

Grants of ad- 162. This opinion, however, has since been re-considered.
option *sanads*. It was represented that the grant of merely personal *sanads* of adoption went but a little way towards furthering the policy of the Panjab Government in regard to the maintenance of their *jagirdars* as a source of real political strength. It was urged that the need for men of good family who have influence in the country and are ready to use it on our side certainly had not diminished in the years which had elapsed since Sir Charles Aitchison put forward his views in the official pronouncement quoted above: that on this ground alone it was to our interest to preserve the old families whose influence was naturally greater than that of new grantees could be: and that, this being admitted, it was, on the assumption that suitable adoptions could be made, a matter of no consequence to us whether the successor was an adopted son or a son of the body.

"We have in fact an aristocracy of high traditions, and sentiment apart, we ought to uphold it in our own interests. We wish to preserve the families of our great *jagirdars* in order that they may be useful to us: that they may help us in ordinary times in the suppression of crime and support us with their own strength in the country in times of trouble. What they want and may well have, if I rightly apprehend the policy—is an assurance that Government does not desire the lapse of their *jagirs*. The present concession rather suggests that Government is not prepared to forego the fiscal gain of occasional lapses.*"

These arguments were supported by the Government of India and accepted by His Majesty's Secretary of State; the rules† framed to carry out the policy thus approved are as follow:—

- (1). The privilege contained in the grant of an adoption *sanad* shall be an heritable one.
- (2). Such a *sanad* shall only be granted to *jagirdars* who are found specially worthy of the honour, and they shall be selected with reference to their possession of the qualifications already laid down as necessary by Sir Charles Aitchison in the passage already quoted in paragraph 160 above.
- (3). Its grant shall be subject to the following conditions:
 - (a) The acceptance by the *jagirdar* of the maintenance conditions specified in Section 8A of the Panjab Descent of *Jagirs* Act, No. IV of 1900; and (b) The sanction of the Government of India.
- (4). An improper or unsuitable adoption may be vetoed by the Local Government.
- (5). The succession shall be regulated by a rule of integral descent to a single heir, usually the rule of primogeniture.

* Extract from a note by the Hon'ble Mr. C. L. Tupper, C.S.I., Financial Commissioner, Panjab, dated 9th December 1900, forwarded to the Government of India with Panjab Government letter No. 17, dated 26th February 1901.

† Financial Commissioner's Circular No. 4951, dated 22nd September, 1902.

163. It will thus be seen that the grant of an adoption *sanad* while conferring a valuable privilege upon the grantee is also useful as furthering the policy enunciated in the Descent of *Jagirs* Act of limiting succession to a single heir and of preventing the minute sub-division of *jagirs* with its consequent loss of prestige and influence to the *jagirdar*. Use of adoption *sanad* of in connection with Descent of *Jagirs* Act.

164. Unless assignments of land revenue are incapable of transfer by the grantees and of attachment by order of Court their public uses may easily be destroyed. In 1852 the Government of India order the insertion in *sanads* relating to perpetual grants of a clause prohibiting alienation.* It will be remembered that one of the subsidiary succession rules sanctioned in 1853 in the case of the Cis-Sutlej *jagirs* declared that (past) alienation whether to relations or strangers should not be officially recognized or recorded. In 1857† Lord Canning sanctioned a proposal that each successor to a Cis-Sutlej perpetual *jagir* should receive it unencumbered by any liability for the debts of his predecessor if he refrained from appropriating any of his real and personal estate apart from the *jagir*.‡ This order was declared applicable to all perpetual *jagirs* in the Panjab by Financial Commissioner's Circular No. 8, dated 3rd February 1857. The Court of Directors, to whom the order was communicated, expressed surprise that it should have been thought necessary to issue it, and remarked— Perpetual *jagirs* declared inalienable.

“We should have supposed that there could be no necessity for notifying this as a rule, since it follows from the very nature of a *jagir*, which cannot be alienated and can only be attached for the life of the holder.”§

165. Probably the Directors only referred to grants for more than one life. But in his Consolidated Circular || on “*Jagirdars* and *M'afidars*” issued in 1860, and again in his Revenue Manual published in 1866, the Financial Commissioner, Mr. Cust, wrote— Mr. Cust's Revenue Manual declares all *jagirs* and *m'afis* to be alienable.

“It is scarcely necessary to remark that the *jagirdar* or *M'afidar* has no power of sale, mortgage, gift, or sub-lease, of his revenue assignment, except under special circumstances which must be proved. Contracts, of this kind will not be recognized by the Revenue Courts, and the parties in possession on those pleas will be considered only the private agents of the holders with no legal rights.”¶

166. It is to be regretted that no distinct legal provision exists declaring assignments even for a term inalienable. Section Assignments may be treated as inalienable except in the Delhi territory.

* Government of India, No. 2390, dated 27th August 1852. The letter refers to *jagirs* in the Panjab north and west of the Sutlej.

† See paragraph III.

‡ Government of India No. 109, dated 9th January 1857. The additional rule which allowed the heir, while repudiating the debts to redeem the family mansion and the *jagir* land held in proprietary right (Financial Commissioner's Circular No. 65 of 1857) could not now be legally enforced.

§ Despatch, Political Department, No. 51, dated 30th August 1858, quoted in Financial Commissioner's Book Circular No. XXXVII of 1858.

|| No. LIII of 1860, paragraph 4.

¶ Cust's Revenue Manual, page 15.

12 of Act XXIII of 1871 (an Act to consolidate and amend the law relating to pensions and grants by Government of money or land revenue) refers only to pensions, and in the preamble to the Act a distinction is drawn between pensions, and grants of land revenue. There are, however, judicial decisions to the effect that a pension may take the form of a land revenue assignment.* Be that as it may, it is clear that under Sections 4 to 6 of the Act no Civil Court can take cognizance of any claim to a grant of land revenue based on an alleged transfer unless the Collector gives a certificate permitting it to do so. In deciding whether to issue such a certificate and in his action generally with respect to assignments a revenue Officer is as a rule fully justified in treating private transfers of the right to receive a share of the revenue due to the State as a breach of the conditions of the grant. In the case of *m'afis* for the support of institutions it is obvious that, if the manager mortgages the income on account of his private debts, the conditions are broken. Unless arrangements can be made for the speedy removal of the encumbrance the remedy lies in resumption or in suspension of payment till the persons interested in the institution can arrange for the appointment of a new manager, who would feel himself under no obligation to continue the diversion of the endowment from its proper uses. Probably this would hold good as regards grants for the maintenance of institutions even in the Delhi territory, though assignments in that part of the province are ordinarily transferable (paragraph 130).

Early
authorities
declare
assignments
to be capable
of attach-
ment,

167. The law regarding the attachment of assignments by decree of Court is in a somewhat doubtful state. In the despatch quoted in paragraph 163 the Court of Directors wrote that *jagirs* can only be attached for the life of the holder." Mr. Cust remarked—

"*Jagir* and *m'afi* holdings are liable to attachment under decree of the Civil and Revenue Courts. The revenue will be collected by the *tahsildar* and paid to the parties holding the decrees. With the death of the life holder all claim of the creditor expires. Grants to institutions are not liable for the personal debts of the manager."

This practically assumes that assignments are private property in which the existing holders have life interests. It ignores the view that the possession of them involves public duties.

Doubtful
state of the
law.

168. Section 11 of Act XXIII of 1871 provides that "no pension granted or continued by Government on political considerations, or on account of past services, or as a compassionate allowance ——— shall be liable to ——— attachment ——— in satisfaction of a decree or order of any ——— Court." Political pensions are exempted from attachment by Section 266 (g) of the Civil Procedure Code. In one case (C. R. 137 P. R., 1890) the Chief Court of the Panjab held that, though a grant of land revenue may be, and no doubt often is, a distinct thing from a pension, there is no reason why a pension should not take, as the mode of payment, the form of an assignment of land revenue. In a later case (C. R. No. 47 P. B. of 1893) the

* Cust's Revenue Manual, page 15.

former Panjab rulings on the subject were considered, and the law summed up as follows :-

"These cases are sufficient to show that while some *jagir* income may be liable to attachment, other *jagir* income may not."

169. Assigned revenue is an "interest in land," and an order for its attachment made by any Civil or Criminal Court must be addressed to the Collector,* and must direct "the person by whom the revenue is payable to pay it to the Collector and the Collector to hold it subject to the further orders of the Court.† In execution proceedings the Collector is the agent of the Court, and must obey its order without demur. But, after the attachment has been made, he would be justified in pointing out to the Court any reasons why in his opinion it should be withdrawn. It is for the Court to decide whether the reasons are valid. If the matter were properly represented, it seems probable that a Civil Court would hold that revenue granted for the support of an institution should not be attached in execution of a decree on account of the private debts of the manager.

Duties of Collector in connection with attachment of assignments.

170. In 1898 the Panjab Government proposed the amendment of Section 11 of Act XXIII of 1871 so as to protect all assignments of land revenue from attachment.‡ The Government of India held that it would be enough to exempt those *jagirs* only in respect of which primogeniture has been, or shall be, declared to be the rule of descent.§ As noticed in paragraph 75 this was provided for by Section 8 (3) of Panjab Act IV of 1900. As regards other *jagirs* the Government of India remarked that they saw no particular reason for exemption, as their liability to be sub-divided among numerous heirs divested them of any political importance.

Provisions of Section 8 (3) of Panjab Act No. IV of 1900.

171. Questions of succession do not as a rule cause much trouble. The terms of the grant usually indicate clearly who the successor or successors must be.

Questions regarding succession.

172. Every shareholder in a Cis-Sutlej *jagir* is required to report the birth of a son within a week of its occurrence in order that the necessary entry may be made in the genealogical tree. No investigation, public or private, should be instituted into the truth of the relationship of the child to his reputed father, when there are kinsmen in the line of succession to the *jagir*, unless they have moved in the matter in their own interest. If there are no such kinsmen it may become necessary to make some private enquiry, but only if rumours of fraud have reached the ears of the Collector. If private enquiry seems needful, the Collector must obtain the sanction of the Commissioner before making it, and report the result for orders. Alleged posthumous births will usually require verification, especially if the Collector has received no notice that the widow declares herself to be pregnant. Such declarations are often not to be trusted, and enquiry to be effectual must be made before the birth takes place.

Registration of heirs in *jagirs*.

* Section 141, Act XVII of 1887.

† Section 142, Act VII of 1887.

‡ Panjab Government No. 86, dated 24th August 1898.

§ Government of India No. 341 A-277-2, dated 9th February 18

or is according to the widow's statement, due. In such cases it may be advisable with the Commissioner's sanction to arrange, if possible, for the service of a competent lady doctor for the personal examination of the widow.*

Succession
to small
grants for
service.

173. The rule limiting the succession to a single heir in the case of small grants for service to be performed has already been noticed (paragraph 159).

Succession
to small
grants assign-
ed to several
persons for
their lives.

174. When the revenue of a plot has been assigned to two or more individuals collectively without specifying that the share of each shall lapse on his death, the survivors of the original assignees are entitled to the whole assignment, and on the death of the last of them the whole will lapse. This rule only refers to petty grants.

Succession
to grants for
religious in-
stitutions.

175. The cases of succession which cause most difficulty are those relating to endowments for the support of religious institutions. Unfortunately the death of the head of a monastery or of the guardian of a tomb or shrine is often followed by a dispute among his disciples as to who shall occupy the vacant seat. It is no part of a Collector's duty to settle such matters. It is the policy of Government, as laid down in Act XX of 1863, to abstain from interference in the management of religious institutions, and five years before that Act was passed the same principle was clearly stated in Chief Commissioner's Circular No. 23, dated 25th August 1858. If the succession is contested, the Collector should either pay the revenue to the claimant who is actually in possession, or suspend payment altogether till the dispute is settled. He should adopt the latter course when litigation is protracted, and it is clear that funds intended for religious or charitable purposes are being diverted into the pockets of lawyers.

Resumption
for breach
of conditions.

176. An assignment may be resumed when the conditions attached to it are broken. These conditions may be either expressed or implied.

Breach in
case of
assignments
for support
of religious
institutions.

177. Fishing enquiries as to the disposal of the income of grants made for the support of religious or charitable institutions are unwise. But if the building is falling into ruins or has been deserted, or if the endowment is clearly being misapplied, interference is necessary. It is equally so if the guardian is notoriously a man of bad character, and complaints reach the Collector's ears that a house of prayer has become a den of thieves or gamblers, or that respectable women can no longer visit it for purposes of worship. A time can be set within which the persons interested in the institution must arrange for the repair of the building or the remedy of the abuses which have infected its management, failing which resumption will be proposed.

The condition
of loyalty and
good conduct.

178. Many grants are by their terms expressly conditional on loyalty and good conduct. The form of a *sanad* sanction for perpetual assignments in 1870 declares that the grant is held on the above conditions during the pleasure of Government. This

* Panjab Government No. 558, dated 4th December 1895.

† Panjab Government Notification No. 1386, dated 27th October 1873.

as an expression of the policy of Government announced to the grantees when they received their *sanads* is important. But, in deciding what the terms of old grants are it is necessary to look to the original order of release rather than to the wording of a general form of *sanad* prescribed many years later.

179. But, whether the original grant stipulates for good conduct on the part of the grantee or not, Government is justified in holding that there is a point in the case of every assignment at which the misbehaviour of the assignee will justify an order of forfeiture. What that point is must depend largely on the history of the grant. Considering the origin, for example, of many of the *jagirs* in the Cis-Sutlej and Delhi territories, it would be wrong to mete out the same measure to them as to assignments which have sprung simply from the bounty of the British Government. Every assignment really liable to forfeiture for flagrant misconduct.

180. The title of any person to hold or to inherit a *jagir* or a share in a *jagir* is forfeited when he is convicted of a crime involving a death sentence. If he is in possession, the *jagir* will lapse entirely. If his interest in the *jagir* is contingent, it will cease as regards himself, but survive as regards his children or other heirs. The Government of India ruled in 1856 that the share which the criminal would in ordinary course have inherited should be confiscated entirely when the *jagirdar*, whose heir he was, died,* but the Court of Directors refused to accept a ruling which involved the doctrine of "corruption of blood." Assignment forfeited if grantee is guilty of treason or of a capital offence.

They remarked—

"Forfeiture of the whole property of a convicted felon is one of the punishments prescribed by law, and for this there may be sufficient reason, notwithstanding the hardship which results to his innocent offspring. But in the present case you have pronounced a prospective confiscation of landed rights which have never vested in the offenders, but which would have legally descended to them on the death of their father who still survives, thus adopting the principle of corruption of blood, known to the ancient law of this country, but long stigmatized by the best authorities, and condemned by the opinion of the present age. We cannot sanction this principle, and we direct that the children of Nihal succeed to their father's share on the death of their grandfather in the same manner as if their father had died in the course of nature."†

A grant is also forfeited by the commission of any act of treason or disloyalty. ‡

181. In 1883 the cases of two sharers in Trans-Sutlej conquest *jagirs*, who had been convicted respectively of attempted burglary and of receiving stolen property, were brought to the notice of Government. It was then ruled that, "when the deed of Ruling of Panjab Government in 1883.

* Government of India No. 4170, dated 8th August 1856.

† Despatch No. 44, dated 18th August 1856.

‡ Financial Commissioner's Book Circular No. LIII of 1860.

grant contains nothing which reserves to Government the power of resumption, (perpetual) grants can only become liable to forfeiture for treason, or when the holder commits an offence for which under the ordinary law the Court could pass a sentence of forfeiture of all the property of the offender. * ”

Later
attitude of
Panjab
Government.

182. It is very doubtful whether this doctrine, which treats a right to a share of revenue due to the State as standing on the same footing as private property, would now be accepted. It is inconsistent with the view of the nature of assignments in the Panjab which was put before the Government of India in 1898.† In a recent case belonging to the Peshawar district a perpetuity *jagir* was on the death of the holder converted with the sanction of the Government of India into a perpetual cash pension of much smaller amount because of the failure of the deceased *jagirdar* to show active loyalty, or to treat, the local representatives of Government with proper respect. In recommending this action Sir Mackworth Young remarked that he supported it “not so much because the grant was originally one of Rs. 1,000 and was increased subject to Government service as well as good conduct, though this might perhaps be argued, but on the broad ground that every assignment of land revenue is held on the understanding that the assignee maintains a loyal attitude towards the Government, and failing this is liable to have his grant confiscated.”‡ A few years ago a *jagirdar* belonging to one of the leading families in the Panjab was warned that “ *jagirs* are granted for public objects and that, with respect to the condition attached to his grant, circumstances might arise in which Government might be compelled reluctantly to resume it.”§ In that case the *sanad* stated that the grant was conditional on good conduct and loyal service.

Lapses in
favour of
jagirdars.

183. In some cases the benefit of a lapse accrues to a *jagirdar* and not to Government. The circumstances under which this takes place are described in Revenue Circular No. 37.

Settlement
made in some
cases with
ex-m'afidars
or their heirs.

184. When an assignment lapses the person entered in the record of rights as landowner usually becomes responsible for the payment of the land revenue to Government. In technical phrase “the settlement is made with him.” But it may be found that the connection of the late *m'afidar* with the land really amounted to a proprietary or sub-proprietary tenure, and in that case he or his heir is entitled to claim the settlement. This subject, which in practice is a somewhat difficult one, is dealt with in paragraphs 182—185 of the Settlement Manual.

Treatment of
assignments
at settlement.

185. When a general re-assessment of a district takes place it is the business of the Settlement Officer to examine and attest all existing assignments of land revenue. Some remarks on the subject will be found in paragraphs 568—575 of the Settlement Manual.

* Panjab Government No. 194, dated 23rd April 1883.

† See paragraph 155.

‡ Panjab Government No. 506, dated 30th July 1901.

§ Panjab Government No. 949 S., dated 25th August 1898.

186. The main duties of the Collector of a district in connection with revenue-free grants are— Duties of Collector in connection with assignments.

(1) as regards term-expired grants to see that lapses are enforced without delay, or a recommendation made for a re-consideration of the original order, should resumption appear undesirable ;

(2) as regards other assignments—

(a) on the death of the existing holder to pass orders promptly about the succession ;

(b) to satisfy himself that the conditions of the grant are substantially fulfilled by the assignee.

The discretion of the Settlement Officer or Collector to resume of his own authority assignments of which the term has expired is not unfettered. In a few cases he has been forbidden to do so, and as regards others lines of policy have been laid down to which he must conform.

187. Grants on account of services rendered in 1848 or during the Mutiny originally made for a term may not be resumed without reference to the Financial Commissioner.* Grants for service in 1848 and during the Mutiny There are strong reasons for showing liberality in such cases, which are well explained in the following remarks by Sir James Lyall †:—

"4. In certain cases which came before him as Financial Commissioner Sir James Lyall recorded an opinion that it was good policy to maintain in perpetuity grants for services rendered at the Mutiny, on the ground that such grants remain as evidence of the result of loyalty and have a considerable political effect. To these views Sir James Lyall still adheres, and is strongly of opinion that in the case of the small *jagir* or *masi* grants, which were made to the best of the Sikh and Panjabi Muhammadan Native Officers in 1859 and 1860 in recognition of their having obeyed our call and joined our standard at a critical time and distinguished themselves as soldiers, it would generally be good policy and well worth the money to continue the grant or part of it to a selected heir, provided that the family has continued to show itself loyal and well disposed and ready to do service. The money value of these grants is small, but the value put on them is great, as in this country of peasant proprietors they give the family which holds them a high social status in the eyes of the rural population, and mark it out for recognition by the officers of Government. It is these land-holding families, better off though they be than the mass of the peasantry, but still only what may be termed yeomen proprietors, which furnish the men who are the flower of the present cavalry and infantry of the Indian Army, and who make the best Native Officers. They have some ancestral military traditions and feelings of gentility, and also a certain small amount of capital. They serve more for the love of the thing than for profit, and eventually retire and live on their lands. It is in Sir James Lyall's opinion a great object to keep alive the spirit which induces men of this class to serve in our Army, and which might die out any day. The continuance of small grants in their villages to the heirs of the men

* Panjab Government Nos. 104, dated 30th August 1889, and 141, dated 6th December 1889.

† Panjab Government No. 192 S., dated 6th July 1889.

who joined our standard in 1857 and then much distinguished themselves will be one way of keeping alive this spirit and of encouraging future generations to follow the example if similar critical times ever occur again."

Bedi and
Sodhi grants.

188. One of the rules prescribed by Lord Hardinge and Lord Dalhousie provided for the re-consideration on the death of the holders of assignments conferred for service of any kind to be rendered to Sikh rulers, including grants to Bedis and Sodhis, which were originally confirmed only for the lives of the incumbents.* This instruction was reproduced in the rules under the first Panjab Land Revenue Act, XXXIII of 1871. Definite directions have since been given for the resumption of Bedi and Sodhi revenue-free grants on the deaths of existing holders and the grant of cash pensions to their male descendants, widows, and daughters.†

"1. On the death of any male pensioner one-half of his pension will be continued to his direct male heirs, and divided among them according to the ordinary custom of inheritance; provided that all pensions of not more than Rs. 50 per annum claimable under this rule shall be compulsorily commuted at the ordinary rates.

"2. On the death of any male pensioner, one-half of his pension will be continued to his widow (if any) or (if there are several widows) divided among his widows in equal shares; provided that, if the deceased pensioner leave motherless and unmarried daughter or daughters, the share of his pension to be allotted to his widows or widow shall be calculated as if the mother or mothers of such daughter or daughter were alive.

"3. On the death of any male pensioner, other than the head of the house for the time being, leaving motherless and unmarried daughters, the said daughters of each mother shall receive in equal shares one-half of the pension to which their mother would have been entitled under Rule 2, in case she had survived her husband.

"4. On the death of any widow in receipt of a pension under Rule 2, one-half of such pension shall be continued to her unmarried daughters (if any) upon equal shares.

"5. Pensions to widows under Rule 2 are life pensions. Pensions of daughters under Rule 3 or Rule 4 cease upon death or marriage of the pensioners; but when they cease for the latter reason the pensioners are eligible for dowries under the ordinary rules.

"6. All pensions are held during the pleasure of Government and subject to the usual conditions of good behaviour, loyalty and service. The Local Government may refuse to grant any pension claimable under these rules, if the claimant appear to be an unfit recipient of Government bounty."

Pensions
of Anandpur
Sodhis.

189. These rules are applicable to the pensions of the well-known Sodhi family of Anandpur, in Hoshiarpur, for which indeed they were originally framed.‡ But the head of that family for the time being is in each generation entitled to receive a cash pension of Rs. 2,400 a year. Hence in applying the rules to the Anandpur Sodhis they

* See paragraphs 86 and 90.

† Panjab Government Nos. 197, dated 5th December 1884, and 87, dated 4th July 1889.

‡ Government of India, Foreign Department, No. 1992 G., dated 18th October 1884.

must be read with certain additions, "other" being inserted before "male pensioners" in Rule 1 and "other than the head of the house for the time being" after "male pensioner" in Rule 2.

190. Collectors will accordingly be able to dispose on their own authority of all cases of lapsing Bedi and Sodhi pensions and *jagirs* and *m'afis*, only reporting for orders of higher authority cases in which they consider that pensions should be refused or that more liberal pensions should be allowed, or in which for special reasons they think that a lapsing grant in the form of a *jagir* or *m'afi* should be continued in that form. Cases in which more liberal pensions than the rules allow can properly be recommended will be extremely rare. But it is probable that some cases will occur in which it may be advisable to propose continuance, in its original form of a lapsing life tenure Sodhi or Bedi *jagir* or *m'afi* grant. Such a proposal should not, however, be made unless the release of the grant can be recommended for some term other than life, such as during the pleasure of Government, in the case of a very ancient grant held by a family of some distinction, or during maintenance of a religious or charitable building or institution, or of a roadside garden where such building or garden is found to exist in connection with the grant and to be worthy of support.*

Powers of Collectors with reference to Bedi and Sodhi grants.

191. It has always been the policy of Government to be especially liberal in maintaining the grants made by native rulers for the support of religious and charitable institutions. The orders of Lord Hardinge and Lord Dalhousie on the subject are given in paragraphs 86 and 93, and the rule in force in the Delhi territory is noted in paragraph 132 (d). Orders issued in 1860 required district officers to refrain from resuming life grants in favour of a mosque or temple, if the institution was valued by the people and resumption was likely to prove distasteful to them. Such cases were to be reported for orders. The same course was to be followed as regards life grants for the support of *dharmsalas*, *takiyas*, or *khankahs*, if resumption would cause "serious dissatisfaction."

Policy of Government with reference to grants in favour of religious and charitable institutions.

These injunctions were repeated in a more general form in the rules under the Land Revenue Act, XXXIII of 1871, and in 1881 Settlement Officers were told that grants to religious institutions released originally for the term of the first regular settlement should be continued for that of the revised settlement, if there were no new or special reasons to the contrary.† The same policy is embodied in the more detailed instructions drawn up by Mr. Lyall as Financial Commissioner in 1883 quoted below. These related in the first instance to the treatment of land revenue assignments in the Una tahsil of Hoshiarpur, which was under settlement, but they were reproduced in a circular of the Settlement Commissioner.

192. The principles laid down by Mr. Lyall were as follows:— Instructions

"(i) Where the grant is attached to a *dharmsala* or *takiya* which still exists, and is served in the same fashion as at last settlement the grant should be maintained, subject to revision by the Mr. Lyall in 1883.

* For further instruction see Revenue Circular 38, paragraph 12.

† Panjab Government No. 447, dated 13th April 1881, and Financial Commissioner's Circular No. 25 J, of 1st August 1881.

Deputy Commissioner on the death of present holders notwithstanding that the building may be only *kacha*, and that the grant in value or area may be very petty and may have originally been granted by the villagers only.

- “(ii) Where the grant is attached to a *thakurdwara*, *shiwala*, or *khankah* consisting of a mosque or tomb containing a chapel for prayers, it should be maintained for another term of settlement, if the building be a real religious edifice still kept up as a place of worship, whether in the same village or district or not.
- “(iii) If the *thakurdwara* to which the grant is attached is merely the residence of a Brahmin with a *thakur* in some room of it, it should generally be resumed if the grantee of last settlement is dead and the present holder is not a fit object of charity.
- “(iv) Where the grant is not supposed to be attached to any building which worshippers can enter, but to small erections of the nature of Muhammadan graves, Hindu cenotaphs, Sarwar Sultan *makans*, platforms of *pirs* or *deris*, &c., the grant should generally be resumed.
- “(v) Where the grant was given by the villagers to Brahmins for service as *pandit*, *pandha*, *parohit*, or *acharaj*, or to artisans and *amins* for village service, it should be resumed or, at most, be only continued for life to old men or women out of charity.
- “(vi) If such a grant as that last described was made by a Raja or ruler to a respectable family of Brahmin *parohits* as a subsistence grant, it may be maintained for another term of settlement if the family is still respected and engaged in religious offices.
- “(vii) If the grant was made either by a ruler or by the villagers to men for keeping a school or for supplying water on a public road to travellers, it should be treated as a grant for public rather than for village service, and should be maintained, unless it appears that the original purpose is not fulfilled.”

Where grants were resumed the villagers were to be given an opportunity of excluding the land from assessment in distributing the revenue of the estate over holdings.

Proposal
to adopt a less
liberal policy
as regards
petty village
m'afis.

193. In 1886 the Financial Commissioner represented, that these instructions were too liberal as regards “petty village *m'afis*.” They wished to draw a broad distinction between institutions which benefited only the village in which they were situated and those which were places of general resort. They proposed to resume assignments in favour of the former so far as Government was concerned, leaving it to the landowners to continue them, if they pleased, as grants from themselves in the way described above. They therefore drafted a circular on “petty village *m'afis*” of which the second paragraph may be quoted—

“In general, such grants when made for the term of settlement or for some period not precisely defined (but not for a life or lives) should be

resumed from the date of the introduction of a new assessment, except in cases in which some distinctly public convenience is secured by their existence. Thus grants to the more important *takiyas* and *dharmshalas* which are situated on roads frequently used by travellers would in most cases be maintained. The same remarks apply to all schools which are fairly well managed, even though their pupils may be drawn from single villages. But grants attached to Muhammadan graves, Hindu cenotaphs, *makans* of Sarwar Sultan, platforms of *pirs* and *devis* and other similar objects, are useless so far as the public good is concerned, and should as a general rule be withdrawn. Similarly grants made to village priests or religious teachers, or to village menials and artisans should not be continued, nor should grants to mosques and temples which are not places of general resort. In fine, the principle to be borne in mind is that grants in connection with purposes of general public utility, whether material, social, or moral, should be maintained, but grants in connection with purposes which are either useless or benefit individual villages only should be resumed, the former recipients being left to the beneficence of those interested in the performance of their functions."

194. Mr. Lyall, who was now Lieutenant-Governor, objected strongly to the change of policy suggested, and refused to sanction the draft circular in which it was explained. He remarked*—

Rejection
of proposal by
Mr. Lyall.

"His Honor sees no reason for any change of policy, and considers a change in the direction of less liberality very inexpedient. Any change now-a-days should be in the opposite direction, as the work of reducing the inordinate amount of revenue assignments in the province has been accomplished and the amount left is not very great. Mr. Lyall thinks that Settlement Officers and Deputy Commissioners are apt to be influenced somewhat unduly towards the resumption of petty grants because they give trouble, and because they are, so to speak, anomalies and awkward exceptions from general revenue rules. But we ought not to be led to adopt a severe and unpopular line of policy by such considerations. It is well known that *m'afis* are valued much beyond their worth by the people, and sympathy with this feeling should be shown, when the money value involved is not serious.

"The general principle stated in paragraph 2 of the draft circular that petty village *m'afis* should as a rule be resumed from the date of introduction of a new assessment, except in cases in which some distinct public convenience is secured by their existence, appears to His Honor to be wrong in itself, a departure from past practice, and politically very inexpedient; and Mr. Lyall thinks that the proposal to extend this principle to grants made to village priests and religious teachers, or to village menials and artisans, and to mosques and temples which are not places of general resort, is far too sweeping. The rule given in paragraph 34 of Appendix III to Barkley's *Directions to Settlement Officers*, page 38, is still substantially in force as indicating the right policy; that is to say, it is expedient that all endowments *bonâ fide* made for the maintenance of religious establishments or buildings for public accommodation should be maintained as long as the establishments or buildings are kept up, provided that when such grants are of great value they should be restricted to such smaller amounts as it may be thought politically expedient to grant. Where the terms of the original order were release during maintenance or during the pleasure of Government, the Settlement Officer or Deputy Commissioner can only propose an alteration

* Panjab Government No. 70, dated 20th July 1857.

if he finds the establishments or buildings not kept up for their original purposes. When, however, the original order was for release for the term of settlement, the case is different. Such cases are provided for by paragraph 2 of this office letter No. 447, dated 13th April 1881, published with Financial Commissioner's Circular No. $\frac{S. IX}{25 S.}$ of 1st August 1881.

"In the case of all grants for life or lives, except Bedi and Sodhi grants, the Deputy Commissioner or Settlement Officer can resume in the ordinary course in accordance with the original terms of release. But the case of grants for the term of settlement is peculiar, as the meaning of these orders was not that the grants should be resumed at the end of the term of settlement, but merely that they might be reconsidered at the end of that term, and the intention was no doubt that expressed in paragraph 2 of the letter of the Punjab Government above referred to, viz., that in default of special reasons or new orders such grants would ordinarily be continued if no material change in character had occurred.

"As regards resumption of life *m'afis* on lapse, no new orders are necessary in the case of purely personal grants, which do not purport to benefit other persons than the holders; but it is advisable that the Settlement Officer should take the opportunity of the settlement to review the case of all life *m'afis* which appear to have been granted in return for service of any kind to the public or to the people of the village, or to be connected with any institution such as a school, temple, mosque, *dharmshala*, or *takiya*. The original orders sanctioning for life only were very hurriedly made, and in many cases really amounted only to a refusal to release in perpetuity. Such cases were treated differently in different districts; in some the release was ordinarily allowed for life of holder; in others for the term of settlement. Hence it has been the practice to permit and encourage reconsiderations in such cases on lapse. But this is very troublesome and inconvenient and tends to very unequal treatment. Hence it is advisable that the Settlement Officer should generally review such cases, whether lapse has occurred or not, and if he thinks the grant should be continued for a longer term than the life of the incumbent, he should enter the case in a register for report, and should generally propose to release for the term of settlement, as that is safest, and allows reconsideration.

"In respect to purely village service or village institution *m'afis* of which the sanctioned term is for the period of settlement or for life the Settlement Officer should be empowered in the case of petty grants of not more than 3 acres in extent to practically resume at settlement, so far as Government is concerned (without, however, actually imposing any assessment or bringing the land into calculation in fixing the *jama* of the village) by recording orders in the *m'afi misl* and the *fard lakhiraj* that the grant shall be struck off the *fard lakhiraj* and the registers, and the land be included at the *bachh* in the *malguzari* area, with permission, however, to the *zamindars* if the majority so wish, to exclude the land from the *bachh* during their pleasure. In such cases if the *zamindars* decide to exclude, the fact will be noted in the *bachh rubakar*, and the land will be held revenue free from the *zamindars* only, but, as far as Government is concerned, will be considered as *khalsa*. The adoption of this procedure will place a number of these petty grants in their proper position of grants held from the *zamindars*. They were originally allowed by the Government at the request of the *zamindars*, but by granting them independently of the *zamindars'* wishes and authority we have altered their character in an

undesirable way. The exclusion of the grants from the registers will save much trouble at a very slight loss to Government, which loss will only be for the term of the settlement. But this procedure should not be followed where there are clearly no grounds for continuance, and where the grant serves no good purpose, e.g., where no service is now rendered, and the *zamindars* clearly do not care for the grant to be continued. In life tenure *m'afis* of this kind, where the term has not yet lapsed, the case cannot, of course, be so treated, but the order may be passed that at the death of the holder the *m'afi* will be assessed, and the revenue will go to the village *malba*."

195. The special treatment sanctioned for village *m'afis* of not more than three acres really met the wishes of the Financial Commissioners to a large extent, for many of the grants with which their circular dealt are very petty. The limit has since been raised from "three acres" to "an annual value of Rs. 20."* The proportion of village grants which bear a higher assessment than Rs. 20 must be extremely small.

Special treatment of village grants of an annual value not exceeding Rs. 20.

196. The existing orders as regards such grants for village service or in favour of village institutions therefore are—

Existing orders as to small village grants.

"The Settlement Officer is empowered to adopt either of three courses—

"(1) In the case of unexpired life *m'afis* he may either record that on expiry they should be resumed and assessed in the ordinary way, or he may report them to the Financial Commissioner for sanction to maintain them for term of the new settlement should that be longer than the life term already sanctioned:

"(2) In the case of *m'afis* for the term of settlement only he may either resume and assess in the ordinary way: or

"(3) He may resume as a grant from Government, but leave the land unassessed for one period of settlement in order to see whether the *zamindars* will agree to continue the *m'afi* as a grant from themselves by a *kharij parta* arrangement.

"In the latter case orders will be recorded in the *m'afi misl* and the *fard lakhiraj* that the grant shall be struck off the *fard lakhiraj* and the registers, and the land be included at the *bachh* in the *malguzari* area, with permission, however, to the *zamindars*, if the majority so wish, to exclude the land from the *bachh* during their pleasure. The objects of these instructions is to put these small *m'afis* on their original footing of lands released by the *zamindars*. In order to effect this change more smoothly, and with as few resumptions as possible on the part of the villagers, the Government agrees to give up for one settlement the revenue which might have been assessed on these resumed *m'afis*. By this procedure it costs the villagers nothing to continue the grant as one from themselves, and they are therefore more likely to adopt this course. At the same time if they do elect to assess these plots, it becomes clear that the assessment is their work and not ours."

* Punjab Government No. 141, dated 7th December 1894.

It is of course open to the Collector of a district to propose that a life *m'afl* for village service or in favour of a village institution, the term of which has expired by the death of the holder, should be continued for the period of the current settlement of the district.

Assessment
of lands of
which the
revenue is
assigned.

197. The law and practice as regards the assessment of lands of which the revenue is assigned are explained in paragraphs 180-81 of the Settlement Manual. It is rarely necessary for the Collector to make a new assessment when a grant is resumed. Rules 214 and 215 under the Land Revenue Act, XVII of 1887, provide that—

"214. When in any district or tahsil an assignment of land revenue is resumed, if that land revenue was assessed in the same form and by the same method as that in and by which land revenue paid to Government on the same estate or on adjacent estates was assessed at the last general assessment, no new assessment of the resumed assignment shall be made until a general re-assessment of the district or tahsil is undertaken.

"215. If the land revenue enjoyed by the assignee was not so assessed, or if, where the assignee was himself the landowner, no assessment of his land has hitherto been made, the Collector shall assess land revenue on the land of which the revenue has been resumed in conformity with the principles and instructions on which the current assessment of the tahsil or district was made."

Revision of
assessment
and suspen-
sions and
remissions.

198. The owners of land of which the revenue is assigned are entitled to exactly the same treatment as regards revision of assessment, and suspensions and remissions on account of calamities of season, as the proprietors of *khalsa* lands.* Special vigilance is required in enforcing this principle where a *jagirdar* is still allowed to collect the revenue direct from the landowners.

Jurisdiction
of civil courts
as regards
assignments
barred
between
annexation
and 1867.

199. Lord Dalhousie's declaration that "by our occupation of the country, after the whole Sikh nation had been in arms against us we have acquired the absolute right of conquerors and would be justified in declaring every acre of land liable to Government assessment" has already been quoted (paragraph 89). Commenting on this in the case of *Sardar Bhagwan Singh versus the Secretary of State* (*Panjab Record*, 1875, No. 1), the Judicial Committee of the Privy Council observed—

"It appears to their Lordships that by these directions to the Board it was contemplated by the Governor-General to make what may be called a *tabula rasa* of tenures of this kind, and to re-grant them on terms entirely at the discretion of the British Government, the Government no doubt intending to act with all fairness and consideration, especially to those who appear to have been no unfaithful to them, but at the same time in a manner which appeared right and just to themselves, and which they did not intend to be inquired into or questioned by any Municipal Courts."

* Financial Commissioner's Book Circular No. LIII of 1860.

The Board of Administration ruled in 1853 that the civil courts should not take cognizance of "claims of relatives to participation under the general laws of inheritance in rent-free holdings which have been conferred on particular individuals by orders of Government",* And by Sections 1—10 of the first part of the Panjab Civil Code published in 1854 the jurisdiction of these courts was barred as regards "any matter relating to *jagir* rent-free tenures, or tenures or other grants made by Government * * * or to the succession thereto, or to the shares, rights, and interests therein * * * but if the *jagirdars* or *m'afidars* shall have farmed those rents or revenues to a third party, possessing no proprietary rights in the estate, then suits between the *jagirdar* or *m'afidar* and such third party may be entertained by the courts."

The first Code of Civil Procedure was extended to the Panjab from 1st October 1866, and between 1867 and 1871, when the Pensions Act was passed, the Chief Court claimed, and in a few instances exercised, jurisdiction in *jagir* cases.

200. The matter has been finally settled by Sections 4 to 6 of Act XXIII of 1871, which provide that—

"4. Except as hereinafter provided, no civil court shall entertain any suit relating to any pension or grant of money or land revenue conferred or made by the British or any former Government, whatever may have been the consideration for any such pension or grant, and whatever may have been the nature of the payment, claim, or right, for which such pension or grant may have been substituted. Provisions of the Pensions Act, XXIII of 1871.

"5. Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the district * * * or other officer authorized in this behalf by the Local Government; and such Collector * * * or other officer shall dispose of such claim in accordance with such rules as this Chief Revenue authority may, subject to the general control of the Local Government, from time to time prescribe in this behalf.

"6. A civil court, otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from such Collector * * * or other officer authorized in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly."

201. Rules 43 and 44 issued under Section 14 of Act XXIII of 1871† provide that— Cases in which a certificate may be granted.

"43. When a claim relating to a hereditary pension or grant of money or land revenue is referred to a Deputy Commissioner under Section 5 of the Act, and the inheritance of any other property, or of a share in the property, of a Hindu joint family is in dispute between the parties, the Deputy Commissioner may, with the sanction of the Financial Commissioner, certify that such may be tried by a civil court. Such certificate shall be forwarded to the civil court having jurisdiction in regard to the other property in dispute.

* Board Circular No. 5 of 1853.

† Panjab Government Notification No. 4 B., dated 9th January 1873.

" 44. When a claim relating to a hereditary pension or grant of money or land revenue, which is, according to law or by the terms of the grant, transferable, is preferred to a Deputy Commissioner under Section 5 of the Act, the Deputy Commissioner may certify that such claim may be tried by a civil court."

The second rule refers to assignments in the Delhi territory made before its annexation to the Punjab (paragraphs 128—133).

Recovery of cost of assess- 202. The rules regarding the recovery from *jagirdars* of the cost ment from of the assessment of lands of which the revenue is assigned will be *jagirdars*. found in one of the Appendices to the Settlement Manual.

Book II.—Organization for Purposes of Land Administration,

CHAPTER IV.

Scheme of Revenue.

ADMINISTRATION.

203. For the purposes of revenue management the Panjab is divided into 29^{*} districts, each in charge of a Deputy Commissioner or Collector. These districts are grouped into five divisions, each under a Commissioner. The Commissioner exercises control over all the revenue officers and courts in his division, and is himself subject to the general superintendence and control of the Financial Commissioner, who, under the Lieutenant-Governor, is the head of the revenue administration. At the head-quarters of a district there are, in addition to a large ministerial staff, several officers appointed by the Local Government who exercise executive and judicial functions under the orders of the Deputy Commissioner. They are known as Assistant Commissioners, if they are members of the Panjab Commission, and as Extra Assistant Commissioners if they belong to the Provincial Service.* One of these Assistant or Extra Assistant Commissioners, chosen for his special aptitude for revenue work, and called the Revenue Assistant, devotes almost the whole of his time to business connected with land administration.† A district is divided into several *tahsils*, to each of which a *tahsildar* and *naib-tahsildar* are appointed.‡ The position of the *naib-tahsildar* with reference to the *tahsildar* is like that of an Assistant Commissioner with reference to the head of the district. *Tahsildars* and *naib-tahsildars* exercise administrative and judicial functions within the limits of their own *tahsils*. In a few there are two *naib-tahsildars*. In such cases the one who possesses the larger experience sometimes has a definite part of the *tahsil* assigned to him within the limits of which he resides. In the same way in some districts one or more *tahsils* are formed into an outpost or sub-division, and put in special charge of a resident Assistant or Extra Assistant Commissioner. Within his own sub-division such an officer performs all the duties usually entrusted to a revenue assistant.

204.—The unit of revenue administration in the Panjab is the estate or *mahal*, which is usually identical with the village or *mauza*. Of these estates, large and small, a *tahsil*, as a rule, contains from two to four hundred. Each of them has a separate land revenue assessment, which it is the business of the Deputy Commissioner to collect, and a separate record of rights and register of fiscal and agricultural statistics, which it is his duty to maintain. All its proprietors are by law jointly responsible for the payment of its land revenue, and in their dealings with Government they are represented

* Act XVII of 1887, Sections 6, 7, 8, 11 and Act XVI of 1887, Sections 78 and 79.

† For the origin of this office, see paragraphs 272 and 275.

‡ Act XVII of 1887, Sections 6 and 9.

See Settlement Manual, paragraphs 122-124.

by one or more headmen or *lambardars*. The bond which unites the proprietary body may be a strong and natural, or a weak and artificial, one. At the one end of the scale are the compact village communities of Rohtak and Karnal, whose landowners are held together by real or assumed ties of kinship; at the other, the estates of the South-Western Panjab, which are often mere collocations of independent well holdings. No Deputy Commissioner can rightly perform his duties without a full knowledge of the land tenures of his district.* A careful perusal of the *Gazetteer*, and the reports of past settlements, will supply the foundation, but the superstructure must be built up by personal observation and enquiry, and by the examination of village note-books and records of rights. The village system of North-Western India, properly organized and wisely worked, forms a powerful engine of administration. To make it still more effective, clusters of villages, which are united by the bond of tribal or historical association, or of common interests, are usually formed into circles or *zails*, over each of which is appointed a *zaildar* chosen by the Deputy Commissioner from among the leading village headmen. The *zaildars* receive their emoluments from Government, the headmen are paid by the communities which they represent. Together they form a very valuable unofficial agency, through which the Deputy Commissioner and the *tahsildar* convey the wishes of Government to the people and secure the carrying out of their own orders.

Patwaris'
and *Kanun-*
gos' circle.

205. But there is also an official chain connecting the village with the *tahsil*. For the purpose of the maintenance of revenue records and agricultural statistics estates are grouped into small circles to each of which a *patwari* or village registrar is appointed. About twenty of these circles form the charge of a field *kanungo* whose duty it is to supervise the work of the *patwaris*. *Kanungos* and *patwaris* are servants of Government.

The Directors
of Land
Records and
Agriculture.

206. To aid Deputy Commissioners and Commissioners in the maintenance of records of rights and revenue registers, and to advise the Financial Commissioner and the Government on these matters and on measures for the promotion of agricultural efficiency provincial officers, known as the Directors of Land Records and Agriculture, are appointed.† They have no administrative functions; their business is to inspect, advise, record, and report. Their appointment therefore is in no way intended to set aside or lessen the powers and responsibilities belonging to Deputy Commissioners and Commissioners and to the Financial Commissioner in connection with every branch of revenue administration.

Duties of
Director of
Land Records
are—

207. Among the principal duties of the Director of Land Records

- (a) The supervision of the *patwari* and *kanungo* agency, and the inspection of the records of rights and statistical records compiled through its means.
- (b) The control of the income and expenditure of mutation fees and of all charges on account of the permanent *kanungo* agency.

* For a description of village tenures see Chapter VIII of the Settlement Manual.

† For the origin of these offices see paragraphs 271, 274 and 275.

The Director of Land Records brings to the notice of the Deputy Commissioner or Commissioner any failure to carry out properly the provisions regarding these matters contained in the Land Revenue Act and rules or in administrative instructions issued by the Financial Commissioner. On points of detail his recommendations should usually be accepted as those of an expert charged with duties of a technical character. But all doubtful and important questions should be referred by the Director for the orders of the Financial Commissioner. In the districts under settlement, or about to come under settlement, the functions of the Director in connection with land records are exercised by the Settlement Commissioner. In other cases reports by the Director of Land Records on his inspections of the land records of any district are submitted to the Commissioner of the division. The Director of Land Records is also Inspector-General of Registration.

208. The Director of Agriculture has charge of—

Duties of
Director of
Agriculture

- (a) Crop, price, and weather reports.
- (b) Agricultural experiments and farms and agri-horticultural gardens.
- (c) Matters connected with the improvement of the breeds of horses and cattle, and the prevention and cure of the diseases to which they are liable.
- (d) Horse and cattle fairs.
- (e) Lahore Veterinary School.*

An important duty, that of making careful and continuous enquiry into the condition of tracts suffering from agricultural depression, and of bringing the facts of deterioration to the notice of Government at an early stage, has been laid on him by repeated orders of the Government of India.†

209. Until lately the work of the Directors of Land Records and Agriculture has been performed by one officer and has been mainly confined to the improvement of the former. In 1906 measures were taken to greatly develop the work of the Agricultural Department, and to make it the sole charge of a separate officer aided by a scientific staff. The reasons for the change are given in a despatch No. 16, dated the 12th January 1905, from the Government of India, to His Majesty's Secretary of State. "In a country so largely agricultural as India, a Government, which owns the largest landed estate in the world, should do far more than we are now doing for the improvement of local agriculture. The ultimate aim, which we set before ourselves, is the establishment of an experimental farm in each large tract of country of which the agricultural conditions are approximately homogeneous to be supplemented by numerous small demonstration farms, the creation of an agricultural college, teaching up to a

* See the last chapter of this work.

† See Government of India Resolution No. 150 (2), dated 16th January 1902, paragraph 37.

three years' course in each of the larger provinces, and the provision of an expert staff in connection with these colleges for purposes of research as well as of education The establishment of seed and demonstration farms will certainly form part of our programme."

CHAPTER V.

THE SUPERIOR REVENUE OFFICERS OF A DISTRICT.

210. The Deputy Commissioner, as the head of the revenue administration of his district, is known as the Collector, and his Assistants, including *tahsildars* and *nail tahsildars*, as Assistant Collectors of the first or second grade.* Under the Land Revenue and Tenancy Acts there are the same classes of revenue officers, and a revenue officer of any grade is deemed to be a Revenue Court of the same grade.† The powers of the Collector and Assistant Collectors as revenue officers are described in the next chapter, and their jurisdiction as Revenue Courts in Chapter XXIII. On first appointment Assistant Commissioners and Extra Assistant Commissioners, who have not previously exercised higher powers, exercise *ex-officio* the powers of Assistant Collectors of the second grade.‡ As soon as they have been invested with 2nd class magisterial and civil powers, they become *ipso facto* Assistant Collectors of the 1st grade.§ *Tahsildars* and *nail tahsildars* as such are Assistant Collectors of the second grade,|| but the former may be appointed Assistant Collectors of the first grade.¶ The Deputy Commissioner is a Collector by virtue of his office, but the Local Government may confer all or any of the powers of a Collector on any other revenue officer in the district. When a general re-assessment is in progress it is usual to give to the Settlement Officer all the powers of a Collector under the Land Revenue Act except those which relate to the collection of revenue. Instructions as to the division of work between the Deputy Commissioner and the Settlement Officer will be found in Appendix VI of the Settlement Manual.**

211. The Collector and his Assistants are also Magistrates. This concentration in a single hand of executive and judicial functions has been a subject of controversy. The advantages resulting from it were thus set forth by Thomason:—

“The influence and the opportunity of beneficial exertion which result from this are great. It is essential to the advancement of the public interests, entrusted to the Collector, that complete security of life and property should exist throughout the district. It is essential to the development of industry that all lawless violence should be repressed and so repressed as

* Sections 6 (2) and (3) of Act XVII of 1887.

† Sections 75 (1) and 77 (1) of Act XVI of 1887.

‡ Panjab Government Notification No. 781, dated 1st November 1887.

§ Panjab Government Notification No. 684, dated 18th September 1893.

|| Panjab Government Notification No. 730, dated 1st November 1887.

¶ Section 6 (3) of Act XVII of 1887.

** See also paragraph 230 of the Settlement Manual.

least to interfere with the comfort and welfare of the peaceful and well disposed. The strong establishments in the revenue department may be made the efficient agents for strengthening and regulating the police, and the Magistrate, in the discharge of his duties as Collector, will have opened out to him channels of information and sources of influence, which, when duly improved, cannot fail to exercise a most beneficial effect."*

Relations of
Deputy Com-
missioner
with officers
of other de-
partments.

212. Thomason's remarks on the many-sided character of a Deputy Commissioner's work are also worth quoting:—

"Nothing can pass in the district of which it is not the duty of the Collector to keep himself informed and to watch the operation. The vicissitudes of trade, the administration of civil justice, the progress of public works, must all affect materially the interests of the classes of whom he is the constituted guardian. Officious interference in matters beyond his immediate control must be avoided, but temperate and intelligent remonstrance against anything which he sees to be wrong is one of his most important duties."†

If he shows tact and discretion, and cultivates personal relations with officers of other departments employed in his district, he will usually find that they are ready to attend carefully to any representations which he finds it his duty to make to them.

Collector's
power of con-
trolling sub-
ordinate
revenue
officers and
courts.

213. A general description of the duties of a Collector as regards land administration has been attempted in the first chapter, and full details under appropriate heads will be given in the subsequent chapters of this work. The powers of control, with which he is invested to enable him to direct the action and correct the mistakes of his subordinates in proceedings under the Land Revenue and Tenancy Acts, will be noticed in the next chapter.

Qualifications
required for
successful
district ad-
ministration.

214. To manage a district successfully requires qualities for which it is not very easy to find united in a single person. No man can properly represent Government to the people who is lacking in sympathy or in the power of conversing with them easily in their own tongue. But to these qualities must be added patience and promptitude, tact and firmness, accessibility without familiarity, a shrewd appreciation of character with a readiness to repose confidence where it is due, a thorough knowledge of the details of all branches of his duty and great capacity for personal exertion, with a willingness to hand over to trustworthy subordinates a large share of the work, while maintaining complete control over the machinery of administration. One great secret of success is this power of making full use of his Assistants in all grades. The Collector who insists on doing everything himself is sure to leave many things undone, and to fritter away on small details time that should be devoted to more important matters. At the same time he is responsible

* Thomason's "Directions for Collectors," Edition of 1850, paragraph 26.
Thomason's "Directions for Collectors" Edition of 1850, paragraph 27.

for and bound to control all the doings of his subordinates, and there is nothing that natives sooner detect than any failure in this respect. It may be added that there is nothing they more readily believe than that this or that official, whose duties bring him much in contact with his master, has an undue influence over him. The work should be carefully laid out, the part of it which is entrusted to each officer and the limits within which he may act on his own authority being explained to him. No one can do this who has not himself a thorough acquaintance with every branch of district work, and of the powers and capacities of his establishment.

215. Every Deputy Commissioner is bound, when making over charge, to hand to his successor a confidential memorandum calling his attention to the most important features of the district administration, and supplying him with notes as to the chief matters which are pending, and as to the character and capabilities of his principal subordinates.* Much information regarding the district lies ready to hand in the *Gazetteer* and in Settlement and Assessment Reports. If these sources of information are supplemented by diligent personal enquiry and systematic touring it is possible to obtain a real grasp of the work in a comparatively short space of time.

Aids to rapid acquisition of knowledge of a district.

216. The responsibility of the Deputy Commissioner with reference to the Assistant Commissioners who are put under him by Government is of a very special character. They are mostly young and inexperienced officers, but the conditions of the service make it probable that they will themselves in a few years be placed in charge of districts. It is therefore a matter of great importance that they should during their apprenticeship receive a thorough training in the different branches of district administration, and that they should be gradually entrusted, as they become fit for it, with a certain amount of independent authority.

Relations of Collector to (a) Assistant Commissioners.

217. A passage in Thomason's "Directions for Collectors" expresses admirably the attitude which a Deputy Commissioner should adopt to his Extra Assistant Commissioners and *tahsildars* :—

(b) Extra Assistant Commissioners and *tahsildars*.

"The efficiency of a Collector's administration will greatly depend on the manner in which he conducts himself to his native subordinates. Difference of religion and of social system necessarily separates him greatly from them, and prevents his forming that accurate estimate of character which is only to be acquired in the confidence of private intercourse. Conscious of this disadvantage, he should strive to remedy it by giving them the freest access to him in all official matters, and by labouring to inspire them with confidence in the soundness of his judgment and rectitude of his purpose. Excessive suspicion of native subordinates is as fatal as excessive confidence. They are necessarily the executioners of his orders; they must be in a great measure the exponents of his will, and should be to some degree his confidential advisers in cases of difficulty.

* Character books are maintained for all members of the office establishment in receipt of monthly salaries of Rs. 30 or upwards and for *kandungos*.

A person who is extremely suspicious of advice tendered to him may be as much shackled in his power of independent action as the man who weakly assents to whatever is proposed. The safest plan is to consult those who are best able to give advice, and to weigh their expressed opinions impartially and dispassionately."*

(c) Clerks
and readers.

218. The clerks and readers belonging to the office establishment should be considerately treated.

"The performance of their duties should be rendered as little as possible burdensome to them. The officer who keeps them long in attendance at his house, or who requires that they perform their ordinary duties in court in a painful standing position, cannot derive from them that degree of assistance which would otherwise be rendered. He should so dispose his own time and make his official arrangements as may conduct to their comfort, and make their work light. The practice of frequently imposing fines for trivial offences cannot be too strongly deprecated. It affords an excuse for dishonesty, and for that cause often fails to have any effect. Errors of judgment should never be so punished, and corrupt or dishonest actions deserve a very different punishment, and cannot be thus either appropriately or beneficially noticed. In cases of neglect or disobedience of orders the imposition of a fine may be salutary, but it should be moderate in amount, the offence should be undoubted, and generally the first transgression of the kind can more appropriately be noticed by recorded reproof and warning." *

The practice of fining members of the clerical and ministerial establishments is now forbidden. But the prohibition applies only to establishments which are engaged exclusively on clerical work, and not to employes who have executive as well as clerical duties to perform. The postponement of increments of pay, the stoppage of promotion, or the reduction of existing pay, is not forbidden.†

Training of
Assistant
Commissioners.

219. As soon as he is fit for it every Assistant Commissioner should be given a definite share of the revenue work of the district. This can be done by putting in his charge some particular class of work or the whole revenue work in some specified area. He should not be set to try any but the simplest of revenue cases till he has acquired some knowledge of the vernacular of the district, of official language, and of the law which he has to administer. So long as his inexperience makes it unsafe to give him final control in such matters as may be entrusted to him he may be usefully employed in preparing abstracts of cases and in making enquiries and reporting the results to the Collector for decision. By giving him work of this description the Collector is sometimes able to save his own time and at the same time to afford instruction to his subordinate. The duties of the latter should be so arranged as to leave him sufficient time to prepare for his departmental examinations, and to study the vernacular of the district. The great importance of early obtaining a colloquial

* Thomason's "Directions for Collectors," Edition of 1850 paragraph 23.

† Government of India letters No. 379, dated 26th June 1900, and No. 2899, dated 29th October 1900.

knowledge of the language spoken by the peasantry should be impressed on every Assistant. All Assistant Commissioners are required to pass an examination in Punjabi within two years after completing their departmental examination.

220. After a time it is a good plan to put an Assistant Commissioner in charge of a particular *tahsil*, and to make him spend in it a large part of the cold weather. If this is done he will take an interest in the welfare of his charge, and exert himself to become fully acquainted with all that concerns it and to prevent the occurrence of anything that is wrong. He will have an opportunity of gaining a knowledge of every branch of his duty, which will fit him to manage a sub-division or a district when entrusted to him. An Assistant in charge of a *tahsil* has an excellent opportunity, while refraining from any undue interference with the *tahsildar*, of making himself familiar with the daily routine of the work of a *tahsil* office, which is sure to be of great use to him in the future. A *tahsil* may be made over to an Assistant Commissioner.

221. An Assistant Commissioner is subject to the control of the Deputy Commissioner in all his work, and should not, without his permission, issue orders making important changes, laying down rules of practice, or censuring or punishing officials, but he may recommend such measures to the Deputy Commissioner. He should not correspond with the Deputy Commissioner by official letter or *rubakari*, as though his office were separate and distinct, but by demi-official letter and personal conference, or by sending up the vernacular file which leads to the reference, usually with an English memorandum prefixed. Assistant Commissioners not to assume independent authority.

222. A certain number of Assistant Commissioners are deputed every cold season for a four months' course of training in tracts in which a general re-assessment of land revenue is in progress. Rightly employed this period is long enough to give an intelligent man a competent knowledge of survey and record work and also of the broad features of assessment work. If a newly-joined assistant is sent for settlement training it is usual to give him two months' training in his first cold weather, and two in a later year. Settlement training of Assistant Commissioners.

223. Extra Assistant Commissioners are appointed partly by selection of men who have done approved service in lower appointments, partly by competitive examination, and partly by the direct appointment of young men of good family. The rules on the subject will be found in Panjab Government Notification No. 1491, dated 25th June 1906.† Candidates who obtain the post of Extra Assistant Commissioner by competition or by direct appointment are on probation for two years. For the first nine months of this period they receive training in a district under settlement. Appointment of Extra Assistant Commissioners

224. An Assistant or Extra Assistant Commissioner is posted to every district, except Simla, as Revenue Assistant. An officer in charge of an outpost is the Revenue Assistant for his own sub-division, and during a general re-assessment the Extra Assistant Settlement Officer is generally considered to be the Revenue Assistant of the district.

* Panjab Government notifications Nos. 950, dated 22nd August 1902, and 1436, dated 12th December 1902.

† See also Revenue Circular 21.

Duties of Revenue Assistant.

225. The Revenue Assistant disposes of whatever share of magisterial work the District Magistrate thinks fit to allot to him. But the bulk of his time must be given to the revenue business of the district, that is to say, speaking broadly, to the classes of work described in this book. He is not available for the duties of treasury officer or subordinate judge, and should rarely be given any share of civil judicial work.

Tours of Deputy Commissioners.

226. Obviously a Deputy Commissioner cannot manage with success the great estate committed to his care without an intimate personal knowledge of every part of it. Much of the work, moreover, that is carried on, can only be effectively supervised by him on the spot. Above all it is impossible to keep in touch with the people unless he seeks frequent opportunities of that informal and frank intercourse with them which is only possible in camp. A Deputy Commissioner is therefore expected to pass a considerable part of each cold season on tour, and to visit, as far as possible, every part of his charge. The work which must be performed at the head-quarters of the district should be so arranged as to make this feasible.

Tour of Assistant and Extra-Assistant Commissioners.

227. During each touring season every Assistant Commissioner should be sent into camp in turn, and, as far as possible, Extra Assistant Commissioners should be given opportunities of going into camp. The Revenue Assistant must spend the greater part of the cold weather moving through the different *tahsils*, and it is essential that he should be on tour in the months during which the crop inspections of the spring and autumn harvest are in progress. Unless there are special reasons to the contrary he should spend not less than seven months on tour during the year.

Instructions to be given to Assistants going on tour.

228. It rests with the Deputy Commissioner to arrange what parts of the district an Assistant or Extra Assistant Commissioner should visit, and to indicate the subjects to which he should specially direct his attention. Before he starts he should be given a good detailed map of the tract through which he is to pass, with a skeleton map on which to mark the line of his route, and a written memorandum of instructions. The last may be very brief except in the case of a newly-joined Assistant. It should contain, among other things, a detail of the expenditure on public works and *takavi*, and of wells, the assessment of which has been remitted under the rules given in paragraph 583, during the past year in the tract to be visited, so that the works which have been constructed, or repaired, or fallen out of use, may be inspected. The first tour of a young Assistant Commissioner is best made in the company of the Deputy Commissioner himself.

Chief object of tours.

229. The chief object to be kept in view by an officer when in camp is to become acquainted with the people himself, and to give them an opportunity of becoming acquainted with him. For this purpose it is necessary to see the people in their own villages, to encourage their visits, and talk with them frankly, so as to ascertain their thoughts and feelings, the matters in which they are chiefly interested, and the manner in which they regard them.

Advantages of local enquiry in revenue cases.

230. It is generally advisable to decide as many revenue cases as possible on the spot. When these are mere matters of routine, and present no difficulty, they are perhaps better settled in office than elsewhere. But there are many cases, for example contested partitions,

which for their right decision may depend almost entirely on local peculiarities, and these can obviously be investigated better on the spot than elsewhere. As regards disputes about land and rent, while it is difficult owing to local feuds to get at the truth anywhere, there is more hope of doing so in the village than in the district court-house.

231. The inspection of alluvion and diluvion returns, and of the village records prepared by *patwāris* and *kanūngos* should be done locally. Inspection of alluvion and diluvion returns and of village records. Attention should be directed to the questions whether the prescribed papers and registers have been prepared in accordance with the rules and circular orders on the subject, whether they are complete to date, and whether the entries represent the facts to which they relate correctly. No method of obtaining an insight into the economic condition of a village is so fruitful as to carefully examine the *patwari's* papers upon the spot and in company with the people whose rights and interests are affected by the entries. A little trouble taken in tracing the history of the transfers recorded in the mutation registers will give a young officer clearer ideas as to the extent and causes of agricultural indebtedness in the tract which he is inspecting than he would obtain by the most careful study of general statistics on the subject.

232. Where there are Government forests their condition should be ascertained, the methods of management should be enquired into, and attention should be paid to the relations between the forest establishment and the people. Enquiry into management of Government Forests Forest management is often regarded by the people as a grievance, and there are undoubtedly many points of detail in which local enquiries may suggest amelioration. But all matters of this kind require to be very carefully and discreetly handled, and should not be taken up without sufficient reason. All roadside groves and avenues should receive attention.

233. It is a matter of great importance to learn what character is borne by the *tahsildār* and *naib tahsildār* and by the subordinate native officials in the *tahsil*. Ascertainment of character of native subordinates. It is well, therefore, that the inspecting officer should sometimes make his visit alone, and without previous notice. As regards subordinate officials there is usually no harm in making direct enquiries from respectable persons. But great care must be taken to preserve the dignity of an official of the rank of a *tahsildār*, and to question the people of his own *tahsil* as to his conduct would generally be indiscreet. But if an officer is freely accessible to people of all classes hints will be dropped and matters will be brought to his notice from which he can gradually form a very good idea of the estimation in which the *tahsildār* is held.

234. The general condition of the tract should come under review. The principal points for enquiry are the following:— Enquiry into general state of tract visited.

- (a) *Crops*.—Are those on the ground in good condition? What has been the history of the previous three or four harvests? Have any new staples been introduced?

- (b) *Cultivation and irrigation.*—Are they contracting or expanding? Is *takāvi* freely taken for the construction of wells?
- (c) *People.*—Is the population increasing or falling off? What is its condition as regards health? Are holdings becoming unduly small by sub-division? Is much land changing hands? If so, what is the reason? And who are the principal purchasers and mortgagees? * Are the people prosperous and contented, or the reverse?
- (d) *Live-stock.*—Is it increasing or diminishing? And what is its condition? How are the well cattle procured? And what do they usually cost, if not home-bred? Is there any surplus stock? If so, how is it disposed of?
- (e) *Land revenue.*—Is the assessment considered light or heavy generally? Is its distribution over estates and holdings equitable? Are collections easily made or are coercive processes necessary? Have there been any large remissions and suspensions? And, if so, why? What is the prospect of recovering the land revenue under suspension?

Other
matters for
enquiry.

235. There are many other matters which an officer has to look into when on tour, which do not fall within the scope of this manual, such, for example, as education, sanitary measures, vaccination, the state of crime and the conduct of the police, the excise arrangements and the extent to which smuggling and illicit distillation prevail. All *thanas*, dispensaries, and schools should be carefully inspected, and roads, rest-houses, *sarais*, and encamping-grounds should be examined, and their condition noted.

Inspection of
tahsil offices.

236. When an officer halts at the head-quarters of a *tahsil* he should inspect the *tahsildar's* office. Every *tahsil* office should be thoroughly overhauled every six months. The Deputy Commissioner should himself inspect it at least once a year. If he cannot make the second inspection himself he should direct the Revenue Assistant, or some other experienced Assistant or Extra Assistant Commissioner, to make it for him. The scrutiny should include all branches of work:—judicial (both civil and criminal), treasury, stamps, excise, *takāvi*, income tax, land revenue and the *kanūngo's* records†. Special attention should be given to the examination of the records-of-rights and the agricultural registers and of the accounts relating to the different branches of revenue. As to the latter the inspecting officer should ascertain whether they are regularly kept up and whether the amounts due to Government are punctually realized, and without any unnecessary resort to coercive processes. The causes of all

* At present the effect of the legislation on the subject of land alienation described in Chapter II should be observed with special care.

† See also paragraph 382.

outstanding balances should be traced. A searching scrutiny of *tahsil* accounts on the spot is far more likely to detect irregularities and prevent their recurrence than fifty calls for written explanations from the district office. Even if an officer had no other duties to perform it would be difficult for him to overhaul the work of a *tahsil* thoroughly in a single day. A perfunctory inspection is worse than useless and will merely encourage the establishment to continue irregularities and malpractices which have escaped detection. A tour should therefore be so arranged as to allow of a halt of several days at the head-quarters of a *tahsil*. If this is not possible it is best to take up one or more branches of work and examine them thoroughly, and to leave the rest for a future occasion*. *Tahsil* inspection can sometimes be done most thoroughly in the hot season. Though ordinary camping is out of the question, there is nothing to prevent an officer from spending some time at each *tahsil* head-quarters.

237. Assistant Commissioners and European Extra Assistants, Diaries of Assistant and Extra Assistant Commissioners. while on tour, are required to keep a diary. It must be written up on the spot from day to day, or at very short intervals during the tour, and must not take the shape of a report or narrative prepared at the end of the tour. The order will be chronological and not by subjects. The diary should be written on half-margin, and attention should be paid to the legibility of the writing. In order that it may be really useful, and that any practical suggestions contained in it may receive due attention, it should be as concise as possible, and all unnecessary discussions on theoretical subjects and remarks on the ordinary incidents of travelling should be avoided. Marginal references stating the subject-matter of each paragraph should be inserted. The diary should be forwarded weekly to the Collector for inspection and remarks. At the close of the tour, the memorandum furnished by the Collector should be attached to it, and a rough sketch map of the route taken should also be appended. The conclusions drawn from the materials collected should be embodied in a brief general note on the state of the tracts visited, which should form an appendix to the diary. The papers, thus put together, are submitted to the Commissioner, who forwards for the perusal of the Financial Commissioner any diaries which he considers deserving of special notice, and the Financial Commissioner lays before Government those which, in his opinion, are worthy of special commendation. The Commissioner is empowered to exempt senior Assistants, who have held charge of a district, and Assistant Commissioners in charge of sub-divisions, from keeping up a diary while on tour, but this exemption should rarely be made in the case of young officers, as the necessity of writing a diary develops powers of observation. Native Extra Assistant Commissioners should keep notes of the work done while on tour and submit them to the Collector, who need not forward them to the Commissioner unless he has special reasons for doing so.

* The instructions regarding the maintenance of *tahsil* and district note-books will be found in Revenue Circular 68.

Grades of
tahsildárs and
naib tahsildárs.

238. There are four grades of *tahsildárs* on pay varying from Rs. 150 to Rs. 250. The number of appointments in the lowest grade fluctuates with the number of *tahsildárs* employed on settlement duty, and appointments in this grade are only considered substantive *pro tempore* and may cease with the termination of the settlement in connection with which they were created. There are three grades of *naib tahsildárs*, the rates of pay being Rs. 60, Rs. 80, and Rs. 100 per mensem.

Appointment,
etc., of tahsildárs and naib tahsildárs.

239. *Tahsildárs* are appointed by the Financial Commissioner* and *naib tahsildárs* by the Commissioner of the division and the Settlement Commissioner.† After appointment they can only be dismissed by the Financial Commissioner.‡ For full instructions, as to the qualifications required, the examinations which candidate must pass, promotions, etc., the Land Revenue Rules and Revenue Circular No. 22 may be consulted. The Local Government may direct the Financial Commissioner to appoint a person not eligible under the rules to be either a *tahsildár* or *naib tahsildár*, but it is a condition of such an appointment that the holder shall within two years pass the prescribed examination.

Settlement
training of
naib tahsildárs and naib tahsildár candidates.

240. Any *naib tahsildár* who has passed the *tahsildár's* examination may be sent by the Commissioner of the division for a year's training in a district under re-assessment selected by the Settlement Commissioner. The Commissioner may also require any candidate for the post of *naib tahsildár* to undergo the practical training in revenue work prescribed by Land Revenue Rule 51 in a district under settlement.

Duties of
Tahsildár

241. The duties of the *tahsildár* within his *tahsil* are almost as manifold as those of the Deputy Commissioner within his district. He is not expected to hear many civil suits, but his magisterial work is important, and he may, if discreetly guided, be very useful in preventing abuses in the working of the police. In all matters of administration he must be, within his own charge, the Deputy Commissioner's principal agent, and his power for good or evil is very great. His revenue duties are so important that there has occasionally been a tendency to make them all in all. But it must be admitted that his efficiency, more than that of any other officer in the district, except the Revenue Assistant, depends on capacity for revenue work. No degree of excellence in other respects can atone for failure to properly direct and control the *patwári* and *kánúngo* agency, to collect the revenue punctually where the people are able to pay, to point out promptly to the Collector any failure of crops or calamity of season, which renders suspensions or remissions necessary, and to carry out within his own sphere, the other duties connected with land administration which are described in this book.

* Land Revenue Rule 158.

† Land Revenue Rule 155.

‡ Land Revenue Rule 163.

§ Land Revenue Rule 160.

242. For inspection work and the attestation of mutations in records, the estates of each *tahsil* are divided yearly between the *tahsildar* and the *naib tahsildar*.* The portion of the *tahsil* allotted to the latter should be changed every year, so that the responsibility of the *tahsildar* for the whole of his charge may not be impaired. The division for the next agricultural year should be made by the Deputy Commissioner in July.

Division of
tahsil for in-
spection work.

243. In the cold weather extra *naib tahsildars* are sometimes posted to districts where mutation work is very heavy. These men should not be employed as general assistants to the *tahsildar*, but should be required to devote the whole of their time to the attestation of mutations. At the same time the *tahsildar* and the *naib tahsildar* should not be relieved of all their mutation work. The best plan is to transfer the whole mutation work of certain *zails* or *kanungo's* circles to the extra *naib tahsildar*.

Extra *naib*
tahsildars for
mutation
work.

244. *Tahsildars* and *naib tahsildars* should spend alternate fortnights in camp during the seven months from the beginning of October to the end of April. During the rest of the year systematic touring is impossible, but an active *tahsildar* will take opportunities of visiting different parts of his charge from time to time. His revenue management of his charge cannot be efficient unless he has a thorough knowledge of his villages.

Tours of
tahsildars
and *naib*
tahsildars.

245. A plan of cold weather inspection work should be drawn up, though the duties of a *tahsildar* are so multifarious and he is liable to so many unexpected calls upon his time that it is impossible to adhere to it strictly. If the work is properly laid out beforehand the *tahsildar* and the *naib tahsildar* should be able in the seven months of camping to make between them a thorough scrutiny of every *kanungo's* and *patwari's* work and to visit most of the estates in the *tahsil*. Deputy Commissioners should impress on their subordinates that perfunctory inspections are worse than useless, and that a man who has done his best will not be blamed because he has failed to see every village, a task which, in many cases, is impossible. The *tahsildar* or *naib tahsildar* when on tour should always carry with him a small scale sketch map of his charge, showing village boundaries and sites, main roads, and canals, and the limits of *zails* and of *kanungo's* and *patwari's* circles. He should also have with him a list of all *takavi* loans granted in the tract to be visited.

Plan of tours
should be
drawn up.

246. On visiting an estate the *tahsildar* should attest the mutations. He should also inspect the village site and lands, if he is not already familiar with them, and should examine the village revenue registers and note points for enquiry. He should then discuss the condition and circumstances of the estate with the landowners, the village officers, the *zaildar*, and the *kanungo*, paying special attention to the causes of any large amount of alienation and the reasons for any difficulty experienced in collecting the

Inspection of
estates.

revenue. He should take the opportunity of seeing any works for which *takavi* has been given. The *tahsildar's* harvest inspection work is referred to in Chapter IX.*

247. In order to avoid taking agriculturists away from their homes all revenue work, especially disputed partition, *lambardari*, to be dealt with and *m'afi* cases, should, as far as possible, be dealt with at the village to which it relates. By this means the attendance of all the parties will be secured, and the facts of each case will be easily ascertained. But when mutation work is so heavy that the *tahsildar* or *naib tahsildar* cannot visit each^a estate in which mutations require attestation at least once a year, the Collector may fix such place or places, as he considers conveniently situated within each *patwari's* circle, for the attestation of mutation belonging to that circle.†

* See paragraph 367.

† Land Revenue Rule 143.

CHAPTER VI.

POWERS OF REVENUE OFFICERS.

248. There are five classes of revenue officers: the Financial Commissioner, the Commissioner, the Collector, the Assistant Collector of the 1st grade, and the Assistant Collector of the 2nd grade.* ^{Powers of the Revenue officers.} The Deputy Commissioner of a district is by virtue of his office its Collector.† A revenue officer who is transferred from one district to another retains the power with which he was invested in the former district.‡

249. There are many matters on which the Financial Commissioner is empowered by the Land Revenue and Tenancy Acts to make rules, but these do not take effect till they have been sanctioned by the Local Government.§ There are also a number of executive proceedings regarding which his special orders are required. For example, he fixes the amounts and dates of the instalments by which land revenue is paid,|| and if, to recover an arrear, the extreme step of annulling the assessment of an estate or holding, or of selling it outright has to be taken, his sanction must first be obtained. ¶ ^{Powers of the Financial Commissioner.}

250. While the Land Revenue and Tenancy Acts confer ample powers of general control on Commissioners, there is practically no particular matter which they can legally deal with on their own initiative, or for the carrying out of which their sanction is required by these enactments. One of the very few exceptions is that sales of immoveable property for the recovery of arrears are not complete till they have received their confirmation.** ^{Powers of the Commissioner.}

251. The Land Revenue Act declares that certain things must be done, and certain orders must be passed, by the Collector, and that other things may be done, and other orders may be passed, by "a revenue officer." There are but two cases in which any difference between the powers of the two grades of Assistant Collectors is mentioned in the Act. Section 126 provides that proceedings relating to the partition of land must be taken by an Assistant Collector of the 1st grade, and they possess the right, which Assistant Collectors of the 2nd grade do not, of compelling parties before them to submit certain matters to arbitration.†† But by Section 10 the Local Government has power, where the Act does not say expressly by what class of revenue officers any function is to be discharged, to determine the matter by notification, and this was done soon after ^{Powers of the Collector and Assistant Collectors.}

* Section 5 (1) of Act XVII of 1887 and Section 75 (1) of Act XVI of 1887.

† Section 6 (2) of Act XVII of 1887.

‡ Section 26 of Act XVII of 1887 and Section 104 of Act XVI of 1887.

§ Section 154 (3) of Act XVII of 1887 and Section 106 (3) of Act XVI of 1887.

|| Section 63 of Act XVII of 1887.

¶ Sections 73 and 75 of Act XVII of 1887.

** Section 92 of Act XVII of 1887. The other two exceptions also relate to sales, — see sections 88 and 91 of Act XVII of 1887.

†† Section 27 (2) of Act XVII of 1887.

the enactment came into force.* The class of revenue officer which can dispose of the various applications and proceedings which rise under the Tenancy Act is stated in its 76th section. It will be observed that in the distribution of business there given no distinction is made between the powers of a Collector and those of an Assistant Collector of the 1st grade. But the application of a landlord for leave to make an improvement on the holding of a tenant with a right of occupancy must be presented to the Collector, and he alone can enhance the rent after the improvement has been made and reduce it again after it has ceased to exist.†

Enquiries by
subordinate
officers.

252. It would be absolutely impossible for superior revenue officers, and especially for the Deputy Commissioner, to dispose of the numerous matters on which their orders are required, if the proceedings from first to last had to be held before themselves. Provision has therefore been made that "a revenue officer may refer any case which he is empowered to dispose of to another revenue officer for investigation and report, and may decide the case upon the report."‡ This useful power must be exercised with discretion. In matters of any importance the parties who will be directly affected by an order should be present when it is passed, and should be heard as far as is necessary. However unpalatable a decision may be to a man, it loses half its sting if he feels that his case has been fully understood and carefully considered.

Exclusion of
jurisdiction of
Civil Courts.

253. Civil Courts have no jurisdiction in respect of any matters of which revenue officers are empowered to dispose by the Land Revenue and Tenancy Acts. §

Execution by
revenue offi-
cers of certain
orders of
Civil Courts.

254. On the other hand, any order which a Civil or Criminal Court issues for the attachment, sale, or delivery of land, or of an interest in land, or for the attachment or sale of the produce of land must be executed through the Collector or a revenue officer appointed by the Collector for that purpose. The rules on the subject will be found in Appendix 1. When the produce of land is attached no obstacle must be placed in the way of the person to whom it belongs reaping, gathering, or storing it, and every care must be taken for its preservation. || As executant of the orders of Civil and Criminal Courts the function of a revenue officer is purely ministerial. He is not concerned with the propriety of the order passed. But if it is on the face of it illegal, if, for example, it directs the Collector to sell land belonging to a member of an agricultural tribe, ¶ he will be justified in pointing this out to the Civil Court.

Functions of
Collector
under Section
326 of the
Civil Proce-
dure Code.

255. Under the provisions of Section 326 of the Civil Procedure Code a court may authorize the Collector to arrange for the satisfaction of a decree by the temporary alienation or management

* By Notification No. 81, dated 1st March 1888, which will be found in Appendix 1.

† Sections 2 and 66 of Act XVI of 1887.

‡ Section 17 (3) of Act XVII of 1887 and Section 85 (4) of Act XVI of 1887. The power is "subject to the rules" made under these sections, but there seems to be nothing in the rules in any way restraining it.

§ Section 158 of Act XVII of 1887 and Section 78 of Act XVI of 1887.

|| Section 143 of Act XVII of 1887.

¶ See Section 16 (1) of Act XIII of 1900.

of land belonging to a judgment-debtor. The rules on the subject are quoted in Appendix I. Any alienation approved of would naturally take the form of one or other of the kinds of the mortgage allowed by Act XIII of 1900. Where the judgment-debtor is deprived of the cultivating occupancy of the transferred land enough should be excluded from the transfer to furnish at least a bare subsistence for himself and his family.

256. The procedure of revenue officers is mainly governed by Sections 18—23, 127—135 and 152 of the Land Revenue Act, and by a few rules issued under various sections of the Land Revenue and Tenancy Acts * Any number of tenants cultivating in the same estate may be made parties to proceedings under Chapter III of the Tenancy Act, but no order or decree must be made affecting any of them who has not had an opportunity of appearing and being heard. †

Procedure of
revenue off-
cers.

257. Sections 127—135 of the Land Revenue Act relate to arbitration, which may be employed with the consent of parties in any proceeding, and in a few proceedings without their consent. ‡ A revenue officer is not bound by the award, but may modify it or reject it altogether. Whatever his decision may be, it is open to appeal, just as if there had been no arbitration. § There are no provisions about arbitration in the Tenancy Act, but a rule under it || has made the provisions on the subject in the Land Revenue Act applicable to most of the proceedings under the Tenancy Act.

Arbitration.

258. Legal practitioners may appear in proceedings before revenue officers, and may present applications on behalf of their clients. Though a person chooses to be represented by a pleader his own attendance may also be required, and no formal pleadings will be heard except in *lambardari*, *zaildari*, *m'afi*, mutation, and partition cases. A revenue agent cannot, without the permission of the presiding officers, take any part in the examination of witnesses, or address to him any argument on behalf of his client. The fees of a legal practitioner are not allowed as costs in any proceeding without an express order of the revenue officers passed for reasons which he is bound to record. ¶ Legal practitioners cannot appear in proceedings under the Punjab Alienation of Land Act (XIII of 1900). **

Legal practi-
tioners.

* There are sections in the Tenancy Act corresponding to Sections 18—23 and 152 of the Land Revenue Act, as shown below :—

<i>Tenancy Act.</i>				<i>Land Revenue Act.</i>
86, 87, 89*	...	...	...	16, 19, 152
90*	...	...	...	20
91*	...	...	...	21
92*	...	...	...	22
101*	...	...	...	23

The sections marked with an asterisk also govern the procedure of Revenue Courts. The rules referred to in the text are Nos. 277 to 284. These are reproduced in Appendix I.

† Section 93 of Act XVI of 1887.

‡ Section 17 of Act XVII of 1887.

§ Section 135 of Act XVII of 1887.

|| Rule 286.

¶ See, as regards legal practitioners, Section 18 of Act XVII of 1887, section 86 of Act XVI of 1887, Notifications Nos. 728 and 729, dated 1st November 1887, and No. 180, dated 1st October 1890, which are reproduced in Appendix I, and paragraphs 42-49 of Revenue Circular No. 17.

** Section 20 of Act XIII of 1900.

Administrative control.

259. Administrative control is exercised over all the revenue officers in a district by its Collector, in a division by its Commissioner, and in the whole province by the Financial Commissioner.* If any of the powers of a Collector under the Land Revenue Act are conferred on an Assistant Collector, he exercises them subject to the control of the Deputy Commissioner, unless Government otherwise directs.† Every controlling officer has authority to withdraw a case from any of his subordinates, and either hear it himself or refer it for disposal to some other revenue officer under his control.‡

Review of orders.

260. Revenue officers of all grades possess large powers of reviewing their own orders and those of their predecessors, provided no appeal against them has been lodged. In the case of Assistant Collectors, however, the exercise of this power is in every case subject to the previous sanction of the Collector. If the latter wishes to review any order passed by the predecessor of himself or of any former revenue officer of a lower class, who has left no successor in office, he must obtain the Commissioner's permission. The Commissioner may, like, the Collector, review his own order, but without the leave of the Financial Commissioner he cannot reconsider an order passed by a former Commissioner. The power of the Financial Commissioner to review an order of any of his predecessors is not subject to any such restriction. Applications for review can only be entertained when they are presented within ninety days of the date of the order to which exception is taken, but apparently there is no legal limitation of the time within which a revenue officer may review an order of his own motion. Of course, persons who will be affected by the modification or reversal of an order must be given an opportunity of being heard in its support. There is no appeal from an order refusing to review, or confirming on review, a previous order.§

Revision.

261. The only officer who can revise an order not passed by himself, or by one of his predecessors in office, is the Financial Commissioner. But any controlling officer may call for the file of a case pending before, or disposed of by, any of his subordinates in order to satisfy himself of the correctness of any final or intermediate order which has been passed. If the Commissioner or the Collector thinks such an order ought to be altered, he can submit the file to the Financial Commissioner with a statement of his opinion. No proceeding or order should be modified or reversed in such a way as to

* Section 11 of Act XVII of 1887. The corresponding section in Act XVI of 1887 is 78, which also applies to Revenue Courts.

† Section 27 (3) of Act XVII of 1887. The corresponding section in the Tenancy Act 105 (4), only declares that the powers of a Collector under Sections 78-79 (administrative control), 80 (appeals), 82 (reviews), when conferred on an Assistant Collector, will be exercised subject to the control of the Deputy Commissioner unless Government otherwise directs. Notifications investing Settlement Officers with the powers of a Collector exempt them from the control of the Deputy Commissioner.

‡ Section 12 (2) of Act XVII of 1887. The corresponding section in the Tenancy Act, 79 (2), also refers to Revenue Courts.

§ Section 15 of Act XVII of 1887 and Section 82 of Act XVI of 1887. The latter does not apply to Revenue Courts.

affect any question of right between private persons without giving them an opportunity of being heard.*

262. The law of appeal is very simple. Original orders passed by Assistant Collectors are appealable to the Collector, and original orders of the Collector to the Commissioner. An order confirmed on first appeal is final, and under no circumstances can there be more than a second appeal. The only cases which can come before the Financial Commissioner on appeal are those in which Commissioners have modified or reversed original orders passed by Collectors.†

263. The period of limitation is thirty days, when the appeal lies to the Collector, sixty when it lies to the Commissioner, and ninety when it lies to the Financial Commissioner.‡

*Section 16 of Act XVII of 1887 and Section 84 of Act XVI of 1887. The latter does not agree exactly with the former. It applies to Revenue Courts as well as to revenue officers, and provides that in proceedings and suits under the Tenancy Act the Financial Commissioner can only interfere "on any ground on which the Chief Court in the exercise of its revisional jurisdiction may . . . interfere with the proceedings or an order or decree of a Civil Court."

†Section 13 of Act XVII of 1887 and Section 80 of Act XVI of 1887. The latter also applies to Revenue Courts, and under it appeals from decrees in suits under Section 77 (3) (a), (b) (c) of the Tenancy Act and Section 22 of the Alienation of Land Act passed by Assistant Collectors of the 1st grade, who have been specially empowered to hear them lie to the Commissioner.

‡Section 14 of Act XVII of 1887 and Section 81 of Act XVI of 1887. The latter applies also to Revenue Courts.

CHAPTER VII.

PATWARIS AND KANUNGOS.

Patwari and
kanungo staff
before 1885.

264. The term village officer, as used in the Land Revenue Act, means a headman, a chief headman, and a *patwari*.* In this chapter we are only concerned with the *patwari* or village registrar and accountant, and with his immediate superior, the *kanungo*. No efficient revenue administration of a district is possible unless the *patwari* staff is strong, properly trained, and strictly supervised by the *kanungos*, *tahsildars*, Revenue Assistant, and Deputy Commissioner. As a matter of fact revenue management in the Panjab was very defective before the carrying out of the reforms initiated in the years immediately preceding the passing of the Land Revenue Act of 1887. The *patwari* staff was not notably deficient as regards mere numbers, but it was badly paid, badly taught, and hardly supervised at all, except when a district was under settlement. The returns prepared in the villages were exceedingly unreliable, and the general statistical statements based upon them were little better than waste paper.

Object of
reforms initi-
ated in 1885.

265. The reforms referred to above, so far as they affected settlement policy and procedure, have been described in paragraphs 79—85 of the Settlement Manual. But they have had such a wide reaching effect on ordinary district revenue administration that it will be well to give here some further account of their origin and scope. In brief, effective measures were taken for the first time to secure the proper performance by the *patwari* of his three chief duties—

- (1) the maintenance of a record of the crops grown at every harvest ;
- (2) the keeping of the record of rights up to date by the punctual record of mutations ; and
- (3) the accurate preparation of statistical returns embodying the information derived from the harvest inspections, register of mutations, and record of rights.

These duties will be fully described in the 9th, 10th and 11th Chapters of this work.

Principles of
revenue
policy sound,
but machi-
nery for car-
rying them
out wanting.

266. The revenue policy of the Panjab from the beginning was founded on the principles laid down in Thomason's valuable treatise, the "Directions for Settlement Officers" and the "Directions for Collectors." These principles were excellent, but the machinery for giving effect to them did not exist. When the Directions were written supervision was seemingly exercised in the North-Western

* Act XVII of 1897, 3 (iv):

Provinces by a single *kanúngo* in each *pargana*, who was an official sitting in the *tahsil* office and applying a paper check to the village statements which the *patwáris* presented to him. Among these the *naksha jinswar*, the most important return which the *patwári* now prepares, found no place. While Thomason was fully alive to the importance of one of the two pillars of good revenue management a correct record of rights, he either failed to recognize or despaired of obtaining the other. There is not a word in the Directions making it part of a *patwári's* duty to compile a record of the crops grown at each harvest.* This is also true of Cust's "Panjab Revenue Manual" published in 1866.

267. A Statistical Committee, which sat at Calcutta in that year, drew up a list of agricultural statements which each Local Government was to append to its annual Administration Report. Among these was a return of the area under, and yield of, the different crops. The rules issued under the first Panjab Land Revenue Act, XXXIII of 1871, provided for a harvest inspection to be made once a year by the *patwáris* in the cold weather, when the Kharif crops were reaped or in process of reaping, and the Rabi crops were sown or about to be sown. Obviously little accuracy was to be looked for under such a system. Harvest inspection, under rules issued in 1887

268. A Settlement Officer of one of the eastern districts gave the following account of the *patwári* staff as he found it in 1882, and the description may be taken as having more than a local application :— Patwaris twenty years ago.

"Above one-third of the *patwáris* kept their records in the Nagri character, and were unable to write Urdu. The *girdawari* had often been done in the village rest-house, and indeed there was some excuse for this practice, for in many cases the circles were so large and included such an enormous number of fields that an accurate crop inspection was well nigh impossible. The new *jamabandí* had sometimes been made by simply repeating the entries as to cultivation contained in that of the previous year. Some *patwáris*, I believe, paid the superior revenue establishment the compliment, which was probably undeserved, of supposing that this simple device might be detected, and only made the *jamabandis* of alternate years copies of each other The crop inspections were a farce, and the annual papers a fraud. A curious practice prevailed . . . by which the *patwáris* were themselves allowed to record mutations in the *jamabandis* in red ink, in the sanguine hope apparently that a revenue officer would at some future date find time to attest the alterations."†

269. The provincial returns compiled from such materials were of little use, and in 1875 the Secretary of State caustically remarked that the figures should be examined and proper endeavours should Provincial Agricultural Returns of little value.

* See Directions for Collectors, editions of 1850, paragraph 147 and appendix XVII. In the case of fields, of which the rent was paid in kind, but not otherwise, the *patwári* noted the crop grown in the yearly *jamabandí*.

† Karnal-Ambala Settlement Report, paragraphs 7 and 18.

be made to correct errors, instead of, as at present, throwing away the labour expended in their preparation, by a sweeping paragraph in the Administration Reports denouncing the returns as useless.*

Reforms introduced into United Provinces according to scheme drawn up by Mr. (now Sir Edward) Buck.

270. In the despatch from which these words are quoted he called attention to a plan already started in the United Provinces to secure the ends which he had in view. The scheme referred to was one drawn up in 1874 by Mr. (now Sir Edward) Buck when officiating as Secretary to the Board of Revenue at Allahabad with the object of obtaining such a measure of accuracy in the *patwari's* papers that they could safely be made the basis of future re-assessments of the land revenue. Some account of the reforms effected in the United Provinces will be found in the 78th paragraph of the Settlement Manual.

Indian Famine Commission of 1880 proposed—
(1) Formation of Agricultural Department in each Province.

271. The exhortation of the Secretary of State and the example of the United Provinces bore no immediate fruit. But the lessons learned in the famine of 1877-78 made it impossible to leave things where they were. In the report of the Indian Famine Commission, which was presented to Parliament in 1880, great stress was laid on the necessity of creating in each province a special Agricultural Department. The Commissioners remarked :—

“Such an office in each province would have charge of all the records of past famines, and take note of all that is being usefully done or learnt in neighbouring provinces, so that the gathered results of past experience might be collected and made accessible, which has hitherto been hardly possible. Through this office should be brought together the more comprehensive and exact record of the agricultural, vital, and economic condition of the people to the urgent necessity of which we have already drawn attention. Especially, when a famine is thought to be impending would such an office become important, as it would supply the Government with all statistics bearing on this subject, and, would be responsible for working out from them the conclusions on which the decision as to future action would mainly rest. When a famine is in progress all the information relating to relief measures, their extent, their results, would be collected in it and presented in a uniform and intelligible manner, and through it all orders of the Local Government relating to famine administration would be issued.”

(2) Reform of *Patwari* and *Kanungo* Agency.

272. “The efficiency of such a special department, as we have proposed, will depend mainly on the completeness and accuracy with which the agricultural, vital, and economic statistics with which it has to deal are collected in each village and compiled in each sub-division and district throughout the country.” * * * *

“The revenue system in the greater part of British India is such as to present unrivalled means of ascertaining, in the fullest manner, all necessary facts relating to agriculture, and to the different incidents of landed tenures in every village; but those means have nowhere been completely utilized and made as efficient as they might be. We recommend that the body of village accountants should everywhere be put on a sound and satisfactory footing

* Despatch, dated 24th June 1875. The remark was a general one and did not apply specially to the Panjab.

as responsible public officers, with a clearly defined set of duties, but with due consideration to the importance of their permanent connection with their own villages." * * * * "Over the village accountants there should be a staff of active sub-officers employed in keeping them to their duty, inspecting their work, visiting each village in turn, and checking the accuracy of all the items recorded concerning it."

273. "Above these there should be a special officer in every district who would be, as a rule, of the rank of Deputy Collector, and whose main or only duty should be to take charge of all matters connected with the economic condition and well-being of the people. He would test and compile the agricultural returns and examine the market prices and ascertain from these and other *data* the relative value of each year's crop, according as it is below or above the average. From such a continuous record of the harvests he would obtain *data* for judging whether the landed classes were in a depressed or a prosperous condition, and how far they were prepared to meet a calamitous season. It would be his object to obtain similar information as to all sections of the population, and to learn what are the causes of depression, and what classes would be the first to succumb under the pressure of scarcity and high prices. The accurate regulation of vital statistics, and the investigation of the causes of any abnormal mortality, would lie within his province, and he would be the agent of the health officer of the district for the purpose of scrutinizing the record of births and deaths. The extent of the food stocks, the ebb and flow of local trade, the current rate of interest charged on loans to different classes, the deficient or superabundant supply of any kinds of labour and the customary wages paid to each kind, these and other kindred topics on which information is at present far from precise, would fall within the scope of his enquiries. These officers, while generally subordinate to the Collector, would be specially under the orders of the Agricultural Department in respect of the system on which their returns are to be prepared and checked."

(3) Appointment of Revenue Assistant in each district.

274. "A Director of Agriculture should be appointed in each province as executive head of this Department, chosen for his knowledge of the condition of the people and particularly of the agricultural classes. He would directly control the special statistical officers, and would be the adviser of the Local Government on all matters relating to agriculture and statistics. In ordinary times he would discharge these duties and superintend all measures designed to improve the agriculture of the country, and in times of famine he would be the officer responsible for warning the Government as to the agricultural outlook, and for preparing such a forecast as should guide it in issuing instructions and setting on foot measures of relief."*

(4) Appointment of Director of Agriculture in each province.

* These extracts are taken from paragraphs 120-125 of the Report of the Indian Famine Commission presented to Parliament in 1880. As to the separation of the functions of the Director of Land, Records and Director of Agriculture. (See paragraph 309.

Introduction
If reforms in
Panjab.

275. The measures proposed by the Commission therefore embraced :—

- (a) the reform of the *patwari* staff ;
- (b) the provision of a sufficient staff of supervisors or *kanungos* ;
- (c) the appointment of a revenue assistant in each district ;
- (d) the appointment of a Director of Agriculture in each province.

It fell to Colonel Waco, first as Settlement Commissioner and later as Financial Commissioner, to carry out these reforms, a task which he welcomed with enthusiasm. To enable him to deal with the matter effectively he was appointed in 1882 Director of Agriculture while retaining the post of Settlement Commissioner.* In 1883 a Revenue Assistant was appointed in all districts except Simla. In the same year Colonel Waco prepared a scheme for the re-organization of the *kanungo* staff, which was sanctioned with some modifications next year, and carried out in 1885. Hitherto the establishment in each district had consisted of a *sadr kanungo* at headquarters on Rs. 60 per mensem, and a *kanungo* on Rs. 25 with an assistant on Rs. 15 at each *tahsil*. The staff was now doubled. The *kanungo* at the *tahsil* head-quarters became the office *kanungo* and a staff of field *kanungos* was provided to supervise the *patwaris'* work in their villages. The pay and prospects of *kanungos* were much improved. A Director of Land Records was appointed in 1885.

Object of
reforms in
Land Record
Agency and
Procedure.

276. These changes and the procedure connected with the reformed system of record were embodied in a new code of *patwari* and *kanungo* rules, the object of which was explained to be the securing of—

- (a) real efficiency among the *patwaris* and *kanungos* ;
- (b) improved field-to-field inspection, and record of the results of each harvest ;
- (c) the continuous record in convenient tables of the total results of each harvest and each year's husbandry, these tables being kept first by villages, secondly by assessment circles, and thirdly by *tahsils* ;
- (d) the punctual record and attestation of all mutations of rights and their prompt incorporation into the *jama-bandi* ;
- (e) the cessation of the practice, under which, in numerous cases, mutation orders were passed in the absence of the parties, or after calling them away from their villages to the *tahsil* office ;

* His title was Commissioner of Settlement and Agriculture.

- (f) the release of the *tahsildars* and *naib tahsildars* from a large amount of revenue case work, which, under the procedure hitherto prescribed for such work, tied them to their *tahsil* offices and overburdened their small office establishment with clerical duties ; and
- (g) as a consequence, the systematic visiting of each village, either by the *tahsildar* or *naib tahsildar*.

277. The new system was embodied in the Panjab Land Revenue Act of 1887 and the rules issued under it. Since it was introduced it has been modified in some of its details. But no change affecting its main features has been made, and the soundness of the scheme has been proved by a steady improvement in the work of the *patwaris* and in the revenue administration of the districts. Effect of reforms.

278. The organization of the *patwari* and *kanungo* staff is carefully reconsidered when a district is being assessed, and it is rarely necessary to make many changes in the interval between two settlements. The number and limits of *patwaris'* circles are matters for the Commissioner to decide,* after consultation with the Director of Land Records; the grading and pay of *patwaris* require the sanction of the Financial Commissioner.† Organization of *patwari* and *kanungo* staff reconsidered at settlement.

279. In fixing the limits of a circle the chief points to consider are the number of fields to be worked over at the harvest inspections, and the number of owners' holdings and cultivators' holdings for which entries have to be made in the record of rights. The number given to each field in the village map is known as the *khasra* number, that assigned to each owner's holding in the record of rights is called the *jamabandi* number, and that allotted to each cultivator's holding the *khatauni* number. A *patwari* should usually be able to keep up the records of a circle containing from 4,000 to 5,000 *khasra*, and 1,500 *khatauni*, numbers, but regard must be paid to the distances the *patwari* will have to travel, the nature of the country, the simplicity or complexity of the land tenures, and the inclusion in the circle of estates subject to river action or under fluctuating assessment. A circle generally consists of several adjoining estates, but some large estates require the whole services of a *patwari* and a few have more than one. Points for consideration in forming *patwaris'* circles.

280. Before 1885 there was a separate *patwari* cess, and each *patwari* received the amount levied in the villages of his circle. A man with a small circle of rich highly cultivated estates drew much more pay than his fellow incharge of a much larger and more difficult circle containing villages where the precariousness of the crops had enforced a light assessment. Now the *patwaris* of a district are distributed into grades with varying rates of pay. The ultimate distribution will be one-fourth on Rs. 14, one-half on Rs. 12, and one fourth on Rs. 10 monthly. Grading of *patwaris*.

* Land Revenue Rule 1.

† Land Revenue Rule 4.

Village
officers' cess.

281. Section 29 of the Land Revenue Act, XVII of 1887, provided for the levy of a cess at a rate not exceeding $12\frac{1}{2}$ per cent. on the land revenue and canal owner's rate for the remuneration of village officers, that is to say, headmen, chief headmen, and *patwaris*. The headman retains a surcharge of 5 per cent. on the land revenue and owner's rate which he collects, and 1 per cent. is payable to the chief headman, if there is one. The balance was available for the remuneration of the *patwari* staff and "for defraying other expenditure directly connected with the supervision of (*patwaris*) and with the performance of their duties." The words just quoted enabled Government to apply a portion of the proceeds of the cess to the payment of the field *kanungo* staff. The part of the cess not absorbed by the remuneration of headmen and chief headmen was credited to a *patwari* fund. In 1906 the liability of the landowners for the pay of the *patwari* staff was abolished.*

Assistant
patwaris.

282. It is usual to have a few young assistant *patwaris* receiving Rs. 7 or Rs. 8 monthly. Assistants should be used to help *patwaris* whose work is very heavy or to fill temporary leave vacancies. Except in the latter case, they should not ordinarily be given any independent charge.

Pay of
patwaris.

283. Salaries are drawn quarterly, and care should be taken that they are punctually disbursed. Besides their pay *patwaris* receive a fifth share of the fees levied for the entry of mutations in the record of rights,† and are allowed to make certain small charges for allowing the inspection of their records and giving certified extracts.‡ It is a rule to which no exceptions are allowed that the whole of the pay and all the fees must be given to the person who actually performs the duties of *patwari*.§ All leave must therefore be without pay.

Appointment,
punishment,
and dismissal
of *patwaris*.

284. No revenue officer below the grade of Collector can appoint, punish, or dismiss a *patwari*. Where the Revenue Assistant is an experienced and trustworthy officer there is no reason why he should not be invested with the powers of a Collector to enable him to fine a *patwari*. But the Deputy Commissioner should keep the power to sanction appointments and dismissals in his own hands. Recommendations should be received from the Revenue Assistant, and where he is an impartial and sensible man, they should usually be accepted. Upon him mainly depends the efficiency of the *patwari* and *kanungo*

* Panjab Government Revenue and Agricultural Department Notification No. 104, dated 2nd April 1906.

† Land Revenue Rule 52. The *patwari* gets the whole fee in certain cases. See Rule 52 (a).

‡ Land Revenue Rule 23 and Revenue Circular 28, paragraph 29.

§ Revenue Circular 28, paragraph 2.

staff. He cannot have the proper amount of authority over it or be expected to work with zeal if his subordinates are given any reason to suspect that he has not the support and confidence of his chief.

285. A register of *patwari* candidates is kept up for each *tahsil*. Patwari candidates. In most districts it is now possible to exclude men who have not passed the Middle School examination. Neat and clear hand-writing and the power to work out simple sums quickly and correctly are essential, and no candidate, however well qualified otherwise, should be accepted who has not good eyesight. Candidates must be between the age of 15 and 30 years. It is undesirable that a large proportion of the candidates should belong to the money lending class, or to the castes from which pleaders are chiefly drawn, and the sons of agriculturists should be encouraged to come forward as candidates. A clever and well-educated lad who enters Government service as a *patwari* has very fair chances of promotion to higher posts. The appointments of *tahsil* revenue accountant (*wasil baki navis*) and *siyaha navis* are, whenever possible, reserved for them, and two-thirds of the *kanungos* must be promoted *patwaris*.* Once he becomes a field *kanungo*, a *patwari* may hope to climb still higher on the official ladder.† *Patwaris* are also eligible for the post of *tahsil* judicial muharrir.

286. Every candidate must attend the *patwari* school and appear at the *patwari* examination. His name should ordinarily be struck off the register if he fails to pass within three years.‡ The *patwari* school in each district should be opened on the 15th of April and closed at the end of August.§ Before joining the school the candidate should be required to attend for instruction at the *Rabi girdawari*. The principal subjects taught with the aid of books are arithmetic and mensuration, on which special manuals have been written for the use of *patwaris*, and the directions contained in the first eight chapters of the Land Revenue Rules. But the teaching should be of a thoroughly practical character and a great deal of it should be given in the field. In survey work a pound of practice is worth a ton of instructions. A candidate who passes the examination held at the end of the school term, attends the *Kharif girdawari* for further practical instruction, and unless he does so he is not entitled to a pass certificate. ||

287. The most "suitable" candidate must be selected, and relationship to the former *patwari* confers no claim.¶ But the Deputy Commissioner is bound to consider any representation made by the land-owners of the vacant circle,** and, if it is evident that they really wish for the appointment of a relation of the late incumbent,

* Land Revenue Rule 104 (v).

† See paragraph 305.

‡ Land Revenue Rule 8.

§ Candidates are as a rule examined by the Revenue Assistant every third year, and it is only necessary to open the schools in years in which an examination will be held.

|| For full directions as to the management of *patwari* schools see Revenue Circular 28, paragraph 21.

¶ Land Revenue Rule 9 (i).

** Land Revenue Rule 17.

Filling up vacancies.

who is fit for the post, some regard should be had to this in weighing claims. The fact that the candidate is already a resident of the circle and has the confidence of the proprietors has a strong bearing on his "suitability."* However well qualified he seems to be, a candidate should not be chosen if any of his near relations lend money in the circle.

Residence of
patwari in
his circle

288. Every *patwari* is bound to reside with his family in his circle, and must not leave it without permission.* The Deputy Commissioner may free him from this obligation, but circumstances in which it would be right to do so very rarely arise. Where a suitable *patwarkhana* exists, the *patwari* must keep his records in it, live in it with his family, and repair it when necessary. Land-owners must not be asked to spend any part of the common village fund (*malba*) in building or maintaining *patwarkhanas*, and no expenditure on these objects can be charged to the *patwari* fund without the express sanction of the Financial Commissioner.† Where no *patwarkhana* exists the *patwari* must make his own arrangements.

Disabilities of
patwari.

289. He is forbidden to engage in trade, or to have any interest whatever in the lending of money to agriculturists, and he must not tout for any legal practitioner or borrow from any agriculturist in his circle. He cannot acquire land in his circle except by inheritance, and if he possesses any interest in land any where he must report the fact to the *tahsildar*. A *patwari* sometimes tries to evade these rules by buying or taking mortgages in the name of one of his sons, but transparent subterfuges of this sort are easily brushed aside. He is not permitted to write, attest, or witness deeds for private individuals. He may be dismissed if he is deeply in debt, as well as for misconduct, neglect of duty, or incompetence.‡ As soon as he becomes unfit through age or chronic ill-health to do this work properly he must be relieved of his office. § Small rewards are payable on retirement to well-conducted *patwaris* who have served for a long time. ||

Employment
of patwari on
other but his
proper duties
forbidden.

290. Care must be taken that no *patwari* is employed on any duties except those laid down in the Land Revenue Rules, which are amply sufficient to occupy his whole time. ¶ The chief branches of his work, the registration of the crops, the maintenance of the record of rights, and the writing up of the statistical register of each estate, will be described in later chapters. But the other duties which he has to discharge may be briefly noticed here.

Miscellaneous
duties of
patwaris.

291. It is his business to report at once all serious calamities affecting the land or the crops, and all severe outbreaks of disease among man and beast. He must bring to the notice of inspecting officers

* Land Revenue Rule 11.

† For the circumstances under which application for such sanction would be justifiable see paragraph 119 of Revenue Circular 28.

‡ Land Revenue Rules 12 and 13.

§ Land Revenue Rule 15.

|| See Revenue Circular 28, paragraph 22.

¶ Land Revenue Rule 26.

encroachments on Government lands, the deaths of pensioners and assignees, the emigration or immigration of cultivators, and the unauthorized cultivation of groves held revenue free on condition of the preservation of the trees.* He must aid the headmen in revenue collections to the extent noted in Chapter XV. He must allow any one interested to inspect his records, and, if required, give certified extracts from them.†

292. He keeps up a diary (*roznamcha*) and a work-book. The first part of the diary, which is renewed annually, should contain a record of all facts of importance regarding the cultivation of the land, the state of the crops, the condition and relations of land-owners and tenants, and the interests of Government. The entries should be made on the day on which the events come to the notice of the *patwari*. At the end of each month of the Hindu calendar a careful general note on the crops and the cattle of the circle should be added. Orders received by the *patwari* from the *kanungo* or from any revenue officers should also be entered in Part I of the diary. Where, however, an order consists of directions of a general nature it should be inserted in Part II, which is not renewed every year. The diary, like all other revenue records, is kept by the agricultural year beginning on 16th *Bhadon*, corresponding to the 1st September. The *Patwari's* diary.

293. The *kanungo* establishment consists of field *kanungos*, office *kanungos*, and a district *kanungo*. Its strength in each district can only be altered with the sanction of the Local Government. Ordinarily there is one field *kanungo* for about twenty *patwaris*, an office *kanungo* at each *tahsil*, and a district *kanungo* with at least one assistant at head-quarters. *Kanungo's* staff.

294. The field *kanungo* should be constantly moving about his circle supervising the work of the *patwaris* on the spot, except in the month of September, when he stays at the *tahsil* to check the *jama-bandis* received from the *patwaris*.‡ Duties of field *kanungo*.

295. The office *kanungo* is the *tahsildar's* revenue clerk. His chief work, the maintenance of the statistical revenue records, will be described in a later chapter.§ He has also charge of the forms and stationery required by *patwaris*, keeps the accounts of the *patwari* fund and mutation fees, records the rainfall,|| and maintains the register of assignees of land revenue and other miscellaneous revenue registers. He is custodian of all the records received from *patwaris*, and a well-ordered *kanungo's* office is an important factor in the revenue management of a *tahsil*. Duties of office *kanungo*.

296. The district *kanungo* is responsible for the efficiency of both the office and the field *kanungos*, and should be in camp inspecting their work for at least fifteen days in each month from 1st October to 30th April.¶ He is the keeper of all records received Duties of District *kanungo*.

* Land Revenue Rules 19 and 20.

† Land Revenue Rule 28.

‡ Land Revenue Rule 126.

§ Land Revenue Rule 119 (a). See Chapter XI.

|| Land Revenue Rule 119 (c).

¶ Land Revenue Rule 184.

from *kanungos* and *patwaris*,* has charge of the district *patwari* fund account,† and maintains with the help of his assistant copies of the prescribed statistical registers for each assessment circle, *tahsil*, and the whole district.‡ It is necessary, as already noted, to give him one or more assistants for office work. The pay of a *sadr kanungo* is Rs. 60 rising to Rs. 80, and his assistant receives Rs. 30.

Kanungos to be employed only on their proper work.

297. All *kanungos* must be strictly confined to their own allotted work. It would, for example, be improper to allow the district *kanungo* to be used by the Revenue Assistant as a reader. Nor should a *tahsil* office *kanungo* be used for case work.

Grades and pay of *kanungos*.

298. Field and office *kanungos* are graded on a single list, office *kanungos* being chosen from among the older field *kanungos*. On first appointment a field *kanungo* is placed at the bottom of the list, and receives Rs. 20 monthly. After a year, if he possesses a certificate of efficiency from the Director of Land Records, his pay is raised to Rs. 25. Field *kanungos* in the highest grade, or one-fourth of the whole number, draw Rs. 30 monthly. All field *kanungos* are eligible for allowances of Rs. 5 and Rs. 10 a month, which are distributed every six months, one-fourth of the allowances being at the higher rate. These are rewards for good work, and the Deputy Commissioner should see that they are given with discrimination.§ *Tahsil* office *kanungos* receive Rs. 40 monthly, and assistants to the district *kanungo* the pay sanctioned in each case.

Kanungo candidates.

299. A register of accepted candidates for the post of *kanungo* is maintained. *Patwaris* of three years' service and belonging to the 1st or 2nd grade are eligible. Most of the candidates should be drawn from this class, as two-thirds of the vacancies among *kanungos* must be given to *patwaris*. In choosing candidates it should be remembered that a *patwari* whose age exceeds thirty-five years should not as a rule be promoted to a *kanungoship*. A few men below the age of twenty-five who have passed the Entrance Examination of the Panjab University may be accepted. But such candidates must not be given appointments till they have served two years as *patwaris* or as apprentices learning *patwari's* work. Persons who have passed the *tahsildar's* or *naib tahsildar's* examination may be given *kanungos'* posts, though their names are not on the register. No one should be accepted as a candidate who is not of active habits and able to ride. There is no such thing as a hereditary claim to a *kanungo's* post, and the caution given as to the classes from which the bulk of the candidates should not be drawn in the case—of *patwaris* applies equally to that of *kanungos*. Candidates must appear at the local examination held by the Director of Land Records. On passing it and giving evidence that they have received a proper practical training they are entitled to certificates of efficiency.||

* Land Revenue Rule 131.

† Land Revenue Rule 139.

‡ Land Revenue Rule 132.

§ Land Revenue Rule 102.

|| Land Revenue Rules 101, 104, 105, 109, and 110.

300. Great care should be taken in choosing *kanungo* candidates, and there is not much difficulty in getting suitable men. The post itself is a respectable one as regards pay and position, and it carries the chance of promotion to the office of district *kanungo*, the appointment of district revenue accountant (*sadr wasil baki navis*), or a *naib tahsildarship*. Any *kanungo* who has served Government for five years including at least two years' approved service as field *kanungo* may be selected as a *naib tahsildar* candidate.* The Commissioner's register should always contain some names drawn from the *kanungo's* list. It is true that few promoted *kanungos* are likely to rise above the rank of *naib tahsildars* by becoming *tahsildars*. They are usually, at least when they have started as *patwaris*, made *naib tahsildars* too late in life to do so. But their previous training fits them to do very good work as *naib tahsildars*, and the post of a 1st grade *naib tahsildar* is sufficiently honourable and well paid to satisfy the ambitions of most men of the class from which the *kanungo* staff is mainly drawn. A permanent or officiating district *kanungo* is entitled to appear at the *naib tahsildars'* examination, and, if he passes, his name is put on the register of candidates.† A district *kanungo* of 3 years' standing may be selected by the Financial Commissioner as a candidate for the post of *tahsildar*.‡

Claims or
kanungos
to high
posts.

301. When a district is being reassessed, the *kanungos* work under the orders of the Settlement Officer, who finds it necessary to employ in addition a number of extra or settlement *kanungos*. He also becomes responsible for the training of candidates. At the end of the settlement he ought to leave in the district a thoroughly efficient *kanungo* staff with a number of qualified candidates.

Kanungos in
districts
under settle-
ment.

302. Where possible the Settlement Commissioner arranges to give *kanungo* candidates from districts not under settlement a practical training in settlement work.

Training of
kanungo
candidates in
settlement
work.

303. A vacancy in the office of district *kanungo* must be filled by the promotion of an office or field *kanungo*. The post is one which can only properly be filled by a well educated man of active habits, of good natural ability, and sufficient acquired experience. The appointment is considered so important that the Deputy Commissioner is required to consult the Director of Land Records in filling it up, though he is not bound to follow his advice. If his advice is not followed and the appointment made seems to the Director of Land Records really unsuitable, he may refer the matter to the Commissioner.§

Filling up of
post of
district
kanungo.

304. The rule regarding residence is the same *mutatis mutandis* for field *kanungos* as for *patwaris*, and *kanungos* are under the same regulations as *patwaris* as regards trading, borrowing and lending, holding land, writing and attesting documents.||

Disabilities of
kanungos.

* Land Revenue Rule 103 (ii).

† Land Revenue Rule 103 (i).

‡ Land Revenue Rule 157.

§ Land Revenue Rules 106 and 107.

|| Land Revenue Rules 111 and 112.

CHAPTER VIII.

VILLAGE HEADMEN, INAMDARS, AND ZAILDARS.

Value of un-
official
agency.

305. In the last two chapters the strong body of Government servants, of which the Deputy Commissioner is the head, has been described. It is a powerful piece of administrative machinery, but, as links between the higher officers and the communities for whose welfare they are responsible, its inferior members have the defects which belong to purely official agency. They have therefore been supplemented by representatives of the landowners in the shape of village headmen, *inamdars*, and *zaildars*.

Convenience
of dealing
with village
communities
through
headmen.

306. It is obviously convenient for the State to deal with bodies like village communities through headmen. The internal affairs of such communities used to be, and in some places still in a measure are, managed by informal councils or *panchayats*. But these have fallen into decay, and in any case their constitution was too loose for them to serve as intermediaries between the rulers and the landowners.* The Sikh Government, like our own, found it useful to have such intermediaries.† The *chaudhris* and *mukaddims* through whom it dealt with the people corresponded roughly with our *zaildars* and *lambarbars*.

Duties of
headmen.

307. The headmen of a village act on behalf of the landowners, tenants, and other residents in their relations with the State. They are bound to attend when summoned by officers of Government, and to aid them in the execution of their public duties. Their important functions as regards the prevention and detection of crime do not fall within the scope of this work. Their chief duties are set forth in some detail in a vernacular memorandum which is given to each headman on his appointment. Those connected with land administration may be summarized as follows:—

4. Duties to Government—

1. To collect and pay into the treasury the land revenue and all sums recoverable as land revenue.
2. To report to the *tahsildar*—
 - (a) the deaths of assignees and pensioners, and their absence for over a year,
 - (b) encroachments on, or injury to, Government property,

* See paragraph 129 of Settlement Manual.

† See paragraphs 115 and 117 of Settlement Manual.

3. To aid—

- (a) in carrying out harvest inspections, surveys, the record of mutations, and other revenue business,
- (b) in providing on payment supplies or means of transport for troops and officers of Government.

B. Duties to landowners and tenants of estate—

- 1. To acknowledge every payment received from them in their *parcha* books.
- 2. To collect and manage the common village fund (*malba*), and account to the sharholders for all receipts and expenditure.*

The duties of headmen as regards the collections of revenue (A 1 and B 1 above) are dealt with in Chapter XV. Those which fall under heads A 2 (a) and (b) and A 3 (a) call for no remark. Revenue Circular 46 deals with transport and supplies for troops. As regards the village *malba* (B 2), the 92nd and 93rd paragraphs of the Settlement Manual may be consulted.

308. The manner in which headmen are remunerated for their services has already been noticed.† The *pachotra* or surcharge of 5 per cent. on the land revenue to which they are entitled is calculated not on the demand, but on the amount collected. A suspension or remission of the land revenue therefore involves the suspension or remission of a corresponding share of the *pachotra*. As headmen collect their own *pachotra* it may be doubted whether this rule is always carried out, but in case of dispute it must be enforced. Headmen usually receive an allowance of 3 per cent. on account of collections of canal occupier's rate. Remuneration of headmen.

309. When a district is under settlement headmen are appointed by the Settlement Officer.‡ When the question of dismissing a headman arises, the Settlement Officer deals with the matter if the malfeasance was connected with work under his control, otherwise the Deputy Commissioner is the final authority. The officer with whom the actual decision rests should consult his colleague before passing orders. Appointment and dismissal in districts under settlement.

310. The headman or headmen must be chosen from among the landowners of the village. In the case of Government estates or estates in which Government owns a considerable share he may be one of the Government tenants.§ Headman must be landowner of village.

311. The existing *lambardari* arrangements in most villages were made when they were first brought under a regular settlement. || It was often found that a considerable number of the owners had in Too many headmen often appointed at first regular settlement.

* See Revenue Circular No 26, paragraph 2. Compare Land Revenue Rule 181.

† See paragraph 281.

‡ See paragraph 233 of Settlement Manual.

§ Land Revenue Rule 175 (ii).

|| See paragraph 44 of Settlement Manual.

fact received a share of the *pachotra*, and that there were many claimants for the office of headman. In fixing the number of posts too much attention was paid to the interests of individuals and too little to those of the administration. The result is that in many villages the number of headmen is too large. Authority is so much divided that no headman is really influential, and not a few have become too poor to be proper representatives of the other landowners. The original arrangements can be recast and the number of headmen reduced with the sanction of the Financial Commissioner. Later on some remarks will be found as to the circumstances in which revision can usefully be undertaken.

Matters to be considered in making new appointments. 312. In making new appointments as distinguished from the filling up of vacancies in existing posts the chief matters to consider are :—

- (a) the constitution of the community to be represented,
- (b) the family claims of the candidates,
- (c) the extent of their landed property and their freedom from debt,
- (d) their character, ability, and personal influence,
- (e) any services rendered to the State by themselves or the families to which they belong.*

The first point is important in deciding how many headmen are required. The number should be as small as possible having regard to the claim of each principal branch of the community to have its own representative.

New appointments of headman.

313. New appointments are nowadays exceptional save in the case of estates carved out of the Government waste. Where such an estate is leased to a single lessee he becomes *ipso facto* headman for the period of his lease. In the villages which have recently been planted in hundreds on the State lands brought under cultivation by means of the great canals dug from the Chenab and Jhelam the *lambar-dari* arrangements are governed by the constitution of the groups of colonists who have occupied the new settlements. In an ordinary district new appointments are only necessary when the family in which the post is hereditary becomes extinct, when a headman resigns or is dismissed, or in the rare cases in which an increase in the number of headmen is sanctioned by the Commissioner.

Ordinarily headman must perform duties himself.

314. A headman once appointed holds office for life unless the Deputy Commissioner dismisses him or accepts his resignation. No man should ordinarily be retained in office who either does not, or cannot, carry out the duties efficiently. But in some cases where inability to do so is of a temporary nature, and in others where it springs from unavoidable circumstances, the *lambar-dar* is allowed to retain the title, and even in some cases a share of the emoluments, while a substitute is appointed to do the work.

* Land Revenue Rule 179.

315. The commonest instance of a temporary inability is that of a headman being too young to act. In that case the appointment of a substitute is imperative. Another instance is absence from the village with the Deputy Commissioner's consent for a period not exceeding one year. Old age or physical infirmity is a disability which it might savour of harshness to treat as a ground of dismissal. A wide discretion is left to the Deputy Commissioner, for he can allow a substitute or "*sarbarah*" not only in the circumstances mentioned above, but in any case in which "good cause" can be shown for the *lambardar's* unfitness to do the work himself.* An absentee landlord owning a whole estate may nominate for the approval of the Deputy Commissioner any of the residents to be his substitute. As a rule he will have an agent on the spot whom he will naturally put forward. Should he fail to nominate a fit person the Deputy Commissioner chooses one of the resident tenants.† Where in an estate owned by more than one person an absentee headman is responsible either individually or as a representative of other absentees for more than half of the land revenue the Deputy Commissioner may appoint any resident owner or tenant to be "*sarbarah*".‡ In this, and indeed in all cases in which substitutes are appointed for a *lambardar*, who is not a minor, the wishes of the substantive holder of the office should be put on record and fully considered. Other things being equal, the best plan, when the headman has become unfit to do his work, is to choose as his substitute the man who would naturally succeed him in the office in the event of his death. If this is his son he will usually not be a "landowner," but this is no obstacle, for "regard shall be had to the property which (the candidate) will inherit from the person he is intended to represent in like manner as if he has already inherited it."§ In the case of minor *lambardars* their mothers often ask for the appointment of a maternal uncle as "*sarbarah*". Ordinarily he is ineligible because he owns no land in the village, and in any case it is generally much more in accordance with native sentiment to select a near relative of the boy's father.

316. It is permissible to divide the *pachotra* between the headman and his substitute. If it is intended to do so, the arrangement must be noted in the order of appointment, otherwise the substitute will receive the whole on the principle that the man who does the work should get the pay. In any case the substitute's share must not be fixed at less than one-half.||

317. The Deputy Commissioner may remove a substitute for any reason which would justify the removal of the headman himself or for any other sufficient reason.¶

318. When a headman resigns he generally asks for the appointment of his son to succeed him, and, in order to give him the landowner's qualification, offers to transfer a share of his

* Land Revenue Rule 188.

† Land Revenue Rule 187 (i).

‡ Land Revenue Rule 187 (ii).

§ Land Revenue Rule 190 (iii).

|| Land Revenue Rule 191.

Appointment
of substitutes
in certain
cases.

Division of
pachotra.

Removal of
substitute.

Resignation
of headman.

holding to him by gift. Arrangements of this sort, being apt to lead to quarrels over the division of the family holding after the father's death, should be discouraged. Where the *lambar-dar* has done nothing to merit dismissal, it is better to retain him as nominal headman and to appoint his son to be his substitute.

Dismissal of headman.

319. The chief grounds on which a headman may properly be dismissed are four—

- (a) loss of the status of landowner in the estate,
- (b) poverty,
- (c) persistent neglect of duty,
- (d) crime.*

The first calls for no remarks. Dismissal in such a case is imperative.

Poverty as a ground of dismissal.

320. As regards the second, the collection of the dues of the State cannot safely be entrusted to a man who is himself insolvent. If a headman has mortgaged his own holding and has ceased to be the person from whom its revenue is due to Government, he ought to be dismissed unless he can make arrangements to pay off within a short time the whole mortgage debt or so much of it as will suffice to release so much of the holding as will be sufficient security for the Government revenue which passes through his hands. In such a case the headman may be allowed a reasonable period within which to recover himself, if meanwhile he can furnish security for the payment of the revenue and the discharge of his other duties. But makeshift arrangements of this kind should not be continued for any length of time. A headman, who is a defaulter in respect of his own holding, ought not to be kept in office. The mere fact, however, that one or other of the minor processes referred to in paragraphs 520 and 521 has been employed against him need not necessarily entail dismissal. If the estate or sub-division of the estate, which the headman represents, has had to be attached on account of arrears, the Deputy Commissioner may dismiss the *lambar-dar*, and the same course may be followed if the attachment is made by an order of any court of law. Proof that a headman is heavily in debt or that the amount of unencumbered land remaining in his possession is very small at once raises the question of his fitness to retain office. In these cases much depends on the cause of the man's difficulties and the likelihood of his being able to surmount them. If the revenue is paid in punctually no readiness should be shown to harass a headman and gratify his rivals by fishing enquiries into his private affairs. The practice which has prevailed in some places of encouraging *patwaris* to report cases of indebtedness is very objectionable. No *tahsildar* who exercises proper control over the land-revenue collection and who moves freely among the people has any need of such written reports, and the acceptance of them puts the *patwari* in a position with reference to headman which he has no right to occupy.

* Land Revenue Rule 177 (i) and (iii).