as can be seen from the following figures taken from the Sivaraman Committee Report on "Direct Benefits from Irrigation of the Hirakud Dam Project."

Sambalpur Zone—

Cultivable commanded area to be irrigated. 5,42,000 acres

Gross area to be irrigated including Rabi crops. 7,91,000 acres

Cuttack and Delta Zone—

Present non-perennial area to be perennially irrigated. 4,06,000 acres

Additional area to be perennially irrigated. 5,84,000 acres

Additional area to be under non-perennial system. 59,000 acres

830. The Orissa Irrigation Bill introduced in the last session of the Assembly when passed into law, is expected to enhance the water rates which are low when compared to the rates levied in other States. This will, no doubt, augment the water rate revenue considerably when the additional areas are brought under irrigation. The Orissa Betterment Charges Act, 1955 empowers Government to levy betterment charges in the above areas with reference to the increase in production of lands making allowance for the cost incurred to make the lands fit for advantageous irrigation as laid down in the Act. The betterment charges to be thus determined will be realised in 16 annual instalments or in lump sum if the tenant so prefers. The village agency, suggested can also take this responsibility of collection under the supervision of the Kanungo and Tahsildar.

Collection of water rate, betterment charges by the Halka Patwari

831. At present different agencies exist for-leasing out of Government lands which are not immediately wanted for the department concerned. The P. W. D. in the three coastal districts of North Orissa themselves lease out the canal side land and collect the lease amounts through the same staff which collects water rate. The Jagannath Road Fund which leases out the lands on both the sides of the Jagannath Road has its own staff for leasing out and collecting the lease amounts for such lands. The diversified system of leasing out Government land and collecting the lease money leads to increase of expenditure by employment of special staff under each department. This can be avoided by centralising this work in one agency. We would recommend that the temporary settlement of all Government lands and also lands pertaining to public institutions under the management of Government should be done by the district revenue authorities and the village land revenue collecting agency will be responsible for the collection. The amount collected will be credited to the concerned department under its proper head. This will be a more economical arrangement than what exist at present.

Temporary lease of land under Department of Government.

Execution
of distress
warrants.

832. In the districts of Cuttack, Puri and Balasore, the village police is employed for the service of revenue processes in rent suits and execution cases. The village police has now been transferred to the control of Grama Panchayats. Due to the abolition of Zamindars and other intermediaries, rent suits will be few, but the certificate cases will increase in number. Money processes like distress warrants or demand notices relating to Revenue Department may be executed through the Halka Patwari. For large amounts exceeding Rs. 500/-, this may be got executed by the Naib Tahsildar and necessary executive instructions in this regard may be issued by the Board of Revenue. In regard to recovery of arrear dues which is requisitioned by other Departments, it should be centralised at the Taluk Office.

Process
Service

833. The Taluk Officer will have a process service establishment and all processes emanating from the District headquarters or subdivisional Offices may be transmitted to the Taluk Officer for causing their service. The concentration of process servers at the district or subdivisional headquarters leads to delay as process servers have to travel long distances-50 to 60 miles in the Sadar Subdivision of Cuttack to server notices. By this system the standard of processes to be served by a process server can be fixed at a higher number than at present and consequently the number of process servers can be diminished. This revision of standard may take place when Taluks are established. There may be a skeleton staff of process servers at the district and Subdivisional offices to serve urgent processes whenever necessary. The number may not exceed two or three. The Daffadar was serving revenue processes relating to rent suits and proprietary land registration in the three coastal districts of Cuttack, Puri and Balasore (vide Appendix VI). With the removal of intermediaries, there will be little room for such processes. The processes appertaining to certificate cases will increase with the

abolition of normal rent courts. The Taluk Officer should have certificate powers and such processes should be served through his process service establishment.

834. With the establishment of the administrative set-up recommended by us, the Chakla Kanungos and Sadar

<u>Chakla</u> <u>Kanungo</u>	<u>Sadar</u> <u>Kanungo</u>	Kanungos now employed in the districts of Cuttack, Puri and Balasore as detailed in the margin will not be required. The Chakla Kanungos who are in the scale of Rs. 50-2-70-EB-2-90 may be
Cuttack 15	1	absorbed as Naib Tahsildars and the Sadar Kanungos in the scale of Rs. 90-5-120/- may be absorbed as non-Gazetted Tahsildar, Grade II having an identical scale of pay. The Sadar Kanungo will no longer be necessary as the work that he is now doing in the District Office will be taken over by the Taluk Office. The compilation of statistics which is now done in the District Office by the Sadar Kanungo will very likely be entrusted to a trained statistician, but until that is done, it can be left to a clerk of the Collectorate as the Taluk Officer will send compiled statistics which will require only consolidation in the District Office.
Puri 12	1	
Balasore 6	1	
<u>33</u>	<u>3</u>	

absorbed as Naib Tahsildars and the Sadar Kanungos in the scale of Rs. 90-5-120/- may be absorbed as non-Gazetted Tahsildar, Grade II having an identical scale of pay. The Sadar Kanungo will no longer be necessary as the work that he is now doing in the District Office will be taken over by the Taluk Office. The compilation of statistics which is now done in the District Office by the Sadar Kanungo will very likely be entrusted to a trained statistician, but until that is done, it can be left to a clerk of the Collectorate as the Taluk Officer will send compiled statistics which will require only consolidation in the District Office.

835. The Naib Tahsildars and Revenue Inspectors at present employed in the revenue administration may be absorbed into the Kanungo cadre.

836. The Committee considers it necessary to sound a word of caution with regard to the traditional system of land revenue collection in the tribal and backward areas like Bhuyan and Juang Pirh in Keonjhar district, Mal areas of ex-Daspalla estate in Puri district, agency tracts of Ganjam district and Khondmals in Baud-Phulbani district. In these areas, which are unsurveyed, the assessments are in the form of ploughtax or the commuted value of rent-in-kind and are collected through the village headmen who

Land
revenue
collection in
Tribal and
Backward
areas.

are the natural leaders of tribal people. These headmen are variously designated as already described earlier. (Vide Appendix II). On introduction of the new set-up recommended by us, the taking over of the land revenue collection by the Halka Patwaris in the above backward areas should be a slow process. The Patwari on appointment should prepare and maintain village records and the collection of land revenue and cess from the individual tenants may continue through the agency of village headmen on the existing rates of remuneration for some years to come until the people of the area are gradually enlightened and their confidence is secured by the Patwaris. Patwaris who will not be required to do the individual collection at the beginning may be entrusted with the execution of development works for which he can find time and thereby gain popularity among them.

SECTION F

Integration of developmental administration with the normal district administration.

837. The policy of State Government is the desire to integrate National Extension Service or Community Development Blocks with Anchal Sasans to be established as statutory democratic bodies with the revenue administration transferred to them. The detailed plan of the scheme of integration of blocks with Anchals appears to have not been formulated and is not before the Committee to consider its merits and demerits. Anchal in Bihar is a territorial division for the purpose of revenue administration and Anchal Adhikari is the principal Revenue Officer without any representative institution. Anchal Executive Officer in Orissa will be subservient to Anchal Sabha whose policies and decisions he has to execute besides other functions and duties cast upon him under the Act. To what extent and degree this fusion will take place and what will be the relationship of the Block Development Officer in respect of the Block Development work with the Anchal Sabha or whether the Anchal Sasan will carry out the developmental programme with Block Development Officer as its executive officer are yet to be known. We have already pointed out elsewhere the difficulties that will be faced by Block Development Officer if he performs the dual functions of the B.D.O. and the Anchal Executive Officer. There is no precedent for this any where in India and it will be altogether a novel experiment. This much may be said that Anchal Sasans as small units like the present Blocks will be a costly experiment and may prove economically unsound. Even 'Janpads' in Madhya Pradesh which are conterminous with Tahsils having an area of 1200 to 1500 square miles have been found uneconomic and are not able to work

Integration
of Blocks
and Anchals.

satisfactorily for want of funds. So Anchal Sasan divested of the land revenue as recommended by us can not become financially sound, even with an assignment of a share in land revenue, if they are made co-extensive with Blocks, the average area of which will be about 200 sq. miles.

Recommendations of Mehta Committee on Plan Projects

838. In this connection, it will not be out of place to mention briefly the main recommendations of the Committee on Plan Projects known as Mehta Committee, although these recommendations are yet to be accepted by the Government of India. Towards the end of November last the main recommendations made by the Study Team (headed by Shri Balvantrai Mehta) of the Committee on Plan Projects have been published in the press but the report could not be available to the Committee for reference. The main recommendation which is of considerable significance, as appeared in the press, is in regard to the setting up of a new body charged with the developmental activities in the district. This body which will be known as the Panchayat Samiti will be co-extensive with a development block (population not exceeding 80,000) and will be constituted by indirect elections from village Panchayats. It will also include representatives of various elements in the life of the district. Its functions will cover all aspects of development of agriculture, minor irrigation works, management of primary schools and promotion of local interests. Where the Panchayat Samiti is not in a position to function in a particular matter, the State Government should not undertake any of these or other development functions in the block area. The sources of income of the Samiti are to include a statutorily prescribed percentage of land revenue, tax on professions and trades and surcharge on stamp duty on transfer of immoveable property. The Samiti will have two sets of officers—at the block level and at the village level. All the officers will be drawn from the corresponding state cadres and

lent to the Panchayat Samiti by the State Government which will meet the cost of their pay, dearness allowance, pension and leave contributions; the Panchayat Samiti will meet the expenditure on current allowances like travelling allowance at the rates prescribed by the State Government.

839. Of late a body of opinion is growing in the country in favour of extending the principle of combination of functions regulatory and developmental in the same functionary beyond the Subdivisional level, as already it exists in Bombay State where, unlike other States, the blocks are co-extensive with those of the existing administrative boundaries of Taluks (or Tahsils). The financial provision for these blocks is made in proportion to their population at the rate of 4.5 lakhs or 15 lakhs per 66,000 population in the National Extension Service and Communal Development Blocks respectively. In other words, instead of carving out territorial blocks to suit population and financial provision; the financial provision is adjusted to suit administrative convenience. In order to give to the Subdivisional Officer known as Prant-Cum-Project-Officer (in respect of a Community Development Block) adequate relief on the revenue and general administration side either his jurisdiction has been reduced from four to two Taluks or an Assistant Project Officer (Tahsildar's grade) is given. For the same purpose Mamlatdar, as Block Development Officer, is given assistance of one or two extra Aval Karkuns. (Naib-Tahsildar or Assistant Circle Officers) At the village level, a new cadre of 'integrated' Grama Sevaks (Village Level Workers) is formed pooling together the existing number of Circle Officers, and they are required to do revenue work in addition to development work of National Extension Service and Community Development programme. On the lines of Bombay, Bihar Government has formulated a scheme of Anchal Adhikari-Cum-Block Development Officer system, combining in him

Integrated
Systems in
Bombay &
Bihar

the revenue functions as well as magisterial and the development functions of the block. This is in process of implementation according to a phased programme. The whole state of Bihar has been divided into 597 blocks or Circles on the population basis of 66,000 per block—each block having an average area of 118 square miles and an average number of 120 villages. Under the Anchal Adhikari-Cum-Block Development Officer there are two Circle Inspectors—one meant for revenue work and the other for the development work. Under the Revenue Inspector there are Karmacharis each in charge of 12 villages in the average and under his counterpart, the Development Inspector there are village level workers (or Gram Sevaks). It is argued in favour of Bihar scheme that with the smaller area and powers as compared with that of the Mamlatdar of Bombay (who is vested with greater magisterial powers than the Anchal Adhikari and is responsible for the law and order in his area) and with integration not proceeding lower than Anchal level the Anchal Adhikari will find it easier to develop the right relationship with the people in development work. Although in Bihar the territorial jurisdiction is reduced but in Bombay the functions are shared by giving assistance of one or more officers to the Mamlatdar. Thus it remains to be seen how far this hope will be realised, that is in bringing about a silent revolution in the mental outlook of the rural population which is the fundamental objective of the movement. Tributes are also paid to Bombay system that within a short period it has produced good results. A single line of administration from the Grama Sevak to the Development Commissioner has resulted in a considerable increase in efficiency and consequently in tempo of development activities. A high degree of coordination between the activities of various Departments has been brought about, thus avoiding overlapping and “frictional loss” within the administrative machinery. The villager is no longer bewildered by the multiplicity of departments at the village level and is

beginning to feel that a development machinery capable of delivering the goods, is in process of creation.

840. The main considerations, in favour of such a combination are :

- (1) Economy in expenditure of staff ;
- (2) Avoidance of a multiplicity of agencies and establishment of a single line of administration in which the people in the block do not have to go to more than one functionary for assistance with their problems ; and
- (3) Avoidance of all possible friction between the development machinery and the normal executive machinery of the State.

Reasons in
favour of
complete
Integration

841. Those who are in favour of integration say that by this process the accepted principle of transforming the existing machinery of Government into a welfare agency has been carried out, to its logical conclusion. This integrated system is simple, inexpensive and easily intelligible to the villager. To expect that such a transformation can take place at a later stage when the administrative structure has been enlarged and creation of two hierarchies has developed psychological barriers in the way of integration is, to say the least, rather optimistic. The psychological difficulty is as real as the administrative one and thus the chances of a sound and effective welfare administration evolving out of this are slim, indeed.

842. On the other hand, there are powerful arguments against this combination of functions being carried, at this stage, beyond the Subdivisional level. The reasons against this briefly are :—

Opinion in
favour of
Integration
at Sub-
divisional
level

- (1) functions at the Block and the village levels, unlike at the district and subdivisional levels are not those of co-ordination only, but of direct implementation.

- (2) considering the tradition, background and training of the existing functionaries at the Block and the village levels, the combination of functions is likely to result in the extension role of the functionary being adversely affected by his regulatory powers, and
- (3) implementation of developmental and extension programme will impose on the functionaries at the Block and the village levels a load which would make it difficult for these functionaries to combine this work with any other work without detriment to their development and extension work.
- (4) The traditional revenue Officer is considered less fit by the coercive nature of his powers and duties to be that friend, philosopher, guide and also leader of the people than the Block Development Officer is expected to be. The danger of combining regulatory and extensive functions in the same functionary arises from the constant temptation to resort to the short-cut of 'Coercion', which has been so freely used in the past and which even today, on the surface, may seem to produce quicker physical results.

Difficulties
of integra-
tion at
Block Level

843. Under any system of complete integration the tendency will always be to give priority to the normal revenue work and other regulatory work and then to other tasks like census and election which are becoming almost a normal feature of revenue administration; development work will come in as a poor third. As a matter of common experience an officer is more likely to be taken to task by his superiors for failure to discharge regulatory and revenue function than for dereliction of duty on the development and extension side. Without clear and separately assigned developmental and extension responsibilities it will always

be easy to find excuse for progress not being upto the mark.

844. Normally revenue and regulatory administration works best when it is routinised. There is not much dynamism in this kind of work. Obviously, development work cannot be done in the same manner particularly when development consists of the process of changing the outlook of rural population living in comparative ignorance. During these years of beginning, the work has infused a sense of urgency and a sense of service in the Grama Sevak (V.L.W.) and the Block Development Officer. There is a danger of that sense being lost in the quick sands of official routine as a result of the desire for integration.

845. It is viewed that there can obviously be nothing sacrosanct about present integration arrangements stopping at the subdivisional level and not extending any further. The extent to which this process can be carried on will depend a great deal on local circumstances. As the quality of officers and their training improve, it will become increasingly possible for them to take on the dual role without detriment to either side of the work.

846. The following view which appeared in the 'Indian Journal of public Administration', on "The Structure of Development Administration", is worth quoting: "Combination of functions regulatory and developmental, in the same functionary is a bit of an administrative tight rope-walking in the case of all persons. It is a question of degree. But the difficulty is infinitely greater at levels below that of the Subdivisional Officer. A time will come when further extension of this principle of integration will not be impossible but there are clear indications that the time is not yet".

847. The arguments for and against integration of development administration with the general administra-

tion have been stated above. Whether there should be a single line of administration combining the welfare and regulatory functions in the same officer from top to bottom in the hierarchy as in Bombay or it should stop at an intermediate stage at the block level for the present as in Bihar and its extension further down when conditions are favourable and more experience is gained by officers in course of years is a matter which largely depend on the local conditions and the system of administration prevailing in each state.

848. In Bombay, which has a uniform and traditionally well established and efficient Revenue system, this integrated development from the beginning is not a sudden phenomenon but it appears that there were pilot experiments of a similar developmental programme before, on which experience, they built up a single line administration. Bihar has adopted the new scheme as an experimental measure with certain reservation to reverse it, if necessary in the light of experience to be gained. It has almost a uniform land revenue system.

Recommendation for integration at Subdivisional Level.

849. In Orissa, the co-ordination of developmental programme and general administration has gradually descended from the state level in the Development Commissioner to the Subdivisional level, by recently declaring the Subdivisional Officers to be the Ex-officio Chairman of the Block Advisory Councils in the Community Development Blocks (hitherto the District Magistrate) (Vide Political and Services (Community Development) Department Notification No. 13166—C. D. dated 13-11-57). In Orissa, there are diverse revenue systems obtaining in different parts of the State as well as within the same district boundaries. A Block Development Officer if also made a Revenue Officer, will take time to get himself acquainted with the revenue laws and revenue system on his transfer from one area to the other. Integration of revenue func-

tions with developmental programme at the Block level, may create certain amount of dislocation, in the development programme of Blocks which are already in existence. This can only be tried in the new blocks to be established, which are strictly not in conformity with the geographical contiguity. In that case, it will present a mosaic pattern of administration. For these reasons and arguments put forward by critics, as already stated, not to cross the subdivisional level at present, until sufficient experience is gained, in bringing about the integration of developmental administration with general administration, we are of the view that the coordination between normal administration and developmental administration should be established at the subdivisional Officer's level until such time when definite signs are evident about the complete change in the mental make-up and out-look of officers towards welfare administration. Further we have recommended for early introduction of a change in the administrative set up below the Subdivisional level of Government in order to suit the present needs in the context of legislative measures towards land reforms and democratic decentralisation. So it is not considered desirable to proceed with integration beyond subdivisional level until the change proposed in the administrative set-up is fully implemented and stabilised.

SECTION—'G'

Democratisation in administration and delegation of authority

Need for democratisation

850. With the change over to welfare administration, there is a growing body of opinion in favour of democratisation of administrative machinery due to the enormous increase in governmental activities and its complex nature and ever-widening scope, the effectiveness of Parliamentary control tends to diminish and consequential increase in the volume of parliamentary business demands much of their time. So in the lower levels of administrative process, participation of the public or association of organised public opinion is considered necessary. Obviously this depends on the political enlightenment and traditions of the people.

Legislations for democratisation.

851. The Orissa Grama Panchayat Act, 1948 and the Orissa Anchal Sasan Act, 1955 are two legislations in this direction. The Orissa Grama Panchayat Act came into operation in 1949 and the Anchal Sasan Act is yet to be implemented, which are also included within the terms of reference to the Committee. The working of Grama Panchayats and the various aspects of the Anchal Sasan Act have been dealt with elsewhere in this Report. The Grama Panchayats Act provides a formidable list of functions and duties for the Grama Panchayats to perform in the village administration. Both the Acts taken together contemplate transfer of revenue and developmental administration to these democratic bodies besides their civic or municipal functions. Having considered the views expressed before us, which was sharply divided regarding entrustment of revenue administration to the Anchal Sasans, the present condition of the Grama Panchayats and for a variety of other reasons, we have

recommended that the time is not yet ripe to transfer the revenue administration to the democratic bodies. The new leadership in the village has yet to emerge or is in the process of emerging and at many places it has to contend with the landlord leadership which has not lost its hold due to incomplete land reforms measures. The educated men do not stay in the villages to give the proper lead. The Sarpanch, who is the chief executive of the Grama Panchayat and is normally untrained and inexperienced has also to earn his livelihood and the nature of his profession in no way helps him to develop the qualities of leadership. The N.E.S. or C.D. Blocks assist in the development of Grama Panchayats by getting the developmental works executed through them and increasing social and cultural activities in Grama Panchayat areas. These Blocks have so far covered about 40% of the area of the State. There is still a great deal of inequality-economic and social—in the villages to be removed. Acharya Binoba Bhave has viewed that village Panchayats, under unjust social and economic conditions, can become powerful instruments of decentralised exploitation. The Committee for the All India Rural Credit Survey has expressed the view that in most villages, neither Panchayats nor an ad hoc Committee would be an appropriate organisation because both of them are likely to represent precisely those elements in the village which, by and large, operate against the interests of middle and small cultivators.

852. Therefore it is suggested that the democratic bodies should be fully associated with the developmental administration and all developmental activities should be entrusted to them for execution as is now being done in the Block areas. But for the reasons stated above, their participation in the normal district administration must be a gradual and slow process. These bodies should be stabilised first and develop proper leadership in course of time before being associated with the general administration in a substantial measure.

Democra-
tisation in
Develop-
ment
Admini-
stration.

Measures of
Democra-
tisation in
normal
administra-
tion.

853. Some of the Sarpanches who were examined by the Committee appeared to be quite ambitious and expressed before the Committee to be given the powers of settlement of waste lands in the village, management of village forests and collection of land revenue and cess. In order to initiate them in the administrative process, satisfy their incentives as are forthcoming, and increase their prestige in the eyes of the villagers, the Grama Panchayats may be consulted in any plan affecting a village in the matter of reclamation of cultivable fallow and waste lands and distribution of Taccavi loans and fire relief grants. It is included within the compulsory functions of the Grama Panchayats to establish, take care of and manage the common pasture land in the village and the land for the common benefit of the village people. This provision of law has been generally overlooked and is suggested that the Grama Panchayats may be encouraged to develop these activities. Miscellaneous revenue and mutation petitions may also be sent to the Sarpanches for enquiry and report. For the present the above measures will suffice.

Need for
Delegation.

854. With the growth in size and complexity of the administrative organisation, the sphere of supervision, and responsibility increases and consequently the need for delegation of power and authority by the superior officer to his subordinate officers becomes greater. It saves the time of the delegator as well as of the subordinates. The subordinate feels that he is trusted and takes greater incentive in his work and discharges his responsibility properly. Thereby efficiency is improved and the public gets decisions more quickly. It ensures economy by cutting down the supervisory staff. But in matters where more discretion is exercised to arrive at a decision, the delegation should not proceed far down the hierarchial structure so that decision on similar problems may be uniform as far as possible. It should be the responsibility of the delegator to satisfy himself that the delegated functions are being properly carried

out and the powers delegated are not misused as the delegator will be ultimately accountable. The decentralised revenue administration recommended by us calls for liberal delegation of powers to the subordinate officers for the public to get decisions and redress more quickly.

855. More financial powers should be delegated to the District Officer so that he can sanction temporary staff for his office or subordinate offices not above the rank of a L. D. clerk (or Kanungo) for a period of six months provided budget provision exists. In certain Manuals Collector has been authorised to entertain additional staff to cope with the increase in work at any time of the year according to the scale prescribed. But general power to sanction L.D. clerks or staff of lower rank for a period not exceeding six months may be given to him to meet any unforeseen circumstances which now-a-days too often arises due to developmental activities and new schemes introduced. For longer periods if it becomes necessary, he should move his higher authorities in time to get the sanction before the expiry of six months period.

Financial
Delegation.

856. Some branches need temporary strengthening of staff in certain parts of the year such as Tahsils in the collection season but every year Government sanction is asked for although it has become a regular feature and accordingly the budget has been sanctioned. Some times due to delay in receipt of the sanction, the staff are not appointed in time leading to dislocation of work or accumulation of arrears. Even if the staff are appointed in time in anticipation of sanction, they do not sometimes get their pay in time causing discomfiture to the persons employed and embarrassment to the officer employing them.

SECTION H

Reorganisation of Districts and Subdivisions.

General
Remarks.

857. Although the above question is not specifically included in the terms of reference, but it incidentally arises in connection with the reorganisation of the administrative set-up. All the old districts of the province, except Ganjam and Koraput (Ganjam area was reduced due to transfer of Khondmals and Balliguda Subdivisions to constitute Baud-Phulbani district), were added with new areas, on the reformation of districts after the merger of the States. - The population of the districts has been growing from year to year as can be seen from the following table.

<u>Name of districts</u>				<u>Name of districts</u>			
<u>Year</u>	<u>Outtack</u>	<u>Puri</u>	<u>Balasore</u>	<u>Sambalpur</u>	<u>Year</u>	<u>Ganjam</u>	<u>Koraput</u>
1872	16,36,015	9,75,911	8,04,176	5,06,834	1901	11,41,963	6,93,187
1951	25,29,244	15,72,262	11,06,012	13,01,804	1951	16,24,829	12,69,534

(The above figures take into account the areas of the districts as at present).

Need for
smaller sizes
of Districts
Subdivisions

858. The increase in population and the political changes, accompanied by the complicated economic and fiscal relations, expansion of developmental and social welfare activities and implementation of Five-Year Plans have led to the enormous increase in the volume of work in the district and Subdivisional Offices. Side by side the number of criminal and revenue cases has considerably increased. Statistics and popular opinion go to show that the duration of trials of these cases is greater than formerly and disposal of cases is often delayed. This is due to the fact that the District, Subdivisional and other subordinate officers are often preoccupied with multifarious urgent duties and give preference to the developmental and welfare activities neglecting, which they are often compelled by circumstances to do, the trial of cases and routine duties of

administration. This is not because that they do not realise their importance but because lack of time to take them up. Over and above there are periodical operations such as census, election and relief activities to which the entire district machinery is geared resulting in accumulation of arrears in the branches of normal administration which continue to increase for the above reasons. The number of gazetted and ministerial staff in a district has been doubled or even trebled as can be seen from the Statement at Appendix VII in respect of Cuttack district in which the position of gazetted officers and the non-gazetted staff in the district is furnished at periodic intervals with important land marks, viz. the formation of separate province of Orissa, beginning of 2nd WORLD WAR, Post-war period, Merger of States, First Plan period and Second Plan Period. The multiplication of gazetted and non-gazetted staff of a district does not imply corresponding relief to the District Officer; on the contrary, it necessitates increased inspection and supervision and in many directions adds to his work and responsibility.

859. To relieve the District Magistrate of his work and responsibility, Additional District Magistrates have been appointed in all the districts and there are two Additional District Magistrates in Cuttack district. The Second Additional District Magistrate's post in Cuttack district was first created in September 1945 and abolished after June, 1946. The post had to be revived in June, 1949 due to the large volume of work, which one Additional District Magistrate was not be able to cope with. These officers have also been invested with the powers of a Collector under various revenue enactments. There is also distribution of work between the District Magistrate and the Additional District Magistrate as laid down in the Book Circular No.6. One view is that this division of authority, division of knowledge and division of administrative grasp are not conducive to efficiency. The District Magistrate

Relief given to District Magistrate by appointment of Additional District Magistrates.

should always have an over-all picture of the district administration before his mind to enable him to give quick and sound decisions on all problems concerning his district and be able to coordinate the various branches of administration under his control. But the creation of a larger number of smaller districts or subdivisions entails heavy expenditure, both recurring and non-recurring and therefore we have taken into consideration only such cases as appear to us to be absolutely and immediately necessary for the efficiency of administration.

Further relief to District Magistrate on separation of Judiciary and introduction of Taluk system recommended.

860. The policy of separation of judiciary from executive, one of the directive principles of the Constitution, has been declared to be tried as a measure of experiment in the three districts of Cuttack, Puri and Balasore (vide Home Department Resolution No. 6179-A dated 30-4-57). When this policy is implemented, there will be considerable lessening of the load on the District and Additional District Magistrates. The introduction of Taluk (or Tahsil) system with a village agency at the lowest level of the hierarchy, as recommended by us, would necessarily bring these officers into frequent contact with the local people and thus foster good relationship with the people. This subordinate agency which has been proved very useful elsewhere, will be of great assistance to the District Officer and thus bridge the gap now in evidence. Until these measures are implemented and the results achieved are studied, it is not necessary to consider the question of reducing the sizes of the districts.

Reorganization of Sadar Sub-division of Cuttack and slight alteration of Athgarh Subdivision.

861. The district of Cuttack has an area of 4200 sq. miles but its large population of 25 lakhs and odd and the attending problems overburden the District Officer with work and as a consequence there are two Additional District Magistrates to assist him. We also examined if the Subdivisions of Kendrapara and Jajpur can be combined to form a district. But the difficulties of inter-communication between the two and finding a suitable headquarter for the

district stood in the way of constituting it into a district. For that, we make this alternative proposal to relieve pressure on the District Officer. The Sadar Subdivision of Cuttack having an area of 1562 sq. miles with a population of nearly 12 lakhs appears to be very unwieldy. There is a long standing proposal to have a Subdivisional headquarter at Jagatsingpur. The Police Station areas of Jagatsingpur, Balikuda, Govindpur, Ersama, Tirtole, and Kissennagar may be constituted into Jagatsingpur Subdivision. A considerable part of these areas is flooded area. So a Subdivisional Officer at Jagatsingpur will take better care of these areas during the flood seasons. The police station areas of Cuttack city, Cuttack Sadar, Tangi, Charbatia, Salepur and Mahanga may form Cuttack Sadar Subdivision. Industrial development is also making progress round about Charbatia and Cuttack and with a smaller area of the Subdivision, the Subdivisional Officer can pay more attention, which the industrial areas need. Thus, the Cuttack Sadar Subdivision may be divided into Sadar Subdivision with an area of 541 sq. miles and population of 5,02,722 and Jagatsingpur Subdivision with an area of 823 sq. miles and population of 5,75,091. Banki Government Estate with an area of 198 sq. miles and population of 97,946 though a part of Sadar Subdivision is a separate entity and the Deputy Collector in-charge is regarded as a Subdivisional Officer for all practical purposes. But the portion of Banki to the north of the Mahanadi may be tagged on to Athgarh Subdivision. The administration of this area from Athgarh will be rather convenient. Similarly the Jurum area of ex-Daspalla State lying to the north of the Mahanadi may be included in Athgarh Subdivision for the sake of facility of administration.

862. In view of our recommendation to introduce Taluk system of administration, we wish to say that some of the ex-States areas, though small in area and population, are given Subdivisional status and can be reduced to Taluks

Subdivisions
in the
merged
States.

if and when Government decide to introduce the Taluk scheme. Rairakhol, Hindol, Pallahara and Nilgiri Subdivisions may be cited as examples. The reasons which prompted to treat them as Subdivisions will not hold good when Taluk system is introduced. Government may examine this question while considering the question of introducing the new system. The merged State, Tigiria in Cuttack district which is now a Taluk in Athgarh Subdivision can be formed into a Kanungo Circle in the new set-up.

Relations of
Police
Station
boundaries
with Sub-
divisional
and Taluk
boundaries.

863. It was brought to the notice of the Committee that certain police station areas lie in two Subdivisions or in more than one Taluks. The Reamal Police Station has its major area in Deogarh Subdivision and a small portion of it lies within Kuchinda Subdivision. A number of Police Stations in Ganjam district lie in more than one Taluk or in two Subdivisions. The Hinjli Police Station is a case on point. A major part of Hinjli lies in Chatrapur Taluk which is in Chatrapur Subdivision but a small portion of it lies in Berhampur Taluk in Berhampur Subdivision. It may be considered by Government either to readjust the Taluk boundaries with reference to Police Station areas or to revise the Police Station boundaries with reference to Taluk and Subdivisional boundaries. These will remove certain administrative inconvenience felt at present.

Separation
of Sadar
Subdivision.

864. The Committee consulted the District Magistrate and Subdivisional Officers and took their opinion with regard to making the Sadar Subdivisional Office independent of District Office. The District Magistrates agreed that the Sadar Subdivisional Offices should be separated to make the Subdivisional Officers squarely responsible for the administration of the Subdivision as is the case of the Subdivisional Officers of mofussil Subdivisions. The Subdivisional Officers of Sadar Subdivisions expressed before the Committee that they have little control

over the office and officers to direct them to attend to any particular work. They have to get the works done through personal good relationship or to approach the District Magistrates for the purpose. They have no control over the clerks and are to request the Office Superintendent if they want any work to be done quickly. By the present arrangement of attaching the Sadar Subdivisional Officer to the District Office there is a diffusion of responsibility and often there are too many officers at District headquarters without any proper distribution of work among them. If Sadar Subdivision is separated, the Subdivisional Officer will take the responsibility of administration of his Subdivision more confidently.

865. The new administrative set up of introducing Taluk system, as recommended by us, makes it imperative that the Sadar Subdivisional Officer should have an independent Office to exercise proper control, supervision and inspection over the subordinate offices. In Madras where the Taluk system is in vogue the Sadar Subdivision is completely independent of the Collector's office.

866. By separation of the Sadar Subdivisional office the efficiency of the District Office is expected to increase and there will be economy in officers, if not in staff although there may be certain extra expenditure in providing buildings e.g. a Subdivisional Office Record Room in the Sadar Subdivisional Office. Until separate Record Rooms are provided for the Subdivisional Offices this can be easily adjusted by setting apart a part of the District Record Room for preservation of the Sadar Subdivision records. We have not been able to examine in detail about the separation and provision of staff in the District and Sadar Subdivisional Offices. But we have reasons to believe that there will be no extra staff required and the existing staff of the District Office may be adjusted between the two offices. There will be considerable economy in the

Adjustment
of staff and
officers
between
Sadar Sub-
division and
District
Office.

number of officers now stationed at District Headquarters. A case in point is Cuttack district. It may be seen from the statement in Appendix VII that the number of officers at the district headquarters including Banki was 8 in 1936-37 (6 Deputy Collectors and 2 Sub-Deputy Collectors). This increased to 9 in 1939-40 and remained constant till 1945-46. In 1948-49 the number rose to 19 and at present the number is 22 besides the two Additional District Magistrates and the District Officer. The sanctioned strength at the District Headquarters as shown in the monthly Distribution List of Officers is 19 — 13 Deputy Collectors and 6 Sub-Deputy Collectors which includes the officer at Banki. The additional number appears to be due to the Estate Abolition work (including assessment of compensation). From the statement of non-gazetted staff it may be seen that in the whole district the number of non-gazetted executive staff was 18 in 1936-37 and has now increased to 55 in 1957-58. The Ministerial staff which was 126 in 1936-37 has gone up to 434 in 1957-58. The Class IV staff has increased from 187 in 1948-49 to 326 during 1957-58. The bulk of this increase is at District Headquarters.

867. With the separation of the Sadar Subdivisional Office from the District Office the number of officers at District headquarters can be considerably reduced. The strength of Officers in the Sadar Subdivision will be 5 as in Jajpur Subdivision or at best 6 because of Cuttack City. Thus there will remain 16 Officers more at District Headquarters and this strength will not be required. There will be hardly any original case work to be done at District Headquarters except appeals and revisions in revenue and criminal matters. A few officers will be required to remain in charge of different branches of the Collectorate. The Treasury is now manned by an officer of the Finance Service who is not included in the list of 22. Not more than 7 officers will be required at the District Office at

Cuttack, when the Sadar Subdivision is separated, besides the District Magistrate and the additional district Magistrate. On a rough basis it is seen that about 9 officers will be surplus from the District Office and this can supply the extra number of officers that may be required for the new Subdivision to be formed at Jagatsingpur. The suggested distribution of staff is with reference to the existing subdivisional administration but when the Taluk system, as recommended by us, is introduced the Subdivisional Headquarters may require at best one second officer in some Subdivisions besides the Sub-Divisional Officer.

868. The existing sanctioned strength of officers at the district headquarters, Puri, is 12 (8 Dy. Collectors and Sub-Deputy Collectors) but the number of officers including those on probation is 20 as seen from the latest Distribution List. Besides the officers belonging to the O.A.S. and the O.S.A.S. there are other officers like District Welfare Officer, District Public Relations Officer, Civil Supply Officer, Grama Panchayat Organiser, Special Officer, District Board (in some districts) who are recent additions, apart from the Superintendent of Excise and the District Sub-Registrar. As already remarked, the increase in the number of officers adds to the responsibility of the District Officer in the matter of supervision and increases his work in many other directions. Too many officers located at one place, besides giving rise to the problem of accomodation, and facilities of working, rather detracts from efficiency. Their dispersal will certainly add to efficiency and lead to better standard of work from the officers.

869. *Treasury and Sub-Treasury* :—Our proposal is to cover the entire State with 80 Taluks or Tahsils. The Taluk headquarters which are to be located at or close to District or Subdivisional headquarters will not be provided with a Sub-Treasury. The other Taluks may be provided

with a Sub-Treasury for Government and public transactions. At present there are 13 district Treasuries and 56 Sub-Treasuries. So altogether staff and police guards will be needed for 11 Sub-Treasuries more when Taluks are established. But the provision of Sub-Treasury buildings may be greater in number. These 11 Sub-Treasuries may be established gradually in course of time. Till then Taluk Offices may be provided with two extra watchmen to keep watch over the money received in the Taluk offices on account of collection of land revenue and other Government dues.

870. Besides the District Treasury at Chatrapur there is side by side the Taluk Sub-Treasury which appears to be unnecessary as the revenue collections can be directly credited into the treasury after necessary check in the Taluk Office. This also applies to the Taluks, the headquarters of which will be located at the district or Sub-divisional headquarters.

Recruitment

871. *Recruitment and Training of Officers*—Recruitment to the O.A.S. and O.S.A.S. is partly by promotion and partly by direct recruitment through open competitive examination held by the Public Service Commission. In the case of promotion to the O.S.A.S. this is open to the non-gazetted staff (executive and ministerial) of all the departments under Government. Promotion to the O.S.A.S. should be mainly from the subordinate ranks, who are directly connected with the revenue administration to get an immediate return from the promotees and in consideration of the increasing complex nature of general administration. All Departments of Government have considerably expanded. The non-gazetted personnel of other Departments are better suited in the line of administration in which they have gained experience and they have now ample opportunities for advancement and promotion in their career.

872. There should be long range planning of recruitment so that recruitments are evenly spread for a foreseeable future period to get the right type of potential candidates and that the officers after recruitment receive the required training and are ready in time to take over their respective assignments. At present it is seen that as soon as officers are recruited, they are put in regular service without any training. Sometimes the posts created under any scheme have to wait for being filled up by recruitment. This is not satisfactory and it is desirable that proper co-ordination may be maintained between requirement and recruitment by having a suitable training reserve as in the case of I. A. S.

873. *Training*:—The system of training of Deputy and sub-Deputy Collectors is on-the-job training, that is to make the officer learn his work by doing it under the guidance of a superior officer. The officers get training in the various branches of the Collectorate being placed under the officer in-charge of the branch, in criminal work by attending the trial of criminal cases in the Court of a First Class Magistrate and the District and Sessions Judge and in accounts and treasury work for a continuous period of six weeks. At the end of the period which is ordinarily six months, he gets training in survey and settlement being attached to a settlement camp where settlement operations are in progress. He was required to prepare case records of six cases tried by a First Class Magistrate and six sessions cases, but the number was reduced in 1938 to 4 magisterial cases and 2 sessions cases. Besides he had to obtain a riding certificate from the Collector and later this equitation certificate was abolished for obvious reasons. It can not be denied that the system served its purpose well enough in the days when Government was concerned mainly with the collection of revenue and maintenance of law and order and superior officers could spare the time and energy to pay personal attention to the training and development of the new recruits.

874. Even before the Second World War the nation-building activities that were undertaken had increasing demands on the time of officers and the position deteriorated rapidly with the out break of the War. It would be true to say that the newly recruited officers had to train themselves as best as they could without the benefit of any real supervision and guidance from their superiors who were too heavily preoccupied with other duties. Attempts were made to give post-entry training to the newly recruited officers by appointing a special officer for the purpose in certain years. This was an ad hoc arrangement for a particular year. Now due to the heavy pressure on the time and energy of the older and experienced officers on account of developmental and welfare activities, scant attention is paid to the programme of training of the probationers who are often appointed to duty posts before completion of the training period or soon after their recruitment. The young and inexperienced officer is often bewildered by the complex nature of administration without any back-ground of laws and rules and accounting procedure and gets a set-back in his early career if his work falls short of appreciation or is disapproved. This unsatisfactory state of things needs very early remedy in view of the complex nature of administration and its exacting demands on the administrators. Besides the in-service training, a period of post-entry training is necessary as in the case of the Indian Administrative Service. Though instructions could never be a complete substitute for experience, the right kind of instruction given as a prelude and a preparation, might make it easier and quicker to assimilate the subsequent experience. "Learning on the job" will be more rewarding by equipping the new recruit with the appropriate theoretical background before such learning is begun.

875. Therefore a training Institute to impart training to the new recruits of the O.A.S. and the O.S.A.S.

may be started at a place where facilities or the trainees to see the working of District and higher offices can be conveniently avail of when necessary. Besides the question of accommodation of the trainees should be of primary importance. For having an insight into the working of the Secretariat Departments they can be taken to Bhubaneswar during the period of training. The curriculum should inter-alia consist of criminal revenue and other laws which they will be required to administer and the Rules framed thereunder and public Administration including administration of local bodies and Grama Panchayats. Training may include a working knowledge of construction of roads, wells, M.I. projects, etc. which they are now often required to execute and supervise in the course of their duties. Stress should be laid on the formation of right mental attitude to questions of personal and public conduct. They may be made to realise that as public servants they have to maintain absolute integrity and strict impartiality. This basic training may extend for a period of six months and a detailed programme of training may be prescribed by the Government. During this period they should be given training in survey and settlement work by undertaking field operations in a nearby village in addition to the theoretical and practical classes, in the institute. The initial survey and settlement training given to the provincial and sub-ordinate executive officers has fallen into disuse at present. This training is quite essential for a revenue officer. It has got to be kept in view that officers who have not worked in major survey and settlement operation past, should be deputed to work in the Settlement at the earliest possible opportunity. For another period of six months they should be attached to the headquarters of districts and be given practical training in the magisterial and revenue work, treasury and accounts and other branches of the Collectorate for which proper arrangement should be made. The officers under training in a particular branch,

should submit his daily diary showing the work done by him each day through the Officer-in-charge of the branch who will forward the same with his comments to the Collector. For a period of one week the officers should be attached to the Patwari Halka and the Kanungo Circle (when established) and for another week to the Taluk Office to be acquainted with the general working of the Patwari Halka, Kanungo Circle and Taluk Office. He should also spend about two weeks in a N. E.S. or C.D. Block to get himself acquainted with the working of the Community project administration.

Staffing problem of district and subordinate Offices :-

876. Before coming to the question of training of clerical staff in the District Offices, we feel it necessary to describe the prevailing conditions in some of the district offices.

877. The present position of some of the District offices is far from satisfactory and some of the old and experienced senior assistants expressed rather disconcertingly before us that if the present position is allowed to drift in this manner for some years more it is not known where will it lead to. Irritrievable chaos may arise. There are few experienced hands with whose help the work is some how managed. There is considerable depletion of experienced hands at the expense of efficient management of the office and they have been transferred to various new offices that have been established. The new recruits, for a variety of reasons, have no mind to learn work and little guidance they receive to pick up work and become useful hands. The few experienced hands are so much preoccupied with the load of work given to them, they have no time and energy to do it. The officers too have no time to give the necessary guidance and some of them have not acquired adequate office experience to be of use to them. Further junior hands are ordinarily spared to go away to

Causes
leading to
the present
condition of
offices.

the new offices and occupy better positions within a short period in the new offices where promotions are quicker. This has led to a feeling of frustration in the minds of the older and experienced hands in the District Office. New hands who are mostly temporary try the District Office and subordinate offices as spring boards to go away to other offices where better opportunities and prospects are forthcoming. The scales of pay, it is said, in a Block Development Office are more attractive than in the District Office and consequently clerks want to avail of those opportunities, and promising and experienced clerks have got to be spared for those offices not only to give these offices a good start but to remove the feeling of bitterness and discontentment that is growing among the ministerial staff on the ground that the persons who are loyal and sincere in their work are placed at a disadvantage not being allowed to avail themselves of posts with better pay and prospects and those who do not mind their work or whose work is not appreciated are spared and thereby gain an advantage over efficient hands. There are too many temporary hands in an office, which also gives rise to discontentment. It appears that the Government order to make the temporary personnel permanent or semi-permanent with a minimum period of service has not been implemented in the district offices. In the district of Cuttack out of 489 non-gazetted executive and ministerial staff, 284 are temporary (vide appendix VII).

878. Another difficulty is that the new recruits having been given no kind of training hold duty posts and are to deal with a variety of work which make them "jack of all trades" and consequently they take greater amount of time than formerly to deal with a file and are not able to acquire the required proficiency in a subject within a short measure of time to deal with that subject with promptitude and confidence thereafter. This is said to be one of the major causes of delay.

Yard-Stick.

879. The yard stick for fixing the clerical strength of district and subordinate offices was fixed about 50 years ago by the Salary Commission. The circumstances and conditions prevailing then have undergone complete change and the public have been more conscious of their right and demand speedy decisions on their applications for any relief. A yard stick of units of correspondence alone may not be a safe guide in determining the clerical requirement of an office. Yard sticks, of course, are necessary, but too rigid an adherence to them often defeats its purpose. Even in some cases, the staff required on the basis of the existing yard-stick, though needs a revision due to variety and change in the nature of work, has not been sanctioned and consequently the leave reserve strength is utilised in the duty posts. So when a clerk goes on leave or there is an increase in work or accumulation of arrears in any branch or section, there is no possibility of switching over the leave reserve staff to meet the situation.

880. In this connection a few words may be said about the suitability of the yard-stick based on 'receipts' and 'issues' of an office. The statistical yard stick of 'receipts' and 'issues' has served well as a rough and ready working basis for determining staff requirements of clerical personnel, but the system does not appear to be comprehensive enough nor fully scientific. As a result of the extension of Government activities to newer and wider fields after independence, the nature of work to be done has under gone a radical change and differs from section to section within the same office. The main drawback is said to be that it is not comprehensive enough to cover all types of work done in government offices. It leaves out many items of work such as meetings of Committee and conferences, publicity materials and statistical returns. Certain items of work in almost all offices are not by their very nature reflected in figures of 'receipts'

and 'issues'. These include accounts and bill work, scrutiny of applications, preparation of budget estimates, statistical compilation, etc. It is based on the presumption that all clerks have a uniform standard of efficiency and the speed of disposal to a large extent is based on training and experience. Further there is the danger of computation mistakes and of inflation by inclusion of communications of a routine nature such as reminders, etc. In advanced countries of the West, a scientific and comprehensive method of assessing requirements of personnel is the one which is based on "work study". The "work study" method enables the Department or office to claim additional staff in right time, the Department has not to wait for it until arrears of work have accumulated.

Revision of
Yard-stick.

881. Mr. Ibcn, the American expert, some time back examined the district office of Cuttack and his recommendations in this regard do not appear to have been adopted in the District Offices. The Government of Bombay have recently reorganised the Nasik Collectorate and attached an Organisation and Methods unit to the Collectorate with the twin object of preventing delay and ensuring efficiency. The result is reported to be satisfactory. We could not be able to make time to study the details of office procedure, etc. to make a definite suggestion. There is now an Organisation and Methods Section attached to the Political and Services Department. It may be considered by the Government to attach an Organisation and Methods unit to the Cuttack Collectorate which appears to have the largest number of clerical staff of all the district offices and it may recognise the Collectorate, on the result of which other Collectorates may follow suit. The Organisation and Method unit after proper study and investigation can be able to prescribe a revised yard-stick for assessment of the clerical strength of the district and subordinate offices.

Organisa-
tion and
Methods
unit.

882. *Remedies suggested*—We make the following recommendations to improve the staff problem and efficiency of District and Subdivisional Offices :—

- (1) The staff position in District and Subdivisional Offices should be reviewed.
- (2) The yard-stick prescribed for staff requirements may be examined in the light of present variety and nature of work and type of staff now available. An 'O' and 'M' unit may be attached to Cuttack district office to reorganise the Collectorate to be set as a standard for reorganisation of other Collectorates on the basis of results achieved thereby.
- (3) Equal opportunities for promotion and advancement may be made available to all as far as possible by planning ahead to reduce promotion blocks and transferring promising men early in their service to offices where better prospects for promotion are available.
- (4) Steps may be taken to reduce the large number of temporary hands by creating permanent posts where continuance of such posts are established. The Government order with regard to making certain categories of temporary posts permanent may be implemented early.
- (5) Gazetted officers who have not completed their probationary period may not be ordinarily appointed to duty posts as they will not be in a position to give guidance to the subordinate staff.

883. The necessity of training clerical staff is as great as that of training of administrative personnel and a short course of training as soon as the recruit joins will be very useful. The course should cover instructions in the general working of Government offices, office procedures, simple noting, and drafting, the use of principal manuals and

Training of
clerical
staff.

codes, office discipline, etc. The training may be arranged out-of-office hours as in the case of Secretariat Training Class. An experienced assistant of the Collectorate may hold the training class on payment of a suitable allowance. The new recruits should be attached to senior assistants who should give necessary guidance to pick up the work within a short span of time. An examination may be held after the training period and those who will fail, shall not be confirmed until they pass the examination for which 3 chances may be given. This will be in addition to the accounts test they are now required to pass to be eligible for promotion as Upper Division assistants. In the ex-Madras areas the departmental tests prescribed for the ministerial service under the Madras Rules still continue and are different from the tests prescribed for the ministerial staff in other districts. The departmental tests should now be made uniform throughout the State. As we have recommended earlier that the Kanungos and the Lower Division clerks may form one class of service in the cadre, there should be prescribed a Revenue Test for all clerks to pass as now existing in ex-Madras area.

884. It will take some years' more before the total abolition of intermediaries and intermediary interests is effected. The system of maintaining accounts of land revenue and cess demands payable by the Zamindars and tenure holders and their collection is not uniform throughout the State depending upon the land revenue system obtaining in the particular area. The branch of the Collectorate which deals with the Land revenue is known as Touzi Department and that dealing with cess is called Cess Department. As a result of the abolition of intermediaries the volume of work in these Departments is no doubt lessened. Since a large number of small intermediaries is yet untouched, we are not able to suggest any new and uniform system to replace them. Further this requires a detailed investigation into the various registers maintained

Reorganisa-
tion of the
Collectorate
Depart-
ments and
staff in the
context of
Estate
Abolition.

for this purpose and the practices prevailing in different districts. The revenue, tenancy and cess laws governing different areas have a bearing on them. It will be the task of the Board of Revenue now dealing with the land reform, to evolve a uniform system after taking into consideration the various systems obtaining in the different districts and the practices and procedure followed. However we would like to make certain general observations in this regard, because as a result of abolition of intermediaries, the work in certain branches of the Collectorate has decreased and in some other branches it has increased and may increase further in course of time. These changes are rather marked in the districts of Cuttack, Puri and Balasore to which our observations are mainly confined. The existing Departments that are directly affected by the abolition of estates are :

- (1) Touzi,
- (2) Cess,
- (3) Partition,
- (4) Land Registration,
- (5) Revenue Munshi Khana and
- (6) Rent Suits (including Execution)

885. The Departments that are indirectly affected are :

- (1) Certificate and
- (2) Wards.

886. The new Departments that have been introduced are :

- (1) Estates Abolition and
- (2) Compensation.

887. *Tauzi and Cess Departments* :—Under the existing system the Touzi Department is in charge of the Touzi Rolls which are kept up-to-date by incorporating

therein changes due to partition, alteration of assessment, opening of separate accounts and transfers under the provisions of the Touzi Manual. It also maintains the Touzi Ledgers, prepares the Kistwar abstracts and submits the various returns prescribed. Similarly the Cess Department maintains the Cess ledgers and certain other connected registers and prepares Kistwar abstracts and cess returns.

888. As a result of abolition of the Zamindari estates and some of the tenure holders, the work in these Departments has been considerably lightened. At the same time the Estate Abolition Department, newly created for the management of vested estates and administration of the Orissa Estates Abolition Act is expanding with the abolition of Zamindars and tenure holders. There are three Head Clerks for the three Departments viz. Touzi, Cess and Estates Abolition. It may be considered to combine all these Departments into one for the sake of economy as well as for facility of work, the three Departments being closely inter-linked. With the recent amendments to the Orissa Estates Abolition Act, the vested estates are to be managed according to the laws, rules and regulations for the time being in force for the management of Government estates or Raiyatwari area or other areas under the direct management of Government by whatever name known, as the case may be, of course subject to directions by any general or special order of the State Government. The provision regarding creation of an Anchal Fund has also been deleted. Therefore in fitness of things, Khasmahal Department may also be amalgamated with the Estates Abolition Department. As a result of amalgamation of the above Departments, the surplus staff, if any, may be conveniently absorbed in other expanding or new branches of the Collectorate.

889. In this connection it is pointed out that on the total abolition of intermediaries, the various laws, under which the levy of local cess is made, will need revision. In

the areas governed by the Bengal Cess Act, the tenants pay half the rate of cess prescribed but in the merged states the full rate, subject to a maximum of annas two per rupee of land revenue, is recovered from the tenants. Further the rate of incidence of cess is not uniform throughout the State. It is desirable that these anomalies are removed as early as possible by the enactment of a consolidated cess law with uniform levy for the entire state.

890. *Partition Department*:—In view of the abolition of estates under the provisions of the Orissa Estates Abolition Act, 1951, no new partition proceedings should however be instituted under the Estates Partition Act, 1897. If there is any pending work, this should be disposed of as quickly as possible and the records should be deposited in the Record Room and the department should be wound up transferring the staff to other departments where additional hands may be required.

891. *Land Registration Department*:—The work in this Department must have been considerably decreased due to the estates and tenures already abolished. A modicum of staff may be retained commensurate with the work to be done till the complete abolition of estates

892. *Revenue Munshi Khana* :—The Revenue Munshi Khana maintains a number of registers prescribed in the various Manuals and the work in this connection has been considerably reduced and a good number of these registers will become obsolete when complete abolition takes place. The staff requirement of this Department may be accordingly assessed.

893. *Rent Suits and Execution* :—There is a spate of rent suits at present due to the filing of cases for recovery of arrear dues by the ex-proprietors. The number will diminish considerably after the present institutions are disposed of. At the same time the number of certificate

cases for recovery of arrear land revenue and cess by the Government will increase. The surplus staff of the Rent Suits and Execution Departments as well as of other Departments mentioned above, as a result of diminution of work will be available to cope with the additional work in the Certificate Department.

894. *Wards Department* : - Further continuance of this Department is rather doubtful. If there are Wards Estates in any district this will have to continue as long as these are not released or abolished. But where there exists no wards estates, the pending work, if any, may be disposed of and the staff may be utilised otherwise. The Collectors may attempt the reorganisation of the above departments for the reasons stated above.

895. *Chowkidari Department* :—There are Chowkidari Departments in the coastal districts of Cuttack, Puri and Balasore. With the transfer of chawkidars to the Grama Panchayats, the staff of this Department, after disposing of the pending work, if any and depositing the registers and records in the Record Room, may be taken over by the Grama Panchayat Department or any other Department as may be convenient.

896. *Land acquisition* :—The Committee examined some of the land acquisition files in the district offices they visited. It was noticed that there is lack of systematic effort to push through the land acquisition cases which are mostly delayed. The clerk dealing with the cases is not acquainted with the procedure which is rather complicated and as a result the procedure was found defective in some instances. Another reason for the slow progress of land acquisition cases appears to be their concentration at the district headquarters. Often due to the transfer of officers, the cases are delayed. It takes some time to empower another Officer as Collector under the Land Acquisition Act and some time elapses before the new

officer gets himself acquainted with the cases. It is suggested that the Sub-divisional Officers in general may be declared as land acquisition collectors or competent authorities under the concerned Acts within their respective jurisdictions for all minor land acquisition cases. For big projects Special Officers may be appointed. Intelligent and competent clerks may be kept in charge of the land acquisition files.

897. *Copying Department* : — The copying branch of the Collectorate is attached to the Record Room as the records except the current ones are available there for the purpose of copying. The Record Keeper who is authorized under the Rules to certify the copies controls this section and the copyists. Previously the copyists were being licensed and remunerated on job-rate basis and the comparers belonged to the regular establishment. This system has been replaced by salaried copyists and they are a part of the Collectorate establishment. The public and the members of the Bar brought to the notice of the Committee that the grant of copies is very often delayed and the delay is often long. One of the Members examined the Copying Department at Mayurbhanj Collectorate. He noticed delays in the grant of copies and the copy applications were not dealt with in the chronological order these were received giving scope for corruption.

898. Under the former practice, the licensed copyists had to work hard to increase their income from copying fees but the copyists now employed on salary basis do not exert fully to cope with the work.

899. For the success of salaried system, the following arrangements are considered necessary:—

- (1) Adequate number of copyists and typist copyists should be employed on the basis of the average number of copy applications of the preceding 3 years.

- (2) Strict supervision over their work and constant examination of the copy Application Register are necessary.
- (3) A minimum standard out-turn should be fixed for each copyist and typist-copyist. Those whose work will fall below the standard during any month without satisfactory reason, recovery may be effected from his next month's pay. Also there should be provision for reward to those who give greater out-turn than the standard fixed.
- (4) As the copyists are now absorbed into the permanent establishment of the Record Room, it should be the duty of the Record Keeper to see that at times of congestion of work in one section, overcrowding is eased off by fair distribution of staff.

900. *Returns* :—It came to the notice of the Committee that there is much room for reducing the number of returns prescribed for the District and sub-ordinate Offices. The number of in-coming and out-going returns supplied by some of the District Officers is given in the statement at Appendix VIII. This goes to indicate that the number of periodicals prescribed for different districts varies widely. Although we recognise that the number cannot be the same for all the districts because of local variations and peculiarities, we could not be able to examine and trace the reasons for such wide divergence as between the districts of Sambalpur and Puri. Of course in the case of Mayurbhanj, the total numbers of returns of different categories sent or received during the period of one year have been furnished by the District Officer, but other district officers have given the number of returns relating to the period of frequency. A few instances of the returns which have become obsolete or unnecessary are given below.

- (1) Annual Report on the boundary marks between the Districts and native States.

- (2) Budget Estimate u/s H "57-Miscellaneous-unforeseen charges—boundary disputes and demarcation of boundary between British territory and Indian and Foreign States".
- (3) Statement showing the names of Zamindars.

901. Some returns can be converted into periods of less frequency such as a monthly into quarterly or half-yearly because the subject has lost its importance or the information is very often nil.

902. The Divisional Commissioners may take steps to abolish the useless and unnecessary returns and reduce the number to the essential minimum.

903. Another aspect of the matter which we would like to point out that the return received from the subordinate offices should be timely examined and reviewed regularly to serve the objective for which it is intended. This goes to imply their punctual submission, otherwise returns received too late after the fixed date serve no purpose and lead to unnecessary waste of time and energy.

904. Elaborate instructions have been laid down in the Board's Miscellaneous Rules and the Board's Standing Orders (ex-Madrās area) about the inspection of offices and the compliance of directions and instructions given in the Inspection notes. To facilitate inspections, questionnaires have been prescribed in the various Manuals relating to the several departments of the Collectorate as well as, in the Board's Miscellaneous Rules concerning the Revenue Munshikhana, the Nazir's office and Malkhana. There is also a set of questions prescribed under the authority of the Accountant General for inspection of the Treasury and Accounts Departments. It is also laid down that the prescribed questions and instructions are not intended to limit the points into which the Inspecting Officer should enquire; but primarily the object is to

Inspection—
Checking of
delays and
defects in
procedure.

Question-
naires of
Inspection.

assist officers in inspection. These inspections should not be made at fixed times but irregularly and without notice. The Officer in-charge of different branches of the Collectorate are required to make complete inspections of their offices at least once each half-year. The Collector is also required to make one detailed inspection of the work in all departments during the year. The names of district officers who fail to inspect their offices thoroughly in person, or who postpones bulk of their inspection till a late period of the year, when there is not sufficient spare time for it, are to be mentioned in the Commissioner's Land Revenue Administration Report. These salutary rules are not followed and the inspection work is now the portfolio of the Additional District Magistrate. In Cuttack there are two Additional District Magistrates and each of them inspects the departments concerning the subjects in his charge not only in the district office but also in the Sub-divisional Offices. Inspections are, more often than not, relegated towards the fag-end of the year or the half-year resulting in over-crowding of inspections to the detriment of current work.

905. Due to pressure and urgency of various other duties, officers do not find sufficient time to make a thorough and detailed inspection of their offices as well as of the subordinate offices and the inspections have tended to be superficial and perfunctory by answering the prescribed questions. For the same reasons the instructions and directions given in the Inspection Notes are hardly complied with nor follow-up action is taken in the offices of the Inspecting Officers to ensure that they are complied with. So after the inspection notes are written, they are almost forgotten until the next inspection and the same mistakes and defects continue though being repeatedly pointed out in the inspection remarks.

Compliance
of Inspec-
tion Notes.

906. In this connection, paragraph 370 of the District Revenue Administration Enquiry Committee Report,

Observations of the District Revenue Administration Enquiry Committee, Madras.

Madras on "Inspection of Subordinate Offices" is quoted below to indicate how the system of inspection on the model of prescribed questionnaire has degenerated.

"For the maintenance of proper standards of efficiency a scheme of supervision entails inspections ; and, as is well-known, provision exists now for periodical inspection by superior officers of the different offices of the department. Elaborate questionnaires have also been prescribed for the purpose. There is, however, reason to fear that the inspections have tended to become stale and stereotyped, the same defects being noticed and the same comments being offered year after year. In advance of the inspection, one or more clerks are generally sent, who go through the records and registers and prepare "preliminary notes". There can be no objection to this procedure so long as it is clearly understood that clerks can only gather the necessary statistical and other material, and that it is the responsibility of the inspecting officers themselves to answer the several questions prescribed in the questionnaires. However, in course of time, this qualification seems to have been lost sight of in some cases, and there has been a tendency on the part of some officers to adopt wholesale the "notes" written by the clerks, without the officers themselves taking any trouble to find out the actual state of affairs in the office. In some of the originals of the inspection notes which we scrutinized, we found that the officers had not a word of their own to add to what their clerks had written beforehand, beyond merely asserting in a vague manner that the condition of the branch or of the office inspected was "unsatisfactory" or "satisfactory". If inspection of an office by a superior officer is to serve the purpose for which inspections are prescribed, it is obvious that the personality of inspecting officer should make itself felt, and that he should take pains to go through the records and registers personally to the extent necessary".

907. The following measures are necessary to bring about improvement in the office condition :

I. An inspection gives opportunity for representation and explanation of difficulties and for discussion of questions of importance ; and this opportunity should be fully utilized by the Officer-in-charge of an office in explaining difficulties felt by his clerks and by the superior officers in explaining matters on which their instructions may be required and specially introducing better practice and standards where they are found defective. It should be the aim of an Inspecting Officer, as far as possible, to set right, then and there, anything which he finds wrong and not to originate a correspondence.

Measures
necessary.

II. Inspections should not be crowded in any part of the year but should be evenly spread throughout the year.

III. Inspections of subordinate offices by the superior officers such as the inspection of the Subdivisional Office by the Additional District Magistrate or the District Magistrate are now held continuously for a number of days by looking into all the departments and branches at a time. It is desirable that a programme should be drawn up for the year to inspect some departments and branches in every quarter so that all the branches and departments are completed in the last quarter. It should be the duty of the Inspecting Officer to devote himself first to see that whether the instructions and directions given in his inspection notes of the previous quarter have been complied with and if not, he should take proper and necessary measures to see that they are complied with before he completes the inspection of other branches and departments of that office and leaves the place. Similarly officers who have inspected their own offices should see that the defects and mistakes are removed within a month of the inspection for which purpose a date should be fixed.

IV. In the Inspection notes proper appreciation of the work of the clerks should be made and this should be recorded in their ephemeral character rolls for consideration while writing the annual confidential remarks. In the case of gazetted officers subordinate to the Collector; a letter of appreciation may be communicated to him by the Divisional Commissioner on the basis of appreciation given in the Inspection Notes and the Collector while submitting the inspection notes to the Commissioners should indicate in the covering letter the names of officers who merit the letters of appreciation.

V. Besides the above annual and half-yearly inspections by the officers, the senior clerks in charge of different branches and sections should inspect their respective branches and sections once in a fortnight to check delays and ensure proper maintenance of various registers prescribed. The Office Superintendent should also inspect the various branches of the Collectorate at least once in a month and should spend at least one hour every day in going round the offices to see if everything is working smoothly. This must be a fixed daily routine, but the hour should not be a fixed one.

VI. As the Office Superintendent is almost overworked in sorting out large volume of Daks received daily and dealing with the matters relating to establishment which has expanded considerably, an additional Office Superintendent may be appointed for the Collectorate to do the inspections, check delays, ensure proper maintenance of registers and see other routine matter. This we recommend as a measure of experiment and also as a stop-gap measure in Cuttack Collectorate for the present where the offices are widely scattered and the number of staff is very large and the condition of office appears to be at a low ebb. When our recommendation to introduce the decentralised Taluk system and to separate Sadar Subdivision from the District Office is given effect

Additional
Office
Superinten-
dent for
Cuttack
District
Office.

to, the question of providing an additional Office Superintendent may not arise.

VII. It is also recommended that monthly co-ordination meetings of senior officers including Subdivisional Officers may be held in the Collectorate to discuss delayed and complicated cases. These meetings may be held immediately after the meetings of Development Committee now held every month at the District headquarters when Subdivisional Officers are present.

VIII. Fortnightly pending lists of papers and files should be submitted to Additional District Magistrates or the District Magistrates, by the Office Superintendent after obtaining arrear lists of individual clerks from the senior clerks in charge of different branches and sections. Pending cases should be regularly watched though proper maintenance of Forward Diaries which have now fallen into disuse. The Office Superintendent and senior clerks while making their monthly and fortnightly inspections as suggested above, should give proper instructions about the final disposal of long pending and complicated cases.

IX. The Book Circular No. 15 regarding "Manner of disposal of daily Dak" should be strictly followed. The loss of papers now occurring frequently can be checked by taking acknowledgements of the clerks to whom these are given to be dealt with in a distribution register. The clerks should be provided with dwarf almirahs or locker system should be introduced for the safety of records in the custody of individual clerk whereby individual responsibility can be definitely fixed.

X. One of the main reasons for delay is found to be unsystematic disposal. Cases are not dealt with in the order in which they are received and the difficult cases are left over to be dealt with at more convenient time, which never comes. Instructions should be issued to dispose of cases chronologically with due regard to

urgency. In the districts most of the cases are not of complicated nature and the responsibility of the clerks should be to put up the relevant papers within a day or two. Touring officers may make it a point to take with them delayed and complicated cases at the time of their visit to Subdivisional or Tahsil headquarters and try to dispose them of during such visits after discussion or these may be taken up in the monthly co-ordination meetings suggested above. With a view to avoiding frequent back references, cases of similar type and of frequent occurrence as for example, applications for fire relief, exchange of communal lands, etc. should be studied and forms may be prescribed for obtaining information from subordinate offices so that no information is left out on any point to be considered for their disposal.

Forms and Stationery.

908. The Committee while examining the causes of delay in the disposal of revenue cases noticed that one of the causes is the short supply or non-supply of forms by the Government Press. Want of printed forms involves a lot of clerical work and thus contributes to heavy pendency. In the district of Ganjam certain ex-Madras forms are in use according to the Board's Standing Orders and the Taluk and Village Officers' Accounts Manual which are in use. These forms were being supplied by the Government of Madras by an arrangement made with them. But they are no longer making the supply and as a result considerable difficulty is being experienced for want of these forms. In Baramba some ex-state forms are in use but for want of forms, the orders regarding settlement of waste lands have not been issued in a large number of cases. The ex-Madras forms and non-scheduled forms in use in the ex-states areas may be printed in the Government Press to meet the requirements of various offices or else powers may be given to the District Officers to print them locally to meet their requirements, where it is found that the Government Press is unable to cope with.

909. The book-credit allotments of the District and Subdivisional offices for supply of stationery have not been augmented commensurate with the increase in price of stationery articles and of staff. Moreover the per capita consumption of stationery has also increased due to the greater work-load than before on officers and staff. Consequently every office has to purchase stationery articles locally at rates higher than that fixed in the price list of stationery articles issued by the Government Press. For the sake of economy the present requirements of the District and Subdivisional Offices may be reassessed and supplied by the Government Press. It is, therefore, suggested that suitable arrangements may be made to remove the bottlenecks with regard to supply of forms and stationery as quickly as possible.

910. Another point for mention is that books like Madras Board's Standing Orders are in demand for reference by the Officers but the number is extremely limited. Further the books have been passed with innumerable correction slips and further corrections have been made by the amendments issued by the Board of Revenue, Orissa. It is desirable that the Stationery Orders of common and frequent use may be reprinted by the Government for the use and reference of Officers.

Reprint of
Madras
B. S. O. S.

911. *Office Accommodation and Equipment* :—The Committee visited some of the districts and found the accommodation in the district offices at Cuttack and Baripada very much limited, much worse is the condition at Cuttack. The Cuttack Collectorate may be rightly described as a slum. The interior and exterior of the main Collectorate building are shabby. The offices are so scattered and dispersed in so many buildings that apart from providing serious obstacle to the exercise of proper control on the working of clerks, it is difficult for anybody to know where the business of any particular branch or section is

going on. Most of the Courts are being held in two rows of thatched huts, the rooms of which are dark, insanitary and filthy and spacious enough to accommodate a small table for the officer. The situation can be well imagined when the trial of a criminal case is going on with parties, pleaders and witnesses. The officers are working under squalid and unhealthy conditions which seriously tell upon their ability, efficiency and sustained work and discourage the most enthusiastic officer to carry on his work. This state of affairs is continuing since the middle of war period and no steps have been taken as yet to provide a suitable building for the premier district in Orissa. It is high time now that serious consideration may be given to put up a suitable building with modern amenities to accommodate the district office at Cuttack. In Mayurbhanj except the main building which is quite dignified, major part of the office is held in small and scattered buildings round about the main building. A separate building for the Sadar Sub-divisional office, as recommended by us to separate the Sadar Sub-division from the District office, will mend the situation. The furniture and equipments also present a deplorable sight. These need repairs and polishing to brighten up the office appearance. Another point that may be mentioned here is that the officers working at the district headquarters of Cuttack suffer considerably for want of residential accommodation. The difficulty of procuring a suitable building on a reasonable rent in Cuttack City is too well known. Government may also consider for providing at least some residential quarters for these officers.

912. We consider that one of the factors which contributes to the decline of administrative efficiency is the absence of suitable accommodation, and equipments such as type-writers and telephone establishments. The work in the district and subordinate offices has tremendously increased and consequently in the number of staff. It has been stated earlier how the number of officers and staff has

increased at the district headquarters of Cuttack since the formation of the province. The number of officers belonging to the O. A. S. and O. S. A. S. has increased from 8 in 1936 to 22 in 1957, besides officers of other cadres. Consequently every inch of the verandahs of the Collectorate are utilised to provide accommodation for officers and clerks.

913. We, therefore, recommend to the Government to examine the whole question of building of the district and subdivisional offices and provide accommodation commensurate with the present and near future requirements in the light of the various recommendations made by us with regards to the administrative reorganisation and land reforms measures. But the question of Cuttack Collectorate needs immediate attention.

914. We feel that in order to give the necessary information and guidance to the public and keeping them out of the office, an Enquiry Office should be established at the entrance or at a conspicuous place in the Collectorate. This will spare the clerks from being too often disturbed by the members of the public for various informations about their business and will be useful to the public who are often at loss to know to whom to approach to get their needs satisfied and save the unsophisticated villagers from the clutches of mischievous touts. This may be tried as an experiment in Cuttack Collectorate and depending on its satisfactory working and success, it may be introduced in other big Collectorates where this is necessary.

Enquiry
Office.

915. If there is no recommendation in the main building, a separate booth may be constructed and shelter has got to be provided to the members of the public who wish to speak to the man in-charge of the Enquiry Office. Queueing should be encouraged by railing off the passage to his window. He may be given a telephone. The man-in-charge should be a senior clerk with experience in

different branches of the Collectorate. He may be in the scale of pay of Rs. 100-5-120-6-150/- equal to the scale of pay of the Subdivisional Head clerks and shall be provided with a peon. He may have near him a stamp vendor and a petition writer if need be. He should also keep with himself a generous supply of non-saleable forms to meet the requirements of the interested persons. Outside the booth there should be a large Black Board on which announcements of immediate interest to large number of the public can be chalked such as directions for renewing arms license, distribution of loans, etc. His main duty will be to give information to the public how to set about getting anything they want. He will also give information about any matter in which they are interested and which may be pending in the Collectorate. In case any member of the public wants information about his petition for any redress or relief or for any monetary help, the clerk of the enquiry office will obtain the required information for him by sending a slip to the Office Superintendent. He may be provided with printed or cyclostyled slips in a suitable form to be filled up giving the subject, name of the applicant, and such other particulars as are necessary to trace the application. The Office Superintendent will obtain the required information from the concerned Department or Section and supply the answer in the same slip for which there should be space provided. If any information cannot be obtained in the course of the day, the Enquiry Office clerk will ask him to come on the next day or any other date which should be fixed by him. In no case he should ask any one to come more than once and should strive to furnish the information on the next date fixed.

Delay in disposal of Criminal and Revenue cases.

916. The criminal and revenue case files examined by us in the District and Subdivisional officers disclosed that there are heavy arrears. Statistics of pending criminal

cases in some of the districts are reproduced below for better appreciation of the position :

Name of district	Pending at the close of the year :			
	1954	1955	1956	
Cuttack (excluding Athgarh Subdivision for which figures not furnished).	1751	3455	3650	
Puri	1190	1618	1272	Criminal cases.
Sambalpur	2395	3424	2306	
Balasore	658	900	701	
Koraput	1137	1186	1181	

In the district of Cuttack the pendency has increased two-fold of what it was in 1954 due mostly to the relief operations in which all officers has to be employed. As the trying magistrates have to combine their judicial functions with the general administration, greater attention has to be paid to the latter duty due to its increase and variety and change in nature, Criminal cases are thus delayed. They are thus not able to dispose of the cases promptly and efficiently. Even in some of the districts where institutions have not shown much variation the pendency is on the increase. This may be due to certain local factors, but there is evidence that the work-load has increased and the inexperienced officers have not been able to cope with the increasing volume of work because of lack of knowledge of procedure and the laws. Already Government have declared that the separation of judiciary from executive will be tried in the districts of Cuttack, Puri and Balasore. These are days of specialisation, and officers earmarked for certain sphere of work exclusively may gain better mastery over their work than before. It is early to make any estimate whether the present State of affairs will be remedied. In the remaining districts we would suggest that certain magistrates at the district and Subdivisional headquarters should be earmarked for trial of criminal cases

until the judicial magistracy is introduced. When the decentralised Taluk system is introduced, the Taluk Officers can try such criminal cases as may be specified with due regard to the facilities available for the custody of the accused person, or as may be made over to them by the Subdivisional Magistrate. Further, with the universal establishment of the Adalati Panchayats there will be decrease in the number of criminal cases coming to the courts.

Revenue
Cases.

917. As regards revenue files these have been considerably neglected. Revenue cases have not been taken up on the dates to which they have been adjourned and in many cases these have been left to their fate. In the case of merged states as Athgarh subdivision it was noticed that many cases are pending for years together and adjournments are given from time to time as a routine matter. Defects in orders as well as in procedure exist. This is due to the inexperience of the officers. The training we have suggested to be given before the officers are appointed to duty posts is expected to rectify the present state of affairs.

918. It was noticed that the reclamation cases in some of the districts visited by the Committee are heavily in arrears and this is due to the fact that the reports from the Forest Officers are long delayed and some times the reports are not received before two or three years. The cases are pending over 5 to 6 years. The Forest Officers with whom those matters were discussed by the Committee expressed that due to shortage of staff they have not been able to attend to these cases. The additional staff asked for sanction has not been sanctioned. In this connection our recommendations with regard to settlement of waste lands may be seen.

919. The mutation cases will not present a problem when our recommendation with regard to the maintenance

of records is carried out. Statistics of revenue cases in the district of Cuttack and Athgarh Subdivision are given in the statements attached. In the district of Cuttack it is significant to note that the number of pendency in rent suits has increased from 5962 in 1954-55 to 13714 in 1956-57. The disposal has also fallen from 12044 in 1954-55 to 6473 in 1955-56 and to 9804 in 1956-57. Rent suits will gradually disappear with the abolition of intermediaries and in their place the number of certificate cases will increase for which our recommendation in connection with the recovery of Government dues has been made elsewhere. The statistics of revenue cases in Keonjhar district during 1956-57 are given below :—

	Pending since last year	Instituted during the year	Total	Disposed of	Balance
Mutation	1797	808	2605	207	2398
Nayabadi	1444	370	1814	229	1585
Encroachment	2029	202	2231	60	2171
Assessment....	611	759	1370	205	1164

920. These are mostly of the category of cases relating to encroachment, Nayabadi and assessment relating to the areas sought for new cultivation or occupied for purposes of cultivation. There are heavy arrears and the disposals are too meagre compared with the normal institution of the cases. Much of these lands are said to be under the plough, and Government must be losing quite a lot leviable as rent. The procedure in regard to the disposal of these cases is that as soon as an application for new cultivation is received, an Amin has to make enquiry and if it is considered that the land or any extent of that area can be leased, the Forest Department are consulted. If there is agreement between the Revenue authorities and the Forest Department, permission for new cultivation is given and the Forest Department recover the royalties on the forest crop standing on the land proposed

to be leased. For 5 years no rent is levied but at the expiry of the 5 years an enquiry is made to the extent of land brought under cultivation and rent assessment is made according to the classification of the land. The proceedings are in two stages — the encroachment or Nayabadi cases which involve permission to be given for bringing the land under cultivation or condoning the encroachment. The second stage comes after 5 years of according permission to cultivate when rent assessment is made.

921. The bulk of the cases is held up with the Forest Department who complain shortage of staff. One of the oldest pending cases which has been for the last 8 years, shows 48 adjournments as the Forest Department did not send their report. Another case has since been given 76 adjournments, due to non-receipt of report from the Division Forest Officer for about one year which is from 12.5.49 to 10.1.50. Thereafter for non-receipt of report from the Tahsildar for more than two years i. e. from 16.2.50. to 26.8.52. Later on local enquiry by the Office himself was ordered on 23.3.53 but no enquiry was actually held till 2.4.57. The state of the file is deplorable and there is bitterness among the people and almost a despair that their applications for new cultivation is hardly attended to and the applicant is much harassed in running to the court. There is lack of co-ordination between the two Departments and the people are the sufferers.

922. The remedy lies in adopting the following measures :

- (1) The Revenue Department and the Forest Department should come to an agreement that where there are no forests worth the name and the land is cultivable, the Revenue Department should take action forthwith and give permission for bringing the land under cultivation,

information of the permission being given immediately to the Forest Department,

- (2) The Forest Department should take steps to demarcate the areas which have potentialities for forest development leaving the other areas to be managed by the Revenue Department.
- (3) To cope with the heavy pendency of the cases the two Department should consider strengthening of the requisite staff. As regards Gazetted Officers it does not appear that the Keonjhar District has been badly treated and it would be possible to distribute the work in a manner in which the revenue cases are disposed of expeditiously.

923. It goes to indicate that constant supervision over the disposal of revenue cases should be made by the Collector or the Additional District Magistrate and more officers should be given timely where necessary to cope with the work. Besides the review of monthly statements of disposal of revenue cases, the Trial Registers and pending case file should be inspected every fortnight by the Subdivisional Officer or the Additional District Magistrate. This will go a long way towards the improvement of disposal of revenue cases. We think that when the decentralised Taluk system as recommended by us is introduced, this will considerably facilitate disposal of the revenue cases and the Taluk Officer can take up revenue cases in his tours to dispose them of on the spot. Individual responsibility can be better fixed thereby.

**STATEMENT OF REVENUE CASES IN DISTRICT CUTTACK
(EXCLUDING ATHGARH SUBDIVISION)**

Sl. No.	Nature of cases	Year	Pending since last year	Instituted during the year	Disposed of during the year	Pending
1.	Revenue Misc. cases	1954-55	137	205	220	122
		1955-56	122	178	122	178
		1956-57	178	248	151	275
2.	Certificate Cases	1954-55	8081	5373	3092	10362
		1955-56	10362	3642	2877	11127
		1956-57	11127	6523	2847	14803
3.	Rent suits	1954-55	6283	11723	12044	5962
		1955-56	5962	14232	6473	13721
		1956-57	13721	9797	9804	13714
4.	Rent Execu- tion	1954-55	3958	3201	2912	4247
		1955-56	4247	2602	2745	4104
		1956-57	4104	2860	2627	4337
5.	Revenue Re- payment cases	1954-55	387	1796	1296	887
		1955-56	887	1174	1104	957
		1956-57	957	835	1093	699
6.	L. R. Cases	1954-55	2707	2180	2238	2649
		1955-56	2649	1313	1552	2410
		1956-57	2410	1273	1769	1914
7.	L. R. Misc. Cases	1954-55	294	655	751	198
		1955-56	198	456	503	151
		1956-57	151	598	364	385

STATEMENT OF REVENUE CASES IN ATHGARH SUBDIVISION

Sl. No.	Nature of Cases	Year	Pending from last year.	Instituted during the year.	Total	Disposed of	Balance	REMARKS
1.	Nayabadi cases	1954-55	1792	786	2578	631	1947	
		1955-56	1947	431	2378	452	1926	
		1956-57	1626	445	2071	387	1684	
2.	Remission cases	1954-55	92	1	93	—	93	
		1955-56	93	1	94	1	93	
		1956-57	93	—	93	—	93	
3.	Encroachment	1954-55	599	305	904	427	477	
		1955-56	477	280	757	245	512	
		1956-57	512	176	688	152	536	
4.	Permission to sale lands	1954-55	130	68	198	93	105	
		1955-56	105	82	187	76	111	
		1956-57	110	107	217	102	115	
5.	Identification cases	1954-55	261	400	661	464	197	
		1955-56	197	333	530	303	227	
		1956-57	343	408	751	336	415	

Statement of Revenue Cases in Athgarh Subdivision—*contd.*

Sl. No.	Nature of Cases	Year	Pending from last year.	Instituted during the year.	Total	Disposed of	Balance	REMARKS
6.	Unclaimed property	1954-55	8	—	8	7	1	
		1955-56	1	1	2	—	2	
		1956-57	2	—	2	—	2	
7.	Misc. Cases	1954-55	699	227	926	299	627	
		1955-56	627	201	828	199	629	
		1956-57	629	137	766	84	682	
8.	Adibasi, Harijan Reclamation cases.	1954-55	230	409	639	402	237	
		1955-56	237	79	316	126	190	Dropped due to Settlement.
		1956-57	—	—	—	—	—	
9.	Mutation Cases	1954-55	760	1410	2170	1530	640	
		1955-56	640	1226	1866	1123	743	
		1956-57	743	1009	1752	1021	731	
10.	Certificate cases	1954-55	1008	1132	2140	1053	1087	
		1955-56	1087	1065	2152	929	1223	
		1956-57	1223	560	1783	312	1471	

11. O.T.P. Act cases	1954-55	5	2	7	6	1
	1955-56	1	—	1	—	1
	1956-57	1	—	1	1	—
12. O.T.R. Act cases	1954-55	—	—	—	—	—
	1955-56	—	22	22	7	15
	1956-57	15	15	30	25	5
13. Rent suits	1954-55	21	19	40	27	13
	1955-56	13	31	44	32	12
	1956-57	12	19	31	24	7
14. Rent Execution	1954-55	4	8	12	5	7
	1955-56	7	7	14	9	5
	1956-57	5	15	20	14	6
15. Sarbarakari cases	1954-55	4	2	6	5	1
	1955-56	1	2	3	1	2
	1956-57	2	1	3	2	1
16. Revenue cases	1954-55	144	279	463	253	210
	1955-56	210	285	495	265	230
	1956-57	114	70	184	83	101
Total		16,867	12,056	28,923	11,513	17,410

Collection
of Govern-
ment Dues.

924. We have to observe with deep concern that there are colossal arrears of Government dues such as land revenue and cess and agricultural and other loans. One of the reasons for this state of affairs appears to be that the revenue officers are forced to pay much of their attention to the execution of development works to spend the allotments in time to avoid public criticism and to secure the appreciation of the superior officers for advancement in their career as Government lay stress on the developmental activities. The following statistics of Cuttack district will show that nearly a crore of rupees due to the Government is in arrears.

LAND REVENUE

Year	Arrear demand	Current demand
1	2	3
1952-53	Rs. 37,679/-	Rs. 15,93,234/-
1953-54	Rs. 49,557/-	Rs. 15,94,141/-
1954-55	Rs. 2,84,670/-	Rs. 15,84,1341-
1955-56	Rs. 14,03,514/-	Rs. 16,05,866/-
1956-57	Rs. 29,28,806/-	Rs. 16,05,881/-
Total demand.	Total Collection.	Balance on 1. 4. 57
4	5	6
Rs. 16,30,813/-	Rs. 15,80,328/-	
Rs. 16,43,698/-	Rs. 13,58,315/-	
Rs. 18,78,804/-	Rs. 4,75,289/-	
Rs. 30,09,380/-	Rs. 1,21,952/-	
Rs. 45,34,687/-	Rs. 1,05,247/-	Rs. 44,29,440/-

CESS

Year	Arrear demand.	Current demand.
1.	2	3.
1952-53	Rs. 3,36,894/-	Rs. 6,18,994/-
1953-54	Rs. 4,05,308/-	Rs. 6,18,994/-
1954-55	Rs. 5,31,642/-	Rs. 6,18,994/-
1955-56	Rs. 8,58,511/-	Rs. 6,18,994/-
1956-57	Rs. 8,83,929/-	Rs. 7,69,385/-

Total demand	Total Collection	Balance on 1. 4. 57
4	5	6
Rs. 9,55,888/-	Rs. 5,30,854/-	
Rs. 10,24,302/-	Rs. 4,68,584/-	
Rs. 11,50,636/-	Rs. 2,83,210/-	
Rs. 14,77,505/-	Rs. 5,90,122/-	
Rs. 16,53,314/-	Rs. 6,60,745/-	Rs. 9,92,569/-

925. A sum of Rs. 44 lakhs and odd representing nearly 3 years' land revenue demand was in arrears on 1. 4. 57 as can be seen from the above figures. The arrear cess demand on 1. 4. 57 was nearly 10 lakhs which is about one and half years' demand. About 57 lakhs of rupees are in arrears on account of loans as shown below :—

Agricultural loans	45 lakhs and odd.
Takavi Loans	— 2 lakhs and odd.
Grow More Food Loans	—10 lakhs.

Total—57 lakhs.

The Committee also noticed that nearly 5½ lakhs of rupees are in arrears in Keonjhar district as represented below on account of land revenue against an annual demand of Rs. 2,65,626/-.

Up to the year 1953-54	....	Rs. 16,570-9-7
54-55	....	Rs. 1,85,491-3-7
55-56	....	Rs. 2,08,323-1-1
56-57	...	Rs. 1,34,711-12-4
Total :-		Rs. 5,45,096-10-7

Government policy is no doubt to certain extent responsible for this state of affairs. A recent Government order of Revenue Department No. II-59/57-12455R dated 8th August, 1951 has been received in Ganjam Collectorate to the effect that the overdue payments in respect of Takavi loans should be recovered by easy instalments. In deserving cases, the taccavi debtors may be allowed more time to repay their loans in instalments to relieve hardship.

The instalments for payment are fixed when loans are advanced. If relaxation is made, specific orders for suspension or for reduced instalment should be clearly stated than vague orders which puts the local officers in a veritable dilemma.

Loans under
L. I. (Land
Improve-
ment) or
Agriculturi-
sts' Loans
Act.

926. Due to Grow More Food campaign or natural calamities large amounts were distributed as loan under these Acts. It is said that the procedure laid down in Madras Taccavi Manual for appointment of extra staff in connection with recovery of outstanding loan cases is not being followed in Ganjam. Consequently the loan dues have fallen into heavy arrears. From 1943 to 1948 large amounts under Grow More Food Scheme were advanced to the ryots and a separate establishment both in the Agriculture Department and at the district level was entertained till about 1952 when the staff was abruptly disbanded and the entire burden of maintenance of ledgers, and the collection of arrears was thrown on the Taluk Officer without any special staff. In 1955 a clerk for sometime was however appointed for the purpose and while the accounts were being brought up-to-date the post was retrenched and the same work has again become a burden on the normal taluk staff. As the office is burdened with multifarious work in the changed conditions, the progress in loans work does not disclose any advance. It is therefore urged that the appointment of special staff as contemplated in rules 3 and 5 of Chapter VII of Madras Taccavi Manual need be followed for prompt realisation of the outstanding arrears. It is very important to inspect the loans cases to see that the amount advanced for the purposes have been properly utilised by the loanees. Delay in inspections has the inevitable difficulty of ascertaining actual facts existing at the time of completion of the improvement. Inspection of such works are not being attended to as promptly and as quickly as is expected and it is also not possible for the normal staff to attend

to these items of work besides the legitimate work in addition to the Development, Grama Panchayat and Orissa Tenancy Relief Act, matters which are considered to be most important. During 1955-56 and 1956-57 large amounts have been distributed and hardly any inspection has been made. It is now general complaint not only in Ganjam but in almost all the districts that the loans advanced are not being properly utilised for the purpose for which the loans were granted. It is to guard against such contingencies that provision has been made for local inspection of all loan cases not only before they are granted but also after the payments were made. This wholesome principle should not be lost sight of, although the volume of work at all levels might have increased.

927. Another reason is attributed to the delay in disposal of certificate cases for the recovery of arrear dues. A statement of certificate cases in the district of Cuttack will go to show how the number of certificate cases is accumulating from year to year as the disposals in a year fall short of the cases instituted.

Certificate
Cases.

CERTIFICATE CASES

	Pending since last year	Instituted during the year	Disposed of during the year	Pending
	1	2	3	4
1954-55	8081	5373	3092	10,362
1955-56	10,362	3642	2877	11,127
1956-57	11,127	6523	2847	14,803

In this connection, the remarks made in the Report of the Bengal (Administration Enquiry Committee - 1944-45) known as the Rowland Committee is worth mentioning :

“The centralisation of the system is also partly responsible and we suggest that once the position is established that the Certificate Officer is no more than a

collecting agent, it should be possible to entrust the handling of certificate cases to officers other than those established at District and Subdivisional headquarters.

928. We would, therefore, suggest that as soon as the Taluk system recommended by us is introduced, the Taluk Officers may be appointed as Certificate Officers under the Bihar and Orissa Public Demand Recovery Act, 1914 in respect of all public demands for which the Collector issues the Certificates. All other certificate cases will be instituted at the subdivisional headquarters as at present. In the ex-Madras areas, the Taluk Officers are empowered under the Madras Revenue Recovery Act to collect the arrear land revenue.

Land
Revenue
Administra-
tion Report.

928-A The Annual Land Revenue Administration Report which is due to the Government every year on the 15th August, gives a clear picture of the position of collection of land revenue and cess, administration of various revenue laws including working of the public Demands Recovery Act and merits of officers connected with revenue work. Since the last war, the publication of this report is badly in arrears. Consequently no importance is attached to this report which makes its appearance three to four year after the due date. Previously Revenue Officers strove hard to earn a good merit report in the Annual Land Revenue Administration Report and now this has lost its meaning for them. We strongly feel that the punctual submission of the Annual Land Revenue Administration Report to Government should be ensured for Government to take necessary early measures for realisation of Government dues, which is of much importance at present for implementation of the Five-Year Plans.

929. Often due to the intervention of political leaders, there is a lack of resolution on the part of officers responsible for the collection of revenues. We consider

that strictness in realising Government dues is necessary, not only because this will jeopardise the State revenues, but also, because any slackness or weakness in this regard will have repercussions in other fields in enforcing their decisions.

SECTION "1"

Maintenance of Records

930. It is necessary to make the Record-of-Rights conform to the actual state of things. Yearly maintenance of the record would be preferable to periodical revision.

Sambalpur
System.

931. In the old district of Sambalpur and Nawapara Subdivision where C. P. system of land revenue administration prevails, the maintenance of land records is done by the Land Record staff maintained for the purpose. On the conclusion of the revisional settlement operations in 1925, Government decided to simplify the system of land record maintenance in the Sambalpur district (Vide Chapter X—Sambalpur Manual, Vol. II). The system of continuous maintenance previously in force was held to be unnecessarily elaborate and unduly expensive. Accordingly a system of triennial maintenance was introduced as an experimental measure. After 4 years of this experiment, Government decided that further modification is necessary. The previous system was based on the preparation of a *fihrist tabdilāt* or record of changes in which all changes which occurred in the village are entered triennially. The purpose was to maintain an up-to-date record which would be acceptable in evidence in the law courts and which would reduce the labour and cost of subsequent revision settlements. After examination it was found that the records maintained by the above process would not fulfil either of these purposes. Therefore the *Fihrist-Tabdilāt* was abandoned and the process of land record maintenance is limited to :

- (a) the registration of changes on the application of parties who desire such registration, and
- (b) the examination of encroachments on public or communal lands.

The operations for recording mutations and detecting encroachments are carried out biennially in every village and for this purpose each Patwari Circle is divided into two sections. The changes are effected by the preparation of a record of changes in the Mutation Register, the columns in which correspond with the columns of the Khatian. The necessary corrections are at the same time entered in the village map. The registration of changes is made only at the request of the parties. Besides the Mutation Register, the Patwari maintains an Encroachment Register and a diary (the rozanamacha) on the 15th October each year the preparation of the mutation and encroachment registers and map corrections are taken up in that section of each Patwari's Halka in which the work of mutation for that year is due, and continue until the following June. In carrying out the mutation operations the Patwari collects the villagers on the appointed date, for which he has sent the notice for publication in the village by the Mukadam or the Mukadam Gomasta and ascertains from them whether any person desires him to record any change in the register. If any person desires him to do so he records the mutation in the register, provided that no mutation is recorded until the parties to the mutation have given their signatures or thumb impressions in the remarks column of the Mutation Registers in token of their consent. It is not necessary for him to remeasure each plot on the ground except where changes reported to him entail a correction of the village map, but the area of all communal lands, for instance Gramya Jungle, Jalchar and Dharsa lands are fully tested. In addition to the copy of the village map which forms part of the record of rights, every Patwari is furnished with two copies of the settlement maps of the village—one is the working copy and the other is called the 'Maintained Copy'. The copy with the record-of-rights is kept intact for reference. The work of the Patwaris is checked by the Revenue Inspector and the

SECTION "I"

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function of the Tahsildar in his relation to the maintenance of village mutation register is primarily to provide a second check over the work of the Revenue Inspectors by over-checking personally a certain proportion of entries in the Mutation Register. The Subdivisional Officer supervises the work of the Revenue Inspectors and Tahsildars in the course of his tours and keeps himself informed of the progress of land records work in his Subdivision. In all matters of executive administration, the Inspectors are subordinate to the Tahsildar, while in such matters the Superintendent of Land Records occupies the position of the Deputy Commissioner's inspecting agent. But in purely technical matters the Revenue Inspectors work under the orders of the Superintendent of Land records to whom their reports are submitted direct. Besides the maintenance of records, land records staff concern themselves with payments of rent by the tenants.

System in
Merged
States.

932. In the merged States where there exists generally a village agency for collection of land revenue, maintenance of records is done on the application of tenants to the revenue officers. Mutation fees were being realised and penalties were being levied if the application is not made within the prescribed time limit. After the abolition of mutation fees, referred to elsewhere in the report, the mutation work is in heavy arrears as was noticed by the Committee in Keonjhar district and other districts.

Cuttack,
Puri and
Balasore.

Government
Estates.

933. In the coastal districts of Cuttack, Puri and Balasore, there was no system of maintenance of land records except in the Government estates. The maintenance of records is taken up along with the Milan Khasra operations in the Government estates every year, which commences from December and is finished by the middle of June. The procedure is fully described in paragraphs 220 to 237, Chapter VIII of the Bihar & Orissa Government

Estates Manual, 1919. The Sarbarakars, who are since abolished, were doing this work which was being checked by the Chakla Kanungoes. The Tahsildar checks all entries marked as 'contested' or 'objectionable' and decides all such cases on the spot. He also checks 25% of all measurements made by the Sarbarakars. He submits the Milan Khasra of each village to the Subdivisional Officer who after deciding all appeals received in respect of a village finally approves the Milan Khasra of that village. The Sarbarakar while preparing the Milan Khasra of a village makes a complete survey of all the newly cultivated waste land in the village, as well as such lands as have been encroached upon or cultivated without permission. He also examines the outer boundary of the village and the removal or disappearance of boundary pillars is reported to the Subdivisional Officer. After the introduction of Naib Tahsildari system on the abolition of Sarbarakars, the mutations are given effect to on the applications of parties interested or on receipt of the notices under Section 31 of the O. T. Act. As a result all the changes are not brought on to the record, as and when they occur.

934. In the Zamindari areas there was no provision for the continuous maintenance of records except that the Zamindars used to correct their records on payment of mutation fees, which was abolished by an amendment to the O. T. Act in the year 1938 and the Zamindars were legally bound to recognise the transfer of tenancies or subdivisions of holdings (where it is by metes and bounds) arising from transfers on receipt of the notices from the registration office.

Zamindari
areas.

935. As already remarked, there was no subordinate revenue agency below the Subdivisional level in the Zamindari areas, which can be entrusted with the task. In any case such an establishment would have been disproportionately costly for this purpose and the continuous

maintenance of records was not a practicable proposition for the reason of the fact that a tenant has to pay rent to several landlords for his holding, unlike in other areas.

936. In the ryotwari area of Ganjam district, where there is an elaborate village agency, the records are maintained by the Karnam. The applications for Patta transfers or subdivision of holdings when decided by the competent revenue authorities, the corrections are given effect to in the Record-of-Rights by the Karnam. Also during the annual Jamabandi there is an inspection of cultivated and Poramboke lands and action is taken against all encroachments detected. Darkhasts for relinquishments and transfers of land are disposed of. The Collector holds the Jamabandi of each Taluk in the district once in 5 years and the Revenue Divisional Officer not more than two Taluks in his Division every year. The revenue of each village represents the demand thus finally settled at Jamabandi. Thus it may be seen that certain operations are common to both the Jamabandi in Ganjam district and the Milan Khasra in vogue in the Khasmahal areas of north Orissa districts.

937. In the Ryotwari areas it is called Jamabandi because the 'Jama' or land revenue demand of a ryot is a fluctuating one and has got to be fixed every year, on all accounts due to extension of cultivation to the waste lands or extension of irrigation from Government sources, which calls for assessment. The tenant may also be eligible for any remission according to the rules prescribed due to surrender or transfer of land. The 'Shivai Jama' system of cultivating waste lands in the ryotwari area of Ganjam district has been stopped with effect from 1-7-54 (vide Board of Revenue Notification No. 2714-R, dated 30-6-1954) and any such cultivation should have the prior sanction of the competent revenue authority. If any such occupation is made without prior assignment, it should be treated as objectionable encroachment for action under the provision

Ryotwari
area of
Ganjam
district.

of the Orissa Prevention of Encroachments Act. In the case of persons having Shivai Jama cultivation of more than 5 acres of land prior to 1-7-54, the Collector will refer the matter to the Board of Revenue for orders of assignment. The other fluctuating element is the water rate which is consolidated with the land revenue in the case of wet lands and forms a part of the land revenue in other cases. This fluctuating element will be removed when a consolidated Irrigation Act is enacted for the whole State and the Madras Irrigation Cess Act is repealed by it. Until then the Jamabandi operation in the district of Ganjam can not be dispensed with. In other areas, the land revenue demand is fixed for the period of settlement and the water rate is collected as a separate charge. The powers of settlement of waste land given to the Gauntiahs of Sambalpur district has been withdrawn by amendments to the C.P. Land Revenue Act and now the settlement of waste land and assessment thereon are done by the revenue officers. Even then the land revenue demand payable by the Gauntias was fixed for the term of settlement and any excess collection due to the extended cultivation in the village was appropriated by the Gauntias till the next Settlement.

938. With the elimination of the remaining intermediaries the entire State will be ryotwari area. To facilitate the collection of land revenue and cess and other Government dues directly connected with the land such as water rate, etc. continuous maintenance of land records by an annual operation in the off-season is considered necessary. Further for the prevention of land disputes and for the law courts to use the record-of-rights as presumptive evidence, the maintenance of records is considered essential. The land reforms measures to be undertaken and the Bhoodan Yagna movement make it rather imperative to keep the records up-to-date. The new administrative set-up recommended by us, when introduced, will be able to cope with the task of maintenance of record-of-rights by

Procedure suggested for annual maintenance of Records.

means of an annual Milan Khasra operation as explained below. The Halka Patwari throughout the year whenever he visits a village would make enquiries into all changes which might have occurred in 'Jami' and 'Jama' and ownership in the form below.

Plot No.	Area	Khata No.	Name of tenant	Plot No.	Area	Khata No.
1	2	3	4	5	6	7
Name of tenant & where any change has occurred, parentage, caste and residence of tenant.			Cause of difference whether by new cultivation, transfer by sale, gift, partition inheritance, etc. or otherwise, giving full particulars.	Orders of Sub-Divisional Officer or Reviewing Officer.	Remarks	
8	9			10	11	

It would be his responsibility to book all changes in 'Jami' and 'Jama' in respect of each holding. The collection season is from November to March and during this period there will be opportunities for the patwari to ascertain the changes as far as practicable. The Milan Khasra operation should be conducted from 15th of April and completed by the 15th of June. He will draw up a programme sending a copy to his higher authorities and give a general notice to the landholders and tenants to assemble in the village on the date fixed for getting all changes recorded. The changes shall be made at the request of the parties, but no mutation will be recorded until the parties to the mutation have given their signatures or thumb impressions in the remarks column of the register. The Milan Khasra for each Mouza will be submitted to the Kanungo of the Circle as it is completed. The Kanungo will start their checks as soon as they receive the Milan Khasra of any mouza. They

will endorse all entries marked as 'contested' or 'objectionable' and settle disputes amicably, if possible. Where a correction of the village map is called for the Patwari should do this after actual measurement of the plot where necessary. Taluk Officer (or Tahsildar) on receipt of Milan Khasra of any Mouza after check by the Kanungo, will check all entries marked as 'contested' or 'objectionable' and will decide all such cases on the spot. The Subdivisional Officer may be empowered to hear appeals against all orders passed by the Taluk Officer in 'contested' and 'objectionable' cases and the time limit may be one month from the date of Taluk Officer's orders. After the disposal of appeals, the Subdivisional Officer will record an order finally approving the Milan Khasra of that Mouza. The Milan Khasra operation should also include checking of encroachments on public and communal lands. In Ganjam district it may be a combined operation with Jamabandi for economy of time and labour.

939. For every district there shall be appointed a Superintendent of Land Records who as an agent of the Collector will supervise the work of land records maintenance. The officer to be appointed as Superintendent of Land records should not be below the rank of a Sub-Deputy Collector and should have adequate survey and settlement experience. The post of Inspecting Tahsildar in Ganjam district which is now held by a Sub-Deputy Collector may be redesignated as Superintendent of Land records.

Superinten-
dent of Land
Records.

940. In order that the changes given effect to in the record-of-rights by the subordinate revenue agency, may be used by the law courts as presumptive proof, necessary legal sanction may have to be given to it.

Evidentiary
value.

SECTION "J"

Settlement of waste land.

941. The settlement of lands in urban areas variously termed as Nazuls or Town Khasmahals are now governed by a uniform set of rules known as the Urban Land Settlement Rules, 1951. But in the matter of settlement of waste lands for agricultural purposes the rules are varied in different parts of the State with regard to procedure, assessment and powers of sanction.

942. In the present context of Land Reforms policy to reduce disparities in wealth and income, eliminate exploitation, provide security for tenants and promise equality of status and opportunity to different sections of rural population and of the increased pressure on land in almost all areas except a few backward tracts, and of introducing a uniform land revenue system throughout the state, it is considered necessary to so regulate the settlement of waste lands for cultivation by a uniform rules of procedures in place of diverse rules and procedures obtaining in different areas and bring about speedy conclusion of proceedings in reclamation cases.

943. Since the rise in the prices of agricultural produce, the demand for taking lease of waste lands by persons depending on agriculture has greatly increased. Previously most favourable terms were offered, as special inducements to the cultivators to clear and reclaim waste lands by way of exemption from assessment for a period of years. These terms varied according to difficulties and expenses involved in reclaiming the land. In Bengal, the most favourable terms given were to allow $\frac{1}{4}$ th of the area rent free in perpetuity and the remaining $\frac{3}{4}$ ths were exempted from the payment of rent for 10 years and then to assess at nominal rates for 30 years. The Famine

Commission of 1901 recommended that in case of reclamation of waste lands exemption should be granted for the term of current settlement or for the term of 15 years, whichever last expires and in succeeding settlement or for remainder of the succeeding settlement assessment at half rates should be allowed. This recommendation of very liberal terms of exemption by the Famine Commission was based on the idea that expansion of cultivation would lead to an addition to the food supply of the country, thus increase the protection against famine. The Government of India considered all these recommendations in their proceedings in the department of Revenue and Agriculture No. 6-193-2 dated 24-5-1906 and after consultation with local Governments they did not accept these recommendations on the ground that in the older settled tracts small plots of uncultivated lands that had escaped plough are often of much more value to the community as grazing ground or communal reserves than they would be if broken up for cultivation and in some parts of country it was found advisable to prohibit breaking up of such areas in the interest of villagers and their cattle. This would involve needless sacrifice of revenue which would lead to the artificial encroachment of poor soil which could not permanently support its cultivators and would result in an embarrassing inequalities between the assessment rate of old and new lands. In the proprietary estates and in villages owned by tenure-holders the right to lease out waste lands vested with the proprietor or the tenure holder. Even in the district of Sambalpur as well as in the merged states the Gountiahs or the village headmen had also the right to lease out waste lands in the village. During the last war Grow More Food Campaign was introduced with a view to increase the out-put of food grains to meet the shortage. For that purpose reclamation of waste lands was greatly encouraged and loans for agriculture and land improvement were liberally given. There was little or no consideration given of the area of land owned by the lessees of waste

lands. After independence, the policy on land reforms enunciated by the Planning Commission was accepted by the Government of India. As a result, the rights to lease out waste lands by the proprietors of Zamindari estates were curtailed by legislation under the provisions of the Orissa Communal Forest and Private Land (Prohibition and Alienation) Act, 1948 (Orissa Act I of 1948). The Zamindars were prohibited from transferring or leasing out private, communal and forest lands without the previous sanction of the Collector. This Act did not extend to the district of Sambalpur where by the amendments of the Central Provinces Land Revenue Act, 1881 (Vide Central Provinces Land Revenue (Orissa Amendment) Act 1950 and C.P.L.R. (Orissa Amendment) Act, 1952 the right to lease out waste lands in Khalsa Gountiahi villages was vested in the State Government and the right of the Lambardar and his co-sharer to reclaim waste lands in such villages was taken away. The right of the Zamindars in Sambalpur to lease out lands in unsurveyed forests is already restricted under the rules framed under Section 124-A of the C.P.L.R. Act. In some of the merged states where the revenue laws have not been codified the Gountiahs or the village headmen still claim to possess the right (which is doubtful) to lease out waste lands in their respective villages. Where such rights, if any, rightly exist restrictions may be placed by legislation. With the abolition of intermediaries under the provisions of the Orissa Estates Abolition Act the power to grant lease of waste lands rests with the Government throughout the State with a few exceptions such as in the case of the small intermediaries whose interests have not yet been abolished. As already stated above, the procedure of settlement of waste lands and assessment thereon and the power to grant leases vary in different parts of the state. In the districts under the former Commissioner of Northern Division i. e. Sambalpur, Sundargarh, Bolangir, Kalahandi, Ganjam and Dhenkanal, the Subdivisional Officers and the Collectors are empowered to grant leases of waste lands

up to 5 and 10 acres respectively to an individual. For lease of any larger area, it has to be referred to the Board of Revenue for sanction (Vide letter No. 5963 (31) Ref. dated 26/27th September 1950 of the Commissioner of Northern Division). In case of forest lands the Forest Department have got to be consulted (vide letter No 5613-R. dated 25-8-49) of the Commissioner, Northern Division). In the districts under the Southern Division, the Sub-divisional Officers have been empowered to grant leases up to 15 acres and for larger areas the Collector is empowered to sanction. In the district of Ganjam the reclamation of waste lands is governed by the provisions under the Boards Standing Order 15. Under the provisions of B.S.O. 15, the Taluk Officer is empowered to grant lease up to 5 acres of dry land, Collector up to 5 acres of rain-fed land and the Board up to 5 acres of wet land.

944. With regard to assessment it is fixed at the time of settlement in Ganjam district and the lessee has to pay the rent as soon as he enters the land. In Sambalpur district rent is ordinarily payable from the 1st July next, succeeding the date of allotment. But for special reasons and with the sanction of the Commissioner of the Division, the period during which the land may be held free of rent may be extended. In some of the merged states the period of exemption from assessment extends from 2 to 5 years. In the district of Mayurbhanj rent is not charged for the first year, half of the usual rent for the second year and full rent is charged from the 3rd year onwards. In the vested estates settlement of lands is governed by the instructions given in the Revenue (Estates Abolition Department letter No. 4804 (12) EA. dated 12th July, 1956. According to this letter the Anchal Adhikaris are competent to allot or settle lands with the landless as defined in that letter up to 5 acres. Time is allowed for two years to reclaim the land and during that period no rent will be charged. If the land is not reclaimed within two years of the allotment

it should be taken back. If the land is already yielding a crop it should be settled straight-way with full assessment from the date of allotment. A complete description of the procedure of settlement of waste-lands, assessment thereon and the powers of sanctioning the lease as obtaining in different parts of the state is given in Appendix IX.

945. In this connection the Committee is constrained to note that there is much discontentment specially in the merged states about the unconscionable delay in finalising the proceedings of the reclamation cases. It was noticed by the Committee in Keonjhar and Mayurbhanj districts as well as in the ex-states of Cuttack district that where the cases are referred to the Forest Department the cases are invariably delayed. Some cases have taken about 2 to 3 years to get the report of the Forest Department. Some of the cases remained pending even longer to get final reply from the Forest Department whether the land is free from objection for settlement. The Divisional Forest Officers concerned who were consulted in the matter have expressed that the delay is due to shortage of staff to enquire into these cases. The proposal for sanction of additional staff is still pending for sanction.

946. The Conservator of Forests, Berhampur Circle expressed before the Committee that reclamation of forest lands in the unreserved or Khesra should be put a stop to except in very special cases. This is due to indiscriminate grant of Nayabadi Pattas to all persons, whether they possess large areas of land or not and as a result the lands are not reclaimed for years together, except to serve as a cover for pilferage of timber and fuel from the adjoining Government forests leading to serious deterioration of these forests. He has suggested that the settlement of forest lands should be dealt with by the Forest Department in the interest of forest preservation.

947. It is true that there is no follow-up after the grant of the lease whether the land has been reclaimed and

has served the purpose for which it was given although there is invariably a clause in the Patta or permit that the land so granted shall be reclaimed within a certain period, which is fixed under the rules or at the discretion of the granting authority in consideration of the labour and expenses involved, and failure to comply with it leads to forfeiture of the land. After the lease is granted, the inspection of the land at certain intervals is completely forgotten. During the Grow More Food Campaign, land improvement loans were given with a stipulation that part of the loan will be treated as subsidy, if the improvement has been effected within a particular period after inspection by a competent Revenue Officer. But it appears that many of these cases are pending for settlement due to want of certificates from the appropriate Revenue Officers after inspection of the work. As a result, the loanees who have actually made the improvement with the loan are subjected to hardship as they are required to pay the entire loan by coercive process without exemption from the subsidy portion. In some areas, with the grant of the lease, occupancy status is given to the lessee who takes his own time to reclaim it or even transfers the land before reclamation to make a further application to get lease of waste land under the claim of a landless person. In the group of ex-states of Cuttack district, particularly in Athgarh and Tigiria instances are not wanting where the lease of Khesra forests is taken solely with the intention of selling fuel in Cuttack market and the land is never reclaimed and serves as a screen for pilferage from the neighbouring forests. In other ex-states, timber contractors induce the backward tribes to apply for forest lands for reclamation. Although the soil is poor for sustaining cultivation of crops, they often get the lease due to sympathy and weakness for this section of people. The contractor who is behind, pays the royalty for forest growths through the lessees and a small extra amount to them as profit. Then he trades in the forest materials on the leased land and

manipulates to steal from the adjoining forests to add to his profit. Some of these lands are never reclaimed and in a few years after the clearing of forest cover, the land is laid bare to the rock due to erosion and cannot support any kind of vegetation with its consequential other evil effects. This is what has happened in many parts of Mayurbhanj due to Nayabadi settlement of a large area of 68,000 acres, as alleged by some of the leading public men who gave evidence before the Committee.

948. The suggestion of the Conservator of Forests of Berhampur Circle to authorise Forest Officers to grant Nayabadi leases of unreserved forest land is not practicable from various aspects. The settlement of land for agricultural purposes is within the sphere of Revenue Department. The Forest Department Officers will not be in a position to know who are actually landless to deserve the grant and will depend on the Revenue Officers for this purpose. Already due to lack of co-ordination between the two Departments, the reclamation cases of waste lands having forest growths over them are badly delayed. If two departments deal with Nayabadi settlement, the confusion will be worse confounded.

949. The following procedure is suggested by the Committee. The Ganjam system has an advantage over other systems. The Board's Standing Order 15 deals with the disposal of Government lands of different categories for purpose of cultivation. All such lands have been earmarked for settlement at the time of survey and settlement and rates of assessment fixed for different lands. Assessment is chargeable on persons occupying the land for the Fasli year if such occupation is either for reclamation, fencing, ploughing, growing crops or in any other way by which he occupies. Prior to June, 1954 the practice in vogue was that persons who without formal permission of Government enter the land for the purpose of cultivation after reclamation were treated as Sivaijamadars and if the lands so occupied were considered fit for assignment, they

were settled with the Sivaijamādars on collection of market value of the land which was fit for paddy cultivation. Lands fit for dry cultivation were granted free. Lands which were considered objectionable, the encroachers were evicted under the provisions of the Orissa Prevention of Land Encroachment Act. This practice has been stopped after the issue of Board's Order in Notification No. 2174-R. dated 30-6-54 which came into effect from 1-6-54. Under this the Government lands can only be reclaimed or occupied after orders of assignment have been issued to the applicant. This procedure is now being followed since June, 1954. Where there are valuable forest growths on Banjar or Poramboke lands, exceeding the value of Rs. 200/- the Collector has to refer the case to the Divisional Forest Officer for disposal of forest growths and for forest growths of less than Rs. 200/-. Collector has the option to refer it to the Forest Department or not. The Tahsildar is competent to dispose of the forest growths upto the value of Rs. 50/- and the Revenue Divisional Officer upto Rs. 200/-. If there are palmyra trees useful for toddy tapping, the Excise Department are consulted. On an application being received, the Village Officer to whom this is forwarded, published a notice calling for objections for a period of 15 days, prepares 'A' memorandum with necessary particulars and submits it to the Tahsildar through the concerned Revenue Inspector with his opinion. The Tahsildar considering the report, if he finds it unobjectionable, collects the demarcation fees and price of the standing trees and sanctions the lease if it is dry land upto 5 acres. Collector can sanction lease upto 5 acres of rain-fed land and the Board upto 5 acres of wet land. Some blocks have been reserved specially for scheduled caste and backward class people and some for housesites.

950. The following recommendations are made by the Committee :

(1) It is desirable to set apart at the time of settlement preferably or at another time, in consultation with

the Forest Department, the portions of waste land in each village and of unreserved forest areas which are best suited and can be spared for cultivation. This would greatly facilitate subsequent allotment of land and eliminate the need for elaborate and dilatory enquiries in dealing with applications for reclamation. The areas within the village boundaries should be excluded from the operation of forest rules. An overlapping of forest rules and land revenue rules would only cause confusion and subject the villagers to the harassment of two different groups of officials.

(2) The rates of assessment may also be fixed as far as possible for different portions of land taking into consideration the class of land to which it can be converted with average labour and expenditure within a reasonable period say two years. The classification should be in conformity with the local nomenclature prevalent in the area.

(3) The seigniorage rates for different classes of timber may also be fixed in consultation with the Forest Department subject to quinquennial revision of the rates. Where the forest growths at the time of granting lease is found valuable, Forest Department may be requested at the discretion of the Collector to dispose of the forest growth before allotment of lands. The forest growths may be considered valuable where its value calculated according to the schedule of seigniorage rates exceeds Rs. 500/-. The power to dispose of forest growths of value less than Rs. 500/- may be delegated to the subordinate revenue officers below the Collector's rank on a sliding scale basis as may be considered suitable with reference to status of the officer. In Ganjam the seigniorage rates for different classes of trees were fixed long ago at the time of settlement. The rates are now almost $\frac{1}{3}$ rd (onethird) of the prevailing rates fixed by the Forest Department. So a quinquennial revision of the seigniorage rates will remove this difficulty.

(4) Where the applicants are unable to take the trees on the waste land on payment of royalty rates, the forest growths may be disposed of by auction before allotment.

(5) Except in backward tracts where there is little demand for reclamation of waste lands (which areas may be specifically declared by the Board of Revenue) the settlement of waste lands should be restricted to the cultivators and agricultural workers who do not possess a 'basic holding' as defined elsewhere in the Report. Ordinarily the grant should be limited to an area which will make a basic holding together with the land already owned by the applicant. Where a person is an agricultural worker and has a genuine desire to take up agriculture as profession an area equal to the basic holding may be granted. In special cases the above limit may be exceeded and Collector may sanction such cases with reasons recorded in writing.

(6) The Revenue Officers exercising the powers of Tahsildars not below the rank of Sub-Deputy Collectors may be empowered to sanction leases upto a 'basic holding'.

(7) The procedure for enquiry into reclamation cases may be prescribed as described above in the case of Ganjam district.

(8) No 'Salami' should be charged for settlement of waste lands with the landless persons i.e. those possessing less than a 'basic holding' for agricultural purposes. In Sambalpur, the lands will greatly appreciate in value due to the Mahanadi Irrigation System and Government have incurred enormous expenditure over the project. There will be other areas where irrigational projects are being or to be undertaken where value of lands will greatly increase. It is but just and equitable to levy a Salami on waste lands to be settled for reclamation in such areas having regard to betterment charges leviable or already levied for occupied lands,

(9) For settlement of land for non-agricultural purposes, a premium or Salami equal to the market value of land (which may be determined by public auction) may be charged. In the matter of the use of the cultivators' land for non-agricultural purposes there would be justification for enhanced land revenue or premium or both having regard to diversion of its use to valuable non-agricultural purposes. There are no rules about it in most of the merged states and no action is taken till the next settlement with consequent loss of rent. It is proposed to provide for the levy of premium of Salami on diversion and for the enhancement of the assessment where there are no definite legal provisions to regulate this.

(10) In the case of 'char' or diara lands to which Government have a right, these may be settled in public auction as these are fertile lands and can grow valuable cash crops without much labour involved in reclamation.

(11) Out of the blocks of waste lands demarcated for reclamation, some may be reserved for backward tribes and scheduled castes. In the districts where Podu or shifting cultivation by the backward tribes is largely practised proportionately large areas may be reserved for settling in such land the tribal families engaged in Podu cultivation.

(12) To give an impetus to co-operative farming, preference may be given to a body of landless persons who form a co-operative society and jointly apply for a block of land for the purpose of co-operative joint farming. The block of land thus settled should not be less than 30 acres in area. The settlement of lands for co-operative farming may be sanctioned by the Collector.

(13) The waste land settled need not be assessed for the year in which settlement is made. In the next year, half the normal assessment may be charged and full assessment should be levied in the third year. In the case of

lands settled for co-operative joint farming, the period of exemption from assessment may be extended at the discretion of the Collector until a reasonable return is received by the Society.

(14) Portions of waste lands which are considered poor for cultivation but useful for homesteads may be reserved as village sites. A master plan for the village may be drawn up in consultation with the Grama Panchayat and plots of lands may be settled with the applicants on payment of a moderate premium. These lands should be assessed from the date of settlement.

In some areas a limited area of homestead is held rent-free by the agriculturists. This privilege of exemption from assessment on homesteads, where exist, may be withdrawn. The circumstances under which this privilege was given to encourage people to settle for cultivation no longer exist. All homesteads may be fully assessed according to the prevailing village rate.

(15) There should be clause in the Kabuliyat executed by the lessee that if the lands are not reclaimed within a period of two years from the date of settlement the whole or part of the area not reclaimed for cultivation shall be forfeited to Government. After the reclamation case is closed, a miscellaneous case should be started for the purpose of inspection of the land after the expiry of two years. Necessary action should be taken to resume the land, if not reclaimed when inspection is made.

(16) A safeguard is necessary against those who dispose of the land settled with them after a short interval and again come up for further grant of waste lands under the guise of landless persons. To avoid this, waste lands settled with landless persons without Salami shall not be transferable without the permission of the Sub-Divisional Officer, who may permit such transfer for reasons of

extreme hardship, which should be recorded. But no further settlement will be made with such persons within 10 years of the last settlement. In the case of joint farming societies, a member may transfer his share of lands to another member of the Co-operative Society or to the society.

(17) The task of a Revenue Officer should not be taken to be over with the grant of the lease of waste land and its inspection at the end of the specified period to ascertain whether or not reclamation has been properly done, but he should enquire and inspect at periodic intervals to ensure that reclamation work is progressing satisfactorily. If not, he should ascertain from the lessee his difficulties and obstacles, if any, in reclaiming the land, try to remove his difficulties and assist him, if necessary, by way of grant of Tuccavi loans. To this end a Register of reclamation grants should be maintained village-wise by the Patwari in respect of his Halka to inspect such lands during his visit to the village concerned and for inspection by the superior Revenue Officer in the course of their tours. A note on the progress of reclamation and steps necessary to accelerate the progress, where needed, should be left in the Register against the lands inspected by him. (the Inspecting officer)

SECTION "K"

'Podu' or shifting Cultivation

951. The 'shifting cultivation' means a primitive form of farming employed by the aboriginal tribes for raising crops on steep slopes of hills after cutting and burning the vegetation. After having a crop or two, they move on somewhere else. Its evil effects as reproduced in the report of the Partially Excluded Areas Committee (1940), are given below :—

What it means and its effects.

- (1) It causes the springs below the hills to dry up ;
- (2) Causes the soil on the Podu land washed away ;
- (3) Ruins Valuable timber for the sake of much less Valuable crops of grain ;
- (4) Causes very heavy floods in the rivers below and then endangers life and property ;
- (5) Causes the hot weather supply in these rivers to diminish and this reduces the water available for second crop cultivation, and
- (6) It brings down heavy silt into tanks and makes them useless and on to fields and destroys the crops ”.

952. In former times when the aboriginal tribes were probably more widely dispersed and possibly fewer in numbers, the shifting cultivation was perhaps practised less intensively, though more extensively than it is now-a-days. With the gradual development of the valleys and level tracts by waves of advanced people, the aborigines got pushed further and further back into the hills and have retreated to mountainous and more remote country. They now largely inhabit in too extensive tracts, one in North Orissa inhabited by the Bhuyans, Juangs and Eranga Kols and the second in the South in Ganjam agency and districts of Koraput, Phulbani and Kalahandi, which

Areas where prevalent.

forms the stronghold of the Kondhs, Sauras, Parajas, Koyas and Godbas. They subsist to a greater or lesser extent or some times even exclusively by shifting cultivation which is variously known in these parts as 'rama' by the Kondhs and 'bringa' by the Bhuinyas in North Orissa and 'Podu' or 'dongar chas' in the south. 'Dahi' which is the term used in the west of Sambalpur refers to a less pernicious practice of burning branches of the forest trees on a level field to obtain stimulating effects of ashes, while 'taila' the term used in the central and eastern parts of Orissa refers to a form of temporary cultivation on a level or slightly sloping ground not much different from 'Podu'. The Gora or upland cultivation in the districts of Sundargarh, Mayurbhanj, and Keonjhar is also another form of improved cultivation. This has led to denudation and serious impoverishment of the soil. The 'Gora' lands give a poor yield and are allowed to remain fallow for 3 to 4 years to recoup their fertility.

Extent of
'Podu' and
its ultimate
effects.

953. A statement showing the areas affected by shifting cultivation in various districts of Orissa and the aboriginal population which depend upon this method of raising crops for their livelihood is attached. From these figures it will be seen that about 13,000 sq. miles are affected to a greater or lesser degree by the evil effects of shifting cultivation and a population of almost a million people depend on this method of cultivation for their livelihood. The crux of the problem is how these people are to be provided with food when the hill tracts in which they reside are denuded to such an extent that they will not yield a crop. This is a problem which will inevitably ensue unless something is done and done soon to check shifting cultivation and to settle these primitive folk to some stable form of rural economy. Further the perennial springs in the hills will dry up and they will find their existence in those areas intolerable for lack of water.

954. In Keonjhar the Juang population is gradually decreasing probably due to the miserable standard of living and the tribe may die out in course of time due to undernourishment unless something is done for their upliftment. A special Multipurpose N.E.S. Block has been opened in Juangpirh and Bhuyanpirh areas. Colonisation scheme for these hill tribes started in this area has not met with success as it has not been started with the psychology of these primitive people. Greater attention seems necessary to wean these aboriginals from shifting cultivation and settle them to stable form of cultivation by assisting them with land and money required for reclamation and purchase of bullocks. They may be initiated to take to cottage industries for which raw materials are locally available.

Bhuyan and
Juang Pirhs.

955. Three more Special Multipurpose Blocks have also been opened one in Narayanpatnam in Koraput district and another at Reruan in Mayurbhanj district and third in Kasipur area of Kalahandi district. In Pottangi area of the Koraput district some action is being taken to restrict the shifting cultivation by surveying and demarcating the lower and less steep parts of hill slopes for the purpose of Podu cultivation. The upper parts are reserved for forest growths. This is with the object of restricting Podu to specified areas instead of resorting to Podu indiscriminately. It is doubtful if this restriction will be honoured by the Adivasis.

Steps taken
to restrict
'Podu'.

956. The right to practise 'Podu' cultivation is not legally recognised. The lands in question are not recorded as such nor shown in maps which would be next to impossible owing to transient nature of cultivation. In some districts the Podu areas have been assessed and rents are fixed empirically - two to three rupees per household.

Legality of
'Podu'.

957. Podu cultivation can be checked by gradual education of the aborigines about its evil effects and

Measures
necessary
to stop
'Pedu'.

giving them lands for permanent cultivation. The Adivasis of one or more contiguous villages may be settled in colonies not far off their original homes in large blocks of lands for permanent cultivation to satisfy the needs of all those may be settled in a particular colony. This method of colonisation had been successfully demonstrated by the Forest Department in Rairakhole and Bonai, by establishment of colonies in Gishchandrapur in Rairakhole and Duleisara in Bonai. Although in the beginning there was much reluctance shown by the Adivasis, but after they had seen the material advantage which had accrued to those who abandoned shifting cultivation and had been settled in these colonies, others are quite willing to give up the shifting cultivation and take to permanent cultivation provided they are given lands in the plain tracts. In Kalahandi and Koraput many of the Kondhs as well as Sauras in Ganjam agency own terraced rice fields and know the art of cultivating paddy in the irrigated fields. Broadly speaking it may be said that in almost all the areas where shifting cultivation is in vogue, a few of the more intelligent and more industrious among the tribal people possess lands and practise permanent cultivation. In some places these people formerly had more lands in the valleys, but these have now largely passed into the hands of non-aboriginals such as Pans and Sundhis in South Orissa and the Goudas in the North. In this matter they need proper protection from Government until they are sufficiently advanced to look after themselves. The law regarding prohibition of transfer of lands by the aborigines to the non aborigines should be strictly enforced but not left to the initiative of the aborigines to make an application. The officers should be on the watch to start proceedings whenever such illegal transfer or occupation of lands belonging to aborigines by the non-aboriginal class comes to their notice.

Inherent
defects in
'Adivasis'.

958. Of the defects inherent in the nature of most of the old generations of the aboriginals is that they are

indolent and care free in spirit. If they have sufficient food for the day, they do not care for the morrow and they appear to lack all desire for self-improvement. If the condition of the tribal people is to improve in the process of converting them into settled agriculture this defect in them should be eradicated by process of education. This process should be accelerated, and the newer generation of the Adibasi people should be so enlightened that they would take a reasonable place in the various fields of employment and in the country's socio-economic life.

959. Even since the time that Thakkar Baba pointedly brought out the evils of Podu cultivation, sufficient action had not been taken to check this evil until it developed menacingly to threaten the smooth working of the big Hydro-electric projects such as the Hirakud Dam and the Machhakund Project. The Podu cultivation of Sundargarh and Sambalpur with about 700 square miles or about 1/5th of the total land surface of Orissa come under this pernicious practice of shifting cultivation in varying degrees affecting about a million people. On an all India level this problem is engaging the attention of the Central Government. The State Government also have decided to undertake extensive soil conservation measures to prevent silting of the dams of the Machhakund scheme, where the evil effects of shifting cultivation are keenly felt. They have drawn up a fairly comprehensive soil conservation scheme for the entire Machhakund basin comprising an area of about 900 square miles at an estimated cost of about one crore of rupees. Contour-bunding and terracing are the most mechanical methods of controlling soil erosion on sloping lands. Over 6,000 acres have already been contour-bunded and provided with grassed waterways thus rendering them suitable for permanent agriculture. Cashewnuts and bamboo trees have been planted in about 506 acres,

Soil Conservation Schemes.

960. *Remedies* :—

(1) The psychology of the tribal people should be taken into consideration in any measure of land settlement. Politically and juridically, it would be an unsound policy to recognise individual ownership in the lands settled with any member of a tribal clan or group. Grouping by tribal or clan affinity is fundamental and conducive to the development of co-operative life and enterprise in such people. As far as possible, instead of an individual ownership, communal co-operatives should be recognised in land ownership. Thus the land would be normally the undivided property of the tribal clan or group managed traditionally by the tribal councils on their own native customs.

(2) Special land revenue administration should be evolved for such type of land ownership, when establishing any tribal community in a new area. Not only the management of the land but also the recovery of all dues on land should be entrusted to the village organisation. It is for the tribal community in a new village to parcel out lands amongst their members and distribute the burden of dues on the lands.

(3) When new areas of land are settled with the tribal communities there should be sufficient land available for the living of that people. The people are very sensitive and any deficiency in food will drive them to their former practice.

(4) There should be marginal forest land attached to the communal property so that the indigenous forest dwellers should have sufficient grazing and forest land, hunting grounds and rivers or streams necessary for the subsistence and maintenance of the tribal habits.

(5) Local authority (i. e. communal authorities) and State-aid should go hand-in-hand in regulating and

controlling the cycle of felling, cultivation and regrowth of agricultural and forest produce so that community farming can be developed with advantage to all the members concerned. Indigenous forest dwellers should be helped to free themselves from indebtedness, and to develop their land by means of State assistance under expert guidance in regard to appropriate techniques of agriculture with improved seeds and implements, and animal husbandry so as to promote the general development and welfare of the people, while maintaining their traditional communal structure.

(6) Until the forest dweller has been settled to stable cultivation by the progressive policy of Government, there should be a transitional arrangement by which shifting cultivation is controlled and regulated. There should be a scheme of predetermined rotation in the circumscribed strip of their operations.

(7) There is no rivalry of leadership in the forest dwellers. It is not known how long this will be maintained in view of the rivalry of the political atmosphere. The attention of the tribal people should be directed to the development of their own conditions by means of Extension Service Schemes. The older generation of the forest dwellers are rigidly conservative in their habits and outlook. The process of education and enlightenment should be accelerated by a liberal and generous policy so that the newer generation of the Adibasi people should be rendered so enlightened that they would take a reasonable place in the various fields of employment and in the country's socio-economic life. The evils of shifting cultivation would disappear as quickly as the newer generation of the tribal people are enlightened and are absorbed into the country's normal life.

(8) Government are alive to a co-ordinated effort by the departments concerned. Any administrative machinery that deals with the special problems of controlling shifting

cultivation, and settlement of colonies, should cover a wider scope of an overall development of the forest dwellers. Therefore Government should determine the department which should undertake the project in any local area and all the concerned departments, including the Tribal Welfare, the Revenue and Forest Departments should have an intimately co-ordinated outlook and concern in such projects.

961. *Conclusion*—It is worthwhile to reproduce an extract from the D. O. letter No. 7331/3-F dated the 3rd November, 1950, of such an enthusiastic as Mr. Mooney as was addressed to the Food Commissioner on shifting cultivation.

“Podu cultivation is deeply connected with the social progress of the tribal people including their economic welfare, health, happiness and prosperity; as a measure of soil conservation the stoppage of shifting cultivation is imperative as a means of expanding the area under forest on grounds of climatic amelioration, of soil and water conservancy and the supply of forest produce the checking of ‘Podu’ is no less important; at the same time it will give scope for better methods of cultivation and national agriculture; and the net result will be greater Food Production. This will not be achieved sitting in a chair and by the mere issuing of Government orders. It needs dynamic policy carried into effect vigorously in the field by a staff of enthusiastic workers. Something can be done if people have the will to do them and when they have freedom from the trammels of Secretariat control. But whoever handles the land utilisation business must have adequate power and discretion; he must be an enthusiast; he must not tolerate incompetence and he must be prepared to wear out several pairs of boots.”

STATEMENT SHOWING AREAS APPROXIMATELY
UNDER 'PODU' OR SHIFTING CULTIVATION.

District and Subdivision	Area affected by axe-cultivation	Name of tribe	Population
North Orissa			
	sq. miles		
Keonjhar	460	Bhuiyas	20,000
		Juangs	8,000
Sundargarh			
Bonai	300	{ Bhuiyas	10,000
		{ Eranga Kols	1,000
Dhenkanal			
Pal-Lahara	100	Bhuiyas	2,600
Sambalpur	60	Bhuiyas	7,000
Bamra	300	Kondhs	6,600
Rairakhol	50	Kondhs	2,200
Total North Orissa 1,270			57,400
South Orissa			
Kalahandi	1,800	{ Kondhs	111,000
		{ Kutiya	1,300
		{ Kondhs	
		{ Kamars	1,600
Khariar	200	Bunjias	5,400
<u>Ganjam</u>			
Ganjam Agency (Khondmals, Balliguda & Parlakhimedi)	4,500	{ Kondhs	206,800
		{ Saoras	95,600
		{ Jatapas	1,600
<u>Koraput</u>			
Jeypore Estate	5,000	{ Kondhs	176,500
		{ Saoras	52,500
		{ Jatapas	15,200
		{ Parjas	145,700
		{ Gadabas	34,300
		{ Koyas	28,000
		{ others	3,800
Total South Orissa 11,500			8,78,300
Grand Total	12,770 sq. miles		9,35,700

* Taken from the Report on 'Shifting Cultivation' by Mr. Mooney, Ex-Conservator of Forests in Orissa.

SECTION "L"

Co-ordination.

962. For reasons we have suggested to defer the Anchal Sasan Scheme till 1965 when the intensive phase of development in all the blocks will be over according to the programme drawn up by the Government. We have also recommended elsewhere that the developmental administration should be integrated with the general administration at the Sub-divisional level; the Subdivisional Officer will coordinate the general administration and the Block administration and thereby the objection, often expressed against combining the developmental and welfare activities and the regulatary functions in the same officer will not arise. The Anchal Sasans, when established will take over the developmental activities to be continued in the Blocks after the intensive phase. Therefore, the Anchals to be formed need not conform to the boundaries of N. E. S. Blocks, and it is desirable to make them co-extensive with the Taluk jurisdictions, which will be advantageous from many points of view, and which will also facilitate administration. As far as developmental activities in the Anchals are concerned, the control will be with the District Magistrate through the Subdivisional Officer, and as regards municipal and civic functions the District Officer will be the co-ordinating authority at the district level. The administration of big five municipalities excluded from the Anchal Sasans, will also be coordinated at the district level by the respective District Officers.

General
Admini-
stration and
Block
Administra-
tion.

963. When Anchal Sasans come into being, Grama Panchayats, which will be the constituent units of the Anchals, will come under their supervision and control subject to the general control and supervision of the District Officer. Until then and if in the meantime the Taluk set up recommended by us is introduced, the District Magistrate may delegate some of his powers to the Taluk Officers to supervise and inspect the Grama Panchayat administration

in their respective jurisdiction. An Audit Inspector may be attached to each Taluk, a Supervisor to each Subdivision and the Grama Panchayat Organiser to the District Headquarters as at present. For the guidance and proper development of Grama Panchayats at the formative stage, the Kanungos to be appointed under the Taluk scheme may be made the Panchayat Inspectors in their respective Circles. In Uttar Pradesh the Reorganisation Commissioner has recommended the Supervisor Kanungos to be the Panchayat Inspectors in their respective areas. This will be a suitable arrangement. But the general feeling is that the Grama Panchayats may resent the exercise of any sort of authority over them by a subordinate officer of the status of Kanungo. However, this needs careful consideration before this is attempted. When Anchal Scheme is introduced, the Taluk Officers will be divested of their responsibility in respect of the Grama Panchayats and the Audit Inspectors attached to Taluk Officers may be taken over by the Anchal Sasans. As the Subdivisional Officers are required to perform certain statutory functions in respect of the Grama Panchayats, the Panchayat Supervisors may continue to remain attached to the Subdivisional offices to assist the Subdivisional Officers in discharging their responsibility in this regard.

Anchal
Sasan
Scheme and
Grama
Panchayats.

964. The structure of the Tribal and Backward Classes Welfare administration has been described earlier. At present there is a hierarchy of officers in every district with the District Welfare Officer at the top, placed under the control of the District Officer. When the decentralised Taluk system as recommended by us is introduced, the need for the District Welfare Officer and the Assistant District Welfare Officer may not arise, and the welfare of the tribal and backward class people will be better and more effectively looked after by the Taluk Officer. The District Welfare Officers have no special training or qualification as being more fitted for this work than the

Tribal and
Rural Wel-
fare Admini-
stratio.

officers of the general administration. In this connection the observations made by the Committee on "Saharpur Bhuyan Colony" in Bhuyan Pirh area of Keonjhar district are reproduced in appendix for reference. The tribal and backward class people need protection against exploitation by the more intelligent and influential section of the people. The Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956 and the Orissa Merged States Act, 1950 regulating the transfer of land between the members of Scheduled Tribes and those of non-scheduled tribes are administered by the revenue officers and as such the Taluk Officers can better co-ordinate the welfare administration of the tribal and backward classes people with the general administration. At present there is certain amount of overlapping and duplication in the matter of administration of Tribal and Rural welfare administration. By combining the welfare administration of the tribal and backward classes people at the Taluk level, not only greater efficiency will be achieved but also considerable economy will be effected. Certain conflicting elements in the matter of execution of development works will be removed.

965. The Rural welfare Inspectors who supervise the work of the social workers under them will be subordinate to and controlled by the Taluk Officer. The District Welfare and the Assistant District Welfare Officers may be absorbed in O.A.S. and O.S.A.S. in consultation with the Public Service Commission. As far as we can see the above proposals are considered adequate to bring about the necessary co-ordination among the various agencies of administration in the district.

CHAPTER IX

PENDIX I

PARA—782

List of Anchals comprising Vested estates

Name of the district.	No. of Anchals under whole-time Anchal Adhikaris.	Number of Anchals under ex-officio Anchal Adhikaris.
1. Cuttack	1. Cuttack 2. Jajpur 3. Kendrapara 4. Sukinda 5. Kujang 6. Darpan 7. Pattamundai 8. Aul 9. Salepur 10. Jagatsinghpur 11. Kanika	1. Deputy Collector, Banki and Ex-officio Anchal Adhikari Dampara.
2. Puri	1. Sakhigopal 2. Nimapara 3. Pipili 4. Chilka	1. Tahsildar Khurda & ex-officio Anchal Adhikari, Khurda Anchal. 2. Tahasildar, Bhubaneswar and ex-officio Anchal Adhikari, Bhubaneswar Anchal. 3. Officer in-charge, Ranpur ex-officio Anchal Adhikari of Ranpur.
3. Balasore	1. Jaleswar 2. Balasore 3. Bhadrak 4. Dhamnagar 5. Soro 6. Chandbali	
4. Ganjam	1. Chikiti	1. Taluk Officer, Aska 2. Ditto Digapahandi 3. Ditto Kodala

Appendix I—contd.

Name of the district.	No. of Anchals under whole-time Anchal Adhikaris.	Number of Anchals under ex-officio Anchal Adhikaris
		4. Taluk Officer, Surada
		5. Ditto Parlakimedi
		6. Ditto Chatrapur
		7. Ditto Bhanjnagar
		8. Ditto Berhampur
5. Koraput	1. Koraput	1. Taluk Officer, Jeypore
	2. Nandpur	2. Ditto Nawarangpur
	3. Borigumma	3. Ditto Malkangiri
	4. Bissemtuttack	4. Ditto Gunupur
	5. Omerkote	5. Ditto Rayagada
6. Sambalpur		1. Sadar Tahsildar
		2. Jharsuguda Tahsildar.
		3. Subdivisional Officer, Kuchinda
		4. Do. Bargarh
		5. Tahasildar, Padmapur.
7. Kalahandi	1. Khariar	} 1. Tahsildar, Thuamal, Rampur
	2. Lanjigarh	
8. Sundergarh	1. Panposh	1. Subdivisional Officer, Sadar
		2. Do. , Bonai
9. Bolangir	1. Sonapur	} under one Anchal Adhikari.
	2. Bolangir	
10. Keonjhar		1. Subdivisional Officer, Keonjhar
		2. Subdivisional Officer, Anandpur
11. Baud-Phulbani		1. Subdivisional Officer, Baud
12. Mayurbhanj		1. Subdivisional Officer, Udala ex-officio Anchal Adhikari for Kaptipada.
13. Dhenkanal	Nil.	
Total :—	32	+ 29 = 61

CHAPTER IX

APPENDIX II

(PARA No. 782)

Rates of Pay or Commission allowed for collection of land revenue and cess to village officers as the collecting agency in different parts of the State.

Name of district or merged State.	Designation of village officer.	Rate of pay or commission.	REMARKS.
(1)	(2)	(3)	(4)
1. Ganjam		Pay & D.A.	
(a) Ryotwari area			
	(1) Karji	Rs. 17+3 = Rs. 20/-	
	(2) Karnam	Rs. 18+5 = Rs. 23/-	
	(3) Taliyari	Rs. 11+7 = Rs. 18/-	
	(4) Vetī	Rs. 11+7 = Rs. 18/-	
(b) Proprietary estates (now Anchals).			
	(1) Karji	Rs. 15+3 = Rs. 18/-	
	(2) Karnam	Rs. 15+5 = Rs. 20/-	
	(3) Taliyari	Rs. 9+7 = Rs. 16/-	
	(4) Vetī	Rs. 9+7 = Rs. 16/-	
2. Sambalpur			
Khalsa area			
	(1) Gauntia or Malguzar (In Khalsa Gountiahi or Malguzari villages.	25% of the ryoti rent of the village adjusted against the assessment of 'Bhogra' or 'Sir' lands held.	
	(2) Patel (Khalsa Raiyatwari Villages)	A drawback of one anna in the minimum to three annas per rupee of land revenue demand collected. May be increased to four annas per rupee with the sanction of Revenue Commissioner in special cases.	

Appendix II—*contd.*

Name of district or merged State.	Designation of village officer.	Rate of pay or commission.	or	REMARKS.
(1)	(2)	(3)		(4)
MERGED STATES				
3. Athgarh	Sarbarakar	10% of the village revenue demand		Abolished since 1935. Collection work done by Tahsil Mohrirs supervised by Kanungos.
4. Athmallik	-do- (Protected and unprotected).	Rs. 9-6-0 to Rs. 18-12-0 per cent on a sliding scale basis.		
5. Bamra	Gauntia	10% to 17% of the village revenue demand and adjusted against Bhogra rent.		
6. Baramba	Sarbarakar	10% or 12½% (12½% in the case of villages bordering forests).		
7. Baud	Sarbarakar	15% of the village revenue demand		Abolished since 1937-38. Collection done by R. I. S. The Sarbarakars still get 5% of the collection for other duties of headman of the village and assisting in collections which they have ceased to do.
8. Bonai	.... Gauntia	.... 12½% of the village demand,		

Appendix II—contd.

Name of district or merged state	Designation of Village Officer	Rate of pay or commission	Remarks
(1)	(2)	(3)	(4)
9. Daspalla....	Sarbarakars ...	8% in villages with demand up to Rs. 200/- 5% above Rs. 200/-.	
10. Dhenkanal	Sarbarakars	12½% of the ryoti rent.	
11. Gangpur....	Gauntias and Ganjus	25% of the village demand.	
	Head Ganjus (of groups of villages).	45% of the revenue collected from Ganjus and Gauntis.	
12. Hindol	Sarbarakars....	9% of the total revenue of the village.	
13. Kalahandi	Gauntia ...	20% to 25% of the village demand.	Since replaced by Naib Tahsil-dari system. (In Revenue Deptt. letter No. 1828/LRS-XXI—6/52, the remuneration was prescribed on a sliding scale basis during the current settlement)
		Amount of Collection	Rate of remuneration
		Upto Rs. 250/-	25%
		Rs. 251/- to Rs. 500/-	20%
		Rs. 501/- to Rs. 750/-	18%
		Rs. 751/- to Rs.1000/-	15%
		Rs. 1001/- upwards ...	13%
14. (a) Keonjhar (other than plains area of Anandpur Sub-division & Bhuyan & Juang Pirhs).	Padhans ...	20% of the village demand.	

Appendix II—*contd.*

Name of district or merged state	Designation of Village Officer	Rate of pay or commission	Remarks
(1)	(2)	(3)	(4)
(b) Bhuyan- pirh and Juangpirh areas.	Padhans	3% of the village demand.	
	Sardars	6¼% of the village demand.	
(c) Anandpur Sub-division Plains area.		Collections done by Kanungos with a circle of average revenue demand of Rs. 10,000/- and since replaced by the Naib-Tahsil- dari system. Garnaiks and Dalais who super- vise Padhans have service Jagir lands.	
15. Khandpara	Sarbarakars	10% of the village demand.	
16. Narsinghpur	do.	10% of land revenue 6¼% of forest cess.	
17. Nilgiri	do.	12¼% of rents and cesses collected.	Abolished in 1939 and repla- ced by 25 tempo- rary Mohrirs and peons which proved expen- sive.
18. Nayagarh	Sarbarakars	15% of demand in villages with dem- and upto Rs.100/- 10% demand upto Rs. 250/, 5% dem- and above Rs.250/- plus 5% of the cesses collected.	

Appendix II—contd.

Name of district or merged state	Designation of Village Officer	Rate of pay or commission	Remarks
(1)	(2)	(3)	(4)
Khondmal areas. (of Nayagarh)	Mallick	15% of demand in villages with demand upto Rs. 100/-, 10% demand upto Rs. 250/, 5% demand above Rs. 250/- plus .5% of the cesses collected. There are padhans in Kondh villages who are appointed by the villagers and not recognised by the State. Mallick pays him -/1/- in the rupee as commission from his remuneration.	
19. Pallahars	Sarbarakar	(a) 10% of the ryoti rent. (b) Bhogra lands assessed at $\frac{1}{4}$ ths of the normal assessment. (c) $6\frac{1}{4}$ % of forest and road cess.	
20. Patna	Thikadar	20% of the village demand.	Since abolished after merger and replaced by Naib Tahsildari system.
21. Rairakhol	Gountia	15% of the village demand.	
22. Ranpur	Sarbarakars	10% of the village demand (5% Khanja Sarbarakars) In some villages Kanungos Collect directly.	

Appendix II—concl'd.

Name of district or merged state	Designation of Village Officer	Rate of pay or commission	Remarks
(1)	(2)	(3)	(4)
23. Sonēpu	Gountia (protected & unprotected) Thikadars, Gartias, Birtias.	Commission as fixed for each village in the settlement records. No fixed rate.	
24. Talcher	Sarbarakars, Makdama (Brahmottar villages), Garhnaiks (Paikali villages), Bera Pradhans supervises the Sarbarakar's work.	Not available.	
25. Tigiria	Sarbarakars.	10% of the village demand. 5% of the cesses collected.	
26. Mayurbhanj	Padhans	10% of the village demand. 12½% & 15% in some areas	(Sirdars since abolished. In Bamanghati and Panchpirh subdivisions, Padhans were entrusted with the collection of Chaukidari tax on 5% commission).

N. B:—In the merged States the commission is ordinarily adjusted against the assessment of service tenure lands held by the village head.

CHAPTER IX
APPENDIX III
[PARA 787]

Sl. No.	Name of district.	Total Anchal in the district as recommended by the Anchal Delimitation Committee.	Total number of blocks proposed.	Number of inhabited villages	No. of uninhabited villages	Population of the district.	Area of dist. in sq. miles.	No. of blocks opened by 30-6-57				present blocks in square miles.	Population of present blocks.	No. of villages in present blocks.	No. of Grama Panchayats in present blocks.
								N. E. S.	C. D.	Post-intensive.	Total.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1. Outtack		27	41	6248	111	2,529,244	4,200	6	3	—	2	1,163	632,959	1,418	104
2. Puri		19	25	5068	628	1,572,262	4,043	6	1	1	8	11,155.35	402,833	1,060	88
3. Balasore		12	17	3315	538	1,106,012	2,507	6	—	4	10	1,461.29	707,872	2,054	97
4. Ganjam		19	27	4513	317	16,24,829	4,725	4	2	4	10	1,661.93	764,122	1,928	124
5. Koraput		19	37	5746	216	12,69,534	9,875	7	2	—	9	3,525.56	439,443	1,481	84
6. Sambalpur		13	25	3426	263	13,01,804	6,765	8	2	—	10	2,041.23	659,578	1,323	40
7. Kalahandi		8	20	2939	89	8,58,781	5,057	2	2	3	7	2,271.00	527,867	1,310	63
8. Bolangir		10	15	2524	82	9,17,875	3,412	4	1	2	7	1,524.88	568,898	1,110	90
9. Dhenkanal		11	18	2526	435	83,9,241	4,226	5	1	—	6	1,997.19	413,003	1,317	87
10. Phulbani		9	17	4307	291	4,56,395	4,282	6	1	—	7	1,824.50	265,520	2,074	45
11. Mayurbhanj		12	34	3655	33	10,28,825	4,021	6	2	—	8	1,585.86	503,022	1,524	86
12. Keonjhar		8	14	1982	88	5,88,441	3,216	5	1	—	6	1,983.96	433,657	1,199	71
3. Sundergarh		8	17	1631	43	5,52,203	3,788	7	1	1	9	3,044.00	450,145	2,208	68
TOTAL :-		175	307	47,880	3124	14,645,910	60,117	72	19	15	106	25,240.81	6,768,886	19,008	1,047

CHAPTER IX

APPENDIX IV

[PARAS 823 & 824]

Financial Implications of the Proposed Administrative Set-up

(1) Patwari Establishment

Pay—Patwari	....	Rs. 40/- × 12 =	Rs. 480/-
Peon	....	Rs. 25/- × 12 =	Rs. 300/-
			Rs. 780/-
Leave reserve @ 10% of patwaris	....		Rs. 48/-
Total	....		Rs. 828/-

(2) Kanungo Establishment:—

Naib-Tahsildar—average pay	....	Rs. 70/- × 12 =	Rs. 840/-
Peon—average pay	....	Rs. 21/- × 12 =	Rs. 252/-
D. A. of Kanungo	....	Rs. 28/- × 12 =	Rs. 336/-
D. A. of peon	....	Rs. 27/- × 12 =	Rs. 324/-
Total	....		Rs. 1,752/-

(Cost distributed per Halka)

As there will be one Kanungo Circle for an average of 10 Halkas, the cost of Kanungo Establishment, if distributed, will come to Rs.175-4-0 per Halka. At 12½% leave reserve (of Kanungos only) the cost per Halka will come to Rs.175-4-0 plus Rs. 15/- -

Rs. 190 4 0

Government contribution to the Provident Fund scheme to which Patwari and his chainman will be admitted.

Rs. 51 12 0

Towards pensionary benefits of Kanungo and his peon @ 15% of the pay.

Rs. 29 0 0

Total		Rs. 271 0 0
-------	------	--	-------------

Total cost per Halka	...	Rs. 828/- + Rs. 271/- =
		Rs. 1,099 0 0 or,
		Rs. 1,100/- only.

Thus the percentage of cost of Establishment for the land revenue and cess demand of Rs. 5,000/- per Halka works out to 22%. With other collections such as water rates, miscellaneous revenues, betterment charges, etc. the demand may exceed Rs. 6,000/- per Halka. Thus on the basis of total gross demand of Rs. 6,000/- the percentage may come to 18½%.

CHAPTER IX
APPENDIX V

PARA 825

Statement showing the rates of Amin fees collected in different districts of the State.

Sl. No.	Name of the district	Rates of Amin fees			Remarks
		Ex-state area	Anchal	Khas-mahal	
1	2	3	4	5	6
		Rs.	Rs.	Rs.	
1.	Koraput	—	—	—	No arrangement for identification of plots on payment of fees.
2.	Keonjhar	1-4-0	1-4-0	—	This rate is fixed per day to demarcate 10 acres of land or fraction thereof or making a journey of 10 miles per day or fraction thereof from the Tahsildars' headquarters to the villages concerned.
3.	Mayurbhanj	1-6-0	1-6-0	—	During attestation stage of settlement operations in Mayurbhanj, this was realised for a day's work by the Amin. A searching fee of Rs. 2-0-0 is realised for each village for calling of the settlement records from the Record Room when the services of an Amin are requisitioned for identification of plots.
		0-12-0	—	—	
		2-0-0	—	—	
4.	Sambalpur	1-12-0	1-12-0	1-12-0	This rate is realised in all parts of the district for 3 acres of land or part thereof.

5. <u>Ganjam</u>	—	—	—
(1) Ghumsur	—	Nothing collected	—
		so far.	
(2) Kudala	—	2-8-0	—
(3) Chatrapur	—	2-8-0	—
(4) Parlakhimedi	—	1-0-0	—
(5) Surada	—	2-8-0	—
(6) Chikati	—	2-0-0	—
(7) Digapahandi	—	nil.	—
(8) Berhampur	—	nil.	—
(9) Aska	—	nil.	—

6. Baud-Phulbani 0-12-0 0-12-0 —

This rate is realised for every 10 miles from the sub-divisional headquarters in Baud Subdivision. A sum of Re. 0-12-0 is also charged for the halt, of the Amin at the place of work per day. This fee is not collected in Khondmals and Balliguda subdivisions as these areas are not surveyed and there are no Amins.

7. Bolangir

(1) Sonepur 0-8-0 — —

This rate is realised per mile from headquarters.

(2) Patna 1-0-0 — —

This rate is being realised irrespective of distance of the villages.

8. Balasore 0-8-0 — —

Upto 10 manas of land @ 0-8-0 per mana.

0-4-0 — —

More than 10 manas, @ 0-4-0 per mana excluding the first ten manas.

Appendix V—contd.

Sl. No.	Name of the district	Rates of Amin fees			Remarks
		Ex-state area	Anchal	Khas-mahal	
1	2	3	4	5	6

9. Dhenkanal

(1) Sadar	(a) 2-0-0	—	—	In identification cases this is charged for every five acres or part thereof per day in addition to 0-2-0 per mile as T.A. for distances exceeding 5 miles from the headquarters.	
(2) Kamakshya-nagar		(b) 2-0-0	—		In partition cases per day for every three acres or part thereof in addition to T.A. as stated above.
		(c) 2-0-0	—		—	In lease and mutation cases per day irrespective of distance.
(3) Hindol	(a) 1-0-0	—	—	In identification cases for an area not exceeding five acres and within 5 miles from the headquarters.	
	1-8-0	—	—	If the area does not exceed 5 acres but the distance is above 5 miles.	
	0-8-0	—	—	For any additional area of 5 acres or part thereof.	
	(b) 1-0-0	—	—	In lease cases not exceeding 10 acres and within 5 miles from headquarters.	
	1-8-0	—	—	If the distance exceeds 5 miles and the area does not exceed 10 acres.	

	0-8-0	—	—	For an additional area of 10 acres or part thereof.
(4) Talcher	2-0-0	—	—	For all types of revenue cases.
(5) Pal-lahara	1-0-0	—	—	For all types of revenue cases.
(6) Athmallik	0-12-0	—	—	Per petition in all Nayabadi, partition and identification cases for entire 10 acres of land or fraction thereof.
(7) Angul	—	—	1-0-0	For demarcation of 3 plots.
			0-6-0	In excess for every plot over the first 3 plots.

CHAPTER IX
APPENDIX VI
(PARA No. 833)

Statement showing service of processes through village police in Cuttack, Puri and Balasore district

District	Year	Nature of processes sent for service	No. of processes sent for service	Number served	Number served personally	Number returned unserved	Amount of process fee realised	Remuneration paid to Dafadars and Chowkidars for service of processes	No. of dafadars in each subdivision
I	2	3	4	5	6	7	8	9	10
							Rs.	Rs.	
1. <u>Puri</u>	1952-53	Revenue processes of rent suit, execution and certificate departments.	14,866	13,092	9,599	1,774	14,782-7-0	1,482	Sadar = 108
	1953-54		19,018	15,081	14,288	3,937	16,856-5-0	1,518	Khurda = 52
	1954-55		18,599	15,731	13,647	2,868	17,019-10-0	1,566	Nayagarh ... Nil
	1955-56		13,074	10,851	9,226	2,223	12,683-5-0	1,584	Process are served through process peons.
	1956-57		13,631	9,647	7,753	3,984	12,695-9-0	1,572	
2. <u>Cuttack</u>	1952	Rent suit and execution.	19,753	17,290	15,760	1,275	108-12-0	6,460	Sadar = 122
	1953		22,738	19,000	9,307	2,320	132-6-0	5,596	Jajpur = 80
	1954		20,711	15,075	10,557	2,100	180-8-0	4,541	Kendrapra = 55
	1955		22,912	13,796	8,756	5,040	99-6-0	3,999	Banki = 12
	1956		20,110	19,548	8,450	475	84-4-0	4,277	Athgarh: Nil
3. <u>Balasore</u>	1952-53	Nature of process not given.	27,785	24,384	19,563	3,749	91,143-5-0	2,678-4-0	
	1953-54		22,264	19,864	16,001	1,169	59,060-0-0	2,554-0-0	
	1954-55		24,739	22,101	20,323	2,541	27,301-15-0	2,546-9-0	143 in the district.
	1955-56		13,435	12,597	9,921	1,140	27,490-3-0	2,040-15-0	Nilgiri Nil
	1956-57		12,533	11,781	9,012	462	26,388-9-0	1,458-0-0	

CHAPTER IX
APPENDIX VII

[PARAS 858, 866, 877]

Strength of different categories of staff at periodic intervals in the district of Cuttack.

PART—A

Strength of gazetted staff at subdivisional Headquarters in the district of Cuttack.

Year	Jajpur Sub-division.			Kendrapara Subdivision			Anugul, Athgarh Subdivision.			
	Dy. Collector	Sub-Deputy Collector.	Total	Dy. Collector	Sub-Deputy Collector.	Total	Dy. Collector	Sub-Deputy Collector.	Total	
1	2	3	4	5	6	7	8	9	10	
1936-37	1	1	2	1	1	2	1	1	2	Anugul
1939-40	1	2	3	1	1	2	1	1	2	
1945-46	1	2	3	1	1	2	1	1	2	
1948-49	2	3	5	2	2	4	2	2	4	Athgarh
1953-54	2	3	5	2	2	4	2	2	4	
1957-58	2	3	5	2	2	4	1	4	5	

PART—B

Strength of Gazetted staff at district headquarters of Cuttack including Banki.

Year	Deputy Collector	Sub Deputy Collector	Total
1936-37	6	2	8
1939-40	5	4	9
1945-46	5	4	9
1948-49	13	6	19
1953-54	13	6	19
1957-58	12	10	22

PART—C

Strength of Non-Gazetted Executive and Ministerial Staff in the district of Cuttack.

Grade or designation of post within the service.	Scale of pay	Non-gazetted staff (executive) attached to different subdivisions and Banki			Ministerial staff of various grades.			REMARKS	
		No. of permanent	No. of temporary	Total	No. of permanent	No. of temporary	Total		
1936-37	1	2	3	4	5	6	7	8	9
1. Office Superintendent	Fixed pay	Rs.250/-	—	—	—	1	—	1	
2. Head Assistant	do	180/-	—	—	—	1	—	1	
3. Accountant	do	150/-	—	—	—	1	—	1	
4. Nazir	do	125/-	—	—	—	1	—	1	
5. Head Clerk, Kendrapara, Jajpur.	do	125/- each.	—	—	—	2	—	2	
6. Record Keeper	do	125/-	—	—	—	1	—	1	
7. Asst. Accountant, Correspondence Clerk, & Revenue Assistant	do	100/ each.	—	—	—	3	—	3	
8. Head Clerk, Banki, Tauzi Navis, and Cess Head Clerk	do	90/- each.	—	—	—	3	—	3	
9. Judicial Assistant	do	75/-	—	—	—	1	—	1	
10. Lower grade clerk	Pre 1932	30-2-50- EB-1-60.	—	—	—	112	—	112	

11.	Khasmahal Tahasildar	do	75/-	1	—	1	—	—	—
12.	Sadar Kanungo	do	75/-5-90	1	—	1	—	—	—
13.	Ch. Kanungoes		45/-	11	—	11	—	—	—
14.	-do-		50/-	3	—	3	—	—	—
15.	-do-		60/-	2	—	2	—	—	—

08

18	—	18	126	—	126 :
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1939-40

1.	Office Superintendent	Fixed pay	Rs. 250/-	—	—	—	1	—	1
2.	Head Assistant	do	180/-	—	—	—	1	—	1
3.	Accountant	do	150/-				1	—	1
4.	Nazir, Head clerk, Angul, Kendrapara, Record Keeper, Sadar, Head clerk, Jajpur	do	125/- each	—	—	—	5	—	5
5.	Revenue Asst. 2nd Asst., Audit Assistant.	... do	100/- each.	—	—	—	3	—	3
6.	Tauzi Navis, Head clerk, Banki, Cess Head Clerk	... do	90/- each.	—	—	—	3	—	3
7.	2nd Clerk Angul and Judicial Assistant	... do	75/- each.	—	—	—	2	—	2
8.	Khasmahal Tahasildar	... do	75/- each.	1	—	1	—	—	—
9.	Lower grade clerk	...Pre 1932 :-30-2-50-							
		EB-2-70. others							
			75-5/5-90.	—	—	—	129	—	129
			75-5/5-90.	1	—	1	—	—	—

PART "C"—contd.

Grade or designation of post within the service.	Scale of pay	Non-gazetted staff (executive) attached to different subdivisions and Banki			Ministerial staff of various grades.			REMARKS.	
		No. of permanent	No. of temporary	Total	No. of permanent	No. of temporary	Total		
		3	4	5	6	7	8		
<u>1939-40</u>		1	2					9	
10. Sadar Kanungo	....	}	45/-	11	—	11	—	—	
11. Chakla Kanungo	....		50/-	3	—	3	—	—	
			60/-	2	—	2	—	—	
				18	—	18	145	—	145
<u>1945 46</u>									
1. Office Superintendent	Fixed pay Rs. 250/-			—	—	—	1	—	1
2. Head Assistant	do 180/-			—	—	—	1	—	1
3. Accountant	do 150/-			—	—	—	1	—	1
4. Head Clerk & S-Treasurers, Angul	do 125/-			—	—	—	1	—	1
5. Nazir Record Keeper, H.C. & S. T. Kendrapara, Jajpur.	do 125/- each.			—	—	—	4	—	4
6. Asst. Accountant, 2nd. Asst., Revenue Assistant	do 100/-			—	—	—	3	—	3
7. H. C. & S. T., Banki ; Tauzi- Navis ; Cess Head clerk.	do 100/- each.			—	—	—	3	—	3

8. Junior Audit Asst.	—	70-3-85.	—	—	—	1	—	1
9. Judicial Asst., Correspondence clerk, Angul	....	Fixed Rs. 75/-	—	—	—	2	—	2
10. Lower grade clerk	....	Pre 1930:- Rs. 30-2-50-EB-2-70 and Rs.30 2 50 E-B-1-60	—	—	—	166	—	166
11. Khasmahal Tahasildar	....	Fixe Rs. 75/-	1	—	1	—	—	—
12. Lower Division Clerks	....	Rs. 30-2-50-EB-1-60	—	—	—	—	35	35
13. Sadar Kanungo	....	Rs. 75-5/5-90	1	—	1	—	—	—
14. Chakla Kanungo	...	Fixed Rs. 60/-	2	—	2	—	—	—
		do 50/-	3	—	3	—	—	—
		do 45/-	11	—	11	—	—	—
			18	—	18	183	35	218

1948-1949

1. Office Superintendent		Rs. 235-10-255-15-300	—	—	—	1	—	1
2. Head Assistant		150-5-10-205-EB-15-235	—	—	—	1	—	1
3. Accountant		125-5-185	—	—	—	1	—	1
4. Head clerk, Subdivisional Offices, Record Keeper and Nazir.		90-5-120 each	—	—	—	5	—	5
5. Revenue Asst., Special Audit Asst., Tauzi Navis, Cess H.C., H. C., Banki ; Judicial Asst.		90-5-120 each.	—	—	—	6	—	6

PART C—contd.

Grade or designation of post within the service.	Scale of pay.	Non-gazetted staff (executive) attached to different subdivisions and Banki			Ministerial staff of various grades.			REMARKS.
		No. of permanent	No. of temporary	Total	No. of permanent	No. of temporary	Total	
1948-49	1	2	3	4	5	6	7	8
6. Corr. clerk & Corr. clerk; Angul, Bill & Budget.	70-2-80-4-100	—	—	—	4	—	4	
7. Junior Audit Assistant	85-2 97-3-115	—	—	—	1	—	1	
8. Lower division clerk	50-2 70-EB-2-90	—	—	—	166	—	166	
9. (L.D.) Steno Grade I	Rs. 100-4-120-6-150	—	—	—	1	—	1	
10. Khasmahal Tahasildar	50-2-70-90	1	—	1	—	—	—	
11. Mutation Officer, Angul	100-5/7-150	1	—	1	—	—	—	
12. Moharir, Milankhewat Moharir	40-1-50-2-60	—	—	—	3	—	3	
13. Kanungo; Milankhasra Kanungo, Ch. Kanungo, Naib- Tahasildar; Naib-Tahsil clerk	50-2-70-EB-2-90	21	—	21	26	—	26	
14. Sadar Kanungo	90-5-120	1	—	1	—	—	—	
15. Junior Audit Asst., steno to Sadar S.D.O., U.D. Clerk								

in account office, Stamp
clerk, Steno to S.D.O. Jajpur,
Angul.

	85-2-97-3-115 each	—	—	—	7	—	7
16. U.D. Asst., War section	70-2-80-4-100	—	—	—	—	1	1
17. L.D. clerks & Kanungoes	50-2-70-2-90	—	6	6	—	77	77
18. Steno to Collector and A.D.M.	100-4 120-6-150	—	—	—	—	2	2
19. Mutation Moharir, Mohrir	40-1-50-2-60	—	—	—	—	7	7
20. Motor Vehicle Inspector	250-10-300-315-						
	330-15-390-20-410	1	—	1	—	—	—
21. Lunch Driver	60-2-90	2	—	2	—	—	—
22. Driver, Sarang	45-1-50-2-60-EB-	2	—	2	—	—	—
	1-65						
		29	6	35	222	67	309

1953-54

1. Office Superintendent	Rs. 235-10-255-15-300	—	—	—	1	—	1
2. Head Assistant	155-10-205-EB-	—	—	—	1	—	1
	15 235						
3. Accountant	125-8-165-10-185	—	—	—	1	—	1
4. Record Keeper; Cess H.C. Spl. Audit Asst.; Revenue Asst, Judicial Asst., Tauzi Navis, H.C. Banki	90-5-120 each	—	—	—	7	—	7

PART C—contd.

Grade or designation of post within the service.	Scale of pay	Non-gazetted staff (executive) attached to different subdivisions and Banki			Ministerial staff of various grades.			REMARKS.
		No. of permanent	No. of temporary	Total	No. of permanent	No. of temporary	Total	
		3	4	5	6	7	8	
1	2	3	4	5	6	7	8	9
5. Nazir, H.C. Jajpur, Kendrapara and steno to Collector	100-5-120-6-150	—	—	—	4	—	4	
6. Junior Audit Assistant	85-2-97-3-115	—	—	—	1	—	1	
7. 2nd Asst., Budget clerk & Bill clerk	70-2-80-4-100	—	—	—	3	—	3	
8. Khasmahal Tahasildar	50-2-70-EB-2-90	1	—	1	—	—	—	
9. Lower division clerk	do	—	—	—	165	—	165	
10. Steno Grade III, Audit asst. in Accounts & Stamp clerk	85-2-97-3-115	—	—	—	—	14	14	
11. U.D. clerk	70-2-80-4-100	—	—	—	—	4	4	
12. L.D. clerk	50-2-70-EB-2-90	—	—	—	—	92	92	
13. Additional comparer	40-1-50-2-60	—	—	—	—	2	2	
14. States H.C.	100-5-120-6-150	—	—	—	—	1	1	
15. Lunch Driver	60-2-90	2	—	2	—	—	—	
16. Driver, Sarang	45-1-50-2-60-1-65	2	—	2	—	—	—	

17 Sadar Kanungo	90-5-120	1	—	1	—	—	—
18. Ch. Kanungo	50-2-70-2-90	16	—	16	—	—	—
19. Naib Tahasildar	do	—	—	—	—	3	3
20. Motor Vehicle Inspector	250-10-300-15-390- 20-410	1	—	1	—	—	—
1957-58		23	—	23	183	116	299
1. Office Superintendent	235-10-255-15-300	—	—	—	1	—	1
2. Head Assistant	155-10-205-15-235	—	—	—	1	—	1
3. Accountant	125-8-165-10-185	—	—	—	1	—	1
4. H.C.-cum-Accountant, Relief & Rehab. Deptt.	do	—	—	—	—	1	1
5. Additional accountant	do	—	—	—	—	1	1
6. Non-Gazetted Tahasildar	120-5-155-160-10- 220-10-2-250	1	—	1	—	—	—
7. Overseer	do	—	1	1	—	—	—
8. Asst. Rehabilitation Officer, Non-gazetted	do	—	1	1	—	—	—
9. Agricultural Officer, welfare	do	—	1	1	—	—	—
10. Engineering overseer	do	—	1	1	—	—	—
11. Nazir, Subdivisional Head clerk, Jajpur/ Angul/ Kendrapara; — States Sec.	100-5-120-6-150	—	—	—	4	1	5
12. Steno to Collector and A.D.M.	do	—	—	—	1	1	2

PART C—contd.

Grade or designation of post within the service.	Scale of pay	Non-gazetted staff (executive) attached to different subdivisions and Banki			Ministerial staff of various grades.			REMARKS.
		No. of permanent	No. of temporary	Total	No. of permanent	No. of temporary	Total	
1	2	3	4	5	6	7	8	9
13. Record Keeper; Jud. Asst., Rev. Asst.; Tauzi Navis; H.C. Banki; Cess H.C.; Sr. Audit Asst.; H.C., Land Acquisition; Sub-treasurer, Jajpur; Sadar Kanungo; Senior Inspector, Mines; H.C., Estates Abolition; H.C. Compensation; Accountant, Compensation/Development	90-5-120 each	—	—	—	8	7	15	
14. Jr. Audit Asst.; H.C., cess; Treasurer, Baramba, Narasinghpur, Tigiria; Steno-Gr. III; Audit Asst.; Cashier, Land Acquisition.	85-2-97-3-115	—	—	—	3	16	19	

15. 2nd Asst., Bill clerk: Bud clerk; Mining clerk, Engl. U.D. Clerk, States Section: U.D.C. L.A. 2nd clerk: U.D.P.W. 226 at Jajpur/ Kendrapara; License clerk; Cess, enhancement U.D.C in E.A. Section, Compensation Section, R.R. Section	70-2-80-4-100	—	—	—	4	8	12
16. Rehabilitation Inspector	70-2-80-3 98-4- 110-5-140	—	1	1	—	—	—
17. Launch Driver	60-2-90	2	—	2	—	—	—
18. Naib-Tahasildar	55-1-56-2-74-3-95	—	—	—	—	3	3
19. L.D. clerk	50-2-70-2-90	—	—	—	176	172	348
20. Ch. Kanungo, Rev. Kanungoes	do	—	20	20	—	—	—
21. Driver, Sarang, F. Ranger	45-1-50-2-60-1-65	2	3	5	—	—	—
22. Rev. clerk (A), Tauzi clerk (A) Amin, Patwari clerk, Mutation clerk	40-1-50-2-60-1-65	—	17	17	—	21	21
23. Amin	Pre—40/-	—	4	4	—	4	4
24. Motor Vehicle Inspector	250-10-300-15-330- 15-390-20-410	1	—	1	—	—	—
		6	49	55	199	235	434

PART 'D'

Strength of class IV staff.

1957-58

Name of post	Scale of pay	Permanent	Temporary	Total	
1	2	3	4	5	
1. Work Sarkar	.... 30-1-39	—	3	3
2. Daftry	.... 24- $\frac{1}{2}$ -34	15	2	17
3. Tindal	.... 21- $\frac{1}{2}$ -29	1	1	2
4. Forest Guard	.... 21- $\frac{1}{2}$ -29	1	—	1
5. Sukani Boatsman	.... 18- $\frac{1}{2}$ -24	2	—	2
6. Market Sarkar	.... do	1	—	1
7. Process Server	.... do	60	59	119
8. Pack peon	.... do	—	16	16
9. Khansama	.... do	2	2	4
10. Chainman	.... do	17	7	24
11. Peon	.... do	43	67	110
12. Orderly	.... do	—	4	4
13. Chowkidar for Compensation	.... 16- $\frac{1}{2}$ -22	—	1	1
14. Gardener	.... do	2	—	2
15. Mali	.... do	1	1	2
16. Sweeper	.... do	7	3	10
17. Night-Watchman	.... do	5	—	5
18. Waterman	.... do	3	—	3
		Total	160	166	326

1953-54

1. Work Sarkar	.... 30-1-39	—	3	3
2. Daftry	.... 24- $\frac{1}{2}$ -34	15	2	17
3. Tindal	.... 21- $\frac{1}{2}$ -29	1	1	2
4. Forest Guard	.... 21- $\frac{1}{2}$ -29	1	—	1
5. Sukani Boatsman	.... 18- $\frac{1}{2}$ -24	2	—	2
6. Market Sarkar	.... do	1	—	1
7. Process Server	.... do	60	59	119

8.	Pack Peon	....	do	—	16	16
9.	Khansama	....	do	2	2	4
10.	Chainman	....	do	17	7	24
11.	Peon	....	do	43	67	110
12.	Orderly	....	do	—	4	4
13.	Chowkidar for Compensation	....	16- $\frac{1}{2}$ -22	—	1	1
14.	Gardener	....	do	2	—	2
15.	Mali	....	do	1	1	2
16.	Sweeper	....	do	7	3	10
17.	Night-Watchman	....	do	5	—	5
18.	Waterman	....	do	3	—	3
Total				160	166	326

1948-49

1.	Jamadar	....	21- $\frac{1}{2}$ -29	1	—	1
2.	Process Server	....	18- $\frac{1}{2}$ -24	60	51	111
3.	Market Sarkar	...	do	1	—	1
4.	Helmsman	....	24- $\frac{1}{2}$ -34	1	—	1
5.	Cleaner	....	21- $\frac{1}{2}$ -29	1	—	1
6.	Boatman	....	18- $\frac{1}{2}$ -24	2	—	2
7.	Daftry	....	24- $\frac{1}{2}$ -34	12	—	12
8.	Peons	....	18- $\frac{1}{2}$ -24	35	13	48
9.	Chaukidar	....	do	1	—	1
10.	Care-taker	....	do	1	—	1
11.	Potdar	....	21- $\frac{1}{2}$ -29	3	—	3
12.	Orderly peon	....	18- $\frac{1}{2}$ -24	3	2	5
Total :				121	66	187

Sanction strength for 1936-37, 1939-40 and 1945-46 are equal to that of the year 1948-49.

CHAPTER IX
APPENDIX VIII

[PARA—900]

*Statement showing the number of various categories of returns and reports received
in and submitted by the District Office during a year.*

Class of return	Mayurbhanj		Kalahandi		Sambalpur		Bolangir		Sundargarh		Puri	
	in-coming	out-going	in-coming	out-going	in-coming	out-going	in-coming	out-going	in-coming	out-going	in-coming	out-going
Daily												
Bi-weekly							3	3	3	—	—	
Weekly	676	52	1	2	1	1	—	—	—	—	—	—
Fortnightly	360	72	2	4	4	4	2	5	9	8	75	15
Monthly	3768	1116	23	45	95	110	3	26	9	91	450	423
Quarterly	252	100	15	31	17	36	—	17	—	49	93	29
Half-yearly	48	26	10	19	5	9	—	7	—	19	95	31
Annual	1245	163	24	63	123	191	—	36	3	73	520	172

CHAPTER IX
APPENDIX IX
(PARA No. 944)

Settlement of waste Land.

Sl. No.	Name of district	Name of Sub-division or merged State	Power of sanction	Period of exemption from assessment.	Procedure	Remarks
1	2	3	4	5	6	7
1.	Vested estates of all districts known as Anchals excluding urban areas which are governed by the Orissa Urban Land Settlement Rules, 1951.	—	Anchal Adhikaris upto 5 acres excluding communal lands, forest lands, road-side lands and other lands-objectionable from the point of view of public interest. Collector-above 5 acres and in the case of communal lands.	Two years and if the land is already yielding a crop, assessed from the date of settlement.	<p>Priorities—</p> <ol style="list-style-type: none"> 1. Landless Scheduled tribes. 2. Landless scheduled castes. 3. Landless backward classes. 4. Other landless people. <p>A person is regarded landless if he has either no land or land below half an acre per member of his family living in one mess.</p>	

Appendix—IX contd.

Sl. No.	Name of district	Name of Sub-division or merged State	Power of sanction	Period of exemption from assessment.	Procedure	Remarks.
1	2	3	4	5	6	7
					<p>Anchals will be followed or the system prevailing in Khasmahal and raiyatwari areas will be adopted.</p>	<p>Allotment upto 5 acres or not exceeding $\frac{1}{2}$ acre per member of family whichever is less.</p> <p>At the first instance land is allotted for a period of 2 years and if not reclaimed within that period allotment is cancelled. Royalty of standing trees payable by the allottee and if too poor to pay, trees should be disposed of by auction. Paradip port area, Rourkela town, Choudwar area & Hirakud project area excluded to be governed by the Orissa Urban Land Settlement Rules, 1951. No premium charged (vide letter No.</p>

2. Khasmahals excluding Town Khasmahals and Nazul areas in all districts.	—	S.D.O. upto 5 acres excluding communal, etc. lands. Collector- above 5 acres & communal lands.	Assessed from the date of allotment according to the village rate fixed for different classes of land.	4804 (12)-EA dated 12th July, 1956 of the Deputy Secretary, Revenue (Estates Abolition) Department.
3. Merged States in the district of Sambalpur Kalahandi, Bolangir, Dhenkanal, Keonjhar and Sundargarh excluding vested estates.	—	S.D.O.- upto 5 acres. Collector upto 10 acres. Board of Revenue above 10 acres.	Described below against each individual district.	In the case of forest lands, Forest Department consulted. No premium charged. Agreement taken to reclaim the land within a specified period. Forest Department consulted in the case of Forest lands (vide letter Nos. 5631-R. dt. 25.8.49 & 5963 (31) dt. 26/27-9-1950 of the Commissioner, Northern Division.
4. Merged States in the districts of Mayurbhanj, Balasore, Cuttack, Puri & Balasore & Boud excluding vested estates.	—	S.D.O.-upto 15 acres. Collector- above 15 acres.	-do-	

Appendix IX—contd.

Sl. No.	Name of district	Name of Sub-division or merged State	Power of sanction	Period of exemption from assessment	Procedure	Remarks.
1	2	3	4	5	6	7
5.	Koraput district	Whole	The entire district being Zamindari area, the settlement of waste lands is now governed as in Sl. 1.			
6.	Ganjam excluding Anchals	Whole district	Tahsildar or Taluk Officer upto 5 acres of dry land. Collector - upto 5 acres of rain-fed land Board - upto 5 acres of wet land Govt. - Above 5 acres of wet land	Assessed from the date of settlement at the rates already fixed at the time of settlement.	— As prescribed in B.S.O. 15. In the case of dry land no premium is charged. But market value payable, in the case of other lands. Seigniorage as fixed payable for standing trees. The procedure fully described in the body of the Report.	

7. Cuttack

Sadar, Jajpur and Kendrapara.

As described in Sls. 1 & 2 above.

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Athgarh comprising ex-states of Athgarh, Baramba and Tigiria

Powers of sanction as in Sl. 4

Assessment is made from the date of settlement.

In the case of forest lands Forest Department are consulted and the forest growths are disposed of by them before settlement.

Narsingpur.

-do-

-do-, when the land is immediately fit for cultivation, otherwise a rent free period from 3 to 5 years is allowed.

8. Puri.

Sadar and Khurda

As described in Sls. 1 & 2 above for the vested estates and Khasmahal area.

Nayagarh comprising ex-states of Nayagarh, Khandpara, Das-palla and Ranpur.

Power of sanction as in Sl. 4

Assessed from the time of settlement.

Proclamation inviting objections issued. Amin fees are collected for identification of the land and preparing map. No Salami is charged.

Appendix IX—contd.

Sl. No.	Name of district	Name of Sub-division or merged State	Power of sanction	Period of exemption from assessment	Procedure.	Remarks.
1	2	3	4	5	6	7
9.	Balasore	Sadar & Bhadrak.	As described in Sls. 1 & 2 above applicable for Anchals and Khasmahals.		In the Khasmahal area no time limit is fixed for reclaiming the land.	
		Nilgiri (ex-state)	As stated in Sl. 4 above.	Period of exemption 5 years.	Forest Deptt. not consulted for lease of lands in Khesra forests but kept informed. Proclamation inviting objections issued. Amin fees at the rate of -/8/- per Man (0-625 acre) up to 10 Mans & above 10Mans @ -/4/- per Man realised to identify the land and prepare a map. Salami not charged except for homestead lands settled with high caste people @ Rs. 10/- to 35/- per Man.	

10. Mayurbhanj	Whole	As stated in Sl. 4. above	1st year - free 2nd year- half the normal assessment 3rd year - Full assessment	Lands not alienable during the initial period of 3 years during which the land should be reclaimed otherwise the land will revert to Government.
11. Phulbani	Baliguda & Khondmals	—	—	Vast areas are available for reclamation & persons desirous of reclaiming waste lands do so without seeking permission.
	Boud ex-state including Panchara Anchal.	As stated in Sl. 1 & Sl. 4 above.	Assessed from the date of settlement.	Amin fees collected which vary according to the distance of land. Forest Deptt. consulted for lands recorded as forest or Patra jungle. A fee of Re. 1/- is collected for mutation and execution of Kabuliyat.
			Panchara- As in Sl. 1. above.	As described in Sl. 1 above for vested estates or Anchals.

Appendix IX—*contd.*

Sl. No.	Name of district	Name of Sub-division or merged State	Power of sanction	Period of exemption from assessment	Procedure.	Remarks.
1	2	3	4	5	6	7
12.	Sambalpur	Sadar & Bargarh (1) Zamindari Anchals	As in Sl. 1 above but Deputy Commissioner's permission necessary for forest lands as required under the rules under Sec. 124-A of the C.P.L.R. Act, 1881	Rent free till the next settlement.	As described in Sl. 1.	
		(2) Khalsa Gauntiahi villages	Deputy Commissioner according to the proviso U/S 124-B of the C.P.L.R. Act	Rent free for the term of existing settlement.	Forest growths are disposed of before settlement.	
		(3) Khalsa Ryotwari villages	do	Rent assessed at the current rates from the 1st July succeeding the date of allotment.	In case of valuable forest growths Forest Department; dispose of the produce before	

settlement. Mango and Mahua trees of 2ft. girth 4 ft. above ground are not cut without the permission of the Deputy Commissioner.

12 (contd)

(b) Rairakhol

As stated in Sl. 3 above

Rent-free period 2 to 5 years.

Previously Forest Deptt. was not consulted but informed to dispose of the forest produce before settlement. Now the rule is to consult the Forest Deptt. who should report within 2 months.

(c) Deogarh
(d) Kuchinda Ex-state Bamra

Rent-free period 5 years.

Forest Deptt. consulted invariably in all cases.

13. Dhenkanal

(a) Angul

As stated in Sl. 2 above & it is governed by the Angul Laws Regulations.

Appendix IX—*contd.*

Sl. No.	Name of district	Name of Sub-division or merged State	Power of sanction	Period of exemption from assessment	Procedure	Remarks
1	2	3	4	5	6	7
		(b) Sadar (c) Kamakshya-nagar ex-State Dhenkanal (d) Athmallik. (e) Talcher- (f) Hindol. (g) Pallahara	As stated in Sl. 3 above.	Rent-free period-5 years provided food crops are grown	After enquiry a permit is given to occupy and reclaim the land within 5 years. No title or right accrues during this period. After this period the land is inspected and the lease is cancelled, modified or confirmed. Forest Deptt. is consulted if the land applied for contains forest growths. Communal, etc. lands are not ordinarily granted.	
14.	Bolangir	Whole excepting Anchals. Anchals	As stated in Sl. 3 above As stated in Sl. 1 above	Rent-free period-5 years.	Joint inspection of the land made by the Naib Tahsildar & the Forester to report if the land is free from	

15. Sundargarh

- (a) Sadar
- (b) Panposh
(ex-Gangpur state)
- (c) Bonai

As stated in Sl. 1 for Anchal areas and Sl. 3 for the merged states.

Rent-free 5 years & for the rest period of settlement rent is appropriated by the Gauntiah in ex-Gangpur state. Rent-free period- 3 years in Bonai & thereafter

objection from the forest point of view & as to the amount of royalty payable. After the grace period of 5 years, the lessee becomes an occupancy tenant if the land has been reclaimed and is settled with him. Rent is assessed according to the class of land. If portion of the land has not been reclaimed, it is treated as 'A' land and accordingly assessed. The grant is annulled if not reclaimed during the period of 5 years.

A preliminary enquiry is made by the Amin who submits report to the Naib Tahsildar and the case is closed. The applicant obtains certified copy of the Amin's report and sketch map and presents another appli-

Appendix—IX contd.

Sl. No.	Name of district	Name of Sub-division or merged State	Power of sanction	Period of exemption from assessment.	Procedure	Remarks.
1	2	3	4	5	6	7
				assessment paid to Govt.		cation with court fees and proclamation fees. The D.F.O's opinion is sought and if no objection, lease is granted. An agreement is taken to reclaim the land within a period of 5 years in ex-Gangpur area and within 3 years in ex-Bonai state and failure to do so, the Government have the option to set aside the lease & take possession of the land.
16. Kalahandi	(a) Nawapara (or Khariar Anchal)		As stated in Sl. 1 above			
	(b) Sadar, (c) Dharmagarh ex-Kalahandi state		As stated in Sl. 3 above	Assessed from the year of settlement		After enquiry the land is settled without any stipulation of the period during which it

17. Keonjhar Whole

As stated in Sl.3
above

Rent-free period-
5 years.

should be reclaimed & cultivated. Forest Deptt. consulted to fix the value of forest growths and the land settled on payment of the forest royalty.

Forest Deptt. consulted where the land is recorded as jungle. After the lease is granted, another misc. case started at the end of 5 years for assessment of rent. No resumption is made if not reclaimed within a period of 5 years.

CHAPTER IX

APPENDIX X [Para 964]

Remarks of the Committee on Saharpur Bhuyan Colony in Keonjhar district.

Saharapur Bhuyan Colony : On the way back to Telkoi, the Chairman visited this Colony. It is said that the colony was started about 4 years ago but it has the dismal appearance of an infructuous endeavour. The colony was designed to provide 50 Bhuyan families and taken up under the auspices of the Revenue authorities. The major portion of the people seem to have been shifted from a distance of 2 furlongs with the offer of better housing. There were 42 families from old Saharpur, 6 families from Podukesra, and 2 from Tula. The people left their original houses, but have not been established in their new homes, most of which are incomplete. The people bitterly complained that none of the hopes enkindled in them have been fulfilled. They are without drinking water supply. The first need is a well. This was not tapped first and the one which is being sunk has struck a rock. The Bhuyans were held out hopes that they would get sufficient agricultural land but the projected water reservoir with dam and sluice arrangement for irrigational facilities has failed because there is percolation of the water, and hardly any water can be reserved. The families were given Rs 15/- each for initial expenses to set up structure of the model homes with timber and bamboos. (Rs. 15/- was the initial grant, later the grant-in-aid has been raised to Rs. 150/- in all, of which a sum of Rs. 114/- is intended to supply naria tiles for each colonist.) There was no officer to guide and give directions and supervision on the spot, the result is that some incomplete frame work for houses stand, and some people in their dire need have used up a part of the house grant which is to the extent of Rs 15/- a family. The tiles supplied were found inadequate and indiscrimina-

tion in providing tiles to some families, and nothing to others is an idea which is hardly reconcilable to the Bhuyan psychology. These obvious facts are apparent :—

- (1) Never to start a colony for these backward conservative type of adibasis without careful planning and foresight. The first impression the people get is important, and might upset their community if the enterprise is found unfavourable.
- (2) Without a man on the spot to guide and supervise their work, it is a wastage of money to start a colony. Imperfect work is worse than the original home of the Bhuyan.
- (3) Water is the first requisite, and before a colony is started the first need is a well, protected water supply or a pond to supply need for drinking water.
- (4) There should be men who have the zeal and the spirit of service to transform the outlook of these primitive tribes people, and inspiring leadership is also a vital element in the movement and enterprise.

Some of the other suggestions made for the Juang and Bhuyan Pirhs are as follows :—

- (1) As these are inaccessible areas more of roads should be constructed to open out the country for effective supervision. In the Bhuyanpirh area two of the fair weather roads negotiable by jeeps have already been constructed, but more communication should get priority for consideration.
- (2) The Sevashram and other Lower Primary Schools which are intended for these aboriginals—the Bhuyans and Juangs—should be properly staffed with men who are sympathetic and are of an enterprising nature. Since during the hot weather about three or four months the children go about

foreging in the forest, they should be provided with midday meals at their schools. A midday meal in such place is not only required but would tone up the pupils and would also enable their parents to send them regularly.

- (3) The reconstitution of the Grama Panchayat in the Bhuyan and Juang Pirhs should be considered as to whether it could comprise the natural Bhuyan and Juang Pirhs. Even though the representatives may be re-elected, more attention should be given by the Grama Panchayat Officer and his staff to give the people guidance in managing the Panchayat affairs. An intelligent Secretary should be available. The people should be enthused to take share in welfare and development works.
-

CHAPTER X

Financial effects of the proposals.

966. The terms of reference require examination of the financial implications arising out of the administrative set-up recommended. Financial consequences of the important proposals made have been explained in detail in connection therewith. The financial implications of the administrative set-up recommended have been indicated broadly in Chapter IX of the Report. Attempt is made here to give an over-all picture of the financial effects in general of the various proposals made besides making a detailed examination, as far as possible, of the additional cost involved, if any, particularly in respect of the proposed administrative set-up.

Introductory.

967. It is obvious that it becomes a difficult task to give an accurate picture of the financial effects of the new set-up except by way of comparison with the cost now incurred for the existing set-up. The broad general set-up of the Taluk Establishment given in Chapter IX may not be of uniform shape everywhere and will need variations according to the local circumstances. Volume of work in different branches of administration and consciousness of the public to make use of the administrative machinery.

General Remarks.

968. *Financial consequence of the new Administrative Set-up* : — It has already been indicated in Chapter IX (read with its appendix IV) that the cost of Kanungo and Patwari establishments will together amount to 22% of the land revenue and cess demand. The total cost of these two establishments has been worked out in Appendix I of this Chapter and amounts to nearly 43.98 lakhs which comes to 21.99% of the total land revenue cess demand. The officers connected with the two establishments will be employed in the collection of all revenue directly

**Kanungo
and Patwari
Establish-
ment.**

connected with the land namely the miscellaneous (Sairat) revenues, water rates, betterment charges, etc. In Chapter IX, the other revenues to be collected has been taken to be about 40 lakhs of rupees and accordingly on the basis of the total collectable Jama, the cost of these two establishments has been arrived at 18 $\frac{1}{3}$ %. This is based on a very conservative estimate and it can be shown that the total collectable Jama will be much more. The miscellaneous (Sairat) revenues collected in the Government and vested estates amount to about 16.5 lakhs. The average annual water rates demand in respect of the Orissa Canals, Rushikulya system and Minor Irrigation works in Ganjam district is over 11 lakhs (including the annual lease amounts of canal side lands). The area at present irrigated is about 2,29,000 acres under the Orissa Canal system, about 1,15,000 acres under the Rushikulya system and about 93,000 acres under the Minor Irrigation works in Ganjam district. The total net area to be irrigated in Sambalpur zone under the canal system of Hirakud Project is 5,42,000 acres and the irrigation has commenced since October, 1956. When the Delta Canal system is completed, an additional area of 6.5 lakhs of acres will come under irrigation. Thus altogether nearly 12 lakhs of acres of new area will come under irrigation. Of course the water rate to be charged for the new area has not been fixed & will be fixed when the new Orissa Irrigation Bill under consideration of Government is made into law. The water rate cannot be less than Rs. 5/- per acre and the additional demand will, therefore, be not less than Rs. 60 lakhs. Betterment charges according to the principles laid down in the Orissa Betterment Charges Act will be levied on the above 12 lakh acres of land as soon as the cultivators get the benefits of irrigation besides the existing seasonally irrigated area which will come under perennially irrigation. Proposal has been made in the Sivaraman Committee Report for levy of Betterment charges at rates varying from Rs. 60/- to 100/- per acre

**Collection
of revenue
on account
of Better-
ment
Charges.**

according to the class of land in Sambalpur zone and Rs. 50/- to 125/- per acre in the Delta zone according as the land will be under seasonal or perennial irrigation for the first time or will change over from the present non-perennial to perennial irrigation. The large amount to be collected under the betterment charges can thus be seen; but it is difficult to indicate an approximate figure of annual demand in this regard unless the rates are fixed after taking into consideration the various governing factors as prescribed in the law. Further the owners and occupiers are free to pay the whole assessment at a time or in annual instalments not exceeding 16. Of course the Betterment charges will not be a permanent feature, but for the present the collections will continue for a sufficiently long period.

969. Further the annual expenditure on the Canal Revenue Establishment for the Orissa Canals amounting to Rs. 1.85 lakhs on the average will be a saving. Of course in Ganjam the water rates relating to the Rushikulya Canal system and M.I. works are collected by the existing village agency. It appears that the present accepted standard of expenditure on the collection establishment of water rates for major irrigation works is -/8/- per acre. Thus on the above standard, the additional expenditure of six lakhs which would have been incurred for collection of water rates in respect of the additional area of 12 lakhs of acres to come under irrigation, will be saved. In the case of Orissa Canals the standard according to the existing expenditure works out to slightly more than -/12/- per acre.

Savings on account of collection charges for water rates.

970. There will be immediate increase in land revenue and cess demand as soon as the rent settlements in the various Settlement operations in the State are finalised, except where the settlements have been concluded recently or are going on at present, in the rest of the areas Revisional Settlements are overdue. There

Potential increase in revenue.

is thus considerable potentiality in the increase of land revenue and cess demand by way of revisional settlements not only on account of steep rise in the prices of staple food crops but also on account of large extension of cultivation since the time of last settlements. In order to achieve quicker results there is the possibility of application of the expediency of surcharge. Taking into consideration all these the total demand of the revenues to be collected by the Patwaris and Kanungos may reach the 3 crore mark and as such the percentage of cost of the two establishment will come down to 15. Besides these agencies will execute the distress warrants or other money processes under the certificate procedure or the Revenue Recovery Act for recovery of arrears of Government dues relating to other departments of the State and Union Governments.

Other duties

971. The above percentage does not compare unfavourably with the existing expenditure for the purpose in view of the increased rates of emoluments paid to the Government employees. The village headmen, such as Gountiahs, Thikadars, Padhans, Sarbarakars or under whatever other name they exist, where they collect the land revenue and other dues, are allowed commissions or draw-backs varying from 8% to 25% of the land revenue demands they are to collect and also in a few cases a certain percentage of cess demand (vide appendix II of Chapter IX). This system is in vogue in the old district of Sambalpur and in most of the merged states. In the Government estates the Sarbarakars were getting 10% to 20% commission prior to their abolition in 1948. The work of the Sarbarakars was being supervised by the Tahsildars and Chakla Kanungo. In Sambalpur and merged states, the work of Gountiahs etc. is supervised by the revenue officers such as Patwaris, Revenue Inspectors and Tahsildars. After the abolition of Sarbarakars in the Government estates and of the village headmen system

Collection charges at present.

in some of the merged states, Naib Tahsildari system has been introduced. The percentages of cost of Naib Tahsildari systems in the Government estates as obtained from the District Magistrates of Cuttack, Puri and Dhenkanal are given below :

Banki	....	20%
Khurda	....	21.88%
Angul	....	29%

The percentage as found out from the informations supplied by the Under Secretary to the commissioner, Northern Division in respect of Bolangir and Kalahandi districts is nearly 17%.

972. It was ascertained that the cost of management in the Anchals of vested estates is 25 % and Government have fixed the maximum limit at 28% above which it should not exceed. Both the ryotiwari and the proprietary estates village service establishment in Ganjam district will be abolished on introduction of the new set-up. The cost of the two establishments as provided in the budget estimate of 1957-58 is Rs. 8,12,514/-but according to the calculation the annual expenditure is found to be Rs. 7,75,752/-. As these posts are hereditary, they will be entitled to compensation gratuity as laid down in Section 120 (i) of the Orissa Anchal Sasan Act, 1955. This has been worked out in Appendix II which will show that the savings on account of this establishment will cover up the compensation payable in two and half years. Thus half the cost (i. e. nearly 4 lakhs) will be saved in the third year after meeting the entire amount of compensation payable by the Government and the full amount of nearly 8 lakhs will be saved from the fourth year onwards.

Savings on the existing village service Establishment in Ganjam District.

973. The Taluk establishment is regarded as a part of the general administration as it is so at present in the districts of Ganjam and Koraput and not a part of Land Revenue Administration although it has got to supervise

Taluk
Establish-
ment.

the land revenue collection and is also responsible for the land revenue administration. The total cost of the Taluk establishment in the new set up comes to Rs. 17,52,432 or Rs. 17.50 lakhs in round figures. Even assuming that the Taluk establishment should be regarded as a part of the Land Revenue Administration, the cost of the three establishments as worked out in Appendix I comes to Rs. 61,50,312/ or Rs. 61.50 lakhs. Thus the total cost works out to 30.75% of the existing land revenue and cess demand. As has been explained earlier the total revenue demand including Sairat, water rates, betterment charges, etc. will be about Rs. 3 crores in near future. Thus the percentage as against this over-all demand, will come down to 20.5%. If the cost on account of the officers and their orderly peons amounting to Rs. 3,57,120/-which should not enter into calculation, is excluded, the percentage of cost will come to 29% of the land revenue and cess demand. As has been stated earlier, the percentage of cost of the Naib Tahsildari system in Angul Khasmahal is 29. It has been indicated hereinafter that the required number of Taluk Officers will be available from the existing cadre strength. The present average expenditure in Government estates on Naib Tahsildari system is nearly 24% and the cost of management in the vested estate is also 25% of the land revenue demand. As a result of introduction of the new set up the cost on account of village service establishment in Ganjam district and of the Commission or remunerations payable to the village agencies where they exist will be saved which may amount to not less than 10% of the total land revenue and cess demand of the State.

974. Therefore the new administrative set-up proposed will not be much costlier than what it is now and will contribute to a larger measure of efficiency and contact with the people. The savings that will palpable occur in the annual budget are shown in Appx. III.

975. The Taluk administration is truly regarded a part of the general administration. There will be no need for increasing the cadre of O. A. S, and O. S. A. S. when Taluks are introduced. At present there are 31 Anchal Officers who are in independent charge of Anchals. They are either Deputy Collectors or Sub-Deputy Collectors. Again in the districts of Ganjam and Koraput and in the Baliguda Sub-Division of Baud-Phulbani district, there is Taluk system prevailing and 16 Taluk Officers are available. From the statement at appendix IV showing the distribution and sanctioned strength of officers in the District Headquarters and Subdivision it will appear that the strength will be reduced in the majority of the Subdivisions and at District headquarters and another 33 officers will be easily available to complete the quota of 80 officers for the 80 Taluks. Further the Subdivisional establishments will need reductions, where Taluk system is not in vogue as soon as the Taluk set-up is introduced. It is expected that at least 25% of the existing Subdivisional staff will be available for the Taluk offices.

O. A. S. and
O. S. A. S.
Cadre.

976. In consideration of the above, the decentralised Taluk set-up recommended will not be financially unsound and on the other hand administrative efficiency will be considerably increased. Even if any small extra expenditure has got to be incurred, it will be more than justified for its many advantages by which the public will be benefited.

Over-all
Financial
Aspect.

977. *Non-recurring (Administrative set-up):*--This covers buildings, equipments, furniture, etc. It has got to be examined after the Taluk headquarters are decided. There are 49 Subdivisions at present. Some of these Subdivisions will be reduced to Taluks and their headquarters can be the headquarters of the new Taluks without involving any extra cost. In some places Anchal office buildings have been constructed and these can be selected as Taluk head

quarters to avoid expenditure on buildings. It has got to be examined whether Taluk offices can possibly be adjusted in a part of the office buildings of the Muffasil Subdivisions where reduction in establishments will take place. At district headquarters this is not possible as the separation of Sadar Subdivision from the District Office has been recommended. The cost of buildings, where necessary, after determination of the Taluk headquarters may be estimated by the P. W. D. according to the Type Plan that may be decided upon. Provision has got to be made for counter and strong room for opening Sub-treasuries, where necessary.

978. *Sub-Treasuries:—*

No Sub-treasury will be needed for Taluks the headquarters of which are located at the District or Sub-divisional headquarters. But where Subdivisions will be reduced to Taluks or where new Sub-treasuries will be opened, the Taluk Officer should also be the Sub-Treasury Officer as in ex-Madras Taluk offices; in the latter Taluk office buildings provision has to be made for strong rooms and counters for Sub-treasury transactions. Accommodation for Sub-treasury guards will be necessary and the necessary paraphernalia of a Sub-treasury will be provided. In the Taluk Sub-treasuries, the Head Clerk of the Taluk Office will act as Sub-Treasurer as well as the Accountant as in the ex-Madras area. One shroff in the scale of Rs. 34-1-39-EB-1-44 and one peon in the scale of Rs. 18- $\frac{1}{2}$ -24 will be required for a newly established sub-treasury. As already indicated 11 new sub-treasuries will be established when the Taluk system is introduced.

979. *Recurring cost:—*

11 Shroffs—Average pay Rs. 41/-

+D. A. Rs. 27 = Rs. 68/-p.m.

Cost per annum Rs. 68/ \times 12 \times 11 = Rs. 8,976/-

11 peons—Average pay Rs 21/-

+D. A. Rs. 27/= Rs. 48-p.m.

Cost per annum Rs. 48/ \times 12 \times 11 = Rs. 6,336/-

Total Rs. 15,312/-

As the Sub-treasuries will be gradually established, the expenditure will progressively increase to reach the maximum in course of years.

980. *Separation of Sadar Subdivisional Offices from the District Offices:—*

New buildings may be required at some of the district headquarters and at others the present building may suffice for both the offices. But a Record Room for the Sadar Subdivisional Office will have to be constructed. This may be examined by the respective District Officers and proposals submitted to the Government. The present office building of the Cuttack Collectorate may accommodate the Sadar Subdivisional Office and a new building with modern amenities may be constructed for the Collectorate. A building for the Sadar Subdivisional Office at Baripada is necessary.

981. *Training of Officers:—*

Buildings for the institute and accommodation of trainees as well as for the Principal of the Institute will be necessary. A suitable place for this will be either Burla or Hirakud where many buildings not required now by the project will be available.

982. This is a matter for consideration in connection with the general administration. This problem, we understand, is exercising the minds of the authorities. Suffice it to say that the training to be imparted would be of such a nature as to equip the officers not only for general administration, but also for revenue administration and other multifarious responsibilities with which the officers will be entrusted. There should also be a Training reserve when training becomes, as it ought to, a normal feature of administrative needs, when the abnormal demands of expanding administration owing to planning has settled down.

983. *Training of clerks:—*

It is not possible to indicate the approximate cost and this will depend on the arrangement to be made by the District Officers with the approval of the Divisional Commissioner concerned. The cost will be small as only an allowance to a senior assistant of the Collectorate may be given for the purpose for the training period.

984. *Training Class for Kanungos and Patwaris at each District headquarters:—*

The Superintendent of Land Records will arrange the training and if necessary he will take the help of other officers at the District headquarters. If a suitable Government building can not be arranged, a building may be taken on hire for a period of four months in the year. The building rent and incidental expenses will not exceed Rs. 1000/- a year for each district. There will be no extra cost for appointment of officers or staff except that some funds will be necessary for purchase of survey instruments. Manuals and reference books will be available from the District office library. The cost of survey instruments for all the districts will not exceed Rs. 25,000/-.

985. *Enquiry Office:—*

This will be tried as an experimental measure in the Cuttack District Office.

(a) *Recurring:—*

One clerk in the scale of

Rs. 100-5-120-6-150/-

Average pay Rs. 125/- + D. A. Rs. 27/-

Rs. 152 × 12 = Rs. 1,824/-

One peon in the scale of

Rs. 18-½-24/- Average pay

Rs. 21/- + D. A. Rs. 27/ = Rs. 48/-

Cost per annum Rs. 48 × 12 = Rs. 576/-

Total cost per year — Rs. 2,400/-

He will be provided with a

telephone which may cost about = Rs. 300/-

per annum.

Total Rs. 2,700/-

986. *Post of Additional Office Superintendent for the Cuttack District Office :—*

This has to be tried also as an experimental measure.

For one year the cost will be :—

Pay Rs. 235/- + D.A. Rs. 31/- = Rs. 266/- p.m.

Cost per year Rs. 266 × 12 = Rs. 3,192/-

987. *Printing of Madras B.S.Os. of common use :—*

This has to be estimated by the Superintendent, Government Press and can be met from the Press budget.

988. *Appointment of Superintendents of Land Records :—*

In Section I of Chapter IX, dealing with "Maintenance of Records", it has been recommended for appointment of a Superintendent of Land Records in every district. On the introduction of the new set up and with the conversion of the entire State into ryotwari area consequent upon the abolition of intermediaries, annual maintenance of records is necessary. The post of the Superintendent of Land Records exists in Sambalpur and the post of the Inspecting Tahsildar in Ganjam district will be redesignated as Superintendent of Land Records. So eleven such posts will be necessary. The estimated cost of this establishment will be as follows :—

11 Sub-Deputy Collectors in the scale
of Rs. 175-10-215-15-275/- EB- 15-305-
EB-15-380/-

Average pay Rs. 289/- plus D.A. Rs. 35/ p.m.

Cost per month Rs. 324 × 11 Rs. 3,564/-

Cost per annum Rs. 3,564 × 12 Rs. 42,768/-

11 Orderly peons in the scale

Rs. 18- $\frac{1}{2}$ -24. Average pay Rs. 21

D. A. Rs. 27

Rs. 48 × 11 Rs. 528/-

Cost per year Rs. 528 × 12 Rs. 6,336/-

Total cost Rs. 49,104/-

General Field Enquiry:—

Chapter III.

989. In Chapter III dealing with the abolition of intermediaries and intermediary interests, we have recommended that a general field enquiry be conducted at the village level in the 3 coastal districts of Cuttack, Puri and Balasore, where there are not only numerous small intermediary interests but they are as well in tiers one above the other in a pyramidal structure. The details of financial consequences have been worked out in the annexure to Section III of the said Chapter. The cost involved will be roughly about Rs. 5 lakhs. This expenditure will be justified in bringing the Jamabandis up-to-date for collection of the land revenue and cess and expediting the payment of compensation and disposal of various other proceedings instituted under the Orissa Estates Abolition Act, 1951.

Chapter IV

990. Evaluation Organisation:—

It has been recommended to attach an "Evaluation Organisation" to the Board of Revenue to assess the progress and achievements made in the Land Reforms policy. The details of cost have been given in appendix I to the Chapter IV. The average annual expenditure will be to the tune of Rs. 42,000/-until the land reforms policies are implemented. Besides there may be a non-recurring expenditure of about Rs. 5,000/-at the outset, for purchase of equipments, books and furniture.

991. Constitution of land Tribunals:—

The over-all cost as estimated in Appendix I to the Chapter IV comes to nearly Rs. 20 lakhs. This amount will be recovered to the extent of 50% from the fees to be levied in the form of court-fees at a certain rate on the applications to be filed by the owners for resumption of land for personal cultivation from the cultivating tenants.

992. *Financial Assistance to the Gram Panchayats for the Rural Police Establishment:—*

It has been recommended in Section V of Chapter VI dealing with the 'Rural Police' that the entire cost of dearness allowance recommended for payment to of the village police under the Gram Panchayats should be borne by the Government in consideration of the present financial conditions of the Grama Panchayats, besides an annual contribution of rupees one lakh towards the Choukidari Reward Fund and of rupees twenty five thousand towards the training of Grama Sevaks or Fire-fighting squad. In consideration of the existing commitments of the Government in respect of the village police, the net additional financial burden to be borne is Rs. 6.73 lakhs as detailed below:—

(a) Dearness allowance of 21000		
Choukidars per year	:....	Rs. 10,08,000/-
(b) Annual grant to the Choukidari		
Reward Fund	....	Rs. 1,00,000/-
(c) Annual contribution for training		
of Grama Sevaks or Fire-fighting		
Squads	... ..	Rs. 25,000/-
		<u>Rs. 11,33,000/-</u>

Deduct:—

(Pay and D.A. of Daffadars and		
Chaukidars borne by the		
Government at present)	....	Rs. 4,60,000/-
Net cost	....	<u>Rs. 6,73,000/-</u>

993. *Assignment of a share of Land Revenue to the Anchal Sasans*—It has been recommended in Chapter VII dealing with the "Intermediate Local Bodies (Anchal Sasans)" that the entire land revenue should not be transferred to the Anchal Sasans, when established but instead 15% of the land revenue demand should be given as grants to the Anchal Sasans; they will decide what percentage of

this grant will be distributed among the constituent Grama Panchayats. The average annual land revenue demand of the State is Rs. 1.75 crores. So, the annual grant to be made is Rs. 26.25 lakhs.

994. *Conclusion:—*

The general over-all picture of financial consequences will be :—

	Recurring (a)	Non-recurring (b)
1. PROPOSED REVENUE ADMINISTRATIVE SET-UP	Rs. 61.50 lakhs (As already explained the amount will be almost covered by the existing expenditure for the purpose & savings due to reduction in Mofussil Subdivisional establishments)	This has to be worked out after delimitation of Patwari Halkas, Kanungo Circles & Taluk jurisdictions is decided upon & the Taluk headquarters are fixed.
2. ESTABLISHMENT OF SUB-TREASURIES.	Rs. 15,312/- (Establishment of Sub-Treasuries may be taken up according to convenience and availability of funds)	Cost of building and equipments to be estimated.
3. SEPARATION OF SADAR SUB-DIVISIONAL OFFICE.	Nil	Depends on if the existing building at the District Headquarters are found inadequate. Cost of constructing a separate building for the Cuttack Collectorate and for the Sadar Subdivisional Office at Baripada may be estimated by the P. W. D.
4. TRAINING:— (a) of Officers and Training Reserve		Government appear to have taken decisions in this regard. So the financial effects not considered.

	Recurring	Non-recurring
(b) of Clerks in District Offices.	Cost will be small	Nil
(c) of kanungos and patwaris.	Rs. 13,000/-	Rs. 25,000/-
5. ESTABLISHMENT OF ENQUIRY OFFICE AT CUTTACK COLLECTORATE.	Rs. 2,700/-	Negligible
6. CREATION OF POST OF ADDITIONAL OFFICE SUPERINTENDENT FOR CUTTACK COLLECTORATE.	Rs. 3,192/-	Nil
7. GENERAL FIELD ENQUIRY.	....	Rs. 5 Lakhs
8. EVALUATION ORGANISATION.	Rs. 42,000/- (Till implementation of Tenancy reforms)	Rs. 5,000/-
9. CONSTITUTION OF LAND TRIBUNALS.	....	Rs. 20 Lakhs (50% of the cost will be recovered)
10. FINANCIAL ASSISTANCE TO GRAMA PANCHAYATS TOWARDS RURAL POLICE ESTABLISHMENT.	Rs. 6,73,000	....
11. ASSIGNMENT OF A SHARE OF LAND REVENUE TO ANCHAL SASANS (WHEN ESTABLISHED)	Rs. 26.25 Lakhs	....

995. The above picture of financial implication cannot be said to represent the ultimate commitment to Government. As has been explained, the estimated recurring cost of Rs. 61.50 lakhs on the proposed revenue administrative set-up will be covered by savings of expenditure incurred on the existing organisations and the possible expenditure on the organisation to collect the irrigational and betterment charges. It is also said that the potential increase on the existing land revenue may be to the extent of 25 to 33 per-cent. The intention of Government has been to establish as many Anchal Sasans as may be coterminous with each N. E. S. block. According to the present plan the number of N. E. S. blocks to cover the entire State would be 307 but the number of Anchal Sasans recommended by the Anchal Delimitation Committee is 175. The scheme suggested by us covers establishment of 80 Revenue Taluks and 80 Anchal Sasans. The proposed arrangement is likely to ensure economy and at the same time would satisfy the essential requirements of an efficient system of revenue organisation, besides establishing a network of responsible self-governing units of convenient sizes.

CHAPTER X

APPENDIX I

(PARA—968)

I. *Patwari Establishment*

(1) Pay of 4000 Patwaris @ Rs. 40/- p. m.	.... Rs. 40 × 4000 =	Rs. 1,60,000
(2) Pay of 10% leave reserve Patwaris per month.	....	Rs. 16, 000
(3) Pay of 4000 Chainmen @ Rs. 25/- per month.	.... Rs. 25 × 4000 =	Rs. 1,00,000
		<u>Rs. 2,76,000</u>
	For one year	× 12
		<u>Rs. 33,12,000</u>
Government share of the Contributory Provident Fund @ 0-1-0 per Rupee		Rs. 2,07,000
		<u>Rs. 35,19,000</u>

- (4) House rent allowance at an average rate of Rs. 10/- p. m. may have to be given in the backward areas which may be 5% of the total number of Halkas. Rs. 200 × 12 × Rs. 10 = Rs. 24,000

Total = Rs. 35,43,000/-

II. *Kanungo Establishment.*

- | | | |
|--|------------------|----------------|
| (1) Pay of 300 Kanungos in the scale of Rs. 50-2-70-EB-2-90- Average pay of Rs 70/- p.m. | Rs. 70 × 300 | = Rs. 21,000/- |
| (2) Pay of 50 leave reserve Kanungo (@ 12½% of the entire strength of 400). | Rs. 70 × 50 | = Rs. 3,500/- |

(3) Pay of 100 Kanungos in the scale of Rs. 70-2-80-4-100-Average pay of Rs. 87/- p.m.	Rs. 87	× 100	= Rs.	8,700/-
(4) Pay of 400 peons in the scale of Rs. 18-½-24-Average pay @ Rs. 21/- p.m.	.... Rs. 21	× 400	= Rs.	8,400/-
(5) D.A. of 450 Kanungos	.... Rs. 28	× 450	= Rs.	12,600/-
(6) D.A. of 400 peons.	... Rs. 27	× 400	= Rs.	10,800/-
				<u>Rs. 65,000</u>
	For one year		....	<u>× 12</u>
				Rs. 7,80,000
(7) Pensionary benefits which is equal to 15% of the pay.			....Rs.	74,880
	Total		....Rs.	8,54,880
Total of I & II (Patwari & Kanungo Estt.)			....Rs.	43,97,880/-

The cost of establishment on the total land revenue and cess demand of 2 crores works out at 21.99%.

III—Taluk Establishment—

(a) Pay of Officers:—

1. Pay of 80 Taluk Officers of the rank of Sub-Deputy Collectors in the scale of Rs. 175-10-215-15-275-EB-15-305-EB-15-330. Average pay Rs. 289/- p. m.	....	80 × 289	Rs. 23,120/-
	D. A. @ Rs. 35/-p. m.	80 × 35	Rs. 2,800/-
	Total per month		Rs. 25,920/-
Cost per annum	12 × Rs. 25,920/-		Rs. 3,11,040/-

(b) Pay of Establishment—

1. (a) Non-Gazetted Tahsildars 25% in the scale of Rs. 120-5-155-EB-5-160-10-220-EB-10/2-250/			
Average pay Rs. 185/-p.m.	Rs. 185	× 20	Rs. 3,700/-
D.A. @ Rs. 29/-p. m.	Rs. 29	× 20	Rs. 580/-

(b) Non-gazetted Tahsildars 75% in the scale of Rs. 90-5-120

10% leave reserve on the whole strength i.e. 8

Average pay	....	Rs. 110 × 68	Rs. 7,480/-
D. A.	....	Rs. 27 × 68	Rs. 1,836/-
Total per month			Rs. 13,596/-
Cost per annum—12 × 13,596			Rs. 1,63,152/-(1)

2. Pay of Head Clerks in the scale of Rs. 70-2-80-4-100/-

Average pay	....	Rs. 87-8-0 × 80	Rs. 7,000/-
D. A. @ Rs. 25/-		Rs. 25 × 80	Rs. 2,000/-

3. 80 Nazirs in the scale of Rs. 50-2-70-EB-2-90/-

4. 240 L. D. clerks in the scale of Rs. 50-2-70-EB-2-90/-

5. 80 Typists in the scale of Rs. 50-2-70-EB-2-90/-

6. Leave Reserve of the total strength (2 to 5) i.e. 60 in the L. D. scale.

Average pay @ Rs. 70/-p.m.	Rs. 70 × 460	Rs. 32,200/-
D. A. @ Rs. 28/-p.m.	Rs. 28 × 460	Rs. 12,880/-
		Rs. 540,080/-

Cost per annum (3 to 6) Rs. 54,080 × 12 Rs. 6,48,960/ (2)

7. 80 Orderly peons in the scale of 18-½-24

Average pay Rs. 21 p.m.	Rs. 21 × 80 =	Rs. 1,680/
D. A. @ 27/-p.m.	Rs. 27 × 80 =	Rs. 2,160/-
		Rs. 3,840/-

Cost per annum Rs. 3,840 × 12 = Rs. 46,080/-(3)

8. 80 Office peons in the scale Rs. 18-½-24

9. 320 process servers in the scale of (4 process servers in the average per Taluk office).

Average pay (8 & 9)	Rs. 21×400 = Rs. 8,400/-
D. A.	Rs. 27×400 = <u>Rs. 10,800/-</u>
Cost per month	Rs. 19,200/-
Cost per annum.	Rs. $19,200 \times 12$ = Rs 2,30,400/ (4)

10. 160 Amins in the scale of Rs. 40-1-50-2-60.

Average pay @ Rs. 51/-p. m.	Rs. 51×160 = Rs. 8,160/-
D. A. @ Rs. 27 p. m.	Rs. 27×160 = <u>Rs. 4,320/-</u>

Cost per month	Rs. 12,480/-
Cost per annum	Rs. $12,480 \times 12$ = Rs. 1,49,760/- (5)

11. 80 Sweeper-Cum Night Watcher in the scale Rs. 16- $\frac{1}{2}$ 22/-.

12. 160 Chainmen in the scale of Rs. 16- $\frac{1}{2}$ 22/-

Average pay (11&12)	Rs. 19×240 = Rs. 4,560/-
D. A.	Rs. 27×240 = Rs. 6,480/-

Cost per month.	Rs. 11,040/
Cost per annum	Rs. $11,040 \times 12$ = Rs. 1,32,480/- (6)
Total cost of Establishment (b) (1+2+3+4+5+6).	Rs. 1,63,152 (1)
	Rs. 6,48,960 (2)
	Rs. 46,080/- (3)
	Rs. 2,30,400/- (4)
	Rs. 1,49,760/- (5)
	Rs. 1,32,480/- (6)

Rs. 13,70,832/-

Total cost of Pay of Officers and Pay of Establishment (a) (b).

Rs. 3,11,040/-

Rs. 13,70,832/-

Rs. 16,81,872/-

If Criminal Judicial work devolves on the Taluk Officers, there will be one more L. D. clerk. The work will not be heavy in some of the Taluk Offices to justify one more L. D. clerk. 75% of Taluk Offices will need a clerk.

Pay Rs. $60 \times 70 =$ Rs. 4,200/-

D. A. 60×28 Rs. 1,680/-

Cost per month Rs. 5,880/-

Cost per annum Rs $5,880 \times 12$

Grand Total

Rs. 70,560/

Rs. 17,52,432/-

or

Rs. 17.50 lakhs
in round figures

Rs. 35,43,000/-(1)

Rs. 8,54,880/-(2)

Rs. 17,52,432/-(3)

Grand Total of the three establishments viz, Patwari, Kanungo, and Taluk establishments.

Rs. 61,50,312/-

or 61.50 lakhs

CHAPTER X

APPENDIX II

[PARA 972]

Compensation gratuity payable to Hereditary village Officers of Ganjam district on abolition according to the principles contained in Section 120 (i) of the Orissa Anchal Sasan Act, 1955

A. Ryotwari village Service Establishment.

	No.	(Pay D. A.) p.m.
(a) Karjis	296	$20 =$ Rs. 5,920
(b) Karnams	296	$23 =$ Rs. 6,808
(c) Taliyaris	400	} 895×18 Rs. 16,110
(d) Vettis	495	
<hr/>		
Rs. 28,838 $\times 30 =$ Rs. 8,65,140/-		

B. Proprietary Estate Village Service Establishment.

(a) Karjis	634	$\times 18 =$ Rs. 11,412/-
(b) Karnams	571	$\times 20 =$ Rs. 11,420/-
(c) Taliyaris	770	} 811×16 Rs. 12,976/-
(d) Vettis	41	
<hr/>		
Rs. 35,808/- $\times 30 =$ Rs. 10,74,240/-		

Total compensation gratuity payable = Rs. 19,39,380/-

Annual expenditure on the staff :—

(Rs. 28,838 + Rs. 35,808) $\times 12$ or Rs. 64,646 $\times 12 =$ Rs. 7,75,752/-

According to the budget estimate of 1957,

the following provision is made—

Ryotwari village service—Pay of Estt. Rs. 2,41,254/-

D. A. = Rs. 1,02,230/-

Proprietary Estate Village Service—Pay of Estt = Rs. 3,33,180/-

D. A. = Rs. 1,35,840/-

Total Rs. 8,12,514/-

The above village Service Establishment was maintained prior to abolition of Zamindaris. After abolition, additional staff have been entertained in the Anchals for this purpose. The land revenue

demand prior to Zamindari abolition was about 12.50 lakhs and the demand according to the Anchal Delimitation Committee Report is now Rs. 24,83,744/- or Rs. 24,85,000/- in round figures. On the basis of the land revenue demand at present, there will be 497 Patwari Halkas according to the new set-up recommended. The annual expenditure on the Patwari Establishment which will replace the existing Village Service Establishment will be as follows :—

Patwaris	497 × 40 =	Rs. 19,880/-
10% leave reserve	=	Rs. 1,988/-
Chainmen	497 × 25 =	Rs. 12,425/-
		Rs. 34,293/-
Rs. 34,293/-	× 12 =	Rs. 4,11,516/-
Government share of contribution to the Provident Fund		
@ 0-1-0 per rupee	=	Rs. 25,720/-
		Total Rs. 4,37,236/-

As shown above, the annual expenditure on the village service establishment is worked out to be Rs. 7,75,752/- (pay and D. A.) although, the budget provision in the current financial year is Rs. 8,12,514/-. Thus there will be a saving of (Rs. 7,75,752/- - Rs. 4,37,236) Rs. 3,38,516/- per annum when the new set up is introduced. As Government will have to pay Rs. 19,39,380/ as Compensation Gratuity to the existing staff, this will be more than covered by the savings within a period of six years, without bringing any extra financial burden on Government.

CHAPTER X

APPENDIX III

(PARA—974)

PART A—*Savings on introduction of the new Administrative Set-up*

Demand No. 13

7. L. R.

		1957-58 estimate	Revised estimate of 1956-57	Accounts of 1955-56
Kanungo Establishment.	Pay of Estt.	95,789	99,388	95,619
	D. A.	51,682	50,680	50,020
		1,47,471	1,50,068	1,45,639
Management of Zamindari Estates.	Pay of officers	1,70,000	1,62,000	1,38,729
	Pay of Estt.	2,40,000	1,87,380	1,35,850
	D. A.	1,00,000	80,360	65,859
		4,10,000	4,29,740	3,40,438
Management of Govt. Estates.	Pay of officers	11,800	11,559	11,252
	Pay of Estt.	3,00,000	3,08,391	2,19,878
	D. A.	1,92,000	1,85,000	1,36,977
		5,03,800	5,04,950	3,68,107
Maintenance of land Records.	Pay of Estt.	1,26,403	1,46,187	1,19,703
	D. A.	78,483	90,000	92,643
			2,04,886	2,36,187	2,12,346
Grand Total		12,66,157	13,20,945	10,66,520

PART B.

Demand No. 16

25-General Administration

Taluk Establishment.	Pay of Estt.	2,43,662	2,44,629	2,29,063
	D. A.	1,08,942	1,10,000	1,07,716

685

		3,52,604	3,54,629	3,36,779
Raiyatiwari	Pay of Estt.	2,41,254	2,41,254	
Village				
Service	D. A.	1,02,230	1,02,230	
		<hr/>	<hr/>	
		3,43,484	3,43,484	
Proprietary	Pay of Estt.	3,33,180	3,33,180	
Estate Village				
Service	D. A.	1,35,850	1,35,850	
		<hr/>	<hr/>	
		4,69,030	4,68,980	
Grand Total	—	11,65,118	11,67,093	3,36,779

CHAPTER X
APPENDIX IV
(PARA—975)

Statement of Distribution of officers in the District Headquarters and Subdivisions.

Name of district.	Headquarters-- Sanctioned strength		Total	Existing strength			Total.
	Dy. Collector	Sub-Dy. Collector		Assistant Magistrate	Deputy Collector	Sub-Dy. Collector	
1	2	3	4	5	6	7	8
1. <u>Cuttack.</u>							
(a) District Headquarters	13	6	19	1	12	12	25
(b) Kendrapara	2	2	4	—	2	2	4
(c) Jajpur	2	3	5	—	3	2	5
Total :	17	11	28	1	17	16	34
2. (a) <u>Narasinghpur.</u>							
(i) Athgarh	1	1	2	—	1(S D.O.)	1	2
(ii) Narsingpur	—	1	1	—	—	1	1
(iii) Baramba	1	—	1	—	—	1	1
(iv) Tigiria	1	—	1	—	—	1	1
Total :	3	2	5	—	1	4	5
Sanctioned strength—	4	3	7				
3. <u>Balasore</u>							
(a) Headquarters	7	6	13	—	12	4	16

	(b) Bhadrak	2	2	4	1	1	3	5
					(I.A.S. S.D.O.)			
	(c) Nilgiri	1	2	3	—	1	1	2
	Total :	9	10	19	1	14	8	23
4.	<u>Puri</u>							
	(a) Headquarters	8	4	12	—	12	7	19
	(b) Khurda	2	5	7	1	1	5	7
					(I.A.S. S.D.O.)			
	Total :	10	9	19	1	13	12	26
5.	<u>Nayagarh</u>							
	(a) Nayagarh	1	3	4	—	1 (S.D.O.)	2	3
	(b) Khandpara	1	2	3	—	—	1	1
	(c) Daspalla	1	2	3	—	—	1	1
	(d) Ranpur	—	1	1	—	—	1	1
	Total :	3	8	11	—	1	5	6
	Sanctioned strength for Nayagarh district :-	4	8	12	—	—	—	—
6.	<u>Sambalpur</u>							
	(a) Headquarters	9	5	14	1	17	—	18
	(b) Bargarh	2	4	6	—	4	3	7
	(c) Rairakhol	1	1	2	—	2	—	2
	(d) Deogarh	1	6	7	—	1	2	3

Appendix IV—contd.

Name of District.	Headquarters Sanctioned strength		Total.	Existing strength			Total.
	Dy. Collector	Sub-Dy. Collector		Assistant Magistrate	Deputy Collector	Sub-Dy. Collector	
1	2	3	4	5	6	7	8
(e) Kuchinda	1	—	1	—	1	1	2
Total :	14	16	30	1	25	6	32
7. <u>Ganjam</u>							
(a) Headquarters	2	2	4	—	2	7	9
(b) Chatrapur	3	3	6	—	2	4	6
(c) Berhampur	5	6	11	—	2	5	7
(d) Parlakhimedi	2	3	5	—	3	2	5
(e) Ghumsur	2	5	7	—	5	1	6
Total :	14	19	33	—	14	19	33
8. <u>Baud-Phulbani</u>							
(a) Baudh Sadar	1	2	3	—	2	1	3
(b) Phulbani (including Khondmals)	2	8	10	—	4	5	9
Total :	3	10	13	—	6	6	12

9. Koraput

(a) Headquarters	3	3	6	—	1	4	5
(b) Nawarangpur	3	5	8	—	5	4	9
(c) Rayaghada	2	4	6	1	—	6	7

(I.A.S. S.D.O.

Total	8	12	20	1	6	14	21
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10. Mayurbhanj

(a) Baripada	5	5	10	—	7	6	13
(b) Bamanghaty	2	1	3	—	1	1	2
(c) Panchpirh	1	1	2	—	1	2	3
(d) Kaptipada	1	1	2	—	1	2	3

Total -	9	8	17	—	10	11	21
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11. Dhenkanal

(a) Dhenkanal	4	4	8	—	7	7	14
(b) Pallahara	1	1	2	—	1	1	2
(c) Athmallik	1	2	3	—	1	2	3
(d) Kamakshyanagar	2	1	3	—	1	3	4
(e) Talcher	1	3	4	1	—	2	3

(I.A.S. Officer)

(f) Hindol	1	1	2	—	1	1	2
(g) Angul	2	2	4	—	1	1	2

Total :	12	14	26	1	12	17	30
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Appendix IV—contd.

Name of District.	Headquarters Sanctioned strength		Total.	Existing strength			Total.
	Dy. Collector	Sub-Dy. Collector		Assistant Magistrate	Deputy Collector	Sub-Dy. Collector	
1	2	3	4	5	6	7	8
12. <u>Sundergarh</u>							
(a) Sundergarh Sadar	5	5	10	—	6	4	10
(b) Panposh	1	2	3	—	2	2	4
(c) Bonai	2	4	6	—	1	3	4
Total :	8	11	19	—	9	9	18
13. <u>Keonjhar</u>							
(a) Keonjhar Sadar	5	7	12	—	4	9	13
(b) Anandpur	1	2	3	1	1	1	3
				(I.A.S. S.D.O)			
(c) Bhuyanpirh	1	1	2	—	—	—	—
Total :	7	10	17	1	5	10	16
14. <u>Bolangir</u>							
(a) Headquarters	3	5	8	—	6	6	12
(b) Patnagarh	1	1	2	—	2	—	2

(c) Titlagarh	1	2	3	—	2	1	3
(d) Sonapur	2	5	7	—	1	4	5
Total :	7	13	20	—	11	11	22

15.

Kalahandi

(a) Bhawanipatna	1	2	3	—	5	3	8
(b) Dharmagarh	2	2	4	—	2	1	3
(c) Nawapara	1	2	3	—	1	1	2
TOTAL :	4	6	10	—	8	5	13

Acknowledgments.

996. We should like to express our thanks to all who have helped us by oral or written evidence. We are also thankful to the various Departments of Government and the District Officers for their cooperation in our task amidst their multifarious and strenuous duties.

997. Lastly we wish to place on record our warm appreciation of the invaluable help and loyal cooperation received from our Secretary, Shri J. Das. Since he joined office in April, 1957, he took the scattered threads of office work under his effective control, and applied his mind and devotion to a speedy completion of the Committee's task. We hope that the insight and knowledge acquired by him of the complex problems relating to land reforms and the various aspects of revenue administration will be of great use to the Government.

31-1-1958

Sd/ S. Das
Chairman

Sd/ P. C. Das
Member

Sd/ J. Das
Secretary

Sd/ B. S. Mahanti
Member

Summary of Conclusions and Recommendations

CHAPTER I

1. The influence of policy on the character of administration is vital. Error of policy may be far-reaching in their effect and the most careful administration will not wholly compensate for them. In the management of public affairs, failures in policy and failures in administration can be equally unfortunate. In some situations, policy can be the more fundamental aspect, in others the administration. Whenever the principles and policies are enunciated, the administrative machinery is there to implement it. Unless a policy which has been decided upon is pursued in a sustained manner, the administration can seldom be satisfactory. On the other hand, if there is an error in the policy or that the objective of the policy has been deficient in its relation to the actualities, the implementation of such a policy will suffer to that extent. (PARA 6)

CHAPTER II

There is a wide diversity in the land tenure in the several component parts of Orissa, and it differs from district to district and in the administrative units in the same district appertaining to the Rulers' States merged into Orissa. The tenancy rights disclose a wide divergence; in some of the merged states, there is no codified law and much is left to practice, and prescription. (PARA 95).

2. The relationship established for generations amongst men which determined their varying rights in the use of land came to be assailed. The nation has been alive to the importance of land reforms. The broad objectives of land reform in India are those contained in the Directive Principles of State Policy stated in the Indian Constitution.

Article 38—The State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

Article 39—The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally have the right to an adequate means of livelihood ;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good ;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

Article 40—The State shall take steps to organise village Panchayats and bestow them with such powers and

authority as may be necessary to enable them to function as units of self-government.

Article 43—The State shall endeavour to secure by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.

Article 47—The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among primary duties.

Article 48—The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines. (PART 101)

CHAPTER III

- (1) The Gountiahs of Sambalpur have got proprietary rights in respect of their Bhogra lands in their possession. These will come under the provisions of the Orissa Estates Abolition Act and should be abolished along with other intermediaries. (PARA 113)
- (2) The protected Thikadars in the proprietary villages of Sambalpur and Nawapara will come under the provisions of the Orissa Estates Abolition Act and liable to abolition. (PARA 114)
- (3) The Umrao and Maffidars in the district of Bolangir have been given the status of tenureholders under the Patna State Land Revenue Act. These should be abolished under the provisions of the Orissa Estates Abolition Act. (PARA 117)
- (4) The Thikadari rights of the class of Headmen commonly known as Gountiahs, Padhans, Sarbarakars, Ganjus, Sardars and Garnaiks in the merged states who are mere rent collectors do not come under the purview of the Orissa Estates Abolition Act. Such of these headmen who hold lands on service conditions with no alienable rights should be removed under the terms of their services. In Bolangir, the services of Gauntiahs have been terminated by mutual arrangement. The service tenure lands in cultivating possession of Gountiahs have been settled with them with rights of occupancy therein on fair and equitable rent subject to reservation of varying extent of land on a sliding scale for communal purposes by assignment to Grama Panchayats etc. This is a convenient arrangement which is worth trying in all the merged States where similar conditions prevail. (PARA 120)

- (5) Privileged tenure-holders in merged states holding small extent of land should be encouraged to surrender their privileges and have their private lands (Lands in personal cultivation) converted into raiyati holdings. (PARA 121)
- (6) The administration through Anchal Adhikari system under Chapter III of the Orissa Estates Abolition Act has inherent difficulties and should cease. The estates vested in Government should, as far as possible, be managed according to the laws, rules and regulations for the time being in force for management of Government Estates, ryotwari areas and other areas under direct management of Government as the case may be. (Government have made amendment to the O.E.A. Act accordingly). (PARAS 129, 142 and 144)
- (7) In some of the areas all leases granted since after the last settlement of 30 years ago are presumed to be spurious until the contrary is proved, whereas in other areas, the leases made recently since after the 1st January, 1946 are scrutinized. The latter course is in accordance with the provision of law. Much discretion is required in applying the provisions of Section 5 (i) of the Orissa Estates Abolition Act. (PARAS 148 (6), 190)
- (8) Produce rent payable by tenants to Government in vested estates should be recovered on the principle of commutation in the relevant tenancy Acts. It is most desirable that the produce rents should be commuted into cash rents under law to obviate general dissatisfaction of the tenants concerned, and avoid malpractices. (PARA 128)
- (9) Estates in future should be abolished in compact blocks under section 3-A of the Orissa Estates

Abolition Act and the vesting proceedings should be taken up locally as in settlement camps. (PARA 163)

- (10) Government should introduce a system of 'summary field enquiry' in villages or estates which have already vested or which are to be vested under the provisions of the Orissa Estates Abolition Act and to prepare an up-to-date Jamabandi for the purpose of collection of rent and cess and simultaneously to collect the necessary data to aid in quick determination of compensation of the estates vested or to be vested. [PARA 169 (a)]
- (11) The scheme of the local field enquiry at the village level has been outlined for—
 - (i) Estates already vested in respect of which jamabandis are available ;
 - (ii) Estates vested for which Jamabandis are not available ;
 - (iii) Estates which are to be vested. (PARA 169 (b))
- (12) Claim petitions (under sections 8-A of the O. E. A. Act) by Intermediaries in respect of lands in their khas possession and by persons in respect of their personal jagirs should be obtained and disposed of locally in course of the summary field enquiry. An amendment of law will be necessary to require the concerned persons to make the claim in course of the enquiry in accordance with the procedure suggested. (PARA 170)
- (13) A plan has been suggested for the administrative task of conducting field enquiries, and financial implications explained. (PARA 171 and Annexure I)
- (14) To expedite completion of compensation proceed-

ings and disbursement of compensation, officers of different ranks, such as Anchal Officers, Deputy Collectors and others to be designated as Compensation Officers, may be vested with powers on a graduated scale. (PARA 191)

- (15) Suggestion is made that interim compensation or final compensation to be paid in lump sum, where admissible, should be made through the Anchal Officers. Payments may also be made by any other gazetted officer at convenient centres as is done in the case of payment of compensation in Land Acquisition cases. Intermediaries, receiving compensation, should be identified by Sarpanches, members of the Grama Panchayats or any other respectable gentlemen to the satisfaction of the disbursing Officer. (PARA 197)
- (16) The rule with regard to attestation of thumb and finger impressions etc. may be relaxed. Such thumb and finger impressions and signatures should be attested by two respectable gentlemen of the locality or Sarpanches of the Grama Panchayats. (PARA 195)
- (17) The conditions for furnishing security to receive payment of interim compensation should be waived. In case any personal indemnity bond is required, there should be exemption from payment of stamp duty thereon. (PARAS 193, 194)
- (18) Payment of interim compensation or final compensation to the limit of Rs. 100/- should be made by money orders on the written application of the intermediaries agreeing to receive payment in this manner at their own risk. This concession may also be extended in the case of payment of annuities not exceeding Rs. 100/-. (PARA 197)

CHAPTER IV

Measures of tenancy legislation prior to the Independence have been stated and the working of the Tenants Protection Act, 1948 and the Orissa Tenants Relief Act, 1955 have been critically studied. Within the scope of the Second Five Year Plan and in the light of the broad suggestions made by the Planning Commission the following measures are outlined for Orissa:—

(1) In considering the ceiling on agricultural holdings the following limit is suggested :-

- (a) basic holding (i. e. the limit of holding which is the minimum area needed for profitable cultivation). ... 3.5 acres (standard)
- (b) the family holding should be three times that of the basic holding which would be 10.5 acres (Standard)
- (c) the ceiling i. e. utmost limit prescribed for personal cultivation. 31.5 acres (Standard)
(Para 247).

(2) The ceiling should be considered with reference to three classes of lands, and the ratio should be 1 : 2 : 3 for irrigated, rainfed and uplands respectively. Government may vary the extent of land which shall be regarded as a family holding in any specified local area which may appear fair in accordance with the peculiar local conditions in any district. (Para 248)

The ceiling on future acquisition

(3) The ceiling on future acquisition should be limited to three family holdings, which may be to the extent of 31.5 (standard) acres. This may be the absolute limit upto which a family can hold lands for personal cultivation.

(Para 252)

(4) After the commencement of the proposed legislation, it should be the responsibility of any person on whom excess land devolves by inheritance, gift or by involuntary transfer to report the fact to the Revenue authority concerned. (Para 253)

(5) Such excess lands over the ceiling should be taken over by the Government on payment of compensation determined on the basis of a multiple of net profit. (Para 253)

(6) Where, in future, acquisition is made by voluntary purchase by any person in excess over the ceiling fixed, without permission of the Collector, the land should be forfeited to Government. (Para 253)

Ceiling on existing holdings

(7) The Committee do not, however, recommend that ceiling on present holdings should be enforced because, apart from the difficulty in implementing this and the possible diffusion of land by inheritance in one generation, the land available for distribution would be only 4.5 lakh acres which will hardly benefit even one-third of the very small holders owning less than a basic holding. The compensation for the acquisition of land is likely to be 16 crores of rupees, which will be a big financial liability. (Para 257)

Ceiling on resumption for personal cultivation

(8) Personal cultivation should be defined so as to include cultivation on one's own account -

- (i) by one's own labour, or
- (ii) by the labour of any member of one's family, or
- (iii) by servants on wages payable in cash or kind but not in crop share or by hired labour which it should be under one's personal supervision or the personal supervision of any member of the family,

provided that such supervision is substantial, i.e. accompanied by residence in the village in which the land is situated or in a locality from which supervision is possible for the greater part of the agricultural season. (Para 259)

9) The family holding should have relation not to an individual, but to a family which has a separate hearth, or in the case of a joint family a unit should comprise of a person, his wife, children and grand children, or in other words the joint family would be considered by stirpes. [Para 249]

(10) Owners with less than one-third of a family holding (i.e. a basic holding with 3.5 standard acres or less) should be entitled to resume the entire area for personal cultivation. [Para 264 (1)]

(11) Owners whose holdings lie between a basic holding and a family holding should be permitted to resume for personal cultivation upto two-thirds of the area held by the tenant or tenants subject to a maximum limit of 7 acres (standard) and a minimum equal to a basic holding. [Para 264 (2)]

(12) Where the land owner has under his personal cultivation land which exceeds a family holding but is less than the ceiling limit, he may have the right to resume for personal cultivation land to such an extent as (1) the total area to be obtained by the owner together with the land already under his personal cultivation does not exceed the ceiling, and (2) no tenant is left with less than a family holding. [Para 264 (3)]

(13) If the land owner has less than a family holding under his personal cultivation he may be allowed to resume one half of the tenants' holding or an area which together with land under the personal cultivation makes up a family holding whichever is less, provided that no tenant is left with less than a basic holding. [Para 264 (4)]

Explanation to (12) & (13) :— In computing the minimum area to be retained by a tenant in the case of resumption by an owner in the two circumstances mentioned in items (12) and (13) the total area cultivated by the tenant both as owner and tenant (whether under one or more) should be taken into consideration.

(14) Procedure for resumption of land for personal cultivation and payment of compensation is indicated briefly :—

- (i) Owner intending to resume land should exercise his right within one year of the introduction of the Act. Notice to be given within that year to the tenant through the Collector for a period of not less than 90 days.
- (ii) Thirty days time will be given to the tenant for his objection.
- (iii) No eviction of a tenant as a result of resumption proceedings should take effect before the first day of the agricultural year following the last date allowed for objection in case no objection is made, or the date of the order of eviction by the Collector when objections made have been disposed of.
- (iv) A tenant should have the option to purchase owner's right in non-resumable lands within three years from the date of expiry of the period allowed for the owner to exercise the right of resumption, if no step was taken for resumption, or from the date of Collector's decision on a claim for resumption when disputed.
- (v) Owner's right for resumption for personal cultivation will revive if the tenant fails to exercise his right of purchase within the time limit specified.
- (vi) If the owner in such circumstances does not resume the land for personal cultivation or having resumed the land fails to cultivate personally the

land in any one year within two years following the date of resumption, Government may acquire the land on payment of compensation to the owner and may dispose of the land as they may consider most appropriate.

- (vii) In disposing of the land Government may give prior consideration to a land management organisation, a Co-operative Farming Society or the Grama Panchayat who will be required to pay the compensation amount incurred by Government. Alternatively Government may permit the tenant to continue to cultivate the land on payment of rent as before subject to reimbursement of amount of compensation in the manner of annual instalments as may be fixed by Government. [Para 270]

(15) The cultivating tenant should continue to have the same rights and liabilities in respect of the land as existed at the time of commencement of the Act until the day the owner gets possession under the proposed law in respect of the land the owner is entitled to resume or until the period allowed for acquisition of owner's right by the tenant expires, and the cultivating tenant fails to acquire such right in non-resumable land. [Para (271)]

(16) Government should provide credit facilities for the tenants through the Land Mortgage Banks or Cooperative Credit Societies to enable the tenants to acquire owner's interests in non-resumable lands within the time permissible. [PARA 272]

(17) Free transfer of ryoti right should be allowed to land owners within the limit of the ceiling and basic holding. Any transfer outside the maxima and minima of the above limit will be invalid unless made with prior sanction of the Collector. [PARA 276]

(18) An owner who obtains land by succession inheritance, or gift lands in excess over the ceiling allowed for personal cultivation should report to the Collector. Either the Collector will acquire the excess land on payment of compensation for disposal to others eligible for purchase, or allow the owner to transfer the land to those eligible on terms agreed upon. (PARA 277)

(19) Transfer by owners possessing lands less than the basic holding should be restricted having regard to the principles of land management. (PARA 277)

(20) Exemption from ceiling should be as prescribed by the Planning Commission and in addition, farms under mechanised cultivation which conform to the standard of agricultural efficiency, State Farms of any type and Cooperative Farms, should be exempted from the scope of ceiling. (PARA 250)

(21) Future leases of lands by owners should be prohibited, exceptions being an owner who is :

- (a) a minor or a female;
- (b) who is permanently incapable of cultivating land by reason of any physical or mental infirmity;
- (c) who is serving in the Naval, Military or Air Forces of India; and
- (d) who is temporarily prevented by any sufficient cause from cultivating land to the satisfaction of the Collector.

Under the category of (d) will come prisoners, students (who have no adult member in the family) and small cultivators who go out for supplementing their income periodically in case there is no other adult member in the family. [PARA 274 (A)]

(22) When any one exempted under the above disabilities leases his land, the lease should be for a period

of not less than five years which may be renewable for a like period. If the land is required for personal cultivation a notice of one year prior to the expiry of each successive period of lease should be given. [PARA 274 (A)]

(23) Where lands are so leased, the quantum of produce payable by the cultivating tenant to the owner should not exceed one-fourth the gross produce where the owner pays rents in cash, and not exceed one-third where the owner pays rent in kind. [PARA 274 (A)]

(24) To ensure the satisfactory implementation of the suggested measures, the paramount need of an efficient system of land records maintenance on the village level is emphasised. (PARA 283)

(25) An organisation to evaluate periodically the implementation of the land reforms measures is recommended. (PARA 284)

(26) The amount of compensation involved in the implementation of land reforms is indicated.

(27) An organisational set up for implementation of the tenancy reforms is outlined.

(28) A pilot scheme is suggested for experimentation in a group of 3 villages in typical areas in two or three districts to appreciate the administrative difficulties before the proposed land reform measures are introduced universally throughout the State. [PARA 297]

CHAPTER V

- [1] the functions of the Agricultural Act can and should be discharged more conveniently by the revenue agency proposed under the decentralisation system. [Para 355]
 - [2] the Bhoodan Yagna Act has not been much used in the State and consequently does not cast any appreciable extra load on the existing administrative machinery. [Para 359]
 - [3] the Agricultural Act, though following broadly the outlines of the Second Five Year Plan for agricultural management offers too elaborate and costly an executive agency which moreover will not cover the entire field of agricultural development ; [Para 371]
 - [4] better results will be obtained by working on the advice of the District Development Committee in which the Anchals should be represented and in association with Co-operative Societies. [Para 372].
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CHAPTER VI

- (1) A re-examination of some of the Grama Panchayats should be made with a view to curtail their sizes to conform to administrative convenience compatible with local consensus of opinion and regard for economy. [Para 397]
- (2) The population of a Grama Panchayat should ordinarily be limited to 5000 within an area of 9 square miles. Any reorganisation, where necessary, should be made to take effect at the commencement of the next term of the Grama Panchayat concerned. [Para 397]
- (3) The ward of a Grama Sasan should, as far as possible, coincide with a Palli since it is required under the Act that the Grama Panchayat member of the Palli should preside over the Palli Sabha. [Para 399]
- (4) The Grama Panchayats instead of holding their meetings in one place should by rotation hold their meetings in the several Palli units. This might bring the Panchayats into touch with different areas. At present the assembly of Grama Sasan is very disappointing. [Para 399]
- (5) A scheme of Primary Panchayats has been discussed but it is not acceptable. It would be inexpedient to have another small democratic body at the Palli level within a Grama Panchayat. It would be open to Grama Panchayat to constitute ad-hoc Committees at the Palli level to execute development and welfare works in any particular village or Palli within a Grama Panchayat. [Paras 400 & 404]

- (6) The suggestion that enhanced power and preferential State assistance should be given to Panchayats elected unanimously is examined and this view is discouraged. [Para 407]
- (7) To counteract factions and kinship groups, cultural and festival opportunities should be given for the entire Grama Sasan area at convenient centres with a view to promote unity of outlook.
[Para 408]
- (8) In some districts the Tribal and Scheduled Caste elements have not been properly represented. In such areas the joint electorate system should be introduced with a reservation of seats for the scheduled castes and scheduled tribes. [Para 409]
- (9) The suggestion that the members of the Panchayats should hold office for a term of five years has been examined and the present system of 3 years term is supported. [Para 410]
- (10) Gountiahs and Mokdams are not eligible for election to the Grama Panchayat. It is suggested that they should not be considered as holding "any office of profit". In several States such disqualification does not attach to any one other than the person who holds a salaried office or place of profit under the Panchayat or is a servant of Government or any local authority or directly or indirectly has a share in any work done by order of the Panchayat or done on behalf of the Panchayat. This definition is recommended. [Para 412]
- [11] A member of the Grama Panchayat or a Panch of an Adalati Panchayat will cease to be a member if he absents himself from three consecutive meetings. Under Section 35 of the Anchal Sasan Act a

member would forfeit his seat by failure to attend six consecutive meetings of the Sabha. The authority who should remove the latter should be provided in the Act. Apathy of members is noticed in attending meetings of Grama Sasans and Grama Panchayats. It is suggested that meetings of the Panchayats be convened in convenient places in the Grama Panchayat area rather than only at the headquarters.

[PARAS 413, 414]

- (12) Popular interests could be maintained if there is a plan of development embracing all the villages in the Panchayat area to be executed within a specified number of years and work is started progressively according to the plan. It is not possible to benefit all the areas in any one year and a planned development will keep up the tempo of the people. (Para 414)
- (13) The Panchayats are detecting encroachments on public places. It should be necessary for Government to make a set of model rules or bye-laws for the Grama Panchayats to make their own bye-laws.
[Paras 419, 420]
- (14) Unreserved and available Parambokes or village forests might be allotted to Grama Panchayats provided the area is moderate in size and susceptible of a working scheme prepared by the Forest Department in consultation with the revenue authorities. It is also suggested that a set of Protected Gramya Jungle (village Forest) Rules should be framed in consultation with the Forest Department. [Paras 423, 424]
- (15) The transfer of collection of Government revenue and Government dues at the village level at the

present stage is not recommended. When a large number of Panchayats disclose civic responsibility the collection of revenue, rent and cess and even water rate may be entrusted, not to individual Panchayats scattered in an area, but to all in an administrative unit such as Anchal or Taluk to avoid expensiveness in maintenance by Government of their own collecting agents in Panchayats which do not take over the collection work. [Para 426]

- (16) The regulation of dangerous and objectionable trades and the establishment of factories and workshops employing steam power, water power or other mechanical power or electrical power should not devolve on Grama Panchayats. This should be assigned to the Anchal Sasans when constituted. The annual income derived by District Boards on this Score has dwindled down by devolution of these power to Grama Panchayats. [Paras 433, 434]
- (17) There should be clear instructions and forms of statistics be prescribed for registering unemployment and other village data to be maintained by the Panchayats. [Paras 435, 436]
- (18) Grain Golas are popular in all areas. Recovery of paddy loans by Societies has not uniformly worked mainly due to the fact that no separate staff is maintained to look to the timely recovery of loans. In the large Grama Panchayats this aspect should be considered. [Para 442]
- (19) Irrigational pumps supplied to Grama Panchayats has had limited use in most of the Panchayats. The remedy lies in :
- [i] devising easy transport for taking pumps across the field,

- (ii) giving wide publicity to the utility of the sets of pumps and giving demonstration of its working in convenient centres.
 - (iii) promoting co-operative efforts in each group of village to hire the sets and bear the expenses of transport of fuel charges etc. on equitable distribution.
 - (iv) combining groups of Gram Panchayats to support a technical man. Government might subsidise where technical men are appointed.
 - (v) to tackle small repairs, local volunteers may be trained.
 - (vi) Agricultural Department to assist in educating the people to raise second or miscellaneous crops outside the paddy season by means of supply of water with the pumps.
 - (vii) if possible, subject to special permission of Government, Gram Panchayats may be allowed to utilise the pumps in off seasons in non-agricultural or small remunerative enterprises in a restricted measure. [Para 445]
- (20) An entirely different pattern of local Government should be evolved in Tribal areas. The following suggestions are made:
- (i) There should be as many Panchayats with 500 to 1500 population within an area of 10 sq. miles at most in compact areas.
 - (ii) The adult population within such areas should form the constituency for the Panchayat.
 - (iii) The registered adults should elect their own Panch with 5 to 10 members including a Sarpanch elected by the members of the Panch.
 - (iv) The village level worker, or the Tribal Welfare Worker or Inspector should be the officer who

would go round and attend the meetings of the Primary Panchayats according to a programme. The Sarpanch will preside over the meetings. The Tribal Welfare Inspector or such officer, whosoever he may be, will record the proceedings and assist the people in their deliberations. He will be their friend and guide to promote common activities in the cause of their welfare and development measures.

- (v) In the initial stage, they should not be scared away by talks of taxes, but they may be called upon or enthused to group themselves for executing work by voluntary labour and voluntary *Chandas*. The works should be of local and immediate advantages to the people.
- (vi) All development works should be canalised through these Panchayats.
- (vii) The functions should be simple—supply of drinking water or irrigational water—village sanitation—village roads and village schools. The functions should not constitute a formidable affair.
- (viii) Association of the Panchayat in Co-operative Farms, Societies and Grain Golas should be encouraged. Where large areas of cultivable waste is assigned for reclamation, the local community should be encouraged by technical advice and by material resources to organise co-operative farms for the purpose. [Para 452]
- (21) More Adalati Panchayats should be formed than at present and established in all the successful areas of the Grama Panchayats. This will add dignity to the Panchayats. [Para 461]
- (22) More frequent inspections of the Adalati Panchayats should be made in the formative stage of the

Adalati Panchayats, most of which have not been inspected for 3 or 4 years. [Para 461]

- (23) Some simple scheme of training should be devised in order to train the leaders of Adalati Panchayats in judicial proceedings and in solving their doubts. [Para 461]
- (24) Under Section 95 of the Grama Panchayats Act no woman shall be compelled to appear as accused before the Adalati Panchayat. There is no provision in the Act as to what action should be taken if a woman does not appear in person nor sends a person to represent her. Some clear provision should be made. In the present circumstances, the president of the Adalati Panchayat should record the circumstances and refer the case to the Subdivisional Magistrate having jurisdiction. [Para 458]
- (25) The annual reports are not regularly sent up. There should be a paragraph in it in regard to the attention given to the backward population. [Para 462]
- (26) Maximum limit in the levy of Panchayat tax should be prescribed and it is suggested that the maximum limit be Rs. 50/- a year. [Para 465]
- (27) The majority of the Grama Panchayats are apathetic to impose Panchayat taxes. Official weightage should be given to enable the local bodies to recover the taxes. The following measures are suggested :
- (i) The Adalati Panchayats should be empowered to recover the taxes as in Section 224 of the Madras Local Boards Act, 1920 within the limit of a claim of Rs. 50/-.
 - (ii) The Adalati Panchayat may refer the case to the Subdivisional Magistrate where the Panchayat

comes to the conclusion that there is local combination against recovery of taxes.

- (iii) Grama Panchayats may, in the above exceptional circumstances, send up requisition for direct certificate proceedings to be taken up by the Subdivisional Officer. [Paras 474, 476 & 477]
- (28) The maximum tax to be leviable in respect of property-cum-circumstances tax should be fixed by Government. At the initial stage it should not exceed Rs. 50/- a year and in the case of factories and big enterprises it may go up to Rs. 250/- a year. The Taxation Enquiry Committee has suggested a duty on transfer of property in the form of a surcharge to augment the resources of the local bodies such as Grama Panchayats. This suggestion need be considered by Government. The undervaluation of property by parties to transfer to escape surcharge need be kept in view in such consideration. [Paras 482 & 479]
- (29) Taxes in manual labour is examined. Compulsion will have adverse reaction. The following suggestions are made :
- (i) Manual labour should be inculcated not in the form of an artificial sense, but by faith in it. Those who are leaders should show the way by their example and their faith in an idea.
 - (ii) The executives of the village organisation should be the first in complying with the requirements of the Panchayat scheme by leadership in doing earthwork by human labour.
 - (iii) Common enthusiasm can be created by some form of labour festivals in which groups of villages might participate.
 - (iv) The Panchayat executives are disinclined to impose the compulsory levy of labour. Until

there is corporate responsibility, the common form of encouragement should be by the grant of a percentage of the estimated value of work by cash payment. There should be a earmarked grant for this purpose. [Paras 483 & 484]

- (30) The following recommendation is made in regard to the rural police to be maintained by Grama Panchayats :
- (i) the Daffadar's post should be abolished. There is no need now to have a Daffadar. The Grama Panchayat through its executives and ward members can ensure a proper supervision.
 - (ii) Reorganisation involving reduction in the number of Chowkidars should be initially considered by the Grama Panchayats and the revised scheme, if any, should be sent up to the District Magistrates, for consideration.
 - (iii) Where any Chowkidar is not required to continue his service under the reorganisation, the Service Tenure (Jagir lands) if any, should be resumed and settled with him at the prevailing rent. Such rent should be assigned to the funds of the Grama Panchayat.
 - (iv) The basic salary may be within Rs. 7/- to Rs. 10/- for each Chowkidar per month, as may be decided by a Grama Panchayat for its Chowkidars.
 - (v) Government should bear the responsibility of payment of dearness allowance at the rate of Rs. 4/- a month for each Chowkidar. This might involve Government in an extra commitment of Rs. 6,75,000/- a year.
 - (vi) From the consolidated emoluments of pay and dearness allowance payable to each Chowkidar, should be deducted the net profit derived by the

Chowkidar from Choukidari Jagir land if any enjoyed by him. The net profit per acre of such land may be fixed at a flat rate by each District Magistrate periodically for his district to simplify its application by the Grama Panchayats. It is worth mentioning in this connection that the total area of Jagir land enjoyed by Choukidars is 1,24,405 acres where rental valuation would be Rs. 1,65,506 at an average of Rs. 1-4-0 an acre, but the net annual profit at one-fourth of the gross produce to the Choukidars is Rs. 25 lakhs at Rs. 20/- an acre at a conservative estimate. The Jagir lands should not universally be resumed to rent at this initial stage. The adaptation to an entirely paid system should be gradual, related to local conditions.

(viii) The roster for attendance at the police station and at the Grama Panchayat should be decided by the Subdivisional Officer in consultation with the concerned authorities.

(viii) The disciplinary control should be with the Subdivisional Magistrate and any remissness in duty by Choukidars noticed by the officers in charge of Police Stations should be reported to the Subdivisional Magistrate for action.

[Paras 506,513]

(31) Voluntary organisation of Grama Sevaks, Watch and ward Service, fire-fighting service, service for protecting life and property in natural calamities should be encouraged as an integral part of Grama Panchayat activities. Government should lay by every year a sum of money for imparting suitable training to leading youngmen at convenient centres or physical training institutes. Rules and regulations for the formation of the village voluntary

force, training and discipline of members of the force should be formulated. Rewards may be given to persons who render conspicuous service, by the Government at any local or regional functions.
[Paras 510,511]

(32) Certain aspects of co-ordination of law in regard to Grama Panchayats have been examined and necessary suggestions made.

(i) There is inconsistency in the operation of Sections 1,5,7 and 8 of the Grama Panchayat Act read with Section 98(g). Government have power to withdraw the provisions of the Act, whose effect would be an abolition of a Grama Panchayat. This, however, is not consistent with other provisions which make the Grama Panchayat a body having a perpetual succession. Sections 5 and 98 need amendment. [Para 514]

(ii) There need be provision in the Act to prevent overlapping of boundaries of Police Stations, Subdivisions or a district. The provision should be consistent with Section 4 of the Orissa Anchal Sasan Act which does not allow overlapping of district boundaries. [Para 515]

(iii) The disqualification attaching under Section 9 to a person of unsound mind should be amplified to refer to such persons as have been adjudged by a competent court to be of unsound mind.

(Para 516]

(iv) Anomalies appearing between the rules and provisions of the Act should be reconciled with reference to the Anchal Sasan Act in regard to functions of District Magistrates and other officers. (Para 518)

(v) The unfairness of double taxation in regard to vehicular traffic imposed by more than one

local body should be avoided. In the case of friction between two local authorities, such as a Municipality or a Grama Panchayat or two or more Grama Panchayats, the District Magistrate should decide the proportion of tax income to be distributed amongst the concerned local authorities. The taxation should be paid by the person at his place of residence. (Para 519)

(vi) The Grama Panchayat Act came into force when the Anchal Sasan Act had not been envisaged. A technical examination is required to put the two Acts in proper and co-ordinated form. Substantive provisions which should have been in the Grama Panchayat Act have found place in the Orissa Anchal Sasan Act, e. g., Section 231 and Section 238 of the Anchal Sasan Act. (Paras 520, 521 & 522)

(vii) There is clearly an overlapping of functions since the village watchmen in the district of Sambalpur are guided and controlled by Sections 147 (A) and 141 of the Central Provinces Land Revenue Act of 1881 whereas the Gram Panchayats have been invested with the functions of maintaining rural police under the Grama Panchayat Act. The relevant sections of the Central Provinces Land Revenue Act of 1881 should be amended. (Para 523)

(viii) Similar is the case in the Nawapara Subdivision where the Katwars or village watchmen are governed under section 196 of the Central Provinces Land Revenue Act of 1917 whereas the appointment and control of village Chaukidars is now the special function of the Grama Panchayat. Necessary amendments should be made in the C.P. Land Revenue Act of 1917. (Para 524)

- (33) The Grama Panchayat Seminars are useful institutions. Replies by higher authorities to the correspondence of the Panchayats should be timely and prompt. (Paras 525 & 528)
- (34) Effective co-ordination between the Public Relations Department and the Panchayat Directorate is required to give wide publicity to the objectives of the Grama Panchayat institution. (Para 530)
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CHAPTER VII

- (1) The maximum number of Anchals should be 175 so as to be viable units but the number can with advantage be reduced to 75 to be coterminus with Taluks. (PARAS 587 and 589)
 - (2) Uniform standard of development throughout the State will be favourable to the starting of Anchals. So it will be convenient to start Anchals after the National Extension Service development phase is over. If Anchals have to be started immediately then this can be done in those districts where the District Boards will be replaced.
(PARAS 589 & 591)
 - (3) The Agricultural Act and the Anchal Sasan Act should function separately though in close collaboration with each other. The former should not be dovetailed into the latter.
(PARA 603)
 - (4) Collection of land revenue and consequent revenue administration should not be handed over to the Anchal. There will be Anchals of different economic potentialities, the backward ones needing financial assistance. Government will be unable to do so if they have not the revenue collection at their command. Frequent adjustment between Anchals of different financial potentialities will be irksome to the Anchals themselves as well as to Government. The process should be for Government to collect land revenue and make contributions to Anchals equal to 15% of the land revenue demand (PARAS 604-614)
 - (5) More freedom should be given to Anchals in the matters of finance and establishment. (PARA 621)
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CHAPTER VIII

In the present period of transition when the reforms measures already introduced have not yet been fully implemented and the future of tenancy is in a fluid state and certain aspects of land reforms measures have yet to be enacted, any attempt to coordinate tenancy laws or systems is hardly likely to bring about any uniformity or satisfactory result.

Certain anomalies and divergences in tenancy laws and systems existing in the several parts of Orissa have been dealt with in the main Report. In securing unification, the most suitable of such of the provisions as are now obtaining in one part but which could usefully be extended to other parts should be recognised. The following are some of the points on which the divergences could be made up :—

(1) The classes of tenants vary from three to six in several parts of the State. With the disappearance of the class such as non-occupancy, settled raiyat, Pahi, Thani, absolute occupancy raiyats, there will be but one class of raiyats with the complete removal of intermediaries. (PARAS 663 to 669)

(2) With the disappearance of all the intermediaries, the raiyat who holds under the State will have the status akin to that of a land-holder. In view of this position, it is desirable that there should be an express provision in the future legislation that the owner of the agricultural land shall not be entitled to any sub-soil right. (PARA 670)

(3) *Eviction of raiyats in the merged States :—*

A person found in possession of any land which is used for any purpose other than for which it was leased by the State is liable to eviction summarily, whereas in other areas of Orissa a tenant can only be evicted in pursuance of a decree obtained for ejection. The provisions in the Orissa Tenancy Act in this respect seems suitable for application throughout the State. (PARA 675)

(4) *Transferability of occupancy rights* :—

The present position is that in all the areas of the State, occupancy rights are transferable except in Khondmals and Angul Subdivisions where restriction still continues under the Khondmals Laws Regulations 1936. In the future legislation the transferable right of a raiyat should be subject to the following restrictions :—

- (1) Observance of the principles of good husbandry ;
- (2) Area to be left with the transferor after transfer must not be less than a basic holding ;

(3) A member of the scheduled tribe cannot transfer his holding to one who is not a member of the scheduled tribe except with the sanction of the competent revenue authority to be prescribed.

(PARA 677)

(5) *Produce rent* :—Where rent is payable in kind the raiyat should not pay more than one-fourth of the gross produce as rent, but where the raiyat himself pays rent in kind the quantum of produce payable by his tenant to him should not exceed one-third of the gross produce. (PARA 678)

(6) *Reduction of rents* :—In the merged states, where there is very little of codified law, there is no clear provision of the grounds under which a raiyat can apply for reduction of rent. The general provisions in regard to reduction of rents should also be made to apply to these areas. There should also be the provision for reduction of rent in the case of irrigated lands where there has been a permanent failure of supply of water. This provision exists only in respect of the ex-Madras areas. (PARA 681)

(7) *Prevention of fragmentation of holdings* :—

In view of the present trend of agrarian policy to prevent fragmentation of holdings, no division of holding nor distribution of rent should be permissible unless it conforms to the rules made by the State Government in regard to prevention of fragmentation and consolidation of holdings. (PARA 685)

(8) *Period of settlement of rent :—*

The period of resettlement of rent varies from seven years to fifteen years in the merged States and in other areas 15 to 20 years, where as in the coastal districts the period is 30 years. It is recommended, in agreement with the suggestions of the Taxation Enquiry Committee, that this period should be 10 years throughout the State. (PARAS 688-689)

(9) *Interest on arrears of money rent :—*

The interest on arrears of money rent varies from 6% to 12½% in different areas of the State. It is suggested that the interest on arrears should be limited to 6% per annum from the expiration of the date on which rent falls due. (PARAS 707-710)

(10) *Appraisalment of produce rent :—*

Section 76 of the Madras Estates Land Act provides authority for an officer deputed for the purpose of making division or appraisalment of crops, that he may enter with his assessors upon any land on which or into any building in which the produce is stored. Such a provision should extend to the entire State. (PARA 713)

(11) A brief out-line has been indicated in the Report of the future pattern of law in the form of a land revenue Act, which should govern the relationship of the land owner with the State when the entire State is eventually covered by a ryotwari system. (PARA 720)

(12) *Survey and Settlement :—*In the Tenancy Acts which govern the relationship between land-lords and raiyats, there are provisions for land settlement. There should be a separate law to provide for survey and settlement. (PARA 722)

(13) When the proprietary rights both revenue paying and revenue free are abolished completely, many of the old regulations and law will be obsolete. These will need examination for repeal. (PARA 723)

(14) *Some other points of coordination of law :—*

(i) Under Section 21 and 22 of the Grama Panchayat Act the Grama Panchayats can be vested with powers to look after

and control sanitation, conservancy vaccination and similar other measures of public utility. These functions appear to be overlapping with those of the Makdams under Section 141 of the C. P. Land Revenue Act of 1881, which is in operation in the district of Sambalpur. It is not desirable that both the agencies-Village Panchayat and the Makadams should be responsible for the same duties. It is, therefore, recommended that the Section 141 of the C.P. Land Revenue Act of 1881 may be amended. This is overlapping of functions. (PARA 715)

- (ii) Under Section 183 of the C.P. Land Revenue Act of 1917 which is in operation in the Nawapara Subdivision of the district of Kalahandi the Makadams have the control and power to look to the sanitation and conservancy of the village and similar other measures of public utility. All these functions have been entrusted to Grama Panchayat under sections 21 and 22 of the Act. This is overlapping of functions. Necessary amendment to Section 183 of the Land Revenue Act of 1917 may be made. (PARA 716)
- (iii) Under the Sambalpur Land Revenue system there are village Panchayats who have got several important duties to perform in connection with the village management as laid down in the Wazi-bul-ars. Some of the functions of these Revenue Panches have also been entrusted to Grama Panchayat under the provisions of the Grama Panchayat Act. After the introduction of the Grama Panchayats the existence of two Panches is not likely to work smoothly and efficiently. Necessary amendment for abolition of the Revenue Panches is called for. (PARA 717)

CHAPTER IX

1. The existing administrative machinery is considered inadequate and incapable to cope with the various reforms measures introduced and social and economic development in a Welfare State. (PARA 800)
2. In the context of abolition of intermediaries the unification of diverse land revenue systems obtaining in different parts of the State into a single system is necessary and can be conveniently introduced. (PARA 807)
3. A more decentralised system of administration touching the village level with greater devolution of responsibility than at present will be appropriate to meet the present requirements. (PARA 813)
4. The village agency in the district of Ganjam suffers from two defects namely—its hereditary character and part-time service. It would be appropriate to have an officer at the village level who should be wholetime servant and who should be a local resident within his jurisdiction. (PARAS 809 and 813)
5. The hierarchial structure of administration above the Subdivisional level is uniform throughout the state but an organised subordinate agency below the Subdivisional level is either non-existent, or, where it exists, not uniform in structure and composition. A Subdivision should be divided into a number of Tahsils or Taluks, each in charge of an officer not below the rank of Sub-Deputy Collector. Each Tahsil should be divided into a number of Circles, each in charge of a Kanungo (equivalent to Naib Tahsildar) and each Circle divided into a number of Halkas in charge of a Patwari. (PARA 815)
6. Each Halka should have an average land revenue and cess demand of Rs. 5000/- or will comprise 12 to 13 villages in

the average. Provided that no Halka jurisdiction should cut across the Grama Panchayat boundaries. Where the land revenue and cess demand of the villages within a Grama Panchayat far exceeds the average demand of Rs. 5000/-, it may be constituted into more than one Halka. (PARAS 815 and 816)

7. Ten Halkas in the average should be grouped into a Circle and 5 Kanungo Circles in the average should constitute a Taluk (or Tahsil). (PARA 820)
8. The collectable Jama of a Taluk including water rates and miscellaneous Government dues should not be less than Rs. 3 lakhs and all Government dues directly related to land such as water rates, betterment charges and other miscellaneous dues should be collected by the Halka Patwaris under the immediate supervision and control of the Kanungo and the Tahsildar. Accordingly it is expected that the entire State may be covered by 4000 Halkas, 400 Kanungo Circles and 80 Taluks. (PARA 821)
9. There should be leave reserve for the Patwaris and Kanungos at 10% and 12½% respectively. (PARA 822)
10. The Kanungos should have a combined cadre with the L.D. clerks. Twenty five per cent of the Kanungos should be in the higher scale equal to that of the U.D. clerks (i.e. Rs. 70-2- 80-4-100). (PARAS 822 and 827)
11. The minimum standard of educational qualification of the Patwaris should be M.E. or M.V. standard and they should have survey knowledge. The Patwari should ordinarily be a resident of the Halka. In the backward areas where suitably qualified persons are not available, outsiders may be entertained subject to the condition that he must stay within his Halka for which a reasonable house allowance may be granted. [PARA 824 (a) and (b)]
12. To encourage and ensure proper maintenance of records, Patwaris of the Halkas should be paid 25% of all Amin

- fees collected for identification and subdivision of plots or holdings which are done by the Patwaris. (PARA 824 (c))
13. The Patwari and his peon should be admitted to the benefits of Contributory Provident Fund after confirmation. The Government share of contribution for any year may be withheld in respect of any contributor, if his work for the year is considered unsatisfactory. [PARA 824 (d)]
14. The rates of Amin fees vary in different parts of the State as well as in the same district. A uniform rate should be levied which is suggested to be Rs. 2/- for the first 3 plots and eight annas extra for every additional plot for survey or subdivision. (PARA 825)
15. Training centres should be established at every district headquarters to impart training to Patwaris and Kanungos in service in survey, revenue laws, maintenance of records and Grama Panchayat Manual. (PARA 826)
16. A manageable number of outsiders may be admitted into the above training institute for training. A waiting list of passed candidates in order of merit should be prepared and vacancies as and when they occur should be filled up from that list. (PARA 826)
17. All L. D. clerks in the district should be required to work as Kanungo at least for a period of two years as a condition prerequisite for promotion to the U. D. posts. Accordingly arrangements should be made so that all L. D. clerks are given sufficient opportunities to work as Kanungos in their early career. (PARA 827)
18. The collection of water rates for the Orissa canal system, now done by a special establishment known as the Canal Revenue Establishment under the P. W. D. should be taken over by the Revenue Department as soon as the new set up is introduced. This will bring about a large saving of expenditure incurred for the above establishment. (PARA 829)

19. The new set-up will be able to cope with the collection of the betterment charges to be levied under the Orissa Betterment Charges Act, 1953. (PARA 830)
20. Temporary leasing of surplus lands under different Departments of Government or under public institutions managed by Government should be done by the Revenue Department. (PARA 831)
21. Distress warrants relating to the Revenue Department should be executed by the Halka Patwaris but the distress warrants beyond certain monetary limit may be earmarked for execution by the Kanungos. Distress warrants relating to other Departments should be executed through the Nazir's establishment in the Taluk office. (PARA 832)
22. The Taluk offices should have a process service establishment for service of processes. All processes emanating from the District and Subdivisional Offices should be transmitted to the Taluk office for service and accordingly revised standard of processes for service by the process servers should be fixed. A skeleton staff of process servers may be retained at the district and Subdivisional offices to serve processes of urgent nature. (PARA 833)
23. The existing Chakla Kanungos in the district of Cuttack, Puri and Balasore would be unnecessary when the new set-up is introduced and should be absorbed in the new Kanungo establishment. The present work of compilation of statistics by the Sadar Kanungos can be done by a L.D. clerk of the District Office establishment and as such they can be absorbed as U.D. Kanungos. (PARA 834)
24. The designations of Naib Tahsildars and Revenue Inspectors may be changed into Kanungos. (PARA 835)
25. In the backward tracts the traditional system of land revenue collection through their existing headmen may be allowed to continue for some time after introduction of Halka Patwaris who will not make individual collection but from

the headman of the village and will be entrusted with the maintenance of records and may assist in the execution of development works. (PARA 836)

26. The developmental administration in the blocks (N.E.S) or C. D.) should be co-ordinated with the general administration by the Sub-Divisional Officer at the subdivisional level for the present. (PARA 849)
27. Democratisation of administration should be gradual and slow. All development activities may be executed through the democratic bodies as far as practicable, such as Grama Panchayats and Anchal Sasans (when established). (PARA 852)
28. Grama Panchayats should be associated with the normal revenue administration by referring to them schemes of reclamation of waste lands affecting any village within their jurisdiction by taking their views in the distribution of agricultural loans and fire-relief grants, by encouraging through them establishment and management of common pasture lands and lands for common benefit of the people in a village and by sending them mutation and miscellaneous revenue petitions for enquiry and report. (PARA 853)
29. With the introduction of the decentralised Taluk system recommended, delegation of powers and authority to the subordinate officer should be liberalised consistent with their responsibility for the public to get decisions and redress in any matter quickly. (PARA 854)
30. Greater financial delegation is desirable and the District Officers should be generally authorised to entertain temporary staff not above the rank of L. D. clerks for a period of six months subject to the provision of funds. (PARA 855)
31. The sizes of some districts are considered large and smaller districts without Additional District Magistrates are desirable. But the cost of creating a new district is high

both recurring and non-recurring. In view of the scheme of separation of Judiciary from Executive and the recommendation made to introduce a decentralised system of Taluk administration throughout the State as well as to separate the Sadar Subdivision from the District Office, the reduction in sizes of districts should wait till the results of these reforms are known. (PARAS 858-860)

32. The Sadar Subdivision of Cuttack which is rather unwieldy from its area, population and administrative points of view, should be made into two Subdivisions, namely Jagatsingpur Subdivision and Sadar Subdivision. (PARA 861)
33. The areas pertaining to Banki Government estate lying to the north of the Mahanadi and the Jurum area of ex-Daspalla state lying to the north of the Mahanadi should come within the jurisdiction of Athgarh Subdivision. (PARA 861)
34. Some of the ex-states areas now administered as Subdivisions or Taluks have no longer that importance to continue as such. This should be examined along with the proposal for introduction of the new administrative set up recommended. Some of these ex-states area can be conveniently reduced to the status of Taluk or Kanungo Circles, as the case may be. (PARA 862)
35. In a number of instances, the boundaries of subdivisions cut across the police station boundaries such as in Hinjli P. S. (Ganjam) and Reamal P. S. (Sambalpur). There should be an adjustment of boundaries so that no police station area lies within more than one Subdivision. (PARA 863)
36. At present the Sadar Subdivisional Offices except in the districts of Ganjam and Koraput are combined with the District Offices. The Sadar Subdivision and its office should be separated from the District Office, and reorganised in the pattern of mufasil Subdivisions except that its headquarters will be located at the district headquarters. (PARAS 864-865)

37. The reorganisation of Sadar Subdivisional Offices into a separate entity is not expected to be more expensive than what it is now for the combined office, rather there will be a greater sense of responsibility in an independent office to be held by the Sadar Subdivisional Officer than before, there will be economy in the number of gazetted officers with the sure increase of efficiency in the administration. (PARAS 866-868)
38. When the Taluk system is introduced, Sub-treasuries have got to be provided in those Taluk Offices which are not situated at the District or Subdivisional headquarters or are not provided with Sub-treasuries at present. Until establishment of Sub-Treasuries provision has to be made for the guarding of money collected on account of Government dues. (PARA 869)
39. The Sub-treasury in Chatrapur Taluk office is redundant having regard to the fact that there is the district treasury functioning in the Collectorate which can transact the business that is now done at the Sub treasury. (PARA 870)
40. Promotions to the Orissa Subordinate Administrative Service should be mainly from the subordinate ranks, directly connected with the revenue administration. (PARA 871)
41. There should be an initial course of training of the officers recruited to the O.A.S. and O.S.A.S. by having a suitable training reserve. (PARAS 872 and 874)
42. There should be a Training Institute for the training of the officers of the O.A.S. and the O.S.A.S. The basic training should be for a period of six months in the Institute during which period survey and settlement training should also be arranged. (PARA 875)
43. The departmental training (including treasury and accounts training) should also cover another period of six months. (PARA 875)

44. The clerical staff position in the District and Sub-Divisional offices should be reviewed to remove the complaint of inadequacy of staff to cope with the increased work-load. (PARAS 877 and 882)
45. The statistical yard stick based on 'receipt' and 'issue' figures needs revision in view of the radical change in the nature of work, the variety of work a clerk is required to do and the type of recruits now available. (PARAS 880 and 882)
46. An Organisation and Methods unit should be attached to the Cuttack District Office to organise the Collectorate to serve as a standard for other Collectorates. (PARAS 881-882)
47. Equal opportunities of promotions and advancements should be made available to the ministerial staff working in the District and Subdivisional offices as in the case of staff working in the offices of recent creation. (PARAS 877 and 882)
48. Discontentment among the large body of temporary personnel needs early solution by making permanent those posts, the continuance of which is established and by taking firm steps to implement the Government order regarding certain categories of temporary posts to be made permanent or semi-permanent. (PARAS 877 and 882)
49. There should be a course of training for the clerical staff in the District and Sub-Divisional offices immediately after their appointment. (PARA 883)
50. The departmental tests prescribed for the ministerial staff of the ex-Madras area and consequently their conditions of services should be made uniform with those prescribed for the clerical staff of other districts. The revenue test (now prescribed for the clerks of ex-Madras area) may be universally introduced when the combined cadre of Kanungos and L. D. clerks is given effect to on introduction of the Taluk system. (PARA 883)

51. (a) Reorganisation of several departments of the Collectorate directly affected by reason of estates abolition should be taken up. (PARAS 884-886)
- (b) Rates of land cess should be made uniform under a consolidated cess law. (PARA 889)
52. The retention of Choukidari Departments in the districts of Cuttack, Puri and Balasore is not necessary in view of the transfer of the Choukidars to the Grama Panchayats.
(PARA 895)
53. The Subdivisional Officers should be appointed by their designation as Collectors or competent authorities, as the case may be, under the Land Acquisition Acts in force.
(PARA 896)
54. Monthly standards of performance should be prescribed for the copyists and any short-fall in the standard should be penalised, besides other measures to be undertaken to remove the complaint regarding delay in the grant of copies.
(PARA 899)
55. Returns which have become unnecessary and obsolete should be abolished. Steps should be taken to make regular review of returns. (PARA 900)
56. Inspection of offices should be spread out evenly and so arranged that branches and departments are taken up throughout the year, and not crowded at the close of the year. It should be ensured that yearly steps are taken to comply with orders in the inspection notes, and compliance is not deferred till the end of the year. (PARA 907)
57. As a measure of experiment an additional Office Superintendent may be sanctioned for the Cuttack Collectorate to do the daily routine round of duty and to inspect all the branches and departments once in a month. The extension of the measure to other districts depends on its success.
(PARA 907 (vi))

58. Cases and correspondences should be dealt with in the chronological order of receipt with due regard to urgency. Monthly co-ordination meetings should be held in the Collectorate immediately after Development Committee meetings to discuss delayed and complicated cases. Touring officers should take with them delayed and Complicated cases at the time of visit to the subordinate offices and try to dispose of these cases after discussion with the concerned officers. (PARA 907 (x))
59. The bottle-neck in the supply of forms leading to considerable delay in the disposal of cases should be removed. The stationery requirements of offices should be reassessed in the present context of increase of work and personnel and in price. Regular supply should be ensured by the Government Press. (PARAS 908-909)
60. Madras B. S. Os' which are of frequent reference should be reprinted for use by officers and staff in the Ex-Madras area. (PARA 910)
61. The question of buildings of the district and subdivisional offices may be examined to provide accommodation commensurate with the present and near future requirements in the light of recommendations made in the Report. Provision of building for the Cuttack Collectorate is rather urgent. Residential accommodation for the officers working at the District Headquarters may be provided to remove hardships. (PARAS 911 and 913)
62. An Enquiry Office should be provided in the Cuttack Collectorate as an experimental measure and on its success depends the extension to other Collectorates. (PARA 914)
63. In the districts, where separation of Judiciary from Executive is not likely to be introduced in the near future, certain Magistrates may be earmarked for trial of criminal cases. (PARA 916)

64. For the quick disposal of Reclamation cases additional staff for the Forest Department where required should be sanctioned and suitable working arrangements should be evolved by mutual consultation between the Forest Department and the Revenue Department. (PARA 918 and 922)
65. To minimise delay in the disposal of revenue cases, frequent supervision and regular inspection of pending case files and Trial Registers by the Subdivisional Officer and Officers of higher rank should be done. (PARA 923)
66. (a) The strictness in collection of Government dues should not be sacrificed due to any extraneous influence. The disposal of certificate cases should be expedited.
(PARAS 928-929)
- (b) Inspection of Loan Cases should be regularly done.
(PARA 926)
67. The punctual submission of the Annual Land Revenue Administration Report to the Government should be ensured.
(PARA 928-A)
68. Annual maintenance of land records is necessary, a scheme has been suggested. There should be a Superintendent of Land Records for each district. (PARAS 938-939)
69. The policy with regard to settlement of waste lands needs certain reorientation. A Revenue Officer's task should not end with the passing of an order of assignment of a piece of land but he must follow up to see its reclamation within the quickest possible time. (PARA 950)
70. Bold and dynamic policy is necessary to circumscribe 'Podu' and for its gradual extinction. (PARA 960-961)
71. When the decentralised Taluk system is introduced, the Taluk Officers should be delegated certain functions by the Collector to supervise and inspect the working of Grama Panchayats. The immediate control and supervision over

the Grama Panchayats should pass on to the Anchal Sasans, when introduced, within their respective jurisdictions. (PARAS 963)

72. The Taluk Officers on introduction of the Taluk system, should be entrusted with the Tribal and Rural Welfare administration within their respective Taluks. The parallel administration by the District Welfare and the Assistant District Welfare Officers, that has since developed, will be unnecessary and expensive. (PARA 964)
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List of Errors

PAGE	PARA	LINE	INCORRECT	CORRECT
1	2	1	Preamable	Preamble
7	8	18	Implmentation	Implementation
12	17	15	Khandhara	Khandpara
13	17	9	expect	except
13	18	4	Predominoutly	Predominantly
18	29	4	anamolus	anomalous
24	35	1	neighbourers	neighbours
32	53	2	Zamindar	Zamindari
36	62	10	Thikdars	Thikadars
36	62	17	Thikddars	Thikadars
41	77	5	reparis	repairs
44	81	21	inothers	in others
48	2	13	khown	known
55	1	3	approch	approach
58	105	4	rforms	reforms
58	105	16	prevision	provision
70	126	19	prefering	preferring
72	128	8	payble	payable
78	138	10	lacial	local
104	170	5	rovisions	provisions
128	191	21	deal	will deal
131	198	2	oi	of
133	205	10	proposlts	proposals
136	210	11	at well as	as well as
144	221	13	oneforth	one fourth
147	223	9	began	begun
148	223	3	economic	Economic
152	227	3	eregarding	regarding
164	238	1	the	there
164	238	15	frmily	family
170	244	4	lesses	lessees
173	249	28	three	there
181	263	2	lnd	land
184	236	2	pewnal	personal

PAGE	PARA	LINE	INCORRECT	CORRECT
186	269	1	porsonally	personally
187	270	5	colector	collector
188	272	2	Ranks	Banks
194	284	5	detailed	detailed
198	295	4	corroct	correct
198	295	16	cullivation	cultivation
206	305	2	husbandy	husbandry
218	329	1	theme dian	the median
226	347	14	undetrken	undertaken
249	395	19	expedition	expedition
255	405	10	anthropologicat	anthropological
265	424	11	by	be
294	474	17	local Board	Madras Local Board Act.
295	476	19	nsure	ensure
298	481	14	is	it
308	496	7	Requirment	Requirement
310	499	20	greated	greatly
322	512	18	sbould	should
334	525	27	offlux	efflux
347	540	10	Aud	And
365	583	1	Tent	Competent
369	589	15	Nchals	Anchals
396	630	10	Funcions	Functions
505	521	Margin	Toluk'	Taluk
512	827	3	From	Form
516	833	8	Server	Serve
533	859	15	grasp	group
586	937	15	Privision	Provision
605	954	14	Lacally	Locally
614	964	Marginal Note	Administratio	Administration
617	—	Serial 2	Aneas	Annas
622	—	Serial 23	Sonepu	Sonepur
632	—	2nd line	Mtnisterial	Ministerial
732	—	Serial 39	offic	office