Sanud. 26

In conformity with the orders conveyed in G. O. Judicial No 1277 dated 6 June 1891 you, Suryanarayana, are hereby appointed – Bissoyi of Gummakota Mootah, in place of your deceased father Kristnachendra Bissoyi.

You will be held responsible for the good behaviour of the people in your mutta from whom you should collect only such mamuls as have been fixed & recorded by the Principal Assistant Agent and whom you should treat with integriety and moderation. You should obey the orders of the Government, assist in the due enforcement of the Laws and
2 should render customary service to your Chief the Zemindar of Parlakimedi.

Ganjam District
Govt. Agent's Office
Chatrapur 31st August/91
} (Sd) E. C. Johnson
Agent to the Governor
in Ganjam

(True Copy)

for Ag Agent

Abn
28/8

Encl to R.C. No 409/99 of 1894 (Seal) V

Translation of an order in Oriah sent to Choitono Dondosena by the Sub Magistrate, Parlakimedi Taluk.

Having written to the Government Agent, Ganjam, to appoint you, who are the adopted son of Domburu Bisoyi, Kummakdar of Sircar of Rayagada, as Bissoyi of Rayagada and Kumolosingi on the death of Domburu Bisoyi, the Agent sent me the order No 4 dated 20th Instant appointing you as the Bissoyi of those forts. You should keep all Berik and other Paiks under your control, see that thieves do not trouble people on the way, act according to orders of Sircar and should be very careful.

31st January 1862. }
Station Parlakimedi } (Sd) Unintelligible
Sub Magistrate.

for Ag Agent

Jones

1894
Jud Dept.
Enclos. No.
To
No. 6215

1894
Jud Dept
Enclos. No 1
To
C. No 6266

Ref: in C. No 409/09 /94.

28

6215

From

C. J. Weir Esquire
Ag Agent to the Governor
in Ganjam

To

The Chief Secretary to
Government
Judicial Department
Fort Saint George.

Dated Chatrapur 16th November 1894.

Sir,

In continuation of my telegram of 10th instant I have the honor to state that no further information regarding the proprietary rights of Bissoyis over their muttas is available in the old records of this Office, nor are old Sunnads forthcoming either in this Office or with the Bissoyis. No Sunnads seem to have been ever given to the Bissoyis previous to 1891 when one was given to Gumma Bissoyi by Mr. Johnson. A copy of the same is enclosed.

I have the honor to be
Sir
Your most obt. Servt.

for Ag Agent

Jud

5 abstract 6215
Jud Dept.

29

From
The Agent to the Governor
in Ganjam

To

The Chief Secretary to
Government
Judicial Department
Fort Saint George

CHIEF SECRETARY
21. NOV. 1894
GOVERNMENT OF MADRAS

Dated 16th }
Despd 20 } November 1894
Recd 21 } . Enc 1.
Recd 21

R.C. No $\frac{409}{ag}$ of 1894

Forwarding a copy of the Sannad issued to the Gumma Bissoyi in 1891 and stating that no further information regarding the proprietary rights of Bissoyis over their muttahs of the Parlakimedi maliahs is available in the old records.

Subd to U.S. who has the previous papers

30

CURRENT No 626

R.C. No $\frac{409}{ag}$ of 1894

From
C. J. Weir Esquire
Ag Agent to the Governor
in Ganjam

To

The Chief Secretary to Government
Judicial Department
Fort Saint George.

Dated Chatrapur 20th November 1894.

Sir,

In continuation of my letter R.C. No $\frac{409}{ag}$ of 1894 dated 16th November 1894 I have the honor to forward a translation of a takid of appointment dated 31st January 1862 directed to the Bissoyi of Rayagada. It will be observed it does not refer to the proprietary rights of Bissoyis.

I have the honor to be
Sir
Your most obdt Servt.

for Ag Agent

6215

31

CURRENT No. 6266

From 6th Nov

Jud Dept

The Agent to the Governor
in Ganjam

To

The Chief Secretary to
Government
Judicial Department
Fort Saint George.

Dated ~~20~~ } November 1894
Desp'd do }
Recd 24/11 do
~~Regd~~ 26/11
R.C. No 409 of 1894

Enc 1.

Forwarding a ~~copy of~~ translation of a takid of appointment given to Rayagada Bissoyi in 1862.

HR 28/xI.

I haven't seen the previous papers — Is this for S please?

HR 28/11

32

$\left[\frac{G.}{25.}\right]$
100—10-10-94.

Jud'l. DEPARTMENT.

No.s 3980, 5883, 6001 & 6215 & 6266.

From

Dated 189 .

FOR ORDERS.

Note

After writing this note, I detained the file for a few days to get from the Board a copy of the letter to the Board from the Collr. of Ganjam (dated 15 July 1799) which is several times referred to in the old correspondence. As it contains nothing bearing on the point, the volume containing it has been returned to the Board.

$\frac{\text{H}}{29\ \text{Nov.}}$

× What was the end of the transaction reported in para 3 of Mr. Taylor's letter on p. 2 of G.O. $\frac{2265}{3.11.91}$ Jud'l. does not appear. But, whatever it may argue as to the position of the Zamdr. as regards the Sowra cultivators, it shows that the Bissoyi cannot have had proprietary rights in the lands. In this connection, the statement in Mr. Mac Cartie's D.O. letter of Augt. 26, 1894, to Mr. Butterworth, that when he was for 3 months in the Hills, about the end of 1881, taking statements & making enquiries of all concerned "not one word was said by any of them, good bad or indifferent, re forests or ~~the~~ claims thereto" is very important. I have no doubt that the claim now set up is quite a new one, based no doubt on the fact that until quite recently the forests possessed no such value as to induce anyone, whether Govt. or a private person, to assert any claims to the ownership of them.

I think reply may go to India in the sense of this note.

G S
9/1/95

– went too far when we

This correspondence relates to the position of the Bissoyis in the Parlakimedi Maliahs, the question at issue is whether the Bissoyis possess a proprietary× right in their muttahs or whether they possess merely the right to collect a certain amount of revenue therefrom. This question does not seem to admit of any definite answer, as will be seen from the references to the subject which are abstracted below.

2. In G.O. of 3 Nov. 1891, No. 2265, Jud'l., Govt. pronounced that the Parlakimedi Maliahs form no portion of the Zamindari of that name & that they pay their Kattubadi (R. 2,530 in all) to Govt. through the Zamindar merely for the sake of convenience & not because he is the

proprietor of the Maliahs.
In Feby. 1893 Mr. Taylor, on behalf of the Zamindar, urged Govt. to reconsider its orders, &, in the course of his letter, he declared that the Maliah forests had been in the Zamindar's undisputed enjoyment from time immemorial but that the Bissoyis had interpreted the G.O. of Nov. '91 to mean that the lands & forests belong to themselves absolutely & were felling & disposing of the timber on their own account.
In the Note for Orders (v. G.O. of 7 June 1893, No. 1157, Jud.) on Mr. Taylor's letter it was suggested that enquiries should be made in the Rev. Dept. as to the claim to the forests put forward by the Bissoyis & the Hon. Sir H. E. Stokes assented with the following remarks:–

"It is clear that the Bissoyis have no right to the forests & that effectual measures should be taken at once to restrain them."

"If Govt. were at liberty to grant a proprietary sanad, to the Zamindar, it is clear that the Bissoyis can have no rights".

Court of Wards was then

Said that the tenure of a service inam liable to sequestration on breach of conditions is incompatible with forest ownership. It is not, because the ownership of forests might exist though subject to sequestration. This should I think be noticed. Also the forfeiture of the zemindari when the Bissoyi says his muttah is attached should be noticed and the severance of the Maliahs from the zemindary in 1800. Otherwise the answer proposed in para 5 of the note seems to be unexceptionable.

JS

Very likely — But when the Zemindari was sequestrated such duties as the Bissoyi owed to the Zemr. were transferred to Govt.

called on to report on Mr. Taylor's assertions &, its reply seeming effectually to dispose of the Zamindar's claim to the forests, Govt. declined in G.O. of 21 July
(3) 1893, No. 1480, Jud., to admit the said claim & further directed that measures should be taken to prevent the felling of timber by the Bissoyis as they "have no right to the forests".
This order regarding the Bissoyis issued in Judicial because, on reconsideration Sir H. E. Stokes thought it had better do so.
Shortly afterwards the Bissoyi of Gumma in the Parlakimedi Maliahs appealed to the G. of I. against the refusal in G.O. of 21 July 1893, No. 1480, Jud. to recognize any rights to the forests on the part of the Bissoyis.
This petition may be abstracted as follows:–

"(1) Pet.'s family received the muttahs of Gumma & Gayiba from the ancestors of the present Zamindar subject to payment to the Zamr. of an annual Kattubadi of R400 & to the condition that the Bissoyi would prevent the incursions of Sávaras into the plains;

"(2) In the Zamindar's

proprietor [illegible] the Maliah
In F

Sanad the prerogative of demanding aid is reserved to the Govt.; but the Zamindar is declared to be entitled to the Kattubadi."

"(3) Petr's family has from time immemorial enjoyed the right of ownership in the forests of the two muttahs & other chiefs in the Maliahs enjoy a similar right.

"(4) To prohibit *podu* cultivation will end in the destruction of the Savaras who are the petitioner's tenants."

The petition was referred to the Board for remarks & that authority reported adversely to the Bissoyi's claim on the grounds that

(1) Govt., in G.O. d/ 21 Feby 1893, No. 57, Rev., had claimed the right to all forests in non-Zamindari tracts;

(2) Govt., in G.O. d/ 3 Nov. 1891, No. 2265, Indl. had declared that the Bissoyis hold service inams under Govt.; & proprietary right in forests is inconsistent with a tenure of this kind;

(3) From sec.* I of Part II of Lt. Macpherson's Report of 1841 it is clear that the Khond Bissoyis, whose position is

Apparently not. I make out that it was not until 1835 that the Zemr: was given the duty of collecting the Kattubadi, on the grant of special remuneration. HS

No doubt they used the Forests, but this doesn't prove that they owned them. Everyone used their Forests, in all parts of the country, without let or hindrance, until recently. HS

*V?

---

yet been received. (G.O. 2213 d/15th June 1893)

The Order of Jany 1893 should evidently be considered to be applicable to the Parlakimedi Maliah Forests, these forests having been declared, in the Judicial Order under G.O. Rev: No 2916 d/ 8th Aug: 1893, not to form part of the Parlakimedi Zemindari. A memorial to the Govt of India received since from the Bissoye of Gumsur on the subject is still under reference to the Board (G.O. 13 d/ 8th Jany 1894) and the Board's reply to the same is likely to give full information regarding the present management of these Forests.

The G.O. of Jany 1893 nd the subsequent papers ere passed when the H.M. s on leave and the H.M. y perhaps be asked whether further action need now be in the matter

---

analogous, possess no rights in the soil;

(4) It is not proposed to stop *podu* cultivation.

On receipt of this report from the Board, Govt. forwarded the petition to the G. of I. with Rev. letter d/ 27 Ap 1894, No 290, which contains the following remarks:—

"(1) Petr. suggests that his muttah forms part of the Parlakimedi Zamindari; this is incorrect;

"(2) Bissoyi muttahs are service inams liable to forfeiture & such a tenure is incompatible with proprietary rights;

"(3) Govt. has decided that all forests in the non-Zamindari tracts of Ganjam are the property of the State;

"(4) There is no present intention to curtail *podu* cultivation.

Unfortunately the G. of I. is not content with this statement of the case & in C. No. 3980 it asks for further information on the following points:—

(1) as to why the Bissoyi tenure is considered incompatible with

proprietary rights;
(2) as to whether the Zamindar, who is said to have granted the service inams in question, possessed full rights over the forests & conveyed them to the petitioner's family;
(3) as to whether, if the Zamindar did possess & so convey such rights, the lapse of the said rights, in the event of a breach of the service grant, would not be to the Zamindar;
(4) as to whether any legal opinions have been taken on the subject.

I don't see how the Zemt. can have possessed any rights over the Forests. He appd. the Bissoyi to keep the inhabitants of the Forests out of his own property in the plains. This does not look like an act of ownership over the Forests.
WS

And not to Govt. – CS

As it was found impossible to obtain satisfactory information as to the position of the Bissoyis in the Govt. Office, the Agent, Ganjam, was asked to report fully on the subject.

Mr. Weir's reply forms C. No. 5883 & contains nothing that was not well known before.

Accordingly a further reference was made to him &, in C. Nos. 6001 & 6215 K & 6266 he replies that there is no information whatever available in his office & that none of the Bissoyis seem to have received Sanads until, in 1891, the present Petr. received one from Mr. Johnson; C. N

6266 shows however that one of the Bissoyis got a taskid of appt. from a Sub. Mag. in 1882.

3. The scanty information available on the subject of the Bissoyi tenure will now be set out. It is as follows:—

(1) The Bissoyis of Parlakimidi were originally Wardens of the Marches to the Zamindar, their duty being to protect the Zamindari against raids by the hill-tribes (v. para. 2 of Russell's report). At that period the Bissoyis were, *nominally at all events, the Zamindar's servants & no doubt they did much as they liked; for it is highly improbable that the Zamindars exercised any proprietary rights in the Maliahs, though they obviously claimed a general authority over the hill-tribes.

(2) In 1800 the Maliah tracts were definitely & finally sundered from the Zamindari proper, & when, in 1803, the permanent settlement of the Zamindari took place, the Kattubadi, which, prior to 1800, had been paid by the Bissoyis to the Zamindar, was formally excluded from the Zamindari assets & became payable thence-

Vol. Schedule
CS

* ~~[illegible]~~. But see para. 10 of Mr. Robinson's letter dd. 6 June 1861, para. 22 of the same letter & para. 8 of Mr. Forbes' letter dd. 21 May 1861 (all in G.O. dd. 4 July 1861, No. 863, 6 Judl.) where the Bissoyis are spoken of as tributaries, rather than servants, of the Zamindar. ||

|| Sir W. Robinson says "probably &c &c tributary chieftains". It is only a surmise – CS

I am not sure – The original idea, at all events, seems to have been that they wanted protection against the hill tribes – If so, how can they have exercised authority over them?
WS

But suppose that they were "tributary chieftains" — that does not show that the land belonged to them
WS

forward to Govt.
(v. G.O. of 3 Nov. 1891, No. 2265, Ind.).

(3) The Gumma muttah was certainly in existence prior to the severance of the Maliahs from the Zamindari, for it is ~~[illegible]~~ mentioned in a report from the Collector in 1799. The petr.'s statement that the muttah was granted to his ancestors by the Zamindar & not by Govt. may, therefore, be accepted as correct.

(4) On what terms the muttah was originally held cannot be ascertained & it is almost equally uncertain on what terms it was held after the transfer of the Maliahs to Govt.

(5) In the Proclamation (printed on p. 5 of the Reprinted papers) ~~[illegible]~~ which received the approval of Govt. in Ext. C. of 21 Dec. 1799 ~~[illegible]~~ occur the words "the "Collector ... is directed to "make the necessary "arrangements for ... the "collection of the revenue " ... as well as to make "arrangements with, & "grant the cowle of "Govt. to, the Vissoyee". And, in communicating this Proclamation to the Collector in its letter of the 29th Dec 1799 (pages 6 & 7 of the Reprinted papers), the Board drew the Collector's attention to these instructions of Govt. & added "You will, "as soon as obtained, "lay before the Board "a list of all the villages "& their estimated value "now held by the respective "Vissoyee, showing the "amount paid by each "to the Zamindar & the "jumma you would "recommend to be fixed "in perpetuity". The Collector replied to this order in his letter of 15 Jan. 1800 (pages 7 & 8 of the Reprinted papers) wherein he observed that he would endeavour to induce the Bissoyis to enter into agreements with Govt., though heretofore they had shown little disposition to do so, that the revenue [Kattubadi?] payable by them amounted to R. 3,656 & that their villages did not bring them in much. The Board replied on the 28th idem with the remark (inter alia) that the demand on the Bissoyis should be moderated & endeavours should be made to get them to enter into ~~[illegible]~~ engagements direct with Govt.

The Proclamation of 1799, quoted below, assumes that the Bisoyi's lands formed part of the Zemindari.
LG

P. marked
LG

The arrangements ~~[illegible]~~ contemplated with the Bisoyi under the Proclamation involved the payment of a fixed sum - wh. represented a part of the crop.
LG 31/12.

See also para 4 of G.O. $\frac{1666}{7.8.88}$ wh. forbids the Bisoyi to increase i.e. his demand upon cultivators extending - except in cases where his due was a certain proportion of the crop or so much grain or money per acre - In any case the

(6) It seems, however, that the Bissoyis never did enter into any formal engagements with Govt. From para. 16 of Russell's report it is plain that, in April 1800, the Collector endeavoured to meet the Bissoyis with the object of carrying out the instructions of Govt. & the Board, but it is said that he was unable to obtain an interview with them &, in para. 26 of the same report, it is stated that the first interview between the public authorities & the Bissoyis took place in 1814. It is probable that, by that time, the instructions to enter into formal engagements with, & to grant the 'cowle' of Govt. to, the Bissoyis had been forgotten &, as Mr. Weir reports that the Bissoyis possess (except in one* recent case) no sunnuds, it may safely be assumed that the instructions of Govt. were never carried out & that the Bissoyis possess no documentary evidence as to the nature of their tenure.

(7) Other ~~evidence~~ must therefore be ~~[illegible]~~ sought & it is singularly meagre ~~declarations~~ in its letterfactory.

Cultivated area alone seems to have formed the basis of the "Tribute" payable by the Bissoyis –
L.G.

Yes; the forests were left out of account altogether
J.G.

* In 1882, however, one of them received a takid of appt. from a Sub-Mag. acting under the Agent's orders (C. No. 6266).

Neither of these documents show that the Bissoyi held the land at all, much less that he did so as proprietor –
H.S.

(8) In a Proclamation issued early in 1799 & ~~[illegible]~~ quoted in para. 10 of Russell's report the following words occur:—
"Every Bissoye, Mocassedar,
" or other inhabitant,
" who held lands or
" enjoyed other privileges,
" by custom or usage,
" under the Zamindar . . .
" should be effectually
" secured in the same
" by cowles"; but this does not prove that the Bissoyis "held lands"; they may have merely "enjoyed other privileges".

(9) In the Board of Revenue's letter d/ 14 Nov 1799 (pages 1 & 2 of the printed papers) the Collector is represented as proposing "that the
"inhabitants of the . . . Kimedi
" country should be
" allowed the liberty of
" cutting & carrying away
" bamboos from the passes
" without paying anything
" for them"; the reference is, probably, to the low-country Kimedi people, but the remark is curious as implying a claim on the part of the* State to the forests on the slopes of the hills.

(10) In the same letter reference is made to a proposal that the Kimedi Country should be rented, but, here again, the low country is probably the one alluded to.

Agency tenant "holds" land.
H.S.

"Should be allowed" – By whom? Presumably by Govt. – Ergo, Govt. owned the Bamboos –
H.S.

* But perhaps the State as representing the Zamindar who was then a fugitive.

This seems to me more than a claim – an assertion of right – As a fact Govt. declared the Zemindari to be forfeited –
L.G.

(11) In the Proclamation of 1800 reference is made to "the lands of "his (the Zamindar's) ancestors, "with the Exception of "those now held by the "Vissoyee". This is in point, but is too vague to base a claim to proprietary right upon.

(12) In the Board's letter of 29 Dec 1799 appears the words "the villages "... held by the .. Vissoyee "... & the jumma you would "recommend to be fixed in "perpetuity"; this, ~~[illegible]~~ too is quite inconclusive. ~~[illegible]~~

In E.M.C. 26/14.2.1800

(13) In para. 2 of Mr. Russell's report, he talks of "the "lands belonging to the "respective [Bissoyis'] "forts".

(14) Again in para. 13 he quotes Mr. Scott's as referring to the confirmation of the Bissoyis in the possessions they held under Gajapati Deo.

(15) Again in para. 27 he alludes to a complaint by the Bissoyis about the felling by the Estate manager of "their" Ippa-tobo~~at~~d.

Ippa = Mowra — These trees may, [illegible] day, probably have been planted trees not of natural growth. HS

(16) In Capt. Campbell's letter of 15 Jan. 1839 (printed at p. 5 of the volume 'Reports of the Meriah Agents') appears a noticeable remark. It occurs in connection with another portion of the Maliahs but is decidedly in point. Certain Khonds are represented as complaining to their Bissoyis (apparently) as follows:— "The land "is ours, we give you "a share of its produce "& we attend on you "when you call on us "to fight or for other "purposes, & now, when "Govt. wants to deprive "us of our Sattea, "you sit quiet".

"The land is ours" — That is, they made a claim that the land belonged to the village community. This is the common claim throughout India — But I do not know that the admission of the justice of this claim has ever been held to imply an admission that the forests belonged to the village community. HS

(17) There does not seem to be anything in Sec. 1 of Part II of Lt. Macpherson's Report of 1841 to support the view that the Bissoyis have no proprietary rights in the soil, in spite of the Board's reference thereto. On the contrary, in Sec. V of Part II, para. 83, Lt. M. observes "These "[Bissoyis'] offices are "hereditary ... & are held "during good behaviour. "Valuable grants of "land are attached to "them, upon which ville "formed of the familie

"& dependants of the "holders, uniformly spring "up". Lt. M. is, however, speaking of the Bissoyis in the Khond* Country.

(18) It is not until 1881 that any definite pronouncement as to the status of the Bissoyis occurs. In para. 10 of the Ganjam Agent's letter d/ 9 Ap 81 printed on p. 24 of G.O. d/ 15 July 1881, No 1380, Jud., appears the remark "The Bissoyis "... whose business it is to "keep the sauras in order "...; they pay a small "yearly quitrent .. & for "that may collect what "they can without creating "disturbance" & Mr. Carmichael, as Special Commissioner, passed on this letter an order which contains the following paragraph:— "The Bissoye tenures are "*service inams; the land "revenue forms no part "of the assets of the "Parlakimedi Zamindar who "is entitled [this is incorrect] "only to receive the quitrents which existed at "the permanent settlement, "or were then imposed on "the Bissoyis; if there is a "forfeiture for misconduct "in their hereditary duties, "or an escheat from failure "of heirs, or the like, the reversion "is in Govt. [illegible] in the Zamindar, "the latter, of course, [this is incorrect] "always [illegible] the quitrent."

* He goes on to say that the people resent any attempt on the part of the Bissoyis to declare themselves independent of the tribal authority, but this remark would hardly apply to the Parlakimedi Maliahs where the Bissoyis were placed over the people by the Zamindars; at least, it would appear so.

* But see para. 22 of Mr. Robinson's letter read in G.O. d/ 4 July 1861, No. 863, Jud., where it is said "The Bissoyes are clearly of "a different character "from Dora & other peons "& should probably be "treated as tributary "Chieftains rather than "mere retainers of the ancient "Zamindars, who were paid in "lands & money & held their "properties on mere "service tenures"

A surmise only. - G.G.

[illegible] Cartie, then Agent, was directed [illegible] Special Commissioner to enquire into the nature of the claims of the Bissoyis upon the villagers in the Parlakimedi Maliahs. Mr. Mac Cartie's report will be found on pp. 42-95 of G.O. d/ 24 Nov 1882, No. 1954, Jud. Gumma is specially referred to on pp 45-49. It will be seen from Mr. M.'s report that he found the Bissoyis to be entitled to a ~~[illegible]~~ 'mamul' in money or kind from each house or village & after a careful investigation Mr. M. fixed the amount of this mamul in each case. Mr. M.'s settlement was approved in para. 6 of G.O. d/ 24 Nov. 1882, No. 1954, Jud., which was drafted by Mr. Carmichael himself. Mr. Mac Cartie tells me+ that none of the Bissoyis put forward any claim to the ownership of [illegible] forests while he was enquiring into the nature of their demands.

(20) The next reference to the subject seems to be that in Mr. I. G. Horsfall's letter printed on p. 7 of G.O. d/ 29 Sept 1885, No. 1106, Rev.

+ See D/O of 26.8.94

Marked -

G.G.

Yes, this is important

J.G.

propri

14.

claim the unrestricted owner-
"ship of the land & forests
"& their right & title thereto
"has never been questioned
"subject, of course, to
"prescriptive dues to
"their Bissojis or Patros. —
"Mr. Gamble appears to labour
"under the impression that the
"forests in the Agency tracts
"are, as is the case in the
"low country, the property
"of Govt., but this is not so".

(21) In his annual agency report
for 1887-88 Mr. Horsfall
asked (para. 16) the following
questions: — "(1) Are the Bissojis
"entitled to increased dues
"as cultivation extends? (2)
"Are they entitled to dues from
"villages which did not exist
"or were too unimportant to
"charge at the time of ~~Mr.~~
"MacCartie's settlement?"
Both these questions were
answered in para. 4 of the
G.O.[x] in the negative, the
Govt. observing that
Mr. MacCartie's settlement
must be strictly adhered
to.

(22) The next reference to the
subject is in paras. 9 & 10 & 12 of Mr. E. C. Johnson's letter
read in G.O. dy 5 Sept. 1890,
No. 1472, Judl. He there
noted that the Gumma Bissoji
claims the right to levy
seigniorage on timber cut
in his muttah & that Mr.
J. G. Horsfall supported the
(incorrect)
contention?"

of

x 1666 / 7.8.88 J.

~~FOR ORDERS.~~

From

G. / 25.

103—10-10-94.

a surmise only. — Ld.

Certainly the Zemindar
had no claim whatever.
Ld.

con[...]ered
should be divided
the Bissoji & the Zemindar
inasmuch as the latter
had for so[...] time been
exercising the right to
levy this tax, whereas
the former had never
put forward a claim
before. This question of
the ownership of the
forests in the Gumma
muttah was referred to
the Rev. Dept. for decision
in para. 7 of G.O. dy 5 Sept
1890, No. 1472, Judl.

(23) The R.D. did not deal
separately with the
question of the ownership
of the Gumma forests
because it became
merged in the general
question of ownership
throughout the Ganjam
Agency. The Board had
submd. this general
question to Govt. in 1886
with a Resolution wherein
it contended, in favour
of the claim to the ownership
of land & forest on the
part of the inhabitants
as opposed to their chiefs.
The Board's Resolution
lay undisposed of for
several years until, by
G.O. dy 13 Nov 90, No. 911, Rev,
was referred to the Agent
for remarks. Final o

the

Govt. in G.O. dy 21 Jan 1893, No. 57. Revenue, declared the State to be the owner of all forests in non-Zamindari areas.

This ends the correspondence & a perusal of it leads to the conclusion that, until 1882, the rights of the Bissoyis had never been defined. G.O. dy 24 Nov 1882, No. 1954, Jud., inaugurated a new period, inasmuch as it denied proprietary rights to the Bissoyis & restricted their service-grant to an assignment of revenue. Certainly the decision arrived at in 1882 ~~is~~ is incompatible with the existence of any* proprietary right in the forests on the part of the Bissoyis. It would be fatal to go back on that decision now, for it really affects the whole of the Agency tracts & not only the Parlakimedi Maliahs. In replying to the G. of I. it is therefore proposed to observe:—

(1) that the muttahs in question were probably granted by the Zamindar but that nothing is forthcoming to show the exact nature of the grants;

Very little — in fact, no doubt about this HS

(2) that it is not true, as stated by petr., that the Sanad-i-milkiyat istimrár reserves the Zamindar's right to the Kattubadi; on the contrary, the Kattubadi was excluded in fixing the peshkash (v. pages 10 & 14 of Reprinted papers);

(3) that the petr. adduces no proof of the truth of his assertion ... signiorage on timber in his muttah & that Mr. J.G. Horsfall supported the ...

I consider that this position is fully supported by the correspondence and the Proclamation of 1799.

C.G. 31/12.

* Except in any personal land-x inam which they may possess; it is not clear whether the Bissoyis possess such inams (apart from their muttahs) in the hills.

x and in the land they may themselves cultivate HS

that timber he wanted for his own use HS

But under the idea now clearly shown to be erroneous, that the forests were his HS

rights of ownership ... the forests; on the contr ... the Zamindar was fellin ... timber & levying seignio... until quite recently & no claim was put forward by the Bissoyi... until 1889-90;

(4) that the petr's claim to the ownership of the forests is inconsistent with the existen... of a prescriptive right (which he admits) on the part of the Savaras to carry on podu cultivation;

(5) that the Govt. is not prepared to admit that the Patros etc. in the Peddakimedi, Bodogod... Chinnakimedi & Gumsur Maliahs possess any property in the forests, although they may hitherto have been felling timber at pleasu...

(6) that the Govt. rejects unhesitatingly the petr... claim to be regarded a... the proprietor of the Gumma & Gayiba muttah... & denies that the Savar... inhabitants are merel... tenants of the petr. a... he asserts; to concede such a position to Bis... & similar officers in

Govt. in G.O. dy 21 Jan 1893, No. 57, a most unnecessary act;

(7) that there has been no breach by the Bissoyi of the conditions on which he holds his kuttah, but that, if there had been, the reversion would unquestionably be to Govt. & not to the Zamindar, because, though the latter may have made the original grant, it is the State which has continued it & it is to the State that the Kattubadi is payable (this in answer to one of India's questions);

(8) that no legal opinions have been taken on the subject, because they would not be of the slightest value in such a case (this also in answer to one of India's questions).

Finally the Agent may be told not to issue any more sanads in the form under cover of L. No. 6215. The sanad in question was issued after the issue of G.O. dy 26 June 1891, No. 1277, Indl., but before the issue of G.O. dy 3 Nov. 1891, No. 2265, Indl., & before, therefore, the Agent understood the exact position of affairs. The objectionable portion of the sanad in question is that which describes the Zamindar as the chief of the Bissoyis which he is not. The Govt. is their Chief; the Zamindar has no authority over them except such as may be in his [illegible]

J.G. Horsfall supported me

Position of Bissoyis

However since the date of any such grant by the Zemindar the whole Zemindari was, in 1799, declared forfeit and the Bissoyi lands were separated from it & settled upon a fresh basis – This settlement was reaffirmed on Mr. Deac Carter's [illegible]

[illegible] Mr Grose

in 1881 and has been steadily adhered to in subsequent orders of Govt. –

(For Orders)

To the Secy to Govt [illegible] for favour of countersignature

necessary in view to the collection on behalf of Govt. of their Kattubadis

25 Nov

I thought the arrangement last arrived at was that Govt. itself collected the Kattubadi

31/12/94

36/11

G. 25

100—10-11-94.

only. –

RECORD OFFICE.

D/1 1, -9-93.

REVENUE DEPARTMENT.

No.

From

Dated 189

FOR ORDERS.

Before countersigning this note – which I have now done – I was obliged to detain the papers that I might go through them carefully – I have now done this and am led to the conclusion that the orders of Government passed from time to time of late years in which the proprietary claims of the Bissoyis have been disallowed are fully justified by recorded facts – So far as the Petitioner – Gamma Bissoyi – is concerned it is plain that his raison d'être was the need of his services as – to use Mr. D.'s expression – Warden of the Marches – His first employment in this capacity was, there is little doubt, by the

Pub.d in G.O. d/ 21 Jan 1893,
No. 57 a

Parlakimidi Zemindar —

What the precise terms of his engagement with the Zemindar may have been, it is not necessary to inquire — they were probably far from being precise — since the forfeiture of the zemindari in 1799 led to a rearrangement of terms with the Bissoyi — It is true that this rearrangement was not carried into effect at the time — but it is evident that Govt. never ratified any agreement between the former Zemindar & the Bissoyis — What the Bissoyis have been permitted by Govt. to enjoy is clearly a share of the produce of cultivated lands — or its equivalent in money — subject to payment to Govt. of a fixed sum and on condition of service to be rendered —

and it wd. be impossible to ascertain HS

L.G. 31/12/94

in
J.G. Horsfa

Govt. in G.O. of 21 Jan 1893,
No. 54 a...

FOR ORDERS.

Bissoyi of Gumma –
Ganjam.

Hon. Mr. Bliss –
Hon. Mr. Grose

G.O. 29.1.95 / 190-91 Jud

c. 8/1
R15/1

5]

Jud. DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 27 Ap 1894, No. 259-290 Rev.
Again G.O., dated 18 , No.

Current No. 3950 of 18 , dated from
5883
6001
6215
Current No. 6266 of 18 , dated from

Order / P.S. 29 Jan 1895 No. 190

Note It is proposed to print this, as the letter will be useful for future reference. At the foot of p. 20 of the Note for Orders the Hon Mr. Bliss observed

"I thought the arrangement last arrived at was that Govt. itself collected the Kattubadi"

H.M. will see from the file of papers marked A at the top of the bundle that this is not so.

22/1

The following letter, to the effect that the Govt. does not recognize any proprietary rights in their muttahs on the part of the Bissoyis, will be despatched to the G. of I.

2. The sanad under cover of the Agent's letter of the 16th Nov. 1894 is objectionable in form inasmuch as it refers to the Zamindár of Parlakimedi as the Chief of the Bissoyis. No sanads should be issued in such a form in future.

(From orders)

L.H. 28/1 23/1/95

To the Agent to the Govt. Ganjam. Rev. Dept. } with copy of letter } 619 Jan
No. 191 desp'd 8/2/95

Letter

To the Sec. to the G of I, Dept of Rev. & Agric. 3850 Desp'd 8/2/95

Sir,

I am directed to furnish, as requested in your letter of 28 July 1894, No. 768 F—26, a more precise report as to the position of Suryanarayana, Bissoyi of Gumma & Gajiba in the Parlakimedi Maliahs of the Ganjam District. The delay in the submission of

Govt. in G.O. dy 21 Jan 1893,
No. 54

this reply is attributable to the institution of enquiries with a view to eliciting fresh information upon the subject of the Bissoyi tenure; these enquiries were, however, unproductive of results.

2. In the petition to the G. of I. with reference to which your letter was written Suryanarayana appeals against the refusal of this Govt. to recognize any claim on his part to be regarded as the proprietor of the forests in his muttah. Among other matters to which no allusion is necessary in the present connection, the Petr. alleges that his ancestors received the muttahs of Gumma & Gayiba from the ancestors of the Zamindar of Parlakimedi, the grant being conditional on the prevention of inroads into the Zamíndárí by the hill-people & on the payment of a fixed Kattubadi, & that, from time immemorial, his family has enjoyed rights of ownership in the forests within his muttah. By implication the petitioner claims also full proprietary rights in the soil of his muttah, for he speaks of the aboriginal hill-men (the Sávaras) as his tenants.

3. In forwarding this petition to the G. of I., this Govt. observed

RECORD OFFICE.

(Rev. Dept. letter dy 27 Ap 1894 No. 290) that the muttah in question forms no portion of the Parlakimedi Zamíndárí, that it is held on service tenure which is incompatible with rights over the forests & that the Govt. has pronounced all forests in non-Zamíndárí portions of the Ganjam mahals to be the property of the State.

4. The G. of I. has, however, expressed the opinion that this Govt. has not shown in its letter sufficient reasons for the repudiation of the petitioner's claims & has asked for ~~[illegible]~~ information ~~in~~ on the following ~~[illegible]~~ points:—

(1) Why the Bissoyi's tenure is considered incompatible with rights of ownership in the forests;&

(2) Whether the Zamindar, who is alleged to have granted the muttah, enjoyed full rights over the forests & conveyed them to the petitioner's ancestors;&

(3) If so, whether the reversion of the muttah would not be to the Zamindar in the event of a breach of the conditions of the grant;&

(4) Whether any legal op[...] have been obtained [...] the subject.

The answers to these quest[...] will be apparent fr[...] the following remarks & [...]

Fost^d in G.O. 21 Jan 1893,
No. 5

4

express regret that the information previously supplied was not sufficient to enable the G. of I. to come to a conclusion upon the merits of the petitioner's case.

5. Before dealing with the general question, it may be as well to mention that Gayiba formed originally a portion of Gunupur. It was made over by the Bissoyi to his Dandasena, or principal military officer, but was re-attached (with the permission of Gov^t) to the main muttah in 1857 after the Gayiba Chief had broken into rebellion. The observations appearing in the following paragraphs are equally applicable to Gayiba with Gunupur, although the history of the former is somewhat different from that of the other muttahs in the Parlakimedi Myaliahs. ~~[illegible] can hardly affect the question of the position of the Bissoyis [illegible] this report [illegible] to obtain [illegible] on the subjects~~.

6. The exact date ~~upon~~ at which the office of Bissoyi was established is not known but it was in existence before the [illegible] of the present [illegible] of theory & there is no (there is) to doubt that the Bissoyis were originally [illegible] Zamindar to the G. of I., this [illegible]

Note
Regarding Gayiba, please see papers in bundle B

Note
The Bissoyis are Hindus from the plains (Uriyas apparently).

96 5

of Parlakimedi with the object of preventing inroads into the Zamindari by the hill-tribes. Nothing is forthcoming to show whether the Zamindars of Parlakimedi originally claimed to possess any proprietary rights in the Maliah tracts bordering on his estate & it is therefore impossible to say whether ~~[illegible]~~ any such rights were conferred on the Bissoyis; but, inasmuch as these officers were alien in race from the hill-people (Sávaras) & that their duty was to keep the aboriginal tribes in a state of subjection, it is not improbable that the office of Bissoyi was accepted as a speculation on the understanding that the holder would recoup himself for his trouble by mulcting the Sávaras. This is a mere surmise, no doubt, but it is, at all events, very unlikely that the relative positions of the Zamindár, the Bissoyi & the Sávaras were originally defined with any approach to precisi[illegible] or that the Bissoyis [illegible] formally recogni[illegible] proprietors of the [illegible] which ~~[illegible]~~ acknow[illegible] their cont[illegible] pd. in G.O. of 21 Jan 1882

In the year 1799 the Parla-Kimedi Zamíndárí was declared to be a forfeit to Govt. & though, in the following year, it was re-granted to the family of the ousted Zamíndár, it was distinctly stated at the time that the re-grant had no application to the Maliah tracts which were declared to be permanently separated from the Zamíndárí. In 1803, also, when the permanent settlement of the Zamíndárí took place, the Kattubadi previously payable to the Zamíndár was formally excluded from the assets of the Estate.

From 1799, therefore, any proprietary rights over the Maliahs which the Zamíndár may theretofore have enjoyed ceased & determined & the Bissoyis became servants of the State.

This being the case, it is clear that, even if it be admitted that the Bissoyis' muttahs were originally granted by the Zamíndár, he cannot under any circumstances [illegible] claim (as the Govt. of [illegible] suggests that he [illegible] of any reversionary [illegible] in them now. (The [illegible] quite recently

3. In [illegible] to have to the G. of I., "this G[illegible]

been raised as to the exact nature of the Bissoyi tenure but, in 1881, quarrels between the Bissoyis & the Savaras led to a local investigation of the subject by Mr. C. F. MacCartie, then Acting Principal Assistant Agent in Ganjam.

That gentleman officer made an elaborate enquiry the result of which is contained in his report printed on pages 42–95 of G.O. of 24 Nov. 1882, No. 1954, Judl.

It was found that the Bissoyis are remunerated by means of certain customary fees in money or produce payable in respect of each Savara hut or village & ill-feeling had been occasioned by attempts on the part of the Bissoyis to exact contributions in excess of those prescribed by custom.

Mr. MacCartie accordingly prepared tables of the fees which he regarded as equitable & recommended that Govt. should declare them to represent in perpetuity the limits of the demands enforced by the Bissoyis.

The Govt. approved MacCartie's settlement [illegible] G.O. of 24 Nov. 18[illegible] 1954, Judl. [illegible]

reference, declared in G.O.
d/ 7 Aug. 1888, No. 1666, Judl.,
that the scale of fees sanctioned
in 1882 is not liable to
enhancement by the
Bissoyis on the ground
of extension of cultivation
by the Sávaras.

8. The position established
in 1882 was, then, that
the Parlakimedi Bissoyis
are mere assignees of
revenue or, rather, mere
servants of Govt. who receive,
in recompense for the
maintenance of order,
certain fixed ~~[illegible]~~ fees from
the inhabitants of their
Muttahs, [illegible]

& H.E. in C. sees no reason
to doubt that this view
of the situation is the
correct one. [illegible]

A reference to Mr. MacCartie
has elicited the fact that,
on the occasion of his
settlement in 1881, no
claim to the ownership
or of the forests in their
the Muttahs was put forward
unde the Bissoyis & [illegible]
claim [illegible] no sanads
nia or other documents [illegible]
of [illegible] been produced in
(the st [illegible] of the claim to
3. In fact quite rec of proprietary
to the G. of I., this GO

Opinion that
Claim of
the [illegible]

rights which has now
been made by the petitioner.
This claim is, indeed, of
quite recent origin.
Until 1878-79 the Court of
Wards, under the mistaken
belief that the Maliahs
form a portion of the
Parlakimedi estate, employed
an establishment for
the felling of timber in
the hill-tracts &, subsequent
to that year, regularly
collected a seigniorage
on all timber passing
down into the plains. The
right of the Court to do
this was not disputed
until 1889 or 1890, when
the father of the present
petitioner claimed, as
against the Zamindar,
the right to fell timber
& levy seigniorage thereon
in his own Muttah. This
assertion of right by
the Bissoyi was brought
to the notice of Govt. but
[illegible] was
not made the subject of
separate orders, as it
became merged in the
general question of the
ownership of forests in
the non-Zamindári hill-
tracts in Ganjam, which
was settled in favour
of the State
d/ 21 Jan 1893, No.
As in the present
the Bissoyis fail,
any evidence on a

of his claim. H.E. in C. has, therefore, no hesitation in expressing the opinion that the Gumma Bissoyi has entirely failed to prove his right to use the forests in his muttah at his pleasure & to treat the Sávaras as his tenants.

9. On general grounds there can be no question as to the inexpediency of admitting such claims as have now been made. The petitioner's case is not an isolated one. In the Parlakimedi Maliahs alone there are ten Bissoyis & throughout the Agency tracts of Ganjam, Vizagapatam & Gódávari there are persons, known by various appellations, who occupy practically the same position as Bissoyis. To lightly concede to such persons proprietary rights in the valuable forests which exist in the hills would be [illegible] a great error. The assertion in Rev. Dept. letter dated 27 Ap. 1894, No. 290, that proprietary rights in the forests are incompatible with service tenure is perhaps too general, & there may be cases where Gt. could not in justice deny the Existence of such rights. But H.E. in C. is strongly of opinion that claims of this character should be scrutinized with the greatest jealousy & that the mere fact that there have hitherto been no restrictions upon felling in any given locality should not be treated as necessarily implying the surrender by the State of all proprietary rights over the forests in that area.

It is of still greater importance that persons of the Bissoyi class should not be permitted to assume the position of Zamíndárs. The office of Bissoyi, Patro, etc., in the Agency tracts forms part of an archaic system of administration which cannot, indeed, be abolished *en bloc*, but which is gradually being replaced by arrangements more suitable to the present condition of the country. It would be most unjust to the aboriginal hill-tribes & most detrimental to the development of the country to admit that these obsolescent offices carry with them proprietary rights in the soil. Trouble has been caused in the past by the exactions of hill-chiefs & the danger of disturbance

Note. For instance, in Vizagtm., after the Kistna-Deoipel rising, several Muttadars were ousted & their Muttahs were taken under direct management.

would be much increased were Govt. to acknowledge that the aboriginal tribes are mere tenants of the persons whose general authority they now recognize. It is perhaps unnecessary to observe that the above remarks do not apply to lands actually cultivated by hill-chiefs or admittedly forming part of the Emoluments of their offices. It is to the recognition of any general proprietary rights in their muttahs on ~~behalf~~ the part of the Bissoyis that this Govt. so strongly objects.

10. In conclusion I am to observe that the Law Officers of Govt. have ~~[illegible]~~ not been consulted as to the position of the Hill chiefs, the matter being clearly one in respect of which their opinion would be of no value.

I have etc

28/1.95

22 Jan.

28/1

The Commissioner

H.E. has instructed me personally not to send him any paper that can be disposed in the office, so this is marked for C.S. only

23 Jan

C.S.

P.S. (Confidential)

To A. Secy Rev. Dept. for favour of Confidential

Office in return [illegible]

Despd 11/2/95

Copies sent for Signature, all are stamped confl. The Rev. Dept. has already had copy of the letter

AS 11/2/95

Hd.

I would send (Confid) the R.D. the Board, & the Agents in Ganjam, Vizag & Godavari 5 copies of Ind. letter Dd 29/1/95 No. 191

In para 5 of the letter Dandasiva should be Dandasena

9/2

Patch AS 9/2

Refce

Please give 3 more copies of letter

AS

NUMBER OF COPIES REQUIRED.
Order complete.
Letter only. 60
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NT.

OF GOVERNMENT

OF GOVERNMENT.

TEMENT WITH DITTO.

ERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

1895.

JUDICIAL DEPARTMENT.

From the Government of
Fort St. George.

Issued

Recd.

Encl.

Letter, 29th Jan. 1895, No. 191.

JANUARY.

Bissoyi of Gumma and Gayiba.

Reporting more precisely as to the proprietary rights in the forests of his muttah alleged by Suryanarayana, —, in the Parlákimedi Agency tracts.

[G/9]
790—24-7-94.

Current No.

Judicial Department.

From Reve Deptt.

No. 1804

Dated 14th
Received 18th
Regd 18th
Enclosures nil
} Sept 1894

SUBJECT.

Transfers B.P. No 2763 D/10 9/94 stating that Mr McCartie's note referred to does not appear to have been received in that office.

[25]

Department

CHIEF SECRETARIAT, MADRAS

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

11

CURRENT No 5720

3,000 copies.
16-8-94.

Proceedings of the Board of Revenue

(Land Revenue),

Dated 10 September 1894.

No. 2763, ~~Mis.~~ Routine.

READ Memorandum from the Under Secretary to Govt., Rev: Dept. dated 8 September 1894.

Resolution.

Mr. MacCarties' note referred to does not appear to have been received in this office. The only papers on the subject received about the date given are G. O 26 June 1891 No. 1277 and 3 November 1891 No. 2265 Judicial.

(True Extract)

Secretary

To

The Secretary to Govt. Rev Dept.

Revenue 1894. Dept

12

Board of Revenue
(Land Revenue),
MADRAS.

Current Number 6699.

To

The Secretary to Govt.
Rev. Dept.

Recd 13 Sepr
GOVERNMENT OF MADRAS
SEP 94

Proceedings, dated 10 September 1894,
No. 2763 Routine.

Subject.

Informing the Secretary to Govt. Rev. Dept. that certain papers called for regarding the Bissoyis in Ganjam are not in the Board's record.

P. T. O.

Endorsement R. No. 1804

Transferred to the Judicial Department with the remark that no papers on the subject can be traced in this Department.

Ooty
14 Sep. '94 } R. Ellan
Under Secretary.

14. Sep.

UNDER SECRETARY
18 SEP 94
PUBLIC ETC. DEPT.

0/18 —5,000—7-9-93.

2 at 4 P.M.

13

(1894.)

REVENUE DEPARTMENT.

Current Number. 5694.

From

The Government of India
Rev. & Agricl. Dept.

Dated 28 July
Received 3 Augt.
Enclosures

No. 768 F/26.

SUBJECT.

Requesting that a more precise report on the legal position of Suriyanarayana, Bissoye of Gumma & Gayiba Mutts in the Parlakimedi Agency Tracts of the Ganjam Dist. re: rights of ownership in the forests of this Muttah may be submitted with copies of any legal opinions that may have been given re: the same.

P. T. O

P.P. 253/27-4-94

ABSTRACT.

Judicial Dept.
Current No. 3980
Ap 8/8

Endorsement R. No. 1551.

Transferred to the Judicial Department
R. Ellan
Under Secy. to Govt.

Ootacamund 9
8 August 1894

~~Recd 10~~
~~Regd 11~~

UNDER SECRETARY
10 AUG 94
PUBLIC ETC. DEPT.

R
The original of G.O. 1480/21.7 + the connected papers

Originals having not been called for, Papers were not put up. Anyone of the two may be asked for as specified here. 28/7

This is printed in G.O. 1480 9.9.31.

R
These have not been put up - 1157/7.6.93

… raised by the Govt of India are special questions relating to the nature of the present Bissoyis tenure &c and orders &c which have been and have to be passed in the Judl Dept.

BRM
4.VIII.94

The orders appealed against were passed in Judicial. R. E.

No. 768/26 F.

14

GOVERNMENT OF MADRAS
3 AUG 94
REVENUE DEPARTMENT

From

Denzil Ibbetson, Esq., C.S.,
Offg. Secretary to the Govt. of India,

To

The Secretary to the Govt. of Madras,
Revenue Department.

Department of Revenue
and Agriculture.
(Forests)

Simla, the 28th July 1894.

Sir,

I am directed to communicate the following remarks with reference to your letter, No.290 dated the 27th April last, forwarding a petition from Suryanarayana, Bissoyi of Gumma and Gayiba forts in the Parlakimedi Agency Tracts of the Ganjam District, in which he appeals against the orders of the Madras Government No.1480 Judicial, dated 21st July 1893, and No.1645 Judicial, dated 16th August 1893.

G.O. 2916/8-8-93 L

3698/9-10-93

2. From the papers accompanying or referred to in your letter, the Government of India are unable to arrive at a definite conclusion on the question referred, and I am therefore to request that the case may be stated more fully. Sufficient reasons have not, for instance, been given for the repudiation by the Madras Government of the petitioner's claims. It is not apparent why the Bissoyi's tenure is considered incompatible with rights of ownership in the forests of his Muttah. It has not been stated whether or not the Zamindar, who is alleged to have created the service inams referred to by the petitioner, enjoyed full rights over the forests and conveyed these rights to the

petitioner's

petitioner's ancestors. If this was the case it would seem that the rights cannot have lapsed unless there was a breach in the conditions of the service inam grant, and, in the event of such a breach having occurred, that the lapse must have been in favour of the Zamindar or his heirs and not of the Government. I am to request therefore that a more precise report on the legal position of the Bissoyi may be submitted, and that copies of any legal -- opinions given in regard to it, may be forwarded with your reply to this letter.

I have the honour to be,

Sir,

Your most obedient Servant,

Offg. Secretary to the Govt. of India.

J.C.B. 26/7

Keep file intact

C1

Ref. only: 1st Sept 94, No. 1761

The Agent to the Govr., Ganjam, is requested to submit at an early date a report on the subject of the ~~status~~ position of Bissoyis relatively to their muttas. It is understood that these persons have no claim whatever to the territory composing their muttas & that the remuneration for the services they are supposed to render consists solely of a claim to a fixed due, from each village subordinate to them. If a copy of the Gunnua Bissoyi's recent petition* to the G. of I. is available, it should be forwarded with such remarks as may seem necessary upon his assertion that the inams which he enjoys were created by the Zamindar of Parlakimedi. The Agent's reply should be subm.d at an early date.

* Forwarded with the Agent's letter dy 18 Nov. 1893, No. 2138.

To the Agent to the Governor in Ganjam.

Desp.d 1/9

J.S. 31/8/94

[illegible] 30/8

Office when this comes up again show Lt. Macpherson's report of 1841 also Capt. (?) Campbell's report — both about the Gumsur maliahs.

Issue from Auty
1/9/94

17

TO

His Excellency the Viceroy and Governor. General of India in Council—

May it please your Excellency in Council.

The Humble Petition of Suryanarayana Bissoyi of Gumma and Gayiba, forts in the Parlakimedi Agency Tracts, Ganjam District, Madras Presidency, most respectfully sheweth:—

1. That Petitioner is one of the Hill Chieftains of the Parlakimedi Maliahs, the ancestors of the present Zemindar of Parlakimedi having appointed Petitioner's ancestors as Bissoyis (literally, *trustees*) of the Gumma and Gayiba Maliahs,— to maintain peace and order in those wild regions, to guard the passes thereof against the devastating incursions of Savaras(wild hill-men)into the lowlands, and to render military aid to the Zemindar when and if occasion arose: in consideration of all which services the Bissoyi was granted the muttah of Gumma and Gayiba to hold and enjoy the same, paying to the Zemindar of Parlakimedi an annual (Rent) Kattubadi of Rs. 400. Vide Mr. Russell's Report of 1832-4. (1)

? R 300 pr Gumma

2. That in the Sanad-i.-milkeut-istimrar given by Government to the Zemindar of Parlakimedi his right of demanding military service of the Bissoyis is abrogated and he is declared as entitled to the kattubadi only, the prerogative of demanding military service being reserved to Government only. 1 No

3. That the Zemindar has no control over the Bissoyi's muttah besides the right of collecting the annual Kattubadi of Rs. 400. Vide G. O. No. 1277 dated 26th June 1891. perhaps

4. That petitioner's ancestors have from time immemorial exercised rights of ownership over the forests in their muttah, enjoying the produce of the trees and disposing of trees &c., in the same way as hill chiefs have done in other Zemindaries in the district, e.g. in the Pedda Kimedi and Bodogoda Zemindary maliahs and even in the Chinna Kimedi and Ghumsur maliahs which are directly under Government. Their rights over the forests have never been hitherto disputed by the Zemindar or by Government.

2. This is all based on Mr Horsfall's remarks but for which this petn would probably not have been made.

5. That, in fact, Petitioner's Muttah consists entirely of forest, of which small portions are in turn cleared by the Savara people and brought under cultivation for a period of three years.

6. That so long as Petitioner pays the Kattubadi of Rs. 400 annually to the Zemindar, and continues loyal to the Government, his right to the forests composing his muttah cannot be infirmed.

7. That Petitioner's tenants are all Savara people- a wild hill-tribe whose method of cultivation called *Podu* is as follows: they clear away a small portion of jungle and sow on the clearing and cultivate it for a period of three years. There-after they forsake the clearing- which by reason of its being immemorial waste, is unfit for yielding crops again- and migrating in a body with their families & goods and chattels, they settle in another part and there clear another portion of the forest and cultivate it for a period of three years, and so on. This has been the

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customary method of agriculture with the Sarava from time immemorial; and to prohibit him from carrying on *podu* cultivation is to doom him to death and his race to extinction.

8. That the Sarava people being denizens of the jungle, and exposed to the chill mountain air and heavy dews of the maliahs, fires are an absolute necessity with them both by day and night not only for cooking their food and for warming themselves, but also for scaring away the reptiles and beasts of prey which abound in the Maliahs.

9. That the prescriptive right of the Savaras is admitted by the late Agent of Ganjam, Mr. J.G. Horsfall in his Report: G.O. No.1472/5-9-90, and that the right people, who are tenants of Petitioner, is really the right of their landlord your Lordship's petitioner.

10. That Petitioner's means of sustenance is entirely dependent on the well being of his tenants the Savaras; and any rules or restrictions that tend to injure them must necessarily injure him. Mr. Macarties report embodied in G. O. 1954/2-11-92 shows the details of payment from these aboriginal people.

11. That the order passed by the Madras Governorment G. O. 1480 21-7-93 virtually condemns the Savaras to famine, cold and death, and renders the ancient and immemorial tenure of your Lordship's Petitioner absolutely valueless.

12. That the introduction of forest laws into a rude and wild tract of country like Petitioner's muttah, tenanted as it is by a most primitive and barbarous people, is at the present time premature. That the enforcement of these laws will entail irreparable injury of the most serious nature on the Savara people and on their landlord, your Lardships Petitioner whose income is entirely drawn from his lands, which lands lying as they do in a wild hilly malarious region none will tenant except these Savaras.

13. That according to the latest census returns, there are 2679 homesteads and 11929 persons residing in Petitioner's muttah, of whom at leaist 10,000 are Savaras and the remmant are Paiks and others; but all of them are dependent for their very life on the forest.

14. That Petitioner's family has always been lawabiding and loyal to the Government, and this circumtance, Petitioner humbly prays, may be taken into consideration in deciding the question

Petitioner therefore humbly prays that your excellency in Council on perusing the grounds above set forth and the records of the case will be pleased to restore to Petitioner his ancient rights over the forest of his muttah. For which act of mercy, Petitioner, as in duty bound, shall ever pray.

10th November 1893. (Sd)

(True copy)

24-9-94

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26. aug. 1894

My dear Butterworth

Please come & see H.E. the Govr. here at 3 pm. tomorrow Monday about the Malabar marriage Bill.

(2) Just in from Nedivattam & received yours 24th about Gunna. My old friend as you call him is dead so the claimant must be his son. During the 3 months I spent in the Savara Hills towards end of 1881 enquiring into claims of all sorts in the

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Ganjam Collectorate
Dated Chatrapur 29th October 189

Confidential

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Rc no 6/Capl of 94

From

C. J. Weir Esquire
Ag: Collector of
Ganjam

To

The Chief Secretary
to Government,
Judicial Department
Madras.

Sir,

Referring to Government Memorandum no. 1761 dated 1st September /94, I have the honor to state as follows:-

2. In para 4 of Government Order no 1666 dated 7th August 1888, the Government decided that the claims of the Bissoyis should be strictly limited to the receipts dues ascertained by Mr. Maccartie in 1882 to be due to the several Bissoyis in the Parlakimedi Maliahs. This order was passed on para 16 of the report read in the Government order in which Mr. Horsfall requested definite orders of Government as to the exact nature of the claims of the Bissoyis over their Muttas. Mr. Maccartie's settlement by which the demands of the Bissoyi of all sorts were definitely fixed for each village is of course inconsistant with the proposition that these Bissoyis have territorial rights i.e. right

as owners of the land. The orders of Government quoted above are now being invariably followed in the decision of disputes regarding Bissoyis' demands.

3 With reference to the Gumma Bissoyis assertion that the Inams which he enjoys were created by the zemindar of Parlakimedi, I beg to invite the attention of Government to the summary of the history of the Parlakimedi Estate given in Government order No. 2265 dated 3rd November 1891. From it, it would appear that previous to the rebellion of 1798 the Parlakimedi Maliahs were, more or less, attached to the zemindary. No information regarding the original grant of the muttas to the Bissoyis is available in the records of this office and it is probable that there never were any formal grants. It seems likely that before the Maliahs were in 1798 detached from the Estate, the Bissoyis were allowed by the zemindar to enjoy such emoluments as they could secure for themselves. It is to be noticed here that the proclamation of 1800 quoted in the Government Order speaks of "lands held by the Vissoyi" but this phrase is not inconsistent with the present contention that he is only entitled to fixed dues from the cultivators.

A

A copy of ~~the~~ Gumma Bissoyi's mem petition to the Government of India is enclosed.

I have the honor to be
Sir
Your most obedient Servant
G. S. Frei
Ag: Collector

Rk
29.10

Judicial

O. 5883

Zabhuit

1666/7-8-88 2265/3-11-91

22

From
The Ag: Collector of
Ganjam

To the Chief Secretary
to Government,
Judicial Department,
Madras

CHIEF SECRETARY
3. NOV. 1894
GOVERNMENT OF MADRAS

Dated Chatrapur 29th October 1894.

Rc. No 6/~~Gu~~ Corol. of 1894

Enclo: 1

Subject

Reporting on the subject of the position of Bissoyes relative to their Muttahs.

23

Despd 5/11

Telegram (deferred) to Agent,
Ganjam.

"...566 Your letter 29th ult. Is no other information as to existence proprietary right Bissoyis forthcoming. Do Bissoyis hold sanad of any sort. If so send copy".

4/11

[G/9]
1,000—5-3-94.

4 [illegible]

Current No. 6001

Judl DEPARTMENT.

Telegram

From

Agent to the Governor,

Ganjam.

No.

Dated 10 } Nov 94
Received 11 } Nov 94
Regd 12
Enclosures

SUBJECT.

States that he does not expect further information regarding the proprietary right of the Bissoyies

VS Current No 6001

04835 Monthly Number.

Code Class. D.S. INDIAN TELEGRAPHS.

To (Office) Madras.				From (Office) Chatrapu	
Words. 46	Day. 10	Hour. 16	Minute. 26	Official Instructions.	Afds.
To (Person) Madras.				From (Person) Agent to the Govern. = 01	

UNDER SECRETARY 11 NOV 94 PUBLIC ETC DEPT

further Careful Search
of records regarding
issoyis proprietary right
being made do not
expect further information
forthcoming only one very
recent Sunnad of
apointment forthcoming
in records inquiries of
any older ones with
issoyis themselves are
ing made —

MADRAS 10-11-94 Telegraph Master.

fr Ag A Govt

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Sanud.

In conformity with the orders conveyed in G. O. Judicial No 1277 dated 6 June 1891 you, Suryanarayana, are hereby appointed – Bissoyi of Gummakota Mootah, in place of your deceased father Krishnachendra Bissoyi.

You will be held responsible for the good behaviour of the people in your mutta from whom you should collect only such mamuls as have been fixed & recorded by the Principal Assistant Agent and whom you should treat with integriety and moderation. You should obey the orders of the Government, assist in the due enforcement of the Laws and should render customary service to your Chief the Zemindar of Parlakimedi.

2

Ganjam District
Govt. Agents Office
Chatrapur 31st August/91

(Sd) E. C. Johnson
Agent to the Governor
in Ganjam

(True Copy)

for Ag Agent