

## CHAPTER X

### GENERAL ADMINISTRATION

#### 163. Historical Background

For a survey of the general administration, it would be convenient to start with the 'modern period' from the time of expansion of the British rule in Orissa. The first of the ruling Princes to accept the alliance of the East India Company was Maharaja Damodar Bhanja (1761-96) who spent his whole life in a strenuous struggle with the Marathas on the one hand and the East India Company on the other in order to maintain integrity of his territorial suzerainty. The principality of Mayurbhanj had with it a portion of Midnapore district which the Maharaja held as zamindary. When Nawab Mir Kasim ceded the district of Midnapore with Burdwan and Chittagong to the East India Company in 1761, the Maharaja became a subordinate zamindar for that portion under the Company. But so far as his main territory was concerned he was independent. However, the power of the East India Company gradually penetrated into Mayurbhanj and the process of extension of the British power can be better illustrated by giving extracts of certain letters.

On 15th March, 1761 the Governor (Mr. H. Vansittart) wrote a diplomatic letter to Maharaja Damodar Bhanja—

“Your friendly letter I have received and has much rejoiced me and understand the contents. When I heard your character, my heart was much surprised not to receive any letter from you because ever since my arrival in this country the Zamindars and Rajahs have corresponded with me. Thanks to be to God what my heart wished for has happened. It is fitting for our friendship will be strengthened and daily increases agreeable to what you write whatever officers goes on your side I shall certainly speak to, and you behave to them in a friendly manner as is fitting and right”.

These profuse expressions of cordiality mellowed by 1767 into a more authoritarian tone though couched in the polite, formal language. On 24th December that year the Governor wrote to Maharaja Damodar Bhanja—

“\*\*\*I must request that you will give necessary assistance and prevent all casual interruption in his business.\*\*\*”

[78 B. of R. —43]

By 1781, the Governor-General in Council was seriously considering whether "there are sufficient grounds to warrant a judicial process against the Mayurbhanj Rajah" and he further gave direction—"if so you will order a public summons for him to appear for this purpose at Midnapore".

In 1803 when the East India Company conquered Orissa, Mayurbhanj was under the administration of Rani Sumitra Bhanja, the widow of Damodar Bhanja. As, however, there was a family feud; Trivikram Bhanja, a son of the Raja of Keonjhar represented his claim to the East India Company to succeed to the Gadi to the exclusion of Maharani Sumitra Bhanja. This was the handle given to the hands of the British to interfere in the administration of Mayurbhanj. Sumitra Bhanja, however, ruled till her death after which Trivikram became the Raja with the approval of the East India Company. No treaty, however was made with him but it was concluded with his successor Maharaja Jadunath Bhanja just after a month of his accession to Gadi in May, 1829. This treaty affirmed the submission and loyalty of the Maharaja and fixed his peshkash at Rs. 1,001 per annum. The apprehension and surrender of extraditable criminals was made a reciprocal arrangement and the Maharaja agreed to terms for deputing a contingent of force when there was any anti-Government move; he further relinquished his right to six annas share on the Pilgrims tax levied at Khunta Ghat.

The administration of Jadunath Bhanja (from 1828 to 1863) was largely personal in effect. Krushna Chandra (from 1867 to 1882) had to start the departmental organisation from scratch. His reign saw the establishment of special officers in charge of the various sections with suitable assistance to them. The administration of justice had its medieval procedure of verbal settlement according to the best light of the Diwan's sense of fairness and justice. No records existed. Though quick in answering the requirements of the people this had serious defects. Maharaja Krushna Chandra altered this system and introduced a more methodical system of records and evidence giving the entire proceedings the judicial touch of the regular court. A record room for the safe custody of all documents, registers and papers was also started. Process fees were charged for the service of summons and notices. Process-servers were employed. Court fees were realised towards the close of his rule but the amount was low even according to the rates then prevalent. Mukhtiar began appearing and for State cases a State Pleader. Appellate jurisdiction lay with the Chief, who himself perused papers and passed orders after again hearing parties. A registration office also was created at headquarters.

The Sardars were having Police powers and almost functioned like the Inspectors of Police in their respective jurisdictions, important cases being investigated by higher officers of the State. At Jashipur, however, a Police Station was established in charge of a Sub-Inspector, under whom there were some constables. Baripada also had some constables.

As could be imagined there was previously no regular Jail system and fines were often imposed to avoid imprisonment. But a jail and hajat system saw their inception during this time. The nucleus of a Public Works Department under Mr. J. L. Atkinson was also looking after the repair of roads and buildings.

Dr. H. C. Bowzer functioned as the Medical officer and was in charge of the Education Department also. Baripada had a school where an English knowing teacher and Oriya Pandit were appointed. Elementary Schools were set up in the outlying places. A charitable dispensary was started, but the people avoided the western system. A postal system functioned with a clerk at Balasore to post and receive all Dak from Mayurbhanj and with another clerk to assist at Baripada. Other institutions like a Printing Press at Baripada, a newspaper called the "Mayurbhanj Fortnightly Magazine", a library, a garden called Gulabagh which later held the High School building also deserve mention.

Maharaja Sriram Chandra Bhanja Deo (from 1892 to 1912) continued the reorganisation of the administrative machinery. The Mayurbhanj State Council was formed with the Maharaja, and some official and non-official members. The Council introduced the Criminal and Civil Codes as followed in the rest of India. Other Rules and Regulations on various aspects of administration like Tenancy, Revenue system, stamps, Endowments, etc., followed in succession. The office of the Auditor was organised. An attempt was made for separation of judiciary from executive and establishment of first Court of Appeal which was a very advanced measure for those days. A general transformation from personal rule to departmental administration was organised.

No better Summary of the original position can be given than by a reproduction of the relevant portion on General Administration from the Orissa Feudatory States Gazetteer (1907).

"For administration purposes the Mayurbhanj State is divided into three subdivisions, viz—(1) the Sadar subdivision, (2) the Bamanghaty subdivision and (3) the Panchpir subdivision. A Council has been established since the year 1892 with the Chief of the State as President and the Diwan, the State Judge, the Superintendent of Police, the State Engineer and two non-official gentlemen, as members. All

legislative measures are passed by the Council, and the Budget is discussed in Council. The Chief with the Diwan or any other member of Council whom the Chief may nominate from the Judicial Committee which hears appeals against the orders of all State courts according to the provisions of the law of the State. The Diwan is the head of the Revenue Department including the Settlement, Agriculture and Zamindari and the Registration Departments. Under him is the Collector and a staff of Deputy Collectors and the Subdivisional Officers in their capacity as Deputy Collectors. The State Judge is the head of the Judicial side of the administration and has under him all the Magistrates, Munsiffs and Sub-Judge and the Subdivisional Officer in their capacity as Deputy Magistrates. In the subdivisions of Bamanghaty and Panchpir, the Subdivisional Officers exercise both judicial and executive functions. The Superintendent of Police and the State Engineer are in charge of their respective Departments and deal direct with the Chief. The Chief Medical Officer, the Superintendent of Education and all other Departments deal direct with the Chief and are immediately subordinate to him”.

By 1941-42 the policy of departmental administration was fast assuming the standard of the rest of India. The Diwan was in charge of the Executive Administration. A High Court with three Judges was functioning. In pursuance of the general policy of the establishment of the State Council, five Praja Sabhas, four in the four subdivisions and one at the capital of the State were established. The Revenue Administration was headed by the Chief Revenue Officer. There was an Audit Department\* and the Secretariat functioned with various Sectional Heads. The Police system functioned on the model and rules of the Bihar and Orissa Police Manual. Other Departments like Agriculture under the Director of Development, Department for Co-operative Societies, an Industries Department as a Section of Development Department, a separate Education Department under the Superintendent of Education, an independent Forest Department under the Chief Forest Officer, the Public Works Department with a Chief Engineer, a Department for Geology and Mines, and one for Archaeology were all functioning by the time Mayurbhanj merged with Orissa in 1949.

The Maharaja constituted the fountain source and Head of all authority and power in the State with delegation of certain executive and judicial powers to the Diwan and High Court respectively reserving to himself important matters involving questions of principle or policy. A Secretariat was formed with effect from 1st April, 1936 after amalgamation of the offices of the Diwan and the Maharaja.

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\*There was an Auditor even in 1904.

The Diwan was kept in charge of its supervision and control. Conceiv- ed on the British Indian model, the functions of the Secretariat were mainly that of co-ordination and control of the administration of various Departments. The Judiciary was separated from and was made inde- pendent of the Executive. A regular Accounts Office was established under the control of an Examiner of Accounts.

#### 164. Present Condition

The former State of Mayurbhanj merged with the State of Orissa, with effect from 1st January 1949. So far as pre-Constitution Acts are concerned they are made applicable to the former State of Mayurbhanj by means of the Merged States Laws Act, 1949, the Orissa Merged States Laws Act, 1950 and the Administration of Mayurbhanj States Order, 1949.

Since the date of its merger Mayurbhanj has been organised and is administered as one of the districts of Orissa.

The district of Mayurbhanj was declared as 'Scheduled Area' from 26th January, 1950. The Governor has power to direct by noti- fication that a particular Act of Parliament or of the State Legislature shall not apply to the district or shall apply subject to modification. In absence of such notification the Acts of Parliament or State Legis- lature shall extend to this district. The Governor has also plenary power of legislation for this district by framing regulation for peace and good Government. He is the sole judge to decide whether such regulation is required or not.

The Governor has also power to make regulations to prohibit or restrict transfer of lands by or among members of the Scheduled Tribes He may regulate allotment of land and also the money-lending business in the district. In making any such regulation the Governor may repeal or amend any Act of Parliament or State Legislature or any existing law operating in the area. But before making such regulations the Governor has to consult the Tribes' Advisory Council and those regulations require the assent of the President.

The Governor of Orissa has made the Orissa Scheduled Areas (Transfer of Immovable Property) (By Scheduled Tribes) Regulation 1956 (Orissa Regulation 2 of 1956), in order to control and check transfer of immovable property in the Scheduled Areas of the State of Orissa by Scheduled Tribes.

Prior to the Constitution the Orissa Money-Lenders Act, 1939 was made applicable to all the Partially Excluded Areas of the Province of Orissa, subject to certain modifications under the Orissa Laws Validat- ing Regulation, 1942 (Orissa Regulation 1 of 1943). Subsequently the

Money-lenders Act, 1939, was amended by a Regulation (Orissa Regulation 5 of 1949) to suit the purposes of the Partially Excluded Areas people. After commencement of the Constitution the Governor has again made the Money-lenders (Application of Certain provisions) Regulation, 1950 (Orissa Regulation 1 of 1951), with a view to applying certain provisions of the Money-lenders Act, 1939 to the Scheduled Areas of the State of Orissa.

### 165. Administrative Set up

The Collector and the District Magistrate is in over-all charge of the General, Revenue and Development administration of the district. Major portion of the developmental administration has been made over to the Zilla Parishad which has an Executive Officer of the rank of an Additional District Magistrate. In matters of Revenue and Excise Administration, the Collector functions under the Board of Revenue and Revenue Divisional Commissioner, Central Division, Cuttack. The Orissa Act XXIII of 1951 and the Act XIX of 1957 lay down the power of the Board of Revenue and Revenue Divisional Commissioner vis-a-vis the Collector.

For the purpose of the Revenue and General administration of the district the Collector and the District Magistrate is assisted by the Additional District Magistrate and Subdivisional Officers of Baripada, Bamanghaty, Panchpir, Kaptipada and a number of Deputy Collectors and Sub-Deputy Collectors. There are duty posts of 5 Deputy Collectors and 3 Sub-Deputy Collectors for district office and 7 Deputy Collectors (including Subdivisional Officers) and 6 Sub-Deputy Collectors for Subdivisional offices\*.

At District Headquarters the Deputy Collectors are in charge of (1) Development; (2) Revenue; (3) Bill, Budget and Establishment; (4) Emergency, Judiciary, Election and Census; (5) Land Acquisition, General and Miscellaneous Section. The three Sub-Deputy Collectors are in charge of (1) Land records, Record Room and Copying Section; (2) Nizarat; (3) Touzi, Cess, Irrigation and Loans and Mining section of the Collectorate.

The Collector remains in over-all charge of control and supervision of work of all officers of Revenue, Welfare, Panchayat, Small Savings, Public Relations, Community Development & Panchayati Raj Departments. For the purpose of Revenue Administration the District is divided into four subdivisions, namely, Baripada, Kaptipada, Bamanghaty and Panchpir, each under the charge of one Subdivisional

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\*The Revenue and Excise Departments Resolution No. 29459--III Er-75/64-R., dated the 8th May 1964.

Officer who is usually a senior Deputy Collector. There are five Tahsils of which the Tahsils of Karanjia, Rairangpur and Udala are co-terminous with the subdivisions of Panchpir, Bamanghaty and Kaptipada. The Baripada subdivision is divided into two Tahsils viz., Baripada and Betnoti. The further administrative divisions of the Tahsils have been discussed in Chapter XI—Revenue Administration.

In Baripada subdivision there are three Sub-Deputy Collectors to assist the Subdivisional Officer. Of them one is in charge of Revenue and Criminal cases, Nizarat and Development section of the Subdivisional office, while the other two are in charge of the Tahsil offices of Baripada and Betnoti. In each of the other three subdivisions there are one Deputy Collector and one Sub-Deputy Collector in addition to the Subdivisional Officer. The Deputy Collectors are in charge of Revenue, Criminal, Development and Nizarat sections of their respective Subdivisional offices, while the Sub-Deputy Collectors are in charge of the Tahsil offices of Karanjia, Rairangpur and Udala.

The functions of development of the district is now looked into by the Zilla Parishad, Panchayat Samiti and Grama Panchayats for which there is the Mayurbhanj Zilla Parishad at the District level and Panchayat Samitis at Block level.

The list of Panchayat Samitis is given below:—

(1) Raruan, (2) Sukruli, (3) Jashipur, (4) Karanjia, (5) Thakurmunda, (6) Tiring, (7) Jamda, (8) Kusumi, (9) Rairangpur, (10) Bahalda, (11) Bisai-I, (12) Bisai-II, (13) Bangiriposi-I, (14) Bangiriposi-II, (15) Baripada-I, (16) Baripada-II, (17) Betnoti, (18) Suliapada, (19) Badasahi, (20) Kuliana, (21) Muruda, (22) Khunta-I, (23) Khunta-II, (24) Kaptipada-I, (25) Kaptipada-II, (26) Rasgovindapur.

In matters of Education, Public Works, Co-operation, Agriculture, Statistics, Veterinary, Soil Conservation, Marketing, Employment, Health, Labour, Forest and other specialist Departments, the Collector has over-all supervision of their works at the district level. Each of these Departments appoint their District Level Officers who constantly consult with Collector in matters of general administration, while they themselves are responsible for the technical work of their Department.

The Judiciary has been separated from the Executive, with effect from 1st May 1961 and for this purpose an Additional District Magistrate belonging to the State Judicial Service Cadre exercising control and supervision over the Judicial Magistrates of this district has been appointed with headquarters at Balasore. The separation is being

tried through the establishment of a pattern of procedural conventions in the shape of executive instructions issued by Government in consultation with the High Court. Such of the functions which were essentially Judicial like the trial of a criminal case hitherto concentrated on the Collector and District Magistrate and also on a number of Magistrates subordinate to and controlled by him have now been transferred under the scheme to a new set of Officers called Judicial Magistrates. The staff posted are one Subdivisional Magistrate for each subdivision assisted by one or two Judicial Magistrates according to the volume of the criminal work. The officers are controlled by and subordinate to the High Court through the Additional District Magistrate (Judicial), who is in immediate charge of supervision of this work.

There are several other offices which function under the control of their respective District Level Officers. Important of these office are those of District Industries Officer, District Transport Manager (State Transport), District Fisheries Officer, District Health Officer Civil Surgeon, District Veterinary Officer, District Labour Officer, District Agricultural Officer, Executive Engineer (Roads & Buildings), Executive Engineer (Rural Engineering Organisation), Executive Engineer (Public Health Division), Commercial Taxes Officer, Assistant Registrar of Co-operative Societies and two Divisional Forest Officers stationed at Baripada and Karanjia. The office of the District and Sessions Judge is located at Baripada.

Among the Central Government offices mention may be made of the office of the Income-tax Officer.