

**LAND SETTLEMENTS IN COLONIAL ODISHA (1805 C.E. - 1837 C.E.)****Dr. Suresh Kumar Pandey**

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The British conquest of Odisha in 1803 C.E. presented a melancholy event in the annals of Odisha. Soon after their conquest the administrators paid immediate attention to the problem of land system and revenue collection as the prosperity of the British rule depended on it, because land revenue was the main stay of their financial system.

The Government passed some temporary regulations for the administration of Odisha on 4<sup>th</sup> May, 1804. By those regulations, the territories were divided into two divisions, the northern and southern with the river Mahanadi as the boundary between the two. For each division a Judge-Cum-Magistrate was appointed with entrusting duties of collecting the land revenue. Robert Ker and Charles Groome were in charge of the northern and southern divisions respectively.<sup>1</sup> On September 15, 1804, a proclamation was issued by the Commissioners at Cuttack concerning the settlement of the land revenue in the *Mughalbandi* portion of Odisha. By regulation 12 of 1805 the British imposed the first land revenue settlement in Odisha on an elaborate scale. A yearly *Jama* of Rs.13, 14,825 was fixed on the province.<sup>2</sup> The financial burden on the land holders became heavier in comparison to the collection of *Jama* by the Marathas. As a result of this more than one-third of the province came under the direct management of the British Administration when land owners refused to pay land revenue. This land came to be known as *Khasmahal*.<sup>3</sup> These *Khasmahals* were kept under the management of Tahasildars to be supervised by Collectors.<sup>4</sup>

George Webb, the Collector of the whole of Odisha made triennial settlement of 1805-06 to 1807-08 under the regulation 12 of 1805. This settlement yielded a *Jama* of Rs.14,35,354 giving a net increase of Rs. 1,20,529. The capacity of payment by the proprietors, the conditions of agriculture and agriculturists were never taken into consideration at the time of the new settlement.<sup>5</sup> The British Administration rejected all claims for revenue remission on loss of crops in heavy flood and severe drought.<sup>6</sup> The result was that arrears of revenue rapidly accumulated. In 1806, the fatal process sale of the estates for arrears of revenue was worked out in Odisha following the Bengal regulations. The estates of a higher *Jama* of Rs.5,000 or more were sold at Fort William and consequently many Odia land holders were deprived of their properties while the Bengali speculators found themselves in a position to buy valuable estates at much lower prices. In 1806, 17 estates with a total *Jama* of above Rs.50,000 and in 1807, 266 estates with a total *Jama* of above Rs. 3 lakhs were sold.<sup>7</sup> The *Zamindars* petitioned to the Governor General in Council for inability to pay the revenue for the year 1806-07 due to failure of the crops by drought and heavy floods. The former Government, i.e., The Maratha considered the actual income from

the land as the basis of the assessment of revenue and allowed deductions on account of various natural calamities as well as remitted expenses for repairs of embankments etc., but the British Government did not allow any such concessions. They based their demand on the average receipts of their previous years and permitted no deductions on any ground,<sup>8</sup> however serious. The *Zamindars* also complained that while in Odisha they were required to pay revenue in only 7 *Kists*, in Bengal their counterparts were allowed to pay in 12 such *Kists*. Such were the grievances of the Odisha landlords but the Government took no notice of their petition. Thus, the real facts were not ascertained at that early stage of their administration.<sup>9</sup>

The Government modified the original scheme of settlements as provided by the regulation 12 of 1805 in 1807 C.E. The Governor General in Council passed a new regulation, the regulation of 1807, which provided that on the lapse of the triennial settlement in 1807-

08, a four-year settlement should be made in Odisha.<sup>10</sup> The question of affecting a permanent settlement was then thought of and required the approval of the Courts of Directors. But it was opposed by the Collector of Cuttack on the ground of non-availability of reliable information about the land system and the institution of cases to hold land rent free under the regulation 12 of 1805 by the proprietors.<sup>11</sup> It was necessary to make a careful enquiry into the validity of all those demands before a permanent settlement was instituted. The Government agreed with the views of the Collector and the scheme of settlement was again changed. Soon after the regulation 6 of 1808 was passed providing one-year settlement for 1808-09, which was to be followed by a triennial settlement from 1809-10 to 1811-12.<sup>12</sup> This regulation further declare that the assessment of 1811-12 would remain fixed forever in case the management would receive sanction of the Court of Directors.<sup>13</sup> In order to supervise the settlement, Charles Buller, a member of the Board of Revenue, was appointed on September 1808 as a Special Commissioner in Odisha. He was entrusted with the duty of making local enquires and collecting information for the purpose of a permanent settlement in the province. Buller worked till February, 1810.<sup>14</sup> According to the regulation 6 of 1808, the one-year settlement of 1808-09 yielded a *Jama* of Rs.14,38,912. It was an increase of only Rs.3,558 on the *Jama* of the previous triennial settlement.<sup>15</sup> There was a slight improvement in the collection of revenue during this period. Also only 91 estates with a *Jama* of Rs.24,410 were brought to sale, against an average number of 142 estates with an average *Jama* of Rs.1,66,213 sold yearly during the previous triennial settlement. At the end of the one-year settlement Buller the Special Commissioner in Odisha completed the triennial settlement covering the period from 1808-10 to 1811-12. His settlement increased the yearly *Jama* by Rs.64,042 and so the total yearly *Jama* became Rs.15,02,954 in comparison to the previous yearly total of Rs.14,38,912.<sup>16</sup>

At the end of the 1812-13 the regulation 1 of 1813 was pushed for enactment that directed for one-year's settlement to be followed by a 2 years' settlement.<sup>17</sup> The Board of Revenue was directed by the regulation to prepare a report for enforcing a Permanent

Settlement in Odisha taking the state of cultivation and the condition of the states into consideration. The settlement of 1812-13 ended in a great failure, which only increased the Government demands. A new settlement followed in quick succession in 1813-14 for 2 years.<sup>18</sup> John Richardson, a member of the Board of Revenue was appointed to supervise the work of the settlement and he arrived at Cuttack in 1813. He took much pain to influence the landlords to

agree for a higher *Jama* for their estates. On the whole of getting a permanent settlement they agreed to Richardson's proposal. As a results of the agreement the 2 years' settlement was completed by the end of October,1814 by Richardson.<sup>19</sup> In 1815, a resolution was passed that extended the validity of the settlement of 1814 for one year more. It extended the option to relinquish the management of the estates when the *Zamindars* would feel dissatisfied. That option resulted in the scale of estates of 53 *Zamindars*. At the end of this settlement, the regulation 6 of 1816 embodied another triennial settlement in 1816-17.<sup>20</sup>

A rebellion was lodged by the *paikas*, popularly known as '*Paik Rebellion*' against the settlement of 1816-17 as it was a short-sighted policy of the Government.<sup>21</sup> In the words of the English historian G.Toynbee, "deprived, thus of the lands which they had enjoyed from time immemorial, they were subjected to the grossest extortion and oppression at the hands of the farmers, *Sobarkars* and other underlings to whom our Government entrusted the collection of the revenue and also to the tyrannies of a corrupt and Vandal Police".<sup>22</sup> The British land settlements in the mean time caused much hardship to the peasant population of Odisha. The tribal people such as the *Khonds* who lived in the hill territories were also the victims of oppression.<sup>23</sup>

After the rebellion suppressed, the Government called for reports to ascertain the real cause of this historic event. Watson pointed out that the postponement of the permanent settlement of land revenue had caused the real disappointment in the minds of the *Zamindars*. He was of opinion that "at least a settlement for a long-term such as 15 or 20 years should be made".<sup>24</sup> Trower contradicting the opinion of Watson said that it was the "system of anticipation" which was the root of all evils in the land revenue system in Orissa.<sup>25</sup>

The Government was not satisfied with the report of the Officers and appointed a Commission to make further enquires on the matters. Besides an officer with the title of Commissioner of Cuttack was appointed to set the administration into order. Robert Ker was appointed and he arrived at Cuttack on June 10, 1888. Ker strongly recommended for enacting a new regulation to preserve the native landholders for further ruin. His recommendation was accepted by the Government and a new regulation (Regulation 10 of 1818) was promulgated in November,1818.<sup>26</sup> The principal objects of the said regulations were to enable to Collectors to arrest and put in confinement the defaulter and to substitute the mode of enforcing payment as he might deem it preferable to the sale of his lands. The Government has also adopted a new measure for improving the situation in Odisha. The triennial settlement of the regulation of 6 of 1816 was extended for 3 years more up to the end of 1821-22 by virtue of the new regulation 13 of 1888. The *jama* was reduced by more than Rs.1,00,000 and was fixed at Rs.15,27,834 as against the previous *jama* of Rs.16,37,924. By this the over assessed estate got relief and the Government anticipated regular payment of revenues from those estates. Thus within few year of the rebellion, the Government took decisive steps to end the chaotic condition and to reform the administration. By 1823, normally was resorted and the Government took the next step in the land revenue policy. Finally the *Mahalwari* system of settlement in the ceded and conquered provinces including Odisha was introduced duly approved by the Governor General in Council. This system was recommended by Mackenzie.<sup>27</sup> The regulation 7 of 1822 marked a beginning of a new phase in the history of land revenue administration in Odisha by clearly enunciating the change of policy of the Government.<sup>28</sup> The existing settlement of Odisha was extended for 5 years until 1826-27 by the

new regulation. Lord William Bentinck, the Governor General, decided to revolutionize the whole system in 1833. He formulated certain principles, which were submitted to a Conference of revenue officers at Allahabad, and after much deliberation a new plan of settlement was evolved. It was soon embodied in the regulation 9 of 1833, and accordingly to the regulation a circular letter was issued to the Commissioners to expedite survey and settlement proceeding.<sup>29</sup>

The new plan in 1833 was in improvement over the previous one in many respects. Besides the simplification of many complicated details it made specific provision for the appointment of Indian Deputy Collectors to expedite the work. They were required to act under the European Collectors and were to be entrusted with any duty for the settlement. They could be removed only by the Governor General in Council. Another new provision of said regulation was about the duties of *Patwaries* or village accountants.<sup>30</sup> They were required to prepare three sets of accounts of a village in order to facilitate the enquiry of settlement officers. Out of those three sets, one set was to be kept in the village, the second in the Collector's office and the third one at the *pargana* office of the *Kanungo*.<sup>31</sup> The regulation wanted to fix the assessment of revenue village by village on the basis of cultivated area of the village, its fertility of soil, position, population and such other matters. The detailed distribution of assessment so fixed for a village was to be done by the village communities or the *Zamindars*, and the preparation of the records of lands in detail was to be exacted from the village accountants.<sup>32</sup>

As to the party with whom the settlement was to be made, no alteration was effected in the new plan and it wanted to continue the *Mahalwari* system of 1822. But Charles Metcalfe, the Senior Member of the Governor General's Council, advocated strongly for the adoption of a *Raiyatwari* settlement on the model of the Munro system in Madras<sup>33</sup> (Chennai). He was emphatic about his notion of the proprietors of lands in India. He was certain that the British regulation had gone far enough to destroy the real proprietors of the land and had placed them as tenants under false proprietors, 'gratuitously created' by the regulation. He was categorically of the opinion that there would be no impracticability in introducing Munro's *Raiyatwari* settlement into the unsettled provinces under the Bengal Presidency. He was of course not an advocate for minute investigation into the land systems as that could be dispensed with in the long-term settlements of revenue.<sup>34</sup> But whenever accuracy was the principal object, minute investigation was unavoidable, and that was the basis of the plan of 1822. It was true that in pursuit of that system of thorough enquiry, already ten years had passed and nothing had been gained.<sup>35</sup> Metcalfe was convinced that the delay was due to the officers concerned in the work. Either they had not given their minds sufficiently to the undertaking or that their time was wasted in the preparation of unnecessary details. Metcalfe also differed with the view of the Governor-General that the productive powers of the soil and not its actual produce ought to be the criterion of assessment.<sup>36</sup> To him the difference was little more than nominal. The only two criterion of productive powers was actual produce. Actual produce, therefore, was the real basis of assessment as well as the indispensable requisite for the realization of revenue. To him, it was "the beginning and end the alfa and omega of all settlements".<sup>37</sup>

However, the views of the Governor-General prevailed in the controversy. The principle of a detailed enquiry into private rights and interests, enjoined by the regulation 7 of 1822 was decided to give-up. It was decided that the settlement should be made with the individual

proprietors of estates.<sup>38</sup> Metcalfe's insistence on a *Raiyatwari* settlement was of course not in vein. Even the rules of settlement, established under the revised plan, adequately provided for the security of the rights and interests of the cultivators and other subordinate tenants. In fact, the *Mahalwari* system reaffirmed in 1833, wanted to blend the benefits of the *Zamindari* and of the *Raiyatwari* settlements.<sup>39</sup>

The new plan was accepted in toto in "the ceded and the conquered provinces", but in Odisha, the local revenue officers strongly protested against the proposed changes.<sup>40</sup> Consequently, they were allowed to have their own ways and were permitted to continue the detailed field-to-field enquiries and records all rights and interest of the *Raiyats*.<sup>41</sup> The Collector of Puri at first even objected to the appointment of Indian Deputy Collectors on settlement work.<sup>42</sup> So the regulation 9 of 1833 did not expedite the settlement work in Odisha.<sup>43</sup> In that year, William Wilkinson, the Collector of Puri, surveyed and settled the large estate of Khurda. Henry Ricketts, the Collector of Balasore, followed the same course in 1834 at Noanund in Balasore.<sup>44</sup> Only in 1836, the survey and settlement operations commenced in right earnest. The Collectors were sincere in their work to surmount all difficulties, which beset their path.<sup>45</sup> The success of the settlement of 1837 was obvious from the small number of estates held *Khas* or directly by the Government and framed out in consequence of the recusancy of the *Zamindars*.<sup>46</sup>

On the whole, the land revenue policy and settlement of Odisha during the Colonial era was unjust and oppressive extracting as much as possible from farmers and destroying their incentive to improve farms and farm methods. Insecure tenures not only perpetuated social and economic injustice but also turned out to be a formidable stumbling block in the path of modernization of agriculture. The topic under review will provide food for thought on Odishan economic aspect in general and land revenue policy and settlement in particular to the research scholars and general readers.

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