just been pointed out are reduced to a minimum, or altogether avoided when the management is placed in hands of the resident cultivators or of representatives from among them. It will generally be possible to lease or otherwise manage the unoccupied land of a village through the agency of the community; not indeed, at the highest price which they are ready to pay to escape such evils as have just been alluded to, but at a moderate estimate of their value to them, fixed in view of the fact that herds and flocks, which cannot exist without grazing, are often a necessary condition of the successful conduct of that cultivation upon which the Government land revenue is paid. In no case should fields that have been relinquished be let to outsiders at a reduced assessment for grazing purposes, for then we might have speculators taking up such fields, mainly in order to make what they can out of trespassing cattle.

When "reservation" and when "protection" is to be preferred.

15. One more point of principle remains to be noticed. The procedure under Chapter IV of the Indian Forest Act, whereby forests are declared to be protected, has been, in certain cases, regarded by the Government of India as a provisional and intermediate procedure, designed to afford time for consideration and decision, with the object of ultimately constituting so much of the area as it is intended to retain a reserved forest under Chapter II, and of relinquishing the remainder altogether. The Act provides two distinct procedures. By the more strict one, under Chapter II, existing rights may be either settled, transferred or commuted; and this procedure will ordinarily be applied to forests of the first and second classes indicated in paragraph 3 of this Resolution. By the second procedure under Chapter IV rights are recorded and regulated; and this procedure will often be properly followed where the rights to which the area is subject are extensive, and the forest is to be managed mainly in the interests of the local community. It will ordinarily be applied to forests of the 3rd and 4th classes. The second procedure may indeed be provisional, and introductory to reservation under Chapter II: but there is in the Forest Act nothing repugnant to giving it a larger and even a permanent operation. As regards Government, the chief difference between the two procedures is, that new rights may spring up in a protected but not in a reserved forest, and that the record of rights framed under Chapter II is conclusive, while that framed under Chapter IV only carries a presumption of truth. It is believed that this presumption offers ample security where the object of regulating the rights is to provide for their more beneficial exercise, rather than to override them to the public interest. As regards the people, the chief difference is that, speaking broadly, in a reserved forest everything is an offence that is not permitted, while in a protected forest nothing is an offence that is not prohibited. In theory it is possible so to frame the permission and the prohibition as to make the results identical in the two cases; but in practice it is almost impossible to do so. If it were not so, the distinction drawn by the Legislature would be unnecessary and meaningless. It is only where the public interests involved are of sufficient importance to justify the stricter procedure and the more comprehensive definition of forest offences, that the latter should be adopted.

The Governor-General in Council desires, therefore, that with regard both to fuel and fodder preserves, and to grazing areas pure and simple, and especially to such of them as lie in the midst of cultivated tracts, it may be considered in each case whether it is necessary to class them, or, if already so classed, to retain them as forest areas; and if this question is decided in the affirmative, whether it would not be better to constitute them protected rather than reserved forests.

Concluding Remarks.

16. Such are the general principles which the Government of India desire should be observed in the administration of all State forests in British India. They are fully aware that the detailed application of these principles must depend upon an infinite variety of circumstances which will have to be duly weighed in each case by the local authorities to whose discretion the decision must be left. One of the dangers which it is most difficult to guard against is the fraudulent abuse of concessions for commercial purposes; and only local considerations can indicate how this can best be met. The Government of India recognize the fact that the easier treatment in the matter of forest produce which His Excellency in Council desires should be extended to the agricultural classes may, especially in the case of true forest areas, necessitate more careful supervision in order that the concession may be confined within its legitimate limits. But, on the other hand, they think that, in some provinces, it will render possible a considerable reduction of existing establishment; and they desire that this matter may be carefully considered with reference to what has been said above in paragraph 12. They know also that in some provinces forest policy is already framed on the lines which they wish to see followed in all. But the Governor-General in Council believes that Local Governments and Administrations will be glad to receive the assurance now given them, that the Supreme Government will cordially support them in recognizing and providing for local requirements to the utmost point that is consistent with Imperial interests. Where working plan or plans of operation are framed for forests, the provisions necessary for this purpose should be embodied in them. The exercise of the rights that have been recorded at settlement will necessarily be provided for in these plans. Where further concessions are made by way of privilege and grace it will be well to grant them for some such limited period as ten years, so that they may, if necessary, be revised from time to time, as the circumstances on which they were moulded change.

CHAPTER XXII.

STATE LANDS DEVOTED TO THE EXTENSION OF CULTIVATION.

Leases in Fazilka and Karnal.

774. Till the final break-up of the Sikh Kingdom and the extension of direct British Administration to the districts west of the Beas the question of the employment of waste lands in British territory for the extension of cultivation was not one of very great importance. In the plains there was not much land excluded from village boundaries except in the wild tract known as Bhattiana which was afterwards formed into the Sirsa district. When that district was abolished, the Sirsa tahsil was annexed to Hissar and the Fazilka tahsil to Ferozepore. Allusion has been made in Chapter III to an early attempt at colonization in Sirsa.* In Fazilka a number of estates were carved out of the waste and leased,—some under conditions laid down by Mr. Thomason, which will be found in paragraph 253 of Mr. Wilson's Settlement Report of Sirsa, and others on somewhat similar terms.

In Karnal advantage was taken of the provisions of Regulation VII of 1822 at the regular settlements made between 1847 and 1856, to form a number of small estates out of abandoned lands and the excess waste of some of the larger villages, and these were leased in some cases to speculators and in others to *zamindars*. In some cases the conditions of the rules framed in 1848 by the Agra Revenue Board for submontane tracts were applied.† Even when these unsuitable rules were not adopted, the conditions were usually such as to be impossible of fulfilment. The intention was that on compliance with them ownership should be given free of charge. In the end the conditions were not strictly enforced either in Fazilka or Karnal, and at the settlements made between 1880 and 1890 most of the lessees were granted a proprietary title, occupancy rights being at the same time in many cases conferred on tenants of old standing.‡

Early policy as regards leases of waste land.

775. After the annexation of the Panjab proper Government found itself the virtual owner of vast areas of uncultivated lands to which no body had any claim. Lord Dalhousie ordered this waste to be marked off as State property when village boundaries were determined, and directed the attention of the Board of Administration to the adoption of measures for planting on it an agricultural population.§ The policy then and for many years afterwards undoubtedly was

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* Paragraph 135.

† See Appendix XXI of Thomason's Directions for Collectors—Edition of 1858.

‡ Karnal-Ambala Settlement Report, paragraphs 106-13.
Sirsa Settlement Report, paragraphs 253-58.

§ Paragraph 60 of Despatch No. 418, dated 31st March 1849.

to encourage the breaking up of waste by the grant of leases on easy terms, and both the lessees and the officers of Government excepted that on fulfilment of the terms of the lease as regards the bringing of land under cultivation ownership would be conceded free of charge or on the payment of a very moderate sum of money "more like the *nazrana* which used to be exacted by Native Governments from founders of villages in waste than a full value."* So for as Punjab practice is concerned, this conception of the case can hardly be said to have been seriously disturbed for a period of over 35 years.

776. Soon after annexation scheme were taken up for extending inundation canals in the Multan division. The Commissioner, Mr. Edgeworth, therefore made proposals for leasing waste lands which he divided into— Lease Rules of 1850.

(*a*) those abandoned within the money of man, and

(*b*) those "which are more desert and entirely ownerless, as the central Bar of each Doab."

He regarded the Agra rules referred to in paragraph 774 to be too favourable for the lands in question, "where there is no malaria or dense forest to contend with as in the Terai, and where for the most part comparatively little labour would be required for clearing. He therefore proposed than, when an old canal was reopened or a new one was dug, lots of 100 acres of waste land should be marked out. Any persons having ancestral claims were to be allowed first choice of as many lots as they could undertake to bring under the plaugh, "after which the remaning lots to be given freely to all other settlers at the subjoined rates, to years rent free and then a gradually increasing rent from Rs. 15 to Rs. 75 for eight years, after which the lot to be liable to assessment at the district rates."† Terms regarding forfeiture, if cultivation were neglected, to be rigorously insisted on. For land not likely to be commended by canals not soon to be opened te district officers were to be allowed to accept such offers as might be made, "never, however, on lower terms than the above." The Board approved of those proposals and circulated them to the Commissioners of Lahore, Jhelum, and Leia, and to the Deputy Commissioners of Peshawar and Hazara "for information and guidance."‡ The instructions therefore applied practically to the whole of the Punjab west of the Beas. The Financial Commissioner proposed in 1869 that a definite ruling should be given, that a lessee under the rules of 1850 who had fulfilled the conditions was entitled to a grant of ownership free of charge. The Lieutenant-Governor of the day refused, but he was prepared to concede ownership without payment, "where it is clear that a

* Paragraph 5 of Punjab Government No. 667, dated 14th December 1889, i Revenue Proceedings (General) No. 2 of December 1889.

† These rates were exclusive of any *abiana* or canal water-rate that might be imposed.

‡ Board of Administration Circular No. 40, dated 29th June 1850.

lessee had understood the circular as conferring conditional proprietary right and had acted upon the interpretation by expending considerable capital on the land" and had fulfilled the conditions. In other cases a *moderate malikana* was to be taken, which the lessee might redeem at pleasure.* In 1890 Sir James Lyall remarked that he was not aware that any lessee under the rules of 1850 had ever been refused proprietary right or been made to pay for it.†

Sale Rules of 1863 and 1865.

777. The policy of allowing land-owners to redeem the land revenue and of selling public lands free of revenue in perpetuity for a time found favour with the Government of India.‡ In Panjab Government Notification No. 25, dated 14th January 1863, rules were published for the carrying out of this policy as regards sales. All waste lands belonging to Government unless specially reserved might be sold by auction by the Deputy Commissioner. On receipt of an application to purchase it was his duty to call for objections and to give notice to the Commissioner. In the absence of objections or in the event of any objections presented being rejected the land was to be put up to auction at an upset price fixed by the Deputy Commissioner and sold to the highest bidder. On payment of the last instalment of the purchase money the land became the property of the grantee "free for ever from all demands on account of land revenue." But he remained liable to pay cesses. The sale conveyed to the vendor "plenary right to all products both above the surface and below the same," saving any exceptions specially noted. To aid in carrying out this policy of speedily disposing of large areas an Act, No. XXIII of 1863, which is still in force, was passed to provide for the adjudication of claims to waste lands. A revised edition of the rules of 1863 was issued with Panjab Government Notification No. 635, dated 16th September 1865. The grantee's right to minerals was to be "subject to such royalty.....as may be fixed under the rules in force." It is fortunate that the rules of 1863 and 1865 did not remain in force long, and that little advantage was taken of their provisions. The dangerous scope of these sale rules was soon perceived. In 1864 the previous sanction of the Financial Commissioner was required for all sales§ and in 1866 the Government of India requested the Local Government not to permit the sale of any *rakhs* which are likely by their position to prove useful hereafter for plantations, even though no timber is now to be found on them.‖

Lease Rules of 1868.

778. The rules issued in 1868 are the first general rules for the lease of waste lands in the Panjab. In 1866 the Government of India ordered rules to be drafted. The proposals framed by Mr. Philip Egerton, who was Officiating Financial Commissioner in 1867, show

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* Panjab Government No. 568, dated 14th April 1869—see Revenue Proceeding (General) No. 12 of August 1890.

† Panjab Government No. 597 S, dated 8th August 1890, in same Proceedings.

‡ Paragraph 494 of the Settlement Manual.

§ Financial Commissioner's Book Circular No. 16 of 1864.

‖ Financial Commissioner's Book Circular No. 14 of 1866.

"what were the general ideas prevalent at the time. . . . . , It was suggested that a lessee should be permitted to become a proprietor at any time on payment of two years' land revenue at ordinary *pargana* rates, and further that he might become a proprietor free of all land revenue for ever by paying down twenty years' land revenue. Ultimately however the work of preparing the rules devolved upon Mr. Robert Egerton . . . . . , whose views were of a different complexion . . . . . His theory was that it was desirable for Government to keep free from positive engagements, to allow events to develope themselves, and to encounter every new phase of affairs with an absolutely unfettered discretion. Thinking thus, while he was willing enough to alienate the proprietary rights of Government when the circumstances required this to be done, he was nevertheless unwilling to give to a lessee a *claim* to purchase a proprietary right, which Government might wish to retain. Accordingly in the rules which he prepared he passed the whole question in silence."*

On the suggestion of the Government of India, however, a provision was inserted that the lessee "shall be entitled to the pre-emption of the proprietary right in the land at a fair and reasonable sum, provided that he agrees to the assessment placed on the land."† In the form of lease adopted in 1873 this was amplified as follows:—

"That if during the term of this lease or at its expiration the Government shall resolve to sell the proprietary right in the said lands, the first offer thereof shall be made to the lessee at a reasonable price to be fixed by the Deputy Commissioner."‡

In 1890, when a considerable change of opinion had taken place, a discussion arose as to the meaning of the vague words "a fair and reasonable sum," which will be noticed later. Under the rules of 1868 the rates to be assessed on the land were to be determined by the Deputy Commissioner . . . . "with due regard to the revenue rates on land in the neighbourhood and the special circumstances of the case." They "should not ordinarily be fixed at a sum less than could be obtained by grazing dues." It will be observed that there was no intention of taking as rent more than a light land revenue assessment. But provision was made for the imposition of a *malikana* if the lease was renewed after the expiry of its term. The rights of Government to minerals and over all rivers and streams were reserved.§

779. New sale rules were issued in 1876. They differed from the rules of 1865 in one very important respect, for they provided that the land should be sold "subject to payment of the land revenue demand

Sale Rules of 1876 and 1882 and Lease Rules of 1882.

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* Paragraph 4 of Panjab Government No. 597 S., dated 8th August 1890—Revenue Proceedings (General) No. 12 of August 1890.

† Rule 19.

‡ Part V, Clause 2, of lease form.
Financial Commissioner's Book Circular No. XII of 1868.

for the time being assessed thereon. As in the rules of 1865 Government reserved a right to charge a royalty upon all minerals.* A revised edition was issued in 1882, and in it the title of the State to retain the ownership of all minerals was expressly asserted.† At the same time fresh lease rules were issued which differed little from the rules of 1868, except that the rights of the State as regards "mines, minerals, coals, gold-washings and quarries" were fully explained.

Lease Rules of 1885.

780. It was partly on account of the uncertainty regarding the terms of purchase in the lease rules of 1868 and 1882 that a new set of rules was issued with the approval of the Government of India in 1885, when Sir Charles Aitchison was Lieutenant-Governor.‡ Commissioners were given power to sanction leases of areas not exceeding 300 acres. Leases of larger areas had to be approved by the Financial Commissioner, and, if the area exceeded 3,000 acres, by the Lieutenant-Governor. As before the assessment was to be framed "with due regard to the revenue rates assessed on land in the neighbourhood and to the special circumstances of the case." But in addition to the assessment a *malikana* or proprietary fee amounting to 25 per cent. of the revenue was to be paid by the lessee. The rent was therefore only 1¼ times the land revenue, and it might be remitted altogether for one or more years. The term was ordinarily to be fixed so as to expire with the current settlement of the district. Minerals and the right of Government over rivers and streams, were fully reserved. The Government had power to determine the lease during its currency if the land was required for public purposes, and of course it was under no obligation to renew the lease when its term expired. But in both these cases the lessee was entitled to compensation to be assessed in the manner provided by the Panjab Tenancy Act for the payment of compensation for improvements effected by occupancy tenants.§ If the lease was renewed the lessee had no claim to compensation for improvements. The conditions regarding purchase were extremely liberal. The lessee could purchase proprietary right at any time by paying five times the amount of the maximum rent, that is to say, 6¼ times the land revenue.‖ After the rules of 1885 were published the Financial Commissioner issued instructions requiring Deputy Commissioners to arrange, without needlessly harassing lessees, to arrange for the regular inspection of lands held on lease, so as to ensure the proper fulfilment of the conditions.¶

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* Financial Commissioner's Book Circular No. VI of 1877.

† Financial Commissioner's Circular No. 21 of 1882.

‡ Revenue (General) Proceedings, Nos. 3-4, of September 1885.

§ Part V, clause 3 of lease. For method of assessing compensation see paragraphs 77-78.

‖ Rule 20.

¶ Financial Commissioner's Circular No. 60 of 1885.

781. Revised sale rules were also issued in 1885. Sales might be made by public auction after the publication of a notice in the Gazette. The sale must not take place for three months from the date of the notice.* The land was to be sold subject to all existing rights of way or water and other easements and the title of Government to all minerals was to be reserved. The purchaser was bound to pay half the purchase money within three months of the date of sale, and on doing so was to be put in possession of the land. As security for the payment of the remainder in five equal yearly instalments he was to execute a deed mortgaging the land to the Government. Few sales of waste land by public auction, except in the case of the Canal Colonies to be presently mentioned, have taken place in the Panjab. The sale rules of 1885 apparently ceased to be in force when the lease rules of 1897 were issued. Sale Rules of 1885.

782. The operation of the lease rules of 1885 was soon greatly restricted. In 1887 the Government of India expressed the view that in practice they "do not appear to protect the interests of Government, and .... it is evident that ... a lessee may purchase the proprietary right in waste land for a price which is far below the market value of the land."† About the same time the meaning of the phrase "a fair and reasonable price in the rules of 1868 came under discussion, and the Government of India finally ruled, in opposition to the views of Sir James Lyall, that it "may be taken to mean the market value of the leased lands at the time the lease-holder offers for the proprietary right minus the value of permanent improvements made by his capital." The Local Government was authorized to give an abatement of 20 per cent. on the price calculated in the manner mentioned above "in order ... to give full weight to the consideration that lease-holders had been led to expect a renewal of their leases on favourable terms."‡ Being aware of the policy of the Supreme Government and knowing that great extensions of canal irrigation were likely to take place shortly, Sir James Lyall in May 1888 ordered the revision of the rules of 1885 to be undertaken. Leases without the sanction of the Local Government were to be restricted to the eight districts of Montgomery, Jhang, Multan, Shahpur, Bannu, Dera Ismail Khan, Dera Ghazi Khan, and Muzaffargarh. Even in the case of these districts the Lieutenant-Governor's sanction was to be necessary — Operation of Lease Rules of 1885 restricted.

(*a*) if it was proposed to allow the lessee to construct a private canal, or

(*b*) where the land was commanded by a canal owned or managed by Government, or where such a canal was likely to be presently constructed by Government.

The latter restriction became very important with the development of projects for large canals from the Chenab and Jhelam rivers. Much

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* Section 1 of Act XXIII of 1863.

† Government of India, Revenue and Agricultural Department, No. 432 R—19-25, dated 12th August 1887—Revenue (General) Proceedings No. 9, of October 1887.

‡ Government of India, Revenue and Agricultural Department, No. 1233—164-2 R., dated 27th October 1890,—Revenue (General) Proceedings, No. 1, of December 1890.

reverer terms as regards rent and the price to be charged, if the land was ultimately sold, were suggested. Cases of leases of waste lands occurring while the new rules were being elaborated were to be dealt with as if the rules had already been altered in the manner proposed.*

Lease Rules of 1897.

783. For various reasons great delay occurred in the issue of new rules and they were not actually published till 1897.

They will be found in Appendix III. The principal points in which they differ from earlier rules are—

(*a*) the limitation of the areas which may be leased.

All tracts are excluded which are embraced by any colonization scheme for lands commanded by a Government canal and all areas likely to be so commanded. The Local Government alone can make exceptions. This practically forbids leases in the Shahpur, Jhang, Gujranwala, Lahore, Montgomery, and part of the Gujrat and Multan districts. The amount of Government land suitable for leasing in other districts is small. Lists of such lands are to be drawn up by the Deputy Commissioner, and the Local Government is to determine from time to time which of these lands shall be deemed available for leasing. Subject to these stringent conditions the Commissioner can sanction a lease up to a limit of 75 acres if the land is not irrigable from a canal and the Financial Commissioner up to a limit of 150 acres, whether the land is irrigable from a canal or not. Leases of areas exceeding 150 acres must be approved by the Local Government.†

(*b*) the exaction of a fuller rent.

The rent is to consist as before of land revenue and *malikana*.

The former is to be assessed with due regard to—

(1) the revenue rates assessed on similar lands at the last settlement, and

(2) the present renting value for cultivation and grazing of similar land in adjacent estates.

In applying this canon so much of the area is to be treated as cultivated as the lessee may fairly be expected to bring under cultivation within the term of the lease.

The *malikana* is to be 4 per cent. of the market value of the land in its waste condition, and, if that is not ascertainable, not less than 50 per cent. of the land revenue assessed.

The Financial Commissoner is given certain powers of reducing the *malikana* for special reasons. Initial exemptions from payment of rent may also be allowed.‡

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* Panjab Government No. 332, dated 21st May 1888—Revenue (General) Proceedings, No. 8, of May 1888.

† Rules 1 to 8 as amended in 1907.

‡ Rule 10.

(*c*) the permanent rights which the lessee can acquire are either—

(1) right of occupancy under Section 8 of the Panjab Tenancy Act, or

(2) ownership.

Different forms of instrument of lease are employed according as it is proposed to grant the one or the other.

If a right of occupancy is acquirable it can be claimed after the lessee has been in occupation for five years, if meanwhile he has fulfilled all the conditions. At the end of the term of the lease the rent is fixed at the land revenue with an addition of 75 per cent. as *malikana*.

Where the lease gives the lessee the option of obtaining ownership he may do so at any time during the currency of the lease.*

(*d*) the price charged for the land is the full market value.
The Local Government can reduce the amount for special reasons.†

Leases for a single harvest.

784. The 24th of the rules exempts from their operation leases for a single harvest. The practice of giving such licenses for temporary cultivation in respect of lands which being lowlying received local drainage and therefore could in good seasons be cultivated without irrigation used to be common in some of the south-western districts. The spread of canal irrigation has made the matter one of small importance, and rendered it necessary to impose restrictions on the practice. The instructions at present in force will be found in Appendix III.

Other alienations of State lands.

785. So far we have been dealing with sales and leases of waste land owned by the State made on the authority of rules issued with the sanction of the Government of India. But the State may have acquired by escheat or otherwise cultivated land or town sites, the ownership of which it is prepared to transfer on various terms to public bodies or private individuals. Occasions may also arise for the grant of waste lands on conditions more favourable than those embodied in the lease rules. A classification of the transfers referred to above and directions as to the sanction required in each description of case are contained in the Resolutions of the Government of India reproduced in Appendix IV. Deputy Commissioners submit yearly a statement of alienations of State lands not covered by the lease rules or sanctioned colonization scheme. Transfers of *nazul* lands are also excluded from the statement.‡ The term is a somewhat indefinite one, but it is usually applied to land or buildings within or adjoining

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* Rules 2, 18, 19, and 21.

† Rule 19.

‡ Government of India, Revenue and Agricultural Department, No. 174, dated 19th April 1880. For form of statement see Revenue Circular No. 56.

the sites of towns or villages, the property in which the Government inherited from former rulers or obtained by escheat.* The instructions issued by the Government of India as to the alienation of town sites will be found in Appendix IV.

Constructions of private canals by lessees.

786. During the first thirty-five years after annexation the policy described in this chapter was fairly successful. To its complete success Nature had set up obstacles of a formidable kind. Where the State owned most waste land the rainfall was usually too scanty to allow of dry cultivation except of very limited extent and most precarious character, and at the same time the water level was too deep to make well sinking easy or well working profitable. Indeed in the south-west of the province the rainfall is so light and so capricious that wells unaided by river flood or canal water are of little use. Some lessees were therefore encouraged to dig private canals to irrigate their grants, and a good deal was done to extend cultivation in this way, especially in the Shahpur district. The canal owners used the water largely to irrigate their own lands, but gave any they could spare to their neighbours, charging a water-rate usually in the form of a share of the produce. The people of the tahsils of Ferozepore bordering on the Sutlej under the energetic guidance of their Deputy Commissioner, Major Grey, constructed thirty years ago a number of small *zamindari* canals to water their proprietary lands. It was inevitable that difficult questions should arise in connection with private canals, and it was evident that the elaborate provisions of the Northern India Canal and Drainage Act, VIII of 1873, were not well suited to many smaller irrigation works, whether private or not, which were managed or controlled by Government. "The owner of a private canal is not like the owner of an irrigation well independent of relations with all persons outside the ring-fence of his own property. Even when the canal is constructed solely to irrigate the owner's land the interests of the State are involved in the detraction of water from the river or natural stream, and it is rarely the case that the supply channel can be constructed without its bed passing through land belonging to other persons. When, as is more commonly the case, irrigation is supplied not only to the canal-owner's lands, but also to whatever area, however owned, may be commanded by the available supply, relations arise which, in the interest of canal-owners and irrigators and of peace and good government generally, require to be controlled and regulated."† Moreover it was possible that a private individual having secured a monopoly

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* See paragraph 2 of Panjab Government No. 434, dated 20th February 1877, which runs. "Practically the Lieutenant-Governor thinks the nature of *nazul* property does not admit of much dispute, and he would regard such property as consisting of lands and houses in the immediate neighbourhood of a town which have come into the hands of Government, and which are not distinctly connected with a *mahal* or estate, and which cannot be deemed to belong to land-revenue proper, or escheats of gardens, lands, or buildings, belonging to late Governments comprised in the limits of a town or municipality. Shares in wells in the interior of districts would not fall within the meaning of the term."

† Statement of Objects and Reasons attached to Bill No. 3 of 1903

of the water-supply might charge others so high a price for it as to interfere with the legitimate claims of Government to land revenue. These considerations led to the passing of the Panjab Minor Canals Act, No. III of 1905.

787. In that Act a very wide definition of "canal" is given.* A number of irrigation works are included in two schedules appended to the Act, and it is to these works that it in the first instance applies. Schedule I is primarily intended for small irrigation works owned in whole or in part by Government or managed by Government officers or by any local authority, while Schedule II is intended to include canals, which are owned and managed by private individuals.† The Local Government has power to make additions to the schedules, or to transfer a canal from one schedule to another, or exclude it from both, by notification.‡ Government may notify "any natural channel, lake, or other collection of water." Thereafter no one can without its permission construct a canal to draw water from that source of supply.§ The 6th section states the procedure to be followed by a Deputy Commissioner who thinks a canal should be constructed from such a source. The levy of "water dues" by which term is indicated what was formerly called royalty, by Government from canal-owners on account of the use of the water is legalized and regulated by Section 8. Chapter III of the Act gives the Collector the powers necessary for the management of canals included in Schedule I, and provides for the levy of water-rates. Both water dues and water-rates to be collected by the officers of Government are recoverable as if they were arrears of land revenue.‖ The system of providing for yearly clearances by labour contribution (*chur*) is legalized in certain cases.¶ Power is given to draw up a record for a canal showing *inter alia* the custom or rule of irrigation, and the rights to water or to erect mills.** Rights in or over any canal may be extinguished by the Local Government on payment of compensation if the exercise of them "is prejudicial to the interests of other irrigators or to the good management, improvement, or extension of the canal."†† Chapter IV applies to canals included in Schedule II. The Local Government is given power to fix the limits of irrigation and the amount of the rates, and to regulate the supply and distribution of the water to and from a canal, and to order the preparation of a record-of-rights.‡‡ The Collector may appoint a manager in certain cases,§§ and the Local Government may assume control with the canal-owner's consent, and in case of grave mismanagement or wilful and continuous breach of orders passed under Section 39

Panjab Minor Canals Act, III of 1905.

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* Section 3 (11).
† Proviso to Section 2.
‡ Section 2 (2).
§ Sections 4, 5, and 7.
‖ Sections 29—32 and 68.
¶ Sections 26, 27—see paragraph 449 of the Settlement Manual.
** Section 28.
†† Section 11.
‡‡ Sections 39 and 45.
§§ Section 34.

without it. If control is taken against the will of the owner he can require the Government to acquire the canal.* The Local Government can undertake the collection of the water-rates leviable on a private canal, if requested to do so by the owner.† Chapter V applies to canals of both classes. It gives the Collector the necessary powers—

(*a*) to ensure that canals and the works connected with them are maintained in good working order and protected from injury ; ‡

(*b*) to settle disputes among the shareholders.§

It gives power to regulate the construction of mills,‖ and the flow of water in rivers, creeks, natural channels, or lines of natural drainage, and for the removal therefrom of obstructions.¶ It enables Government to acquire any private canal when it appears expedient in the public interest to do so.** The jurisdiction of the Civil Courts is excluded,†† and light penalties are provided for certain offences under the Act.‡‡

Canal Colonization Schemes.

788. The effect of the efforts to extend cultivation between 1850 and 1885 by making grants of land to private individuals was insignificant compared with the vast results attained during the last twenty years in consequence the construction of canals at the cost of the State for the irrigation of the Government waste in the west of the Panjab. The Engineers having brought water to the land it has been the task of revenue officers to people it, chiefly with peasant settlers from various parts of the province. The seed which the late Colonel Wace sowed in 1885 and 1886 in his arrangements for planting a new population on the State lands watered by the Sidhnai Canal in Multan and the Lower Sohag and Para Canal in Montgomery has grown into a great tree in the Chenab and Jhelam Canal colonization schemes. The history of the new canals and of the settling of a large agricultural population in vast tracts which a few years ago were roamed over by nomad graziers forms an important and yet unfinished chapter in the revenue history of the Panjab. The matter is one which could not be left wholly unnoticed, but will not be dealt with further in this book. It will doubtless one day be made the subject of a volume, which will be the record of a great achievement whether regarded from the point of view of the engineer or of the administrator.

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* Sections 36 and 37.
† Section 40.
‡ Sections 52—7.
§ Sections 42—3.
‖ Section 58.
¶ Sections 49—51.
** Section 42—8.
†† Section 60.
‡‡ Section 71.

CHAPTER XXIII.

Revenue Courts and Revenue Suits.

789. A REVENUE COURT is simply a revenue officer acting in a judicial instead of in an executive capacity. There are therefore the same classes of revenue courts as of revenue officers, and ordinarily a revenue officer of any grade is a revenue court of the same grade, and his jurisdiction in the one capacity is co-extensive with his jurisdiction in the other.* Meaning of "revenue court."

790. The distinction between revenue and civil courts is one of agency, not of procedure. It is well that cases of the kind referred to in the paragraph 793 should be tried by officers whose daily work is concerned with the revenue and the produce of the land and with the record-of-rights, and brings them into close contact with the rural population, because the special experience so acquired conduces to a readier appreciation of the points at issue, and greater skill in obtaining and appraising the evidence. Reason why certain classes of cases are heard by revenue courts.

791. The procedure of revenue courts is governed by the Code of Civil Procedure,† and the judicial circulars issued by the Chief Court, so far as these are applicable. Power to make special rules of procedure for revenue courts is given by Section 88 (1) of the Tenancy Act, but it has not been exercised.‡ The idea that revenue litigation is less regular and more subject to the idiosyncracies of the Judge than civil litigation is quite erroneous. The investigation of revenue suits should be every whit as careful as that of civil cases, and in both classes of courts equal respect should be paid to positive injunctions of law and to considerations of equity. Procedure of revenue courts.

792. At one time the jurisdiction of revenue courts was a good deal wider than at present, and embraced all suits for landed property. It is needless to cumber this chapter with an account of the powers of revenue courts at different periods. Jurisdiction of revenue courts at different times.

793. By Section 77 (3) of the Tenancy Act, as amended by Section 22 of the Panjab Alienation of Land Act, XIII of 1900, seventeen classes of suits are reserved exclusively for the decision of revenue Suits reserved for revenue courts.

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* Section 77 (2) of Act XVI of 1887. These sections referred to in this Chapter are sections of that Act.

† Section 88 (2) (*a*).

‡ Sections 89—92 and 101 and two rules under Section 106 (1) (*f*) deal with certain minor points of procedure. The Rules are the 277th and 278th of the Rules under the Land Revenue and Tenancy Acts.

courts. Eleven of these are suits between landlords and tenants regarding ejectment, rent, occupancy rights, &c. The other six are :—

(*a*) suits for sums payable on account of village cesses* or village expenses† ;

(*b*) suits by a co-sharer in an estate or holding for a share of the profits or for an account ;

(*c*) suits for recovery of over-payments of rent or revenue, or of any other demand for which a suit lies in a revenue court ;

(*d*) suits by a landowner for sums due for the enjoyment of rights in or over land or in water‡ ;

(*e*) suits for sums payable on account of land revenue or of any other demand recoverable as an arrear of land revenue, and suits by a superior landowner for other sums due to him as such ;

(*f*) suits relating to the emoluments of *kanungos, zaildars, inamdars,* and village officers.

It is provided by section 43 (2) (*a*) of the Panjab Minor Canals Act, No. III of 1905, that in deciding disputes relating to the ownership of a canal or the mutual rights of owners in the use of the water of a canal, or the construction or maintenance of a canal, or the payment of any share of the costs of such construction or maintenance, or the distribution of the supply of water from a canal, the Collector shall proceed as a revenue court.

Parties may be referred to Civil Courts for decision of some question in issue

794. If in any case pending before it a revenue court is of opinion that "any question in issue is more proper for decision by a civil court," it can apply to the court to which it is subordinate for leave to direct any of the parties to institute a suit in the civil court in order to obtain a decision of the question. If the injunction is obeyed the proceeding in the revenue court must be decided in accordance with the finding of the civil court. If no civil suit is instituted the revenue court may decide the matter in issue as it thinks fit.§

Powers of Chief Court as regards questions of jurisdiction.

795. The Tenancy Act also provides for references to the Chief Court for the resolving of doubts as to jurisdiction,‖ and for the validation by the Chief Court of proceedings taken by either a civil or a revenue court under a mistake as to jurisdiction.¶

Suits reserved for Collector.

796. The highest revenue court of original jurisdiction is that of the Collector. Of the four classes of revenue suits which are reserved exclusively for his court ** or for that of an Assistant Collector of the first grade invested by name with power to hear them,†† the only one requiring special notice is suits for the enhancement or reduction of the rent of an occupancy tenant.

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* See paragraph 94 of Settlement Manual.
† See paragraph 93 of Settlement Manual.
‡ See paragraph 356 of the Settlement Manual.
§ Section 98.
‖ Section 99.
¶ Section 100.
** Section 77 (3) (*a*) (*b*) (*c*) of Act XVI of 1887, and Section 22 of Act XIII of 1900. Suits under Section 77 (3) (*b*) and (*c*) are of rare occurrence.
†† Section 77 (4) (*b*) of Act XVI of 1887.

797. The law regarding the enhancement and reduction of rents paid by occupancy tenants is explained in the 216th paragraph of the Settlement Manual. The rates of *malikana* there mentioned are the highest that can be imposed. A court is under no obligation to decree the fullest rent permitted by the law, and in many cases it would be very unwise to do so. Before the passing of the Tenancy Act of 1887 the payments made by occupancy tenants in addition to the land revenue and cesses were in some parts of the country very trifling, and throughout whole districts enhancement was barred by entries in the village administration papers.

Suits for enhancement of rent of occupancy tenants.

798. One object of the Act was to enable landlords to increase the rents of priviliged tenants when these were very low. This intention must not be defeated, but severe enhancements, which would raise the rent of particular occupancy tenants much above the standard prevailing in the neighbourhood in the case of other tenants of the same class, should be avoided. Nor may it always be fair to exclude from consideration the rents usually paid by tenants-at-will in the neighbourhood. It used to be quite common in some parts of the Punjab, especially in the south-eastern districts, for such tenants to pay no rent properly so called. The demand of the harvest on account of revenue, cesses, and village expenses was spread over the cultivated area, and tenants equally with landowners simply paid there quota. This primitive state of things is probably disappearing everywhere. But wherever it exists, or where for any reason the rents paid by tenants-at-will are very light, care must be taken to avoid heavy enhancement in the case of occupancy tenants.

Severe enhancements deprecated.

799. Considering that over two millions of acres in the Panjab are tilled by occupancy tenants paying cash rents, the number of suits for enhancement is surprisingly small*. A decree raising the rent of an occupancy tenant or rejecting on its merits a claim for enhancement is a bar to any further proceedings with the same object for a period of ten years.†

Decree bars further proceedings for ten years

800. Of the 10 classes of cases which can be heard by Assistant Collectors of the 1st Grade, but not by Assistant Collectors of the 2nd Grade, the first calling for mention is suits to establish a right of occupancy. The grounds on which such a claim can be founded are discussed in paragraphs 208—211 of the Settlement Manual. In the Panjab length of occupancy does not under any circumstances ripen into occupancy right.‡ The status of tenants has therefore in the vast majority of cases been finally settled long ago, and the number of suits for occupancy right is not large. Most of them are probably launched in reply to ejectment proceedings with small prospect of success.

Suits within jurisdiction of Assistant Collectors of the 1st Grade —Suits to establish right of occupancy.

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* The figures for the year ending 30th September 1903 show 325 suits.

† Section 24 (3) of Act XVI of 1887. See also as regards compensation for improvements, in enhancement cases, paragraph 804.

‡ See paragraph 207 of the Settlement Manual.

Suits relating to ejectment.

801. The next three descriptions of cases to be noticed form one group. They are suits—

(*a*) by landlords for the ejectment of tenants;

(*b*) by tenants to contest ejectment notices; and

(*c*) by tenants to recover possession or compensation in cases of wrongful ejectment.

Suits to eject occupancy tenants and tenants for a term of years.

802. The summary procedure by which a tenant-at-will can be ousted from his holding has been described in paragraphs 60—62. It is of course inapplicable to the case of occupancy tenants, and tenants for a term exceeding one year. Such tenants can only be ejected in pursuance of a decree of a revenue court,* or in the case of an occupancy tenant when a decree for an arrear of rent remains unsatisfied after due warning.† The grounds on which an action for the ejectment of an occupancy tenant can be brought are stated in the 213th paragraph of the Settlement Manual. The same reasons may be pleaded in the case of tenants holding for a term under a lease or a decree or order, and in addition "any (other) ground which would justify ejectment under the contract, decree, or order."‡ When the landlord asserts that the tenant right has been forfeited by failure to cultivate, the matter must be dealt with in a reasonable way. The words used in the Act are "that he (the tenant) has without sufficient cause failed to cultivate the land in the manner or to the extent customary in the locality in which the land is situate."§ An occupancy tenant who from loss of cattle or for other good reason is unable to till his holding in a year of great drought must not be made to endure the additional misfortune of losing it altogether. Even where the tenant is not entirely free from fault it is not always expedient to declare his occupancy right forfeit. The 48th section of the Act gives to the court a large discretion, instead of passing a decree depriving the tenant of his land, to order him to remedy, or to pay compensation for, any injury caused to the landlord by the act or omission which is the foundation of the latter's claim. Ejectment suits are fortunately not at all common in the Panjab.‖

Suits to contest ejectment notices.

803. Every ejectment notice warns the tenant-at-will on whom it is served that he must, if he intends to contest his liability to be turned out, institute a suit in a revenue court within two months.¶ Such suits are pretty numerous and are often successful. If the tenant fails to prove his case a decree for his ejectment is passed.**

Claims for compensation.

804. In all suits by a landlord for enhancement of rent or for ejectment, or by a tenant to contest an ejectment notice it is the

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* Section 42.

† See paragraph 65.

‡ Section 40 (*c*).

§ Sections 39 (*b*) and 40 (*b*).

‖ In the year ending on the 30th September 1903 eleven decrees for the ejectment of occupancy tenants were passed in the Panjab, five in Ambala and six in Multan.

¶ Section 45 (3).

** Section 45 (6).

duty of the court to direct the tenant to put in any claim he may have for compensation for improvements. In the cases in which his ejectment is the question at issue he must also be told to include in his claim any compensation for disturbance to which he considers himself to be entitled.* If compensation is found to be due any decree for enhancement or ejectment that may be passed cannot be executed till the landlord pays into court the amount for which he is held to be liable.†

Suits for recovery of possession.

805. If a tenant has been ousted by force or by any proceedings not authorized by the Tenancy Act, or if he is ejected after the issue of a notice, whose validity he has failed to contest by a suit, he may within one year of dispossession bring an action for the recovery of his holding, or for compensation, or for both.‡ He cannot bring a suit under Section 9 of the Specific Relief Act of 1877.§

Suits to cancel alienations by occupancy tenants.

806. The powers of alienation possessed by different classes of occupancy tenants before the passing of the Panjab Alienation of Land Act, XIII of 1900 (as amended by Panjab Act No. I of 1907) are explained in the 214th paragraph of the Settlement Manual. The law does not contemplate the forfeiture of the tenant's right of occupancy as the consequence of an inadvertent, or even wilful, exceeding of his powers of dealing with his holding. It merely provides that irregular transfers "are voidable at the instance of the landlord," and allows him to bring an action for the cancellation of the alienation, or for the dispossession of the transferee, or for both purposes. If the suit is successful the plaintiff and his tenant simply resume their old relations, provided the latter has not parted with the possession of the land to the transferee. ‖

Suits within jurisdiction of Assistant Collectors of the 2nd Class —Suits for arrears of rent.

807. The most important of the three classes of cases within the jurisdiction of Assistant Collectors of the 2nd Grade is suits for arrears of rent. More than one-half of the total litigation in revenue courts in the Panjab falls under this head. Rent cases are for the most part heard by *tahsildars* and *naib-tahsildars*.¶ They are often by no means simple in their nature. After the first question at issue, whether rent has or has not been paid, has been settled the problem remains of determining what amount should be decreed. Seeing that in the vast majority of cases rent is paid in kind this involves a valuation of crops of uncertain yield and whose price varies extremely from year to year. The area under each crop grown in the harvest for which rent is claimed can be excerpted from the *khasra girdawari*, failed crops being of course left out of account. The remaining steps of the calculation are the same as those taken by a Settlement Officer when he is framing his half net assets estimate to arrive at the rental of an assessment circle.** The average out-

* Section 70 (1).
† Section 70 (2).
‡ Section 50.
§ Section 51.
‖ See No. 6 *P. R.* 1893 Revenue.
¶ Assistant Collectors of the 2nd Grade cannot try any case in which the rent or sum claimed exceeds Rs. 500, or if they are *naib-tahsildars* Rs. 100 (Land Revenue Rules [illegible] and 276).
** See paragraph 317 of the Settlement Manual.

turn per acre of each crop is ascertained as accurately as possible, and the produce is obtained by multiplying the acreage under each crop by its assumed yield. A table showing the Settlement Officer's estimate of the outturn per acre of the principal crops in each assessment circle is available. For the purposes of a rent suit his figures may usually be accepted as they stand, if the land of the tenant's holding seems to be of ordinary quality, and the harvest was an average one. They may be raised or lowered to any extent that appears proper, if the land is specially good or bad, or the harvest is shown to have been much above or below the normal. The share taken by the landlord is known, but it must be remembered that before the crop is divided certain dues are paid to village menials out of the gross produce.* The *tahsil* assessment report will show what these were taken by the Settlement Officer to amount to for the different classes of land. If 10 per cent. of the whole outturn is absorbed by menials' dues and the landlord's share of the balance is one-half he is entitled to 45 *per cent.* of the crop. His share of straw is often less than his share of grain. In order to convert the grain rent into money one must find out what the harvest prices were. These are recorded for each assessment circle in its revenue register, to which the *tahsildar* or *naib-tahsildar* can easily refer.† In the judgment of the revenue court the process by which it arrived at the rent decreed ought to be briefly explained and Appellate Courts should insist on this being done. The revenue should theoretically absorb half of the rental of the land, but as a matter of fact it rarely does so. The rent found to be due should always be compared with the revenue of the tenant's holding. Unless the former is at least double the latter, it can hardly, provided the harvest was a normal one, be fair to the landlord, and some flaw in the calculation may be suspected. It may be a good deal more without being necessarily unfair to the tenant.

Limitation in rent suits.

808. The limitation for rent suits is three years. The difficulty of an equitable decision is increased when a court has to deal not with the harvests of the past twelve months, of which the presiding officer may have a vivid recollection, but with more remote seasons. Landlords, and especially mortgagee landlords, are sometimes tempted to refrain from taking their share in a bad year, trusting to recover more by means of a revenue suit than a fair division on the threshing floor would have yielded. There is therefore some reason to suspect that a landlord, who has failed to sue for rent till several years after it fell due, abstained from doing so at the proper time because it could then have been shown that the outturn was poor. In such cases it is fair to refuse to make a doubtful calculation of rent by estimating the value of the produce and simply to decree twice the land revenue and

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* See paragraph 338 of the Settlement Manual.

† A court sitting at head-quarters can get the information from the copy of the assessment circle revenue register in the custody of the district *kanungo*.

cesses.* If, however, the harvest is known to have been a very short one, this may be too large, and some smaller sum may be decreed.

Remissions of rent.

809. Even where the rent is a money one of fixed amount the court has power with the previous sanction of the Collector to remit part of it where the area of the holding has been diminished by diluvion or otherwise, or where its produce has been reduced by any calamity of season.† The principle to be followed in such cases is to treat the tenant with reference to his rent as the landlord has been, or will be, treated with reference to the revenue. If the State foregoes part of the revenue the landlord ought to forego a proportionate share of the rent.

Suits under Section 14 of Act.

810. By Section 14 of the Tenancy Act, a person who is in occupation of land without the owner's consent is liable to pay at the rate of rent current in the preceding agricultural year, or, if none was paid in that year, at such rate as the court determines to be fair and equitable.‡ What is paid in such circumstances is not, strictly speaking, rent, but suits under Section 14 are classed in the same category as actions for arrears of rent.§

Deposits of rent.

811. A defendant who admits that the rent claimed is due, but asserts that the plaintiff is not the person entitled to receive it, must pay the amount into court, otherwise his plea will be disregarded. Once he has made the deposit his responsibility is at an end. Notice is given to the person whom the defendant alleges to be his landlord.‖ If the latter does not within three months bring a suit against the plaintiff in the action for rent, and obtain an order restraining payment of the deposit, it will be made over to the original claimant.¶

Execution of decrees for rent.

812. A court on giving a decree for rent may order execution against the moveable property of the tenant, or any uncut or ungathered crops on the holding in respect of which the arrear is due. But so long as the tenant is in occupation of the land he cannot be imprisoned in execution of such a decree.**

Restriction of processes involving arrest of tenant or landlord.

813. No revenue court can issue any process involving the arrest of any tenant or of any landlord who cultivates his own land during either of the two harvest seasons†† except for reasons of urgency, which must be put on record.

Control, Appeal, and Revision.

814. The law as regards administrative control, appeal, and revision, applicable to revenue courts is practically identical with that applicable to revenue officers as described in Chapter VI.

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* Theoretically the cesses should not be included. But in practice it is unnecessary to leave them out, as the revenue is usually well below half the rental.

† Section 29. The section applies to kind, as well as to cash, rents.

‡ For suspension and remission of rent by executive order—see paragraph 573.

§ Section 77 (3) (*a*).

‖ Section 95 (1) (2) and (5).

¶ Section 95 (3), sub-section (4), provides that nothing in this section shall affect the right of any person to recover from the plaintiff money paid to him under Section (3).

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†† Land Revenue Rule 292. The harvest seasons are from 1st April to 31st May and from 15th September to 15th November.

CHAPTER XXIV.

MISCELLANEOUS.

Meteorological observations and returns.

816. At some important stations there are observatories under the direct control of the Director General of Indian observatories. A note on the climatic conditions of each month by the Meteorological Reporter to the Government of India is published in the Gazette.

At other head-quarter stations and at tahsils there are rain-gauges in charge of the assistant to the district *kanungo* and the *tahsil* office *kanungo*, respectively. Registers are kept up by the district *kanungo* and the *tahsil* office *kanungos* in which the rainfall is recorded. The head-quarters register contains columns to show the rainfall at every recording station in the district which is in charge of the district *kanungo*. At the beginning of each month a return of the rainfall of the past month with notes on the agricultural situation is furnished to the Director of Agriculture. Besides the rain-gauges in charge of revenue officials others have been put up in a number of places where a record of the local rainfall was considered necessary. These are in charge of competent officials, such as hospital assistants. The rainfall is also recorded by officials of the Irrigation Department.

Whenever the Deputy Commissioner, or any Assistant Commissioner, or English-speaking Extra Assistant Commissioner visits a *tahsil* he should inspect the rain-gauge and register, and satisfy himself as to the capacity of the office *kanungo* to observe and record the rainfall correctly. The result should be communicated to the Director of Land Records and to the Meteorological Reporter to the Government of India. It should be part of the duties of one of the officers at head-quarters to inspect the rain-gauge and register at regular intervals.

Reports on the snowfall for the months of January to May are sent by the Deputy Commissioners of certain districts and by the Assistant Commissioner in Kulu to the Meteorological Reporter to the Government of India, a copy being furnished at the same time to the Director of Agriculture. A special report is also sent, if possible, about the middle or end of July.

A return showing the monthly rainfall at each district head-quarters in the province is embodied in the Director's yearly Season and Crop Report.*

Crop reports.

817. From fifteen districts a weekly telegraphic report is sent to the Director of Agriculture in which the rainfall, the progress of agricultural operations, the prospects of harvest, any serious damage done to crops, the condition of agricultural stock, any marked

* For detailed instructions as to the record of rainfall and snowfall, Revenue Circular No. 2 should be referred to.

failure of pasturage or want of fodder, the price of food-grains, and the health of men and cattle are briefly noticed. It is one of the chief objects of these reports to ensure that the approach of scarcity anywhere in the province shall be signalled. Similar reports are sent from every district in which scarcity is impending or famine exists.

For some of the principal spring and autumn crops estimates are furnished by Deputy Commissioners to the Director of Agriculture at intervals generally of about two months. There are therefore three estimates for each crop. The first and second are preliminary and corrected estimates of the area sown, the third prepared after the harvest inspection gives the actual area of matured crops and an estimate of the outturn. In the case of cotton a fourth estimate is required.

A statement showing the results of the kharif harvest accompanied by a brief note is sent by Deputy Commissioners to the Director of Agriculture not later than the 10th of December. The district returns with a general note by the Director are published in the Gazette. The Rabi Crop Return forms one of the statements appended to the Crop and Season Report which Deputy Commissioners send to the Director of Agriculture and to the Commissioner by the 15th of July in each year.

The account of the results of each harvest should notice very concisely those matters which chiefly affect the area or the yield of any important staple.

The duty of drawing it up should be assigned to an officer selected before the crop inspection begins, and should fall usually to that officer who will be chiefly engaged in supervising the *girdawari*. He should avail himself of any reports furnished by the *tahsildars*; and, while, on the one hand, both he and the *tahsildars* should speak mainly from their own personal observations, on the other hand, they should check their own conclusions very carefully by the opinions of the most reliable agriculturists.

The Provincial Crop and Season Report is drawn up by the Director of Agriculture.*

Crop experiments.

818. The most reliable crop experiments are those conducted by the settlement staff when a district is under re-assessment. But experiments are also made harvest by harvest in 13 selected districts and the results reported to the Director of Agriculture. The instructions will be found in Revenue Circular No. 13. They should be made by an officer of gazetted rank, and, if possible, by a European.

Prices.

819. The Deputy Commissioners of the six districts in which the principal trade centres of the Panjab are situated† report on the

* For detailed instructions as to telegraphic weather, crop, and health reports, monthly agricultural prospect reports, estimates of area, yield of certain crops and Season and Crop Report, see Revenue Circulars Nos. 1, 3, 4, and 61.

† Delhi, Amritsar, Lahore, Rawalpindi, Ferozepore, and Multan.

1st and 15th of each month the wholesale prices of the principal food-grains, raw sugar, ghi, cleaned cotton, et. The prices of the different crops obtaining in each assessment circle at harvest time are entered in the crop abstracts in the circle note-book in accordance with reports received from district *kanungos*. A register of the retail prices at head-quarters of the same crops and of salt and firewood is kept up by the district *kanungo*. The prices recorded are those current on the fifteenth and the last day of each month. From the register a return showing the retail prices of some of the chief staples and of salt and firewood is compiled and sent to the Director of Agriculture on the 1st and 16th of each month. An officer not below the rank of an Extra Assistant Commissioner, either the treasury officer or some other member of the staff whose work ordinarily keeps him at head-quarters, should be made responsible for checking the figures of retail and wholesale prices in the returns, and each price current should bear his attestation.* Though the prices recorded are only those of particular days, it is his duty to keep himself informed from day to day of all variations in the market.

In districts where there is a cantonment the same officer should be made responsible for the preparation of the monthly lists of *bazar* prices furnished to the Commissariat Department. Their accuracy is a matter of great importance, as they may be used as the authority for the payment to native troops of compensation for dearness of provisions.† A copy of the military *bazar* prices current is sent monthly to the Director of Land Records for scrutiny.

Locusts

820. In the XVIth chapter allusion has been made to the damage caused to crops by locusts.‡ Every year these insect pests are found in one neighbourhood or another. But as a rule they speedily disappear after doing an amount of damage which is in the aggregate small, though very serious to the farmers whose fields have been attacked. In some seasons, however, vast swarms invade the province, and commit widespread devastation. Their power of multiplication is enormous. Whenever locusts are observed in a district measures should be taken to ensure—

(*a*) that the laying and hatching of eggs shall be promptly reported, and

(*b*) that measures shall at once be taken for the destruction of the eggs and of the young grubs when hatched.

An account of the life history of locusts with detailed instructions as to the best means of destroying their eggs and the young insects before they acquire wings will be found in Appendix No. V. It is useless to attempt their destruction at a later stage of their existence, except perhaps by infecting them with disease.

No better organization for dealing with an invasion of locusts could be devised than that which is described in the VIIth and VIIIth

* Government of India, Revenue Department, No. 6—150, dated 20th March 1872.

† For detailed instructions as to price lists see Revenue Circular No. 6.

‡ See paragraphs 562-63.

chapters of this work. Where there are no *zaildars, inamdars* or other men of local influence should have circles of villages allotted to them. The village headmen should at once inform the *patwari* and the *zaildar* or *inamdar* of the appearance of locusts, the laying of eggs, and the hatching of the grubs. The *patwari* should immediately report to the field *kanungo* and the *tahsildar* or *naib tahsildar*. For the work of destruction the *tahsildar* and his *naib* should be held responsible within their respective inspection circles for seeing that *zaildars*, headmen, and the villagers working under them do their duty, and, when necessary, act in concert with the *zaildars*, headmen, and villagers of other circles. When eggs are hatched, the young unfledged locusts should be attacked and followed up till destroyed not merely by the men of the estate in which they first appear, but by gangs collected from the surrounding villages and working together. Arrangements should be made for relieving persons who have worked their fair turn and replacing them by others. Field *kanungos* may properly be employed as supervising officers within their circles, but *patwaris* should only be used for reporting. It is wrong to give a *patwari* any sort of authority over headmen. The above plan of action will, generally speaking, be the best to follow, but every Deputy Commissioner will of course adopt any measures which the special circumstances of his district render necessary to secure the end in view.

He may have at the outset to contend with a fatalistic spirit on the part of the people. But when they see that their officers are exerting themselves to deal with the evil, and especially when they are encouraged by their presence among them, activity will take the place of apathy. A *tahsildar* whom the people know and trust can get a great deal of work cheerfully performed, if he is allowed to distribute a little *gur* among the workers.

As a rule no money payment should be made. It is the duty and the interest of the people to protect their own crops. Where, however, locusts appear in a locality distant from any village rewards may be offered, and when crops have to be removed to facilitate the destruction of eggs compensation should be given to their owners. Any expenditure of this kind should be met from district or village *malba* funds.

Carriage supplies for troops.

821. The rules for the provision of carriage and supplies to troops on the march will be found in Revenue Circular No. 46. In carrying them out a good deal of care and tact is required to ensure on the one hand that nothing is taken without payment and on the other that the reasonable requirements of regiments are met. It is important that Civil officials should be the medium of communication between Officers Commanding troops on the march and the country people. No definite rule on the subject can be laid down; but Deputy Commissioners must invariably accredit to the Commanding Officer an official of sufficient standing, powers, and intelligence to accompany troops on the march, or, if the number of the troops is small, to be present at each encamping ground on their arrival and departure. When the detachment or force on the march consists

of European troops, an English-speaking official should, if possible be sent.* Grass-cutters of regiments on the march should on arrival at encamping-grounds be directed to the best places for cutting grass. Private property must be respected, but there is usually abundance of grass on the sides of the roads and other public places.†

Horse, mule, and cattle breeding.

822. In a province cultivated by small farmers the supply of plough and well cattle of a good stamp will always be a matter of extreme importance. The Panjab also is fortunately a country in which good horses and mules can be bred, and many agriculturists add greatly to their income by this means. In the best horse breeding districts the work is in the charge of the Army Remount Department and the stallions belong to Government. In less important districts horse and donkey stallions are supplied partly by the Provincial Government and partly by District Boards. The maintenance of all horse and donkey stallions is charged to the district fund. The Superintendents of the Civil Veterinary Department are the advising and inspecting officers in these districts (see Agricultural Circular No. 6), and they deal, under the Director of Land Records and Agriculture, with the subjects of the breeding of horned cattle, outbreaks of cattle disease, cattle fairs, etc. There is an important Veterinary College in Lahore, and stipends are often given by District Boards and Municipal Committees to students to enable them to attend the College (see Agricultural Circular No. 3).

Hitherto bulls for breeding purposes have been supplied to district boards only from the Government cattle farm at Hissar (see Agricultural Circular No. 1). But it is intended to establish another bull-breeding farm at Sargodha, where bulls can be reared more suited to the requirements of the north-western districts.

Fairs.

823. Cattle and horse fairs are a very valuable agency for stimulating interest in breeding and facilitating the sale of young stock. They can also be utilized for exhibitions of improved agricultural implements and produce, and to brighten the prevailing dulness of rural life by providing an annual district fête (see Agricultural Circular No. 2).

Cattle disease.

824. The chief diseases among cattle are rinderpest, hæmorrhagic septicæmia, anthrax, and foot and mouth disease.‡ Farmers in many places now welcome inoculation as a prophylactic against rinderpest, and it is also practised as a preventive against anthrax.

The occurrence of epidemic disease among stock in a village should be reported by the headman to the *patwari*, who sends the information by post card to the Veterinary Assistant at the *tahsil*. A veterinary assistant should then go to the spot at once and take the necessary remedial and preventive measures. On arrival at the spot and ascertaining the nature of the disease the Veterinary Assistant sends separate reports on printed forms to the Deputy Commissioner through the *tahsildar* and to the Superintendent

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* Panjab Government Circular No. 12—1724, dated 31st July 1883.

† Panjab Government Circular No. 22—357, dated 28th March 1870.

‡ Mr. Hallen's Manual may be consulted, also Agricultural Circular No. 4.

of the Circle through the Veterinary Inspector. If a serious outbreak of epidemic disease takes place in any district the Deputy Commissioner should report the fact to the Commissioner and to the Deputy Commissioners of neighbouring districts. When any epidemic disease among animals appears at a horse or cattle fair, or in the neighbourhood of a cantonment, or on a line of military communication, the fact and the nature of the disease should at once be reported to the nearest military authority. Similarly the military authorities have instructions to report outbreaks of epidemic disease among animals in a camp or cantonment or on a military line of communications to the nearest civil authority.

District arboriculture.

825. It was natural that in a country so bare and arid as is a large part of the Panjab the importance of arboriculture should be early recognized. The orders issued by the Board of Administration in 1852* were part of a plan for increasing the fuel supply of the province. That is a matter which must mainly depend on the measures referred to in Chapter XXI. Here we are concerned with smaller operations which have rather for their object to please the eye and furnish shade for the wayfaring man.

Orders of 1852.

826. Orders issued by the Board of Administration in 1852 provided for remissions of land revenue on plantations and for the grant rent free of plots of Government land at every three miles along the main roads to persons who would undertake to sink wells and plant groves. *Zamindar* receiving *inams* from Government were to be required to raise one *kanal* of young trees for sale or distribution among their tenants. Trees were to be planted by official agency round all Government buildings of every description and along roads under construction, and officers in charge of canals were to raise plantations at every three miles along their banks; and at every jail and every *tahsil* nurseries of young trees were to be kept for distribution.

Progress of district arboriculture.

827. The history of district arboriculture from 1852 to 1890 is given in the opening pages of Mr. Coldstream's "Manual of Arboriculture in the Panjab." In a matter dependent so largely on the taste and opportunities of individual hardworked officers progress has naturally been slow and intermittent. But in the aggregate a great deal has been accomplished. It was recently reported that "in the Panjab the length of roads suitable for avenues, apart from those managed by the Canal Department is 15,000 miles, of which 8,000 miles are fully planted. During the last ten years the addition made to the length of avenue is 1,200 miles, the average annual expenditure has been Rs. 2,63,000, and the average income Rs. 1,98,000 (but these figures include the results for groves and plantations as well as avenue). For the canal roads the corresponding figures are—total length of road or canal 8,000 miles; length planted, 4,100 miles; average expenditure Rs. 1,07,000." The large work done by the Irrigation Department as regards tree-planting lies outside the scope of this manual.

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* Board of Administration's Circular No. 15 of 1852.

Tree-planting by private persons.

828. The rules regarding the encouragement of tree-planting by private persons will be found in paragraphs 511-512 of the Settlement Manual. Under those relating to plantations of trees the Deputy Commissioner can at any time send up proposals to free the land from assessment. Those relating to wayside groves* and the making of tree-planting a condition attached to the grant of *inams* must be considered as now obsolete. No compulsion can be exercised to secure the planting of private lands, and it must be recognised that, as remarked by Mr. Ribbentrop, when he was Conservator of Forests in the Panjab, while "trees are pleasant to look at, and . . . planted in abundance throughout the province . . . . would materially increase the wealth and add to the comfort of the population . . . . we have as yet failed to prove to the satisfaction of the land-holder that the individuals who plant the trees would reap a direct pecuniary benefit thereby, and the cultivators in the Panjab are as little likely as peasants in other countries to voluntarily sacrifice present enjoyment for vague and uncertain benefits in the future."† Men with very small holdings cannot afford to plant trees except a few in the immediate vicinity of a well. But they can be encouraged to preserve what trees they have, and men with more land can be helped by the distribution of seedlings, and especially, where the local conditions are favourable, of fruit trees from Government nurseries.

Tree-planting by public agency.

829. The expenditure on the planting of trees along roads is met by the authority which is responsible for the maintenance of the roads, that is to say, either by the Public Works Department or the district boards. So far as the work is in charge of the latter, obviously a great deal must depend on the interest shown in it by the Deputy Commissioner and Commissioner. A general superintendence is exercised by the Conservator of Forests, and his advice should be asked on doubtful points. Much help may be derived from Mr. Coldstream's Manual of Arboriculture. In this branch of their work Commissioners correspond direct with the Local Government. It is important that there should be a definite scheme as regards tree-planting in each district, and under existing orders working plans for periods of from 3 to 5 years should be drawn up for each district.

"The working plan should be of a simple nature, and it may be best, as suggested by some of the officers consulted, to concentrate operations on one or more selected roads in each tahsil and to complete the planting of trees on such road or roads before other roads in the tahsil are taken up. When the plan is sanctioned, the Conservator of Forests should be informed through the Commissioner at the beginning of each year of the operations it is proposed to put in hand during the year, and a report should be submitted at the close of the year showing how far these operations have been carried out. In the case of roads already planted with trees, it should also be stated what measures have been taken to replace by the planting of young trees losses that may have been caused through trees being

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* Financial Commissioner's No. 4 of 1882.

† Forest Department Proceedings No. 10 of March 1886.

blown down by storms or the removal of which has been otherwise necessitated. As suggested by the Conservator,* where this has not already been done, a map on a fairly large scale should be prepared and hung up in the Deputy Commissioner's office showing the actual state of the avenues, etc. In the district, a system of lines, full, broken, or dotted, showing whether a road is fully planted, whether there are gaps to be planted up or only a few trees here and there. * * * * * * * * * Arrangements have been made at the Dehra Dun Forest School as well as at Changa Manga for putting district board officials through a simple course of training. * * * * * * * * * * Where feasible, Deputy Commissioners should make over to some member of the district staff the immediate supervision of the operations of the whole district, but at the same time the responsibility of the *tahsildar* for the work in his *tahsil* should be maintained and encouraged."

830. The Government of India have recently issued a resolution,† No. 21, dated 11th July 1905, on the maintenance of avenues of trees along roadsides, a few extracts from which may fittingly conclude the discussion of this subject :— Orders Government of India.

"The question is one of real importance, because of the welcome shade afforded thereby to wayfarers, the substantial addition to the beauties of the landscape, and the mitigation of the discomforts of long journeys by road. The practice of planting avenues of this description was in earlier days as much a feature of British administration as the construction of the roads themselves; and some of the older avenues on the main roads of India still supply the most agreeable of memorials to the taste and provision of their founders. The practice has nowhere died out; and it is still fairly widely, though intermittently and unmethodically, pursued. In recent years, however, great havoc has been caused in some tracts by the mutilation and cutting down of timber in times of famine; and observation tends to show that these ravages have only been partially repaired. In other parts of the country the importance of the matter appears to have been imperfectly kept in view, and, from the want of a sustained policy, money and effort have been wasted, and in many places avenues formerly in existence have been allowed to disappear or to become disfigured by unsightly blanks.

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"The Government of India are of opinion that the authority responsible for the construction and up-keep of any road, upon which the provision of shade is required for the comfort of wayfarers, should consider it almost as much its duty to maintain along the road a line of shade-giving trees as it is to keep the roadway and bridges in proper order, and should allot its available funds accordingly; and more especially it should not manage these avenues so as to derive from them a net profit, until all the needs of the roads under its charge in

* Letter No. 2790, dated 21st October 1901.

† Proceedings November 1901, Nos. 1-10 A, File No. 5.

matter of trees have been supplied. * * * The Government of India are far from discouraging all reasonable measures devised in order to make an income from these avenues, which taken as a whole form a very valuable property. Indeed, they are of opinion that in many cases a much larger income might legitimately be secured by more judicious thinning and the felling and replacing of over-mature trees, while steadily keeping in view the main object, which is to provide a continuous row of healthy shade-giving trees, and more especially such trees as give shade in the hot weather, each having ample room to develop its natural shape, such as may be seen in some of the fine old avenues left to us by the far-sighted officers of an earlier generation. But they would suggest that each authority having roads in its charge not yet provided with avenues should be required to keep a separate account of its income from and expenditure on arboriculture, and, until the needful roadside avenues are completed, to spend on arboriculture a sum at least equal to the income derived from the existing roadside trees. Moreover, in considering the provision of funds generally for the purpose, Local Governments should look to the net expenditure, rather than to the gross expenditure, on this object. In this connection it is material to observe that the liberal grant recently made to district boards from general revenues will enable them to make better provision for all their duties, including arboriculture.

"In most provinces the responsibility for roadside trees devolves partly on the Public Works Department and partly on local bodies. In either case it is essential that effort should be concentrated and properly directed, and that the work of planting and tending the trees should follow a pre-arranged system. As a general rule provision should first be made for filling up gaps in existing avenues; next for establishing avenues which have been planted, but in which the trees are not yet beyond the reach of danger from drought or cattle; and, lastly, for planting new avenues. In taking up new work, preference should be given to those roads which are most frequented and where avenues can be established at the least cost, and no more should be attempted at one time that can be thoroughly established by means of the money and supervision available. Care should be taken that the most suitable kind of tree is chosen, preference being given to fruit trees, where otherwise suitable, and to trees which will give shade, rather than to trees which merely develope a rapid growth. The character of timber must also be selected with special reference to the dryness or moisture of the soil. In some cases it may be possible to provide means for the watering of trees by the utilisation of neighbouring sources of supply. Local Governments are requested accordingly to see that, where this has not already been arranged for, a clear working-plan, similar to those prepared for Government forests, and accompanied by the necessary maps, is prepared for each district or Public Works division concerned. The working-plans should be passed by some responsible officer, such as the Conservator of Forests, or the Director of Land Records and Agriculture, or, in the case of Government roads, the

Superintending Engineer; and arrangements should be prescribed, for ensuring that they are not lost sight of by the local bodies or officers concerned. The services of the local forest officer, where available, might be utilized both in the preparation of working plans and in inspecting and advising upon the actual operations. Many cases could be cited in which, when gaps occur in an old avenue, trees of a different and often heterogeneous description have been carelessly introduced in the vacant places, both interrupting the uniformity and spoiling the future appearance of the avenue.

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"The subordinates in direct control of arboricultural work, whether under local bodies or under the Public Works Department, should, as far as possible, receive a training of some kind in the technical branches of the subject, either at some Government garden or at a Forest School or plantation. The Government of India are aware that funds cannot always be forthcoming for the entertainment of full-time officials of the 'forester' class for arboricultural work, and they also recognize that the success of roadside plantings depends far more on strict supervision than on technical details; but they are at the same time convinced that even a few months' training in the technical part of the work will add to the efficiency of the present controlling staff, and every facility will be given in Forest and Agricultural institutions under the control of the Supreme Government to provide a suitable training for such men as may be sent to them for instruction by local bodies or the Public Works Department. It is suggested that such facilities should also be arranged for in similar institutions controlled by Local Governments.

"Good results have been obtained in some tracts by entrusting certain supplementary work, such as the planting of detached pieces of road or the filling up of blanks in avenues, to village or private agency and paying by results, and in other private enterprise has been stimulated by rewards and by revenue-free grants. The encouragement of private tree-planting by these and other means is, in the opinion of the Government of India, worthy of the special attention of the Local Governments, and they are requested to consider whether anything further can be done in this direction than is effected at present.

"It is essential that, as far as possible, the sympathies of the neighbouring population should be enlisted in the preservation of the roadside trees. In the case of fruit trees the produce of which is of little value, the cultivators of the adjoining field should be allowed to take the fruit on condition that they protect the trees from serious damage. And when a fodder famine is prevalent, judicious arrangements should be made to utilise the edible leaves of trees along roadsides as fodder for the cattle at reasonably cheap rates. This does not mean that the trees themselves should be heedlessly mutilated, or cut down, but that a temporary sacrifice of sylvan amenity may be gladly accepted in the interest of saving valuable animal life.

"There is one practice that calls for particular deprecation. It is that of lopping or otherwise injuring a beautiful avenue, when preparations are being made for the reception of a high Government official. In the anxiety to make proper arrangements for a party or procession proceeding in carriages, it is not an uncommon thing for the district authorities to cut away all the branches from the roadside trees within a certain distance from the ground, serving thereby no purpose whatsoever, and inflicting damage which it may take years to repair. Officers of Government should maintain a vigilant watch in order to prevent this unthinking and regrettable form of depredation."

Minerals and quarries.

831. All mines of metal and coal, all goldwashings, and all earth-oil belong to Government.* The law as to quarries is explained in the 191st paragraph of the Settlement Manual. The rules for the grant of licenses to explore and prospect for minerals and of mining leases will be found in Revenue Circular No. 48.

All *kankar* beds have with rare exceptions been declared to be the property of the State.† But Deputy Commissioners have been empowered to permit the quarrying of *kankar* without charge by the owners of the land in which it is situated, provided it is not required for Government purposes. This is an act of grace and must not be interpreted as an abandonment of the right to levy royalty. If landowners dig *kankar* without permission, except *kankar* in which the rights of the State have been lost or relinquished, the Deputy Commissioner may impose by way of fine a royalty not exceeding one-eighth of the market value of the amount extracted. ‡

* Royalties on mines and quarries have been held by Government to be identical in their nature with land revenue. The principles on which rent or royalty is taken are laid down in a despatch No. 41 of 8th August 1861, from the Secretary of State for India in Council to His Excellency the Governor-General. In this despatch it is stated that, if there is any necessity for choosing between a rent and a royalty, a royalty should be preferred: but that a combination of royalty and rent, so arranged that the rent should merge in the royalty whenever the latter exceeded the former in amount, would be preferable to either a rent or a royalty alone.

Treasure trove.

832. Rules as to treasure trove are collected in Revenue Circular No. 49.

Fisheries.

833. The right to fish in the creeks of Panjab rivers often belongs to Government and is leased annually to contractors. Instructions as to the conditions that may be inserted in licenses will be found in Revenue Circular No. 48.

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* Section 41 of Act XVII of 1887.

† See paragraph 192 of the Settlement Manual.

‡ Panjab Government No. 1088, dated 15th November 1900.

834. An increase in the number of districts into which a province is divided can only be made with the sanction of the Governor-General in Council. But the Local Government may add to the number of *tahsils*, and may vary their limits and those of districts and divisions.* Such changes are generally unpopular with the people, and can hardly fail to produce some confusion in administration. They make the comparison of past and present statistics difficult, and are apt to be embarrassing when the time for a general re-assessment comes round. They should therefore only be proposed when they are essentially necessary for the proper management of the estate or tract concerned.† Changes in limits and numbers of tahsils, districts and divisions.

Any boundary disputes with Native States which arise should be dealt with promptly. The procedure to be followed in such cases will be found in Panjab Government Consolidated Circular No. 25. The adoption of fixed boundaries between the Panjab and Native States where the line of demarcation follows in the main the course of a river‡ ought greatly to reduce the number of such disputes. In the case of land boundaries the operations of the Imperial Survey and of the Settlement Department have left little room for doubt as to the actual border. No difficulties are likely to arise, and any that do arise should be easily settled, if the orders requiring Deputy Commissioners whose districts march with Native States to inspect the boundary or cause it to be inspected every year are carried out.§ The *Darbar* should be informed when the district officer proposes to make his inspection, and asked to depute a representative of the State to meet him. The state of the boundary pillars should be noted and arrangements made to carry out any necessary repairs.

835. Village directories containing lists of estates, patwaris' circles, *et cetera*, should be complied in every district, and revised from time to time. The orders on the subject will be found in Revenue Circular No. 62. Village directories and skeleton maps.

Special small scale district maps are issued by the Director of Land Records for use in illustrating new proposals and reports, and can also be conveniently bound into district statistical atlases, the necessary additions being made under the Deputy Commissioner's orders.

The maps are—

(*a*) $\frac{1}{4}$″ district maps showing village, and *tahsil*, district boundaries, railways, main rivers, canals, roads and other prominent features. A few of the more important places are marked.

(*b*) $\frac{1}{8}$″ district maps as above, but without village boundaries.

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* Section 5 of Act XVII of 1887.

† Government of India, Home Department, Circular No. 194—202, dated 2nd June 1870. For reports to Surveyor-General of changes of boundary,—see Revenue Circular No. 50.

‡ See paragraph 439.

§ Government of India, Foreign Department, Resolution No. 1758, dated 21st August 1871. The inspection should be noticed in the Annual Revenue Report.

Subsidiary to (*a*), a limited number of $\frac{1}{4}$" maps are printed with the villages numbered, a key sheet being added with alphabetical lists of villages in English and Vernacular.

These maps are prepared in the Surveyor-General's Office, and are reductions of the published survey sheets.

Gazetteers.

836. The revision of the gazetteer is undertaken at each settlement by the Settlement Officer.* But to assist him in his task and at the same time to make the gazetteer more useful, it should be kept up to date in the interval between two general re-assessments. Deputy Commissioners have therefore been ordered to have a copy of the district gazetteer interleaved with good writing paper and to maintain a gazetteer note-book.

In the first they should enter brief notes correcting any statements in the text which seem to them to have always been, or to have become, erroneous, or which need to be supplemented. For instance after a new census it is well to correct all figures relating to population. The notes made in the interleaved copy of the gazetteer should be very brief.

The gazetteer note-book should contain longer entries on any matters which the Deputy Commissioner thinks will be of use in the preparation of the new edition. Each entry should be marked in bold figures with the serial number of the gazetteer heading under which it will fall. No two entries should appear on a single page. Only one side of the paper should be written on, so that the Settlement Officer may be able to remove the leaves and make use of the entries without recopying them. When the information is available in a convenient form in the district or other records, a full reference to the papers in question, with a brief indication of the nature of the material which they contain, will suffice.

Both at the time of the redrafting of a new edition and during the interval between the editions the officers who are collecting information should try to obtain help from residents of the district, Native and European, official and non-official. For example, it may be possible in this way to get better notes on the botany or geology of a district, its manufactures, its archæological remains, or its folklore than the Deputy Commissioner or the Settlement Officer may have either the time or the special knowledge to compile. If vernacular papers are to be made use of, they should be composed in a simple style, and the handwriting should be neat and clear.

The latest instructions as to the revision of district gazetteers are contained in Government of India, Home Department, No. 3375, dated 15th November 1902.

"The chief difficulty which stands in the way of the periodical revision of the existing Gazetteers, and the reason which has caused so large a portion of their contents to become obsolete is that they contain a mixture of permanent matter, such as that relating to the history,

* See paragraph 552 of the Settlement Manual.

physical charecteristics, religion, ethnography, etc., of the district; of matter which changes gradually but as a rule slowly, such as that dealing with the agricultural and economic conditions; and of ephemeral matter, mainly statistical, which soon becomes out of date. For this reason when a new District Gazetteer is issued it should consist of two volumes, A and B, compiled on the following lines :—

(1) In the first edition all descriptive matter should go into the A volume; but that volume should contain only such general figures (incorporated in the letter-press) as are necessary to give point to remarks in the text. The arrangement of subjects in this volume should follow the order prescribed for the provincial articles in the Imperial Gazetteer. All detailed statistics should be relegated to the B volume, which would at first consist only of these and of such notes as may be necessary to elucidate them.

(2) On the occasion of the next revision the statistics in the B volume should be re-compiled, and this volume should be expanded by adding to it any matter that might be required to correct or supplement the A volume. Thus if there had been a famine since A was published, if a new railway had been opened, and so forth, information on these points would appear in B as supplementary to the appropriate chapters in A.

(3) This process would go on till the time had come for revising the A volume. Then all the supplementary text matter should be incorporated in the new A volume and B would revert to its original form as a statistical appendix with explanatory notes.

(4) A new edition of the B volume should be brought out after each census. The revision of the A volumes must be left to the discretion of the Local Governments. The occurrence of a new settlement will ordinarily be the best time for such revision; but it may well happen that plenty of copies of the original A volume are still available, and that the settlement and lapse of time have not wrought any important change in the conditions of the district. In that case the revision of A should stand over till the stock of it no longer suffices for the demand; but a brief account of the settlement operations, and of the changes which they have produced or disclosed in the state of affairs described in the A volume should be prepared by the Settlement Officer before he is relieved of his duties, for inclusion in the next decennial B volume.

(5) The statistical part of the B volumes should be issued with interleaved blank pages, so that those who use it can have the figures of latter years written in. The tables included in the B volume should be drawn up on uniform lines and should contain the main administrative statistics of the

district and its tahsils or other sub-divisions. Those prescribed in enclosure D to my circular letter of 24th September 1902, No. 2948—60, seem generally suitable for adoption, but Local Governments will doubtless vary or add to these as local circumstances demand. It is thought that, including the explanatory notes, they should not ordinarily exceed a maximum limit of 50 pages.

(6) Similarly, a limit of size for the A volumes might be fixed at about 300 pages, within which compass it should be possible to comprise all really useful information. Some of the present provincial gazetteers err in the direction of excessive size. The history chapters for example could often be materially condensed by assuming a general knowledge of Indian history on the part of the reader and dealing only with events which occurred in or were connected with the district. Where adjoining districts resemble each other in respect of climate, physical features, flora and fauna, history, distribution of castes, and economic conditions, much labour might be saved by writing a single account of these and reproducing it, with the necessary local adaptations, in each district volume. It seems desirable that in future editions the several districts should be dealt with in separate volumes.

(7) The Government of India have decided that there shall be a separate Index volume in the case of the Imperial Gazetteer, and think that it would be very convenient for purposes of reference if a similar Index were prepared for each series of Provincial Gazetteers.

Annual reports.

837. The Crop and Season Report has already been noticed. The other yearly reports which Deputy Commissioners have to prepare in connection with the subjects dealt with in this manual are—

Report on Land Records.

Report on the working of the Panjab Alienation of Land Act.

Land Revenue Report.*

* See Revenue Circular 61.

APPENDIX I.

RULES REGULATING THE PROCEDURE OF REVENUE OFFICERS AND COURTS.

A.—Functions to be discharged by different classes of Revenue Officers under the Land Revenue Act.

(Panjab Government Notification No. 81, dated 1st March 1888).

THE Hon'ble the Lieutenant-Governor, in exercise of the powers vested in him by Section 10 of the Panjab Land Revenue Act, 1887, is pleased to direct and hereby directs—

(1) that the functions arising under the chapters and sections of that Act which are specified in Schedule A hereto annexed shall be discharged only by Collectors and officers of a higher class ;

(2) that the functions arising under the sections and chapters of that Act which are specified in Schedule B hereto annexed shall be discharged only by Assistant Collectors, 1st Grade, and officers of a higher class ;

(3) that in any case in which a rule made or hereafter to be made under the Act specifies the class of revenue officer by whom a function is to be discharged, that function shall be discharged by an officer of that class only ;

(4) that all functions arising under that Act in respect of which the class of revenue officers by whom the function is to be discharged is not specified in the Act, nor in any rule made under the Act, nor in this Notification may be discharged by any class of revenue officers.

Schedule A.

Section or Chapter.	Subject.
Chapter III	The appointment, punishment, suspension, or removal of *kanungos*, *zaildars*, *inamdars*, or village officers.
Chapter V	Assessment.
Section 66	Certification of statement of account of arrears of land revenue.
Section 145	Preparation of list of village cesses.

Schedule B.

Section or Chapter	Subject.
Section 36 (2)	Placing persons in possession of disputed property
Section 70 (1)	Distraint and sale of moveables and crops for an arrear of land revenue.
Section 97 *cum* 70 (1)	Ditto on application of a village officer.
Sections 101 and 103	Defining boundaries and erection of boundary marks.
Section 150	Prevention of encroachments.

B.—Procedure of Revenue Officers.

(Panjab Government Notification No. 77, dated 1st March 1888).

In accordance with the power conferred upon him by Section 85 of the Panjab Tenancy Act of 1887, the Hon'ble the Lieutenant-Governor is pleased to make the following rules for regulating the procedure of revenue officers under the said Act :—

1. (*i*) The statements and pleadings made by or on behalf of parties to a revenue proceeding, whether oral or written, shall be as brief as the nature of the case admits, and shall not be argumentative, but shall be confined as much as possible to a simple and concise narrative of the facts which the party by whom or on whose behalf the statement or pleading is made believes to be material to the case, and which he either admits or believes that he will be able to prove.

(*ii*) Every written application or statement filed by a party to a revenue proceeding shall be drawn up and verified in the manner provided by the Civil Procedure Code for written statements in suits.*

2. The death of one of the parties to a revenue proceeding, or, in a proceeding to which a female is a party, her marriage, shall not cause the proceeding to abate. And the revenue officer before whom the proceeding is held shall have power to make the successor in interest of the deceased person or of the married female a party hereto.†

* Compare Sections 51, 52, and 115, Civil Procedure Code.

† Compare Chapter XXI, Civil Procedure Code.

3. In fixing dates for the hearing of parties and their witnesses, in adjourning proceedings, and in dismissing applications on default or for other sufficient reason, a revenue officer will, so far as the nature of the case may require or permit, be guided generally by the principles of the procedure for the time being in force in Revenue Courts.

4. The provisions of Chapter XXV of the Civil Procedure Code in respect of commissions shall apply in the case of proceedings before a revenue officer.

5. (*i*) A revenue officer may at his discretion award to a witness attending on summons a sum on account of his expenses, not exceeding the sum to which the witness would have been entitled for a like attendance in a Civil Court.

(*ii*) The sum so awarded shall be costs in the proceeding.

6. (*i*) In proceedings under Section 34, sub-section (4), of the Land Revenue Act.* no detailed record of the statements of parties and witnesses shall be made ; but the order of the revenue officer shall state briefly the persons examined by him, the facts to which they deposed, and the grounds of the order.

(*ii*) In other proceedings under the Land Revenue Act not being proceedings under Section 117†, and in proceedings before a revenue officer under the Panjab Tenancy Act, the revenue officer shall make with his own hand a brief memorandum of the statements of parties and witnesses at the time when each statement is made.

(*iii*) If the revenue officer's mother-tongue is English, this memorandum shall be written in English and be translated into Urdu. In other cases it shall be written in Urdu.

7. (*i*) In every proceeding in which an order is passed on the merits after inquiry, the revenue officer making the order shall also record a brief statement of the reasons on which it is founded.

(*ii*) Orders under Section 34, sub-section (4),* and under Section 56 ‡ of the Land Revenue Act shall be written in Urdu. But if the revenue officer's mother-tongue is English, he may at his discretion write the order in English and translate it into Urdu.

(*iii*) In every other case referred to in sub-section (*i*) the order and the reasons for it shall—

(*a*) if the revenue officer's mother-tongue is English, be written by him in English, and be translated into Urdu;

(*b*) if the revenue officer's mother-tongue is not English, be written by him in Urdu.

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* Mutation orders.

† Determination of question of title in property of which partition is sought.

‡ Orders regulating distribution of assessment over holdings.

8. (*i*) In proceedings in which costs have been incurred, the final order shall apportion the costs between the parties to the proceeding.*

(*ii*) Costs thus apportioned shall be recoverable by the revenue officer by attachment and sale of the moveable property of the person liable for the same, in the manner prescribed in Section 70 of the Land Revenue Act.

9. (*i*) Orders of ejectment from, and delivery of possession of, immoveable property shall be enforced in the manner provided in the Code of Civil Procedure for the time being in force in respect of the execution of a decree whereby a Civil Court has adjudged ejectment from, or delivery of possession of, such property.

(*ii*) And in the enforcing of these orders a revenue officer shall have all the powers in regard to contempts, resistance, and the like which a Civil Court may exercise in the execution of a decree of the description mentioned in sub-section (1).

10. The provisions of the Panjab Land Revenue Act, 1887, with respect to arbitration shall apply to proceedings before a revenue officer in respect of any matter described in the first and second groups of Section 76 of the Panjab Tenancy Act, 1887.

C.—Language of Revenue Officers and Courts.

(Rules under Section 155 (1) (*f*) of Land Revenue Act and Section 106 (1) (*f*) of Tenancy Act.)

1. The language of Revenue Offices and Courts shall be—

(*a*) English, in cases in which English is the mother-tongue of both the parties to a revenue proceeding; and

(*b*) Urdu in all other cases.

2. A party to a proceeding to which clause (*b*) of the last foregoing rule applies, or his legal practitioner, may make an application and plead in the English language if both the parties or their legal practitioners understand English and the presiding officer consents to the use of English.

D.—Recognized Agents under Land Revenue and Tenancy Acts.

Recognized agents.

The Hon'ble the Lieutenant-Governor has, by Notifications Nos. 728 and 729, dated 1st November 1887, directed that the following persons shall be recognized agents for the purposes of

* See also Land Revenue Act, Section 152, and Tenancy Act, Section 87.

Sections 18 (1) of the Land Revenue Act and 86 (1) of the Tenancy Act:—

(*a*) Persons holding general powers-of-attorney from parties not resident within the local limits of the jurisdiction* of the Court within whose limits the appearance, application, or act is made or done, authorizing them to make and do such appearances, applications, and acts on behalf of such parties.

(*b*) *Mukhtars* duly certificated under any law for the time being in force and holding special powers-of-attorney authorizing them to do on behalf of their principals such acts as may legally be done by *mukhtars*.

(*c*) Persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within whose limits the appearance, application, or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications, and acts.

(*d*) Persons specially authorized by parties to appear and act on their behalf in any particular suit ; Provided such persons are agents authorized for the occasion only, and are not practitioners acting in evasion of the law regulating the admission and enrolment of pleaders and *mukhtars*:* Provided also that it shall be in the discretion of the Court to refuse to permit any such person to appear or act.

E.—Rules regarding limitation of jurisdiction of Assistant Collectors of the 2nd Grade under the Tenancy Act.

(Section 77 (4), Tenancy Act.)

1. A Naib Tahsildar invested with the powers of an Assistant Collector of the 2nd Grade shall not hear and determine a suit of any description mentioned in the 3rd group of sub-section (3) of Section 77 in which the rent or sum claimed exceeds Rs. 100 in amount.

2. Other Assistant Collectors of the 2nd Grade shall not hear and determine a suit of any description mentioned in the 3rd group of sub-section (3) of Section 77 in which the rent or sum claimed exceed Rs. 500 in amount.†

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* For rules relating to Revenue Agents, see Circular No. 17, paragraphs 43—49.

† Notification No. 78, dated 1st March 1888.

F.—Rules regarding processes and notices issued under the Tenancy Act.

(Section 106 (I c), (I g) and Section 46.)

1. A revenue officer or Revenue Court shall not, except for reasons of urgency to be recorded, issue any process of arrest against a tenant or against a land-owner who cultivates his own land between the 1st day of April and the 31st day of May, nor between the 15th day of September and the 15th day of November.

2. Every application for the issue of a notice of relinquishment, or of intended transfer of a tenancy, or for the issue of notice of ejectment from a tenancy, shall be accompanied by an extract from the last annual or other record showing—

(*a*) the name and description of the landlord ;

(*b*) the name and description of the tenant ;

(*c*) the fields from which it is proposed to eject the tenant, and their area ;

(*d*) the rent at which the tenant holds ;

and the extract shall be signed by the *patwari*, or by the field *kanungo* of the tahsil, or by the district record-keeper.*

G.—Procedure in cases of sale of produce of land by revenue officers under the orders of a Civil or Criminal Court.

(Land Revenue Act Section 141.)

1. When the produce of any land has been attached in pursuance of an order for its attachment and sale, addressed to the Collector by a Civil or Criminal Court, the Collector shall direct that an appraisement of the attached produce be made by a revenue officer or by the *kanungo* of the circle in which the land is situated. The produce shall not be sold until the appraisement has been approved by the Collector or by a revenue officer appointed in that behalf by the Collector.

2. Sales of the produce of land shall be made by a revenue officer or by the field *kanungo* of the circle in which the land is situated. When the sale is made by the *kanungo* it shall be carried out in presence of a *zaildar*, *inamdar*, or village headman appointed in that behalf by a revenue officer.

The field *kanungo* shall be entitled to a commission of 5 per cent. on the sale proceeds.

3. When produce sold by a *kanungo* consists of moveable property, such as crops that have been reaped, the purchase money shall not be received, nor shall the sale become absolute, until the sale has been confirmed by the Collector or by a revenue officer named by the

* Notification No. 78, dated 1st March 1886.

Collector. When the produce sold by a *kanungo* or revenue officer consists of immoveable property, such as standing crops, sold under orders of a Civil Court, Section 314 of Act XIV of 1882 (The Civil Procedure Code) will apply.*

4. When an order of a Civil Court is sent to the Collector for the execution of a decree for the possession of land, the Collector shall give possession to the decree-holder on the date specified in the decree or in the directions issued by the Civil Court executing the decree. If no date is specified in the decree or by the Civil Court, and the land, of which possession is to be given, is in the cultivating possession of the judgment-debtor, the Collector shall at once refer to the Civil Court for instructions as to whether or not he is to delay execution until any crop, which may have been sown by the judgment-debtor and is standing on the land, has been removed.†

H.—Sale and temporary alienation of land in execution of money decrees passed by Civil and Revenue Courts

1. The law and rules relating to the sale and temporary alienation of land or any interest therein in satisfaction of a decree for money are contained in Sections 320 to 327 of the Civil Procedure Code, Section 16 of the Panjab Alienation of Land Act, Panjab Government Notifications Nos. 1297, dated the 10th September 1885, and 186, dated the 23rd September 1895, in the Rules and Orders of the Chief Court, Volume I, and in Revenue Circular No. 17.

The various rules and orders are printed in the following paragraphs.

Part A.—Procedure with reference to the Civil Procedure Code.

2. It is to be explained that as no notification under Section 230 of the Code of Civil Procedure has been issued for the Panjab, the execution of decrees under which revenue-paying or revenue-free land, or any interest in such land, has been attached is not transferred to the Deputy Commissioner, who will, in proceeding under the rules, merely act as a ministerial officer of the Court executing the decree. He does not act as a ministerial officer in making representations under Section 326 of the Code, but he does so in providing for the satisfaction of the decree after the Court has authorised him to do so in the manner recommended by him under that section. The power of disposing of objections and confirming the sale rests with the Civil Court.

Chapter I, A. (G), Chief Court Rules and Orders, Volume I.

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* Notification No. 205, dated 25th September 1891.

† Financial Commissioner's Notification No. 95, dated 22nd May 1907.

Procedure to be adopted when land, or an interest in land paying revenue to Government, is attached. Claims and objections how to be disposed of.

8. (XXXIX). When any land, or interest in land, paying revenue to Government, or of which the revenue has been assigned or remitted, has been attached in execution of a decree by the order of a Civil Court, the Court shall on the return of the warrant of attachment duly executed give notice of the attachment to the Deputy Commissioner of the district in which the property is situated, by sending to him the execution file and a vernacular proceeding inquiring whether he proposes to intervene under Section 326 of the Code of Civil Procedure. If, after the file has been transmitted, any claim to the attached property or any objection to the attachment be preferred to the Court executing the decree, the Court shall dispose of the same, and may, if it appears necessary for this purpose, recall the file of the execution proceedings and proceed itself to dispose of the claim or objection. When such claim or objection has been disposed of, if the order of attachment is upheld, the file shall be re-transmitted to the Deputy Commissioner. If such claim or objection be preferred to the Deputy Commissioner, the claimant or objector shall be referred to the Court executing the decree.

Intervention by Deputy Commissioner

4. (XL). On receipt of the file and the proceeding referred to in the preceding rule, the Deputy Commissioner shall, with as little delay as possible, proceed to consider the question whether there are *primâ facie* grounds for his intervention. In order to satisfy himself on this point, the Deputy Commissioner shall make such inquiries as may be necessary to ascertain whether the sale of the land can be avoided. On the completion of such inquiry, the Deputy Commissioner shall, within sixty days from the date of receiving the file, return the same, and either make the representation contemplated by Section 326 of the Code, or intimate that he will not intervene.

Procedure if Deputy Commissioner intervenes.

5. (XLI) (*i*). If the Deputy Commissioner decides to intervene and represents under Section 326 of the Code of Civil Procedure, that a public sale of the property is objectionable, and that satisfaction of the decree may be made within a reasonable period by a temporary alienation or management of the property, the Civil Court shall file the representation with the record; and, after hearing the parties, shall determine whether the Deputy Commissioner should be authorised to intervene. If the Court decide affirmatively, it shall record an order to that effect and send the Deputy Commissioner a vernacular proceeding authorising him to provide for satisfaction of the decree in the manner recommended by him.

Documents to be submitted to Deputy Commissioner.

(*ii*) With this proceeding the Court shall send—

(1) a statement showing the extent, if any, to which the decree has been already executed, and clearly setting forth what portion of the decree still remains to be satisfied;

(2) a copy of the decree under execution of the application for execution on which the property has been attached;

(3) a statement showing, as clearly as possible, the rights and interests of the judgment-debtor in the attached property, so far as they are known to the Court;

(4) any other papers which may be considerd necessary to enable the Deputy Commissioner to ascertain exactly the nature of the decree, the property under attachment, and the rights and interests therein of the judgment-debtor.

(*iii*) These documents shall be prepared by the Court's establishment, and transmitted to the Deputy Commissioner free of all cost to the parties. Statements (1) and (3) shall be in the following form:— Preparation of documents,

(1) *Statement showing satisfaction had under the decree to date,* viz., *up to the* *of* 190

1	Court submitting application and number of case in Court's Register of execution of decrees.	
2	Decree-holders, with description ...	
3	Judgment-debtors, with description ...	
4	Date and particulars of decree (principal, interest, and costs).	
5	Particulars of previous steps taken to realise amount of decree.	
6	Amount now remaining due (principal, interest, and costs).	

(2). *Property attached.*

1	Tahsil and village in which situate ...	
2	Number of holding in village papers ...	
3	Total area of holding with details of cultivation, &c.	
4	Wells, water-courses, or shares thereof, attached to the holding.	
5	Nature of judgment-debtor's interest, *viz.*, ownership or other right, whether the land is hereditary or jointly acquired or not.	
6	Whether judgment-debtor owns entire holding or undivided share thereof.	
7	Estimated annual profits of judgment-debtor's interest and rent, or revenue payable by him.	
8	Particulars of existing encumbrances ...	
9	What means of support will remain to the judgment-debtor if the land be sold.	

[REMARKS].

Below and on succeeding pages will follow the Court's order to the Deputy Commissioner to intervene, or recommendation for sale and orders of Deputy Commissioner and higher authorities.

Copies of each decree to be transmitted.

(*iv*) If the property has been attached in more than one decree, a copy of each decree and application for execution shall be transmitted, and a statement in the form above prescribed showing the extent to which each decree has been satisfied.

6. (XLII) (*i*). The Deputy Commissioner shall notify to the Court the receipt of the abovementioned documents, and shall register the decree in a book to be kept for the purpose in the following form :—

Deputy Commissioner to notify receipt of documents.

1	2	3	4	5	6	7	8	9	10	11	12
Serial No.	Number of decree.	Date of decree.	Names of decree-holder and judgment-debtor.	Date of transmission of decree by Civil Court.	Date of receipt of decree by Deputy Commissioner.	Amount for which execution is ordered.	Property attached.	Nature of decree.	How executed.	Date of re-transmission of decree to Civil Court.	Remarks.

(*ii*) The Deputy Commissioner's acknowledgment shall, on receipt, be placed with the Court's execution proceedings, which will thereupon be consigned to the record-room.

Appeals from orders passed under Section 326, Civil Procedure Code. *Panjab Government Notification No. 186, dated 23rd September 1895. Paragraph 48 of Revised Revenue Circular No. 17.*

7. The rules to provide for appeals from the orders passed by Collector or by a gazetted subordinate of a Collector, when a Civil Court, acting under Section 326 of the Code of Civil Procedure has authorised the Collector to provide for the satisfaction of a decree by a temporary alienation or management of land or a share in land, are given below. Only one appeal is allowed to the Collector himself or to the Commissioner, as the case may be. But orders passed by the Collecter or by the Commissioner on appeal in these cases are open to revision by the Financial Commissioner :—

RULES.

1. If under Section 326 of the Code of Civil Procedure the Court has authorised the Collector to provide for the satisfaction of a decree by a temporary alienation or management of land or of a share in land *then* any order passed by a gazetted subordinate of the Collector in exercise of the authority conferred by the Court under Section 326 and by the rules under Section 320, Civil Procedure Code, shall be appealable to the Collector, and any order passed by the Collector in exercise of such authority as aforesaid shall be appealable to the

Commissioner, as if the order were one appealable under Section 13 of the Panjab Land Revenue Act, 1887. No further appeal shall lie from any order passed in appeal under the provisions of this rule. The provisions of Section 14, clauses (*a*) and (*b*), of the Panjab Land Revenue Act, 1887, shall apply to appeals to the Collector and to the Commissioner, respectively, under this rule, and the provisions of Section 15 of the Panjab Land Revenue Act, 1887, shall also apply to orders passed under this rule

2. In regard to any order passed in appeal under the preceding rule, the Financial Commissioner shall have the same powers of revision as are vested in the High Court by Section 622 of the Civil Procedure Code in respect of cases in which no appeal lies to the High Court.

Instructions as to action under Section 326, Civil Procedure Code.

8. Instructions, which have received the approval of Government, are also herewith issued for the guidance of Collectors in taking action under Section 326, Civil Procedure Code. In connection with this it is requested that all Deputy Commissioners will report quarterly for the periods ending 30th June, 30th September, 31st December, and 31st March, the action taken by them under that section. These reports should reach the Financial Commissioner's office within one month of the end of the quarter to which they relate and should contain the following information :—

(*i*) Particulars of decree-holder and judgment-debtor.

(*ii*) Total amount of judgment-debtor's land; where situated; its quality; how much irrigated and how much unirrigated; and the revenue assessment on it.

(*iii*) What portion of such land (with same particulars) has been alienated, to whom, and for what term.

(*a*) In deciding the period which, and the terms on which, temporary alienations in satisfaction of money decrees should be made, Collectors should follow as far as may be the spirit of the instructions for the guidance of the Commissioners in cases of applications for sale of land in execution of such decrees.*

(*b*) Collectors intervening under Section 326, Civil Procedure Code, should clearly understand that their action is intended to be for the benefit of the judgment-debtor.

(*c*) Collectors must be careful not to make any such alienation arrangement as amounts practically to depriving a judgment-debtor of his ordinary means of support. Therefore only such land should be temporarily alienated as may be in excess of what a judgment-debtor, who depends entirely or mainly on his land, requires for the reasonable support of himself and those immediately dependent on him.

(*d*) Excess land thus suitable for temporary alienation should not be alienated for longer period than fifteen years, or unless the decree-holder agrees to accept the arrangement made by the Collector in full satisfaction of his decree, including all interest claimable thereon.

Procedure if Deputy Commissioner does not intervene.

9. (XLIII). If the Deputy Commissioner intimates, under paragraph 4 (Rule XL), that he does not intend to intervene, the Court shall, without delay, cause to be prepared and transmit to the Deputy Commissioner an application for sanction to sell the land, in accordance with the rules contained in the Notification of the Panjab Government made under Section 327 of the Code, No. 1297 S., dated the 10th September 1885 (paragraph 9). The application shall be accompanied by the documents (1), (2), (3), and (4), prescribed in paragraph 5 (Rule XLI), clause (ii), which should be prepared and submitted in the manner therein specified. The Deputy Commissioner will briefly note, in the proper column, his reasons for not taken action under

* See paragraph 12 below.

Section 326 of the Code of Civil Procedure, and forward the statement to the Commissioner of the division.

NOTE.—Applications should be submitted in vernacular by all Civil Courts direct to the Collector, in whose office they will be translated into English, on payment by the applicant of a fee of Re. 1 (to be paid to the translator), it being left optional with the applicant to have the translation made in the open market.

Sales of agricultural land require sanction of Commissioner.

10. No land which is applied to agriculture or pastoral purposes and no interest in such land, shall be sold in execution of a decree of a Civil Court, without the previous sanction of the Commissioner of the division.

Sales of such land, or of any interest in such land, in satisfaction of a decree of a Court of civil judicature, shall be made by the Deputy Commissioner upon the requisition of the Court executing the decree.

Commissioner may sanction or reject application for sale.

11. (XLIV). The Commissioner, on receiving the application, will pass an order either sanctioning the sale or rejecting the application, and such order will be final.

Principles to be followed in sanctioning or disallowing sales.

12. In dealing with applications for sanction, the Commissioner will ordinarily be guided *inter alia* by the following principles, which have received the approval of Government; these principles must not be regarded as exhausting the considerations which should govern these cases. They merely indicate broadly the lines on which Commissioners ought ordinarily to deal with applications for sale of land.

(*a*) Commissioners should reject applications for the sale of land (*a*) when the decree-holder has omitted to enforce satisfaction of his decree by the other processes available to him, or (*b*) when the debt due is trifling or when the decree or a considerable portion of it can be liquidated by temporary alienation or farm of the land, or when the debtor is able to give security for the payment of the decree by reasonable instalments.

The fact that the decree-holder declines to take the land in farm or to accept payment of the decree by instalments is not sufficient reason for sanctioning a sale of land, nor of itself is the fact that there is no other means of liquidating a decree. Sale of a larger amount of land than will probably suffice to satisfy the decree should not be sanctioned.

(*b*) When a judgment-debtor depends entirely or mainly on his land, and it is not in excess of what he requires for the reasonable support of himself and his family, an application for sale should ordinarily be rejected.

(*c*) In dealing with applications for sale of land, special weight will be given to the nature of the original debt and the amount of interest included in the decree, and to such circumstances as that the land-owner is a minor or a widow and the debt was incurred by a predecessor in interest, or that the value of the land is insignificant in comparison to the amount of debt; and sale will not be sanctioned when this is open to reasonable objection of the above nature.

Action to be taken when sale sanctioned.

13. (XLV). On receipt of the necessary sanction, the Court executing the decree shall make an order for the sale of the property, under Section 284 of the Code of Civil Procedure and shall then forward the file of execution proceedings to the Deputy Commissioner with a requisition to carry out the sale.

Deputy Commissionr to fix time and place of sale. Proclamation to issue.

14. (XLVI). On receipt of such requisition and the file, the Deputy Commissioner shall fix a time and place for the sale and cause a proclamation of the intended sale to be drawn up in the language of the Court. Such proclamation shall contain the particulars prescribed by Section 287 of the Code of Civil Procedure, and shall also state whether the property will be sold in one or several lots, and the reserved price fixed for each lot, should the Deputy Commissioner think fit to put a reasonable reserved price on the property or on any portion of it. The proclamation shall then be made in the manner prescribed by Section 289 of the Code.

When sale not to take place without consent of judgment-debtor.

15. (XLVII) (*i*). A sale shall not take place without the consent in writing of the judgement-debtor until after the expiration of at least thirty days, calculated from the date of which a copy of the proclamation was fixed up in the Court-house of the judge ordering the sale.

Sales to be held by Deputy Commissioner in person or by other officer specially authorized.

(*ii*) Subject to the foregoing proviso, sales may be held on any day, not being a Sunday or other close holiday. All sales held under these rules shall be conducted by the Deputy Commissioner in person, or by an Assistant Commissioner or an Extra Assistant Commissioner specially authorised by the Deputy Commissioner in this behalf. Petty sales of trees, or of land, the revenue payable in respect which does not exceed Rs. 25, may be conducted by the tahsildar, if specially authorised by the Deputy Commissioner.

Sales how to be conducted.

16. (XLVIII). Sales shall be conducted in strict accordance with the provisions of Sections 291 to 293 and 306 to 310 of the Code of Civil Procedure.

Deductions on account of expenses to be made from sale proceeds.

17. (XLIX) (*i*). Deductions at the following rates shall be made from the proceeds of sales, *viz.* : –

at the rate of one rupee out of every one hundred rupees, for the first two hundred rupees;

at the rate of eight annas out of every one hundred rupees of the proceeds in excess of two hundred rupees, and up to one thousand rupees;

at the rate of one rupee out of every five hundred rupees of the proceeds in excess of one thousand rupees.

(*ii*) All expenses incurred in the conduct of sales shall be paid out of such deductions, and the balance credited to Government.

(*iii*) No commission on the proceeds of sales conducted under these rules shall be paid to any officer of the Court.

Decree older or judgement-debtor may supply to have sale set aside.

18. (L). The decree-holder, or any person whose property has been sold under these, may apply to the Court executing the decree, to set aside the sale on the ground of a material irregularity in publishing or conducting it. But a sale shall not be set aside on the ground of irregularity unless the applicant proves that he has sustained substantial injury by reason of such irregularity.

19. (LI) (*i*). If the application mentioned in the last preceding rule is not made within thirty days from the date of the sale, or if any objection is made and such objection is disallowed, the Court shall pass an order, confirming the sale as regards the parties to the proceedings and the purchaser. Sale when to be confirmed.

(*ii*). If an application, as above mentioned, is made and the objection is allowed, the Court shall pass an order setting aside the sale. Or set aside.

20. (LII) (*i*). When any sale has been confirmed as above, the Deputy Commissioner shall report his proceeding to the Court from which the decree was received for execution; intimate the sum realised and held at the disposal of such Court, and re-transmit the decree with all the papers received from that Court. When sale confirmed Deputy Commissioner to report proceeding to Court executing decree.

(*ii*) The Court shall grant a certificate in the manner provided in Section 316 of the Code of Civil Procedure, and shall send a copy thereof to the registering officer within whose jurisdiction the whole or a part of the property is situated, as directed in Rule XXXV, Part F, of Chapter I, V of the Rules and Order of the Chief Court Volume I. The Court shall also grant the Deputy Commissioner a receipt for the decree and other papers as aforesaid.

(*iii*) All subsequent proceedings in connection with the decree and the delivery of possession to the purchaser will be taken under the orders of the Court.

21. (LIII). On receiving intimation from the Court, before he has effected a sale, that the order for sale has been cancelled, the Deputy Commissioner shall forego the sale, and re-transmit the decree and the other papers received from the Court to the Court which ordered the sale. Deputy Commissioner to forego sale when sanction to sale is cancelled.

NOTE.—A most irregular practice was found to prevail in some Civil Courts in connection with the transfer of revenue-paying land of judgment-debtors to decree-holders by mortgage for amounts due on money decrees.

It appears that after the land has been attached in execution of the decree, and when the Collector reports, under Section 326 of the Code of Civil Procedure, to the executing Court that the decree can be satisfied by a temprorary alienation of the land for a period of years, the decree-holder refuses to accept the arrangement or to take the land on the terms proposed by the Collector, but applies for an unlimited mortgage to him of the land or a portion of it for the amount due on the decree. The executing Court a accepts the decree-holder's application, and orders that the land or a portion of it be transferred to the decree holder in mortgage until the amount of the decree is paid, and the decree-holder is then put in possession.

Neither Section 326, nor any other section of the Code of Civil Procedure, empowers a Civil Court to make any arrangement affecting the land of a judgment-debtor, much less an arrangement by which the land is made over to the decree-holder for an unlimited time without providing that the income shall be applied to the liquidation of the decree under Section 326 of the Code. The utmost the Court is competent to do is to *authorise the Collector* to provide for satisfaction of the decree being made within a reasonable period in the manner recommended by the Collector.

A case has also been brought to notice in which an application having been made for the sale of land attached in execution of a decree, and sanction to the sale having been refused by the revenue authorities, the Civil Court appointed the decree-holder a receiver of the attached property under Section 503 of the Code of Civil Procedure and allowed him to remain for six years in practically uncontrolled possession of the judgement-debtor's land.

Such a procedure, like the irregular practice described above, is highly objectionable and is merely a mode of evading the order refusing sanction to the sale. It should be distinctly understood that, in dealing with application for the sale of land in execution of a decree, the Civil Courts are to refrain from adopting any such procedure as tends to defeat the action taken by the revenue authorities, in accordance with law, under Section 326 of the Code of Civil Procedure.

The procedure to be followed upon a representation being made by that Collector has been prescribed in the above rules.

If the requisite authority be given by the Court to the Collector, the Court's proceedings are to be regulated by paragraphs 5 and 6 (Rules XLI and XLII); if it is withheld neither the Court nor the Collector is competent to make any disposition whatever of the land or share of the judgment-debtor in execution of the decree-holder's decree.

Part B.—With reference to Alienation of Land Act.

Action under Alienation of Land Act.

22. Under the provisions of Section 16 of the Panjab Alienation of Land Act, XIII of 1900, land as defined in Section 2 (3) of that Act which belongs to a member of an agricultural tribe, cannot now be sold in execution of any decree or order of any Court, whether made before or after the commencement of the Act; and a proposal to sell such land can now only be made by mistake. If a proposal is made, the Commissioner must reject it as not being in accordance with law.

The Act does not prohibit the attachment of land belonging to members of an agricultural tribe, and action under Section 326, Civil Procedure Code, may be taken in regard to such land.

It must be understood that these instructions do not apply to land belonging to persons who are not members of an agricultural tribe.

Part C.—Procedure to be followed in executing decrees of Civil Courts for the possession of land.*

Provisions of Land Revenue Act.

23. Section 141 of the Land Revenue Act lays down that the orders of a Civil Court for the delivery of possession of land shall be addressed to the Collector or such revenue officer as the Collector may appoint on that behalf, and shall be executed in accordance with the provisions of the law applicable to the Court or any rules consistent therewith made by the Financial Commissioner with the concurrence of the Chief Court and the pervious saction of the Local Government.

Land Revenue Rule 334.

24. Land Revenue Rule No. 334 is the only rule issued under the section above quoted, regarding the delivery of possession of land in pursuance of a decree of a Civil Court.

Instructions.

25. The following instructions are now issued for the guidance of Revenue Officers in proceeding under the rule :—

(I). Orders or warrants for the delivery of possession of land—

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* Panjab Government No. 1010, dated 20th October 1906.

(*a*) will specify whether delivery should take place at once or after some later specified date (*vide* Rules V—XI or Chapter I of the Rules and Orders of the Chief Court) and Land Revenue Rule 334 ;

(*b*) when necessary, provide for the maintenance of the cultivating possession of any tenant or sub-tenant whose occupation of the land is not affected by the decree or order under execution.

(II). When possession has to be delivered in execution of an *ex-parte* decree the *tahsildar* should depute the field *kanungo* to deliver possession. In any other case the *tahsildar* may direct that possession shall be delivered by the *patwari*.

(III). The *patwari* or field *kanung o*shalltake such steps as are practicable for procuring the attedance of the judgment-debtor and of the persons (if any) other than the parties to the case, recorded as having rights in the land, or of some near relation of the judgment-debtor or of such others persons.

(IV). Delivery of possession should be made in the presence of one or more *lambardars* and of the owners or occupancy tenants of at least two holdings adjacent to the land of which possession is delivered and when practicable of other witnesses.

(V). (*i*). Delivery of possession should, except in the case referred to in Rule VII below, ordinarily be made by the decree-holder or other person to be put in possession walking round the boundary of the land in the presence of the witnesses mentioned in Rule IV above.

(*ii*) When the decree-holder or such other person is to be put in cultivating possession of the land he should put in his plough, unless a crop is standing on the land or for some other reason this cannot be done. If, however, the land is in the occupancy of a tenant or other person entitled to occupy it notwithstanding the decree, a notice in writing containing the substance of the decree should be served on the occupant by the *patwari* or field *kanungo*.

(VI). When at the time of delivery of possession the judgment-debtor to be ejected is absent, or any other person considered by the official delivering possession to be interested in the case is absent and not represented by a near relative the delivery should also be proclaimed by beat of drum in the village and on the land.

(VII). The instructions contained in Rules (IV), (V), (VI) above can of course only be applied to those cases in which physical possession is to be given. If as in the case of a decree for the possession of a share of undivided property, only symbolical possession is to be given, the procedure indicated in Section 264 of the Civil Procedure Code should be followed, even if this is not specified in the decree or order, *viz.* :—

(*a*) A copy of the warrant or order should be affixed in some conspicuous place on the property.

(*b*) A notice in writing containing the substance of the decree should be served on such of the co-sharers as are present.

(*c*) If none are present the delivery should also be proclaimed on the land by beat of drum.

(VIII). The *patwari* or field *kanungo* should report the delivery to his official superior noting—

(1) the action taken to procure the attendance of the judgment-debtor to be ejected and others,

(2) the persons present at the time of delivery,

(3) the mode of delivery.

(IX). The report so made should be signed or thumb-marked by the parties present, by other persons interested (if any) or their near relatives and by the witnesses.

APPENDIX II.

Forest Settlements.

1. The following are instructions issued in 1887 by the Financial Commissioner, with the sanction of the Lieutenant-Governor, for the guidance of Forest Settlement Officers in proceedings under Chapter II of the Indian Forest Act, 1878 *:— Instructions for guidance of Forest Settlement Officers.

Preliminary Proposals.

2. Proposals to constitute reserved forests (whether initiated by local officers or framed in consequence of instructions received from superior authority) should be submitted by Collectors to Commissioners and should be accompanied by— Preliminary report by Collector.

(*i*) a map showing the land which it is proposed to treat in this manner, and also the lands adjacent thereto ;

(*ii*) a draft notification under Section 4 of the Act ;

(*iii*) a report stating the rights in the land, so far as known, the manner in which the land has hitherto been managed, and the reasons for which it is desired to convert it into a reserved forest, with suggestions for the appointment of a Forest Settlement Officer and other agency, if any, required for his assistance.

3. In drawing up this report the Collector should avail himself of the assistance of the District Forest Officer. In his absence, or for the proper treatment of cases of sufficient importance, the Conservator of Forests may be able to place a Forest Officer at the Collector's disposal for the purpose. No detailed enquiry into rights should be made at this stage. Collector should obtain assistance from District Forest Officer.

4. It is of particular importance that this report, which is the first step in forest reservation proceedings, should state clearly the purpose for which the reservation is proposed, *e.g.*, for the better supply of the adjacent population with timber, fuel, grass, or other forest produce; to meet the demands of railways, cities, or cantonment; to protect by forest growth hillsides and prevent destructive drainage; to grow or protect a high class of timber. The manner in Scope of the report.

* In accordance with orders contained in Panjab Government letter No. 369, dated 15th August 1885, the Financial Commissioner, when submitting draft notification for the constitution of reserved and protected forests, must forward also a map to be sent on to the Superintendent of Forest Surveys.

which the reservation is likely to affect adjacent estates or population should also be noticed. To this end the map accompanying should show not only the lands which it is proposed to reserve, but also the lands adjacent thereto, distinguishing inhabited sites, cultivation, and waste. It is ordinarily difficult for an agricultural or pastoral population to modify their habits in conformity with novel demands of regulated forest management, and it is for the reporting officers to show either that the proposed reservation will not affect the conveniences of the adjacent population, or that sufficient necessity exists for restricting their conveniences.

Disposal of the report.

5. The Commissioner, on receipt of the Collector's report, will forward it to the Conservator of Forests for his opinion, and, after receipt of that officer's reply, will submit the report to the Financial Commissioner with his recommendations.

Forest Settlement Procedure.

Map.

6. When a proposal to constitute a reserved forest has been notified, and the Forest Settlement Officer has entered upon his duties and has issued the proclamation required by Section 6, his most immediate duty is to ascertain whether he has at his command a sufficiently accurate map of the land to be reserved, and if he has not, then to provide one, for which purposes Section 8 of the Act furnishes him with the necessary authority. Except for special reasons, the map should not be on a smaller scale then four inches to the mile. Its outer boundaries and the boundaries of all interior holdings should be carefully attested, and be compared with the existing records available in the District Record Office.

Investigation of claims.
Sections 7 of the Act.

7. In the meantime all claims preferred and statements of rights of which the existence is ascertained (whether from previous records or from local inquiry) should be put up in a file and be dealt with in the manner provided by the Act. Claims should be clearly set out, either by petition or by deposition, or in both ways. If rights are believed to exist, and the right-holders do not appear, these persons should be summoned and be examined with reference to their rights. Documents relied on should be filed in original, or, if copies are filed, they should be admitted only after comparison with the originals. Where previous records are referred to, the original records should be inspected, and certified extracts should be filed. If claims or rights are disputed, suitable issues should be framed, evidence heard, and findings be recorded thereon. In short, the Settlement Officer should remember that he is armed with the power of a Civil Court, and that this decision possesses a similar finality. At the same time, separate files need not ordinarily be made up for each claim. Unless difficulties arise, it will be usually sufficient to deal with all claims and rights in four files according to the classification given in the paragraph next following.

Section 8 (b) of the Act.