

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

208. The Director of Agriculture has charge of—

Duties of
Director of
Agriculture

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

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

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

* See the last chapter of this work.

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

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

CHAPTER V.

THE SUPERIOR REVENUE OFFICERS OF A DISTRICT.

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

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

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

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

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

‡ Panjab Government Notification No. 731, dated 1st November 1887.

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

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

¶ Section 6 (3) of Act XVII of 1887.

** See also paragraph 230 of the Settlement Manual.

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

Relations of
Deputy Commissioner
with officers
of other departments.

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

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

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

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

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

Qualifications
required for
successful
district ad-
ministration.

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

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

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

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

Aids to rapid acquisition of knowledge of a district.

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

Relations of Collector to (a) Assistant Commissioners.

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

(b) Extra Assistant Commissioners and *tahsildars*

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

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

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

(c) Clerks
and readers.

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

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

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

Training of
Assistant
Commissioners.

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

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

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

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

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

A *tahsil* may be made over to an Assistant Commissioner.

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

Assistant Commissioners not to assume independent authority.

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

Settlement training of Assistant Commissioners.

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

Appointment of Extra Assistant Commissioners

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

Revenue Assistant.

* Panjab Government notifications Nos. 959, dated 22nd August 1902, and 1436, dated 12th December 1902.

† See also Revenue Circular 21.

Duties of Revenue Assistant.

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

Tours of Deputy Commissioners.

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

Tour of Assistant and Extra-Assistant Commissioners.

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

Instructions to be given to Assistants going on tour.

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

Chief object of tours.

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

Advantages of local enquiry in revenue cases.

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

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

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

Inspection of alluvion and diluvion returns and of village records.

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

Enquiry into management of Government Forests

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

Ascertainment of character of native subordinates.

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

Enquiry into general state of tract visited.

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

(b) *Cultivation and irrigation.*—Are they contracting or expanding? Is *takavi* freely taken for the construction of wells?

(c) *People.*—Is the population increasing or falling off? What is its condition as regards health? Are holdings becoming unduly small by sub-division? Is much land changing hands? If so, what is the reason? And who are the principal purchasers and mortgagees? Are the people prosperous and contented, or the reverse?

(d) *Live-stock.*—Is it increasing or diminishing? And what is its condition? How are the well cattle procured? And what do they usually cost, if not home-bred? Is there any surplus stock? If so, how is it disposed of?

(e) *Land revenue.*—Is the assessment considered light or heavy generally? Is its distribution over estates and holdings equitable? Are collections easily made or are coercive processes necessary? Have there been any large remissions and suspensions? And, if so, why? What is the prospect of recovering the land revenue under suspension?

Other
matters for
enquiry.

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

Inspection of
tahsil offices.

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

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

† See also paragraph 382.

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

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

* The instructions regarding the maintenance of *tahsil* and district note-books will be found in Revenue Circular 63.

Grades of
tahsildárs and
naib tahsíl-
dárs.

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

Appointment,
etc., of tahsíl-
dárs and naib
tahsildárs.

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

Settlement
training of
naib tahsíl-
dárs and naib
tahsildár
candidates.

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

Duties of
Tahsildár

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

* Land Revenue Rule 158.

† Land Revenue Rule 155.

‡ Land Revenue Rule 163.

§ Land Revenue Rule 160.

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

Division of
tahsil for in-
spection work.

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

Extra *naib*
tahsildars for
mutation
work.

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

Tours of
tahsildars
and *naib*
tahsildars.

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

Plan of tours
should be
drawn up.

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

Inspection of
estates.

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

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

* See paragraph 367.

† Land Revenue Rule 143.

CHAPTER VI.

POWERS OF REVENUE OFFICERS.

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

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

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

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

* Section 6 (1) of Act XVII of 1887 and Section 75 (1) of Act XVI of 1887.

† Section 6 (2) of Act XVII of 1887.

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

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

|| Section 63 of Act XVII of 1887.

¶ Sections 73 and 75 of Act XVII of 1887.

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

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

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

Enquiries by
subordinate
officers.

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

Exclusion of
jurisdiction of
Civil Courts.

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

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

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

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

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

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

† Sections 2 and 66 of Act XVI of 1887.

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

§ Section 158 of Act XVII of 1887 and Section 76 of Act XVI of 1887.

|| Section 143 of Act XVII of 1887.

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

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

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

Procedure of
revenue off-
cers.

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

Arbitration.

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

Legal pract-
tioners.

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

<i>Tenancy Act.</i>	<i>Land Revenue Act.</i>
86, 87, 89*	18, 19, 152
90*	20
91*	21
92*	22
101*	23

The sections marked with an asterisk also govern the procedure of Revenue Courts. The rules referred to in the text are Nos. 277 to 294. These are reproduced in Appendix I.

† Section 93 of Act XVI of 1887.

‡ Section 17 of Act XVII of 1887.

§ Section 135 of Act XVII of 1887.

|| Rule 288.

¶ See, as regards legal practitioners, Section 13 of Act XVII of 1887, Section 86 of Act XVI of 1887, Notifications Nos. 728 and 729, dated 1st November 1887, and No. 160, dated 1st October 1890, which are reproduced in Appendix I, and paragraphs 43-49 of Revenue Circular No. 17.

** Section 20 of Act XIII of 1900.

Administrative control.

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

Review of orders.

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

Revision.

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

* Section 11 of Act XVII of 1897. The corresponding section in Act XVI of 1887 is 78, which also applies to Revenue Courts.

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

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

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

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

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

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

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

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

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

CHAPTER VII.

PATWARIS AND KANUNGOS.

*Patwari and
kanungo staff
before 1885.*

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

*Object of
reforms initi-
ated in 1885.*

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

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

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

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

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

* Act XVII of 1887, 3 (ii).

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

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

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

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

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

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

† Karnal-Ambala Settlement Report, paragraphs 7 and 13.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Appointment of Revenue Assistant in each district.

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

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

* These extracts are taken from paragraphs 120-125 of the Report of the Indian Famine Commission presented to Parliament in 1880. As to the separation of the functions of the Director of Land Records and Director of Agriculture. (See paragraph 209.

Introduction
If reforms in
Panjab.

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

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

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

Object of
reforms in
Land Record
Agency and
Procedure.

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

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

* His title was Commissioner of Settlement and Agriculture.

(f) the release of the *tahsildar* and *naib tahsildars* from a large amount of revenue case work, which, under the procedure hitherto prescribed for such work, tied them to their *tahsil* offices and overburdened their small office establishment with clerical duties; and

(g) as a consequence, the systematic visiting of each village, either by the *tahsildar* or *naib tahsildar*.

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

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

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

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

* Land Revenue Rule 1.

† Land Revenue Rule 4.

Village
officers' cess.

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

Assistant
patwaris.

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

Pay of
patwaris.

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

Appointment,
punishment,
and dismissal
of *patwaris*.

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

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

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

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

§ Revenue Circular 28, paragraph 2.

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

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

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

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

Filling up of vacancies.

* Land Revenue Rule 104 (v).

† See paragraph 305.

‡ Land Revenue Rule 8.

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

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

¶ Land Revenue Rule 9 (i).

** Land Revenue Rule 17.

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

Residence of
patwari in
his circle

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

Disabilities of
patwari.

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

Employment
of *patwari* on
other but his
proper duties
forbidden.

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

Miscellaneous
duties of
patwaris.

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

* Land Revenue Rule 11.

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

‡ Land Revenue Rules 12 and 13.

§ Land Revenue Rule 15.

|| See Revenue Circular 28, paragraph 22.

¶ Land Revenue Rule 26.

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

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

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

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

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

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

* Land Revenue Rules 19 and 20.

† Land Revenue Rule 28.

‡ Land Revenue Rule 126.

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

|| Land Revenue Rule 119 (c).

¶ Land Revenue Rule 134.

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

Kanungos to be employed only on their proper work.

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

Grades and pay of kanungos.

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

Kanungo candidates.

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

* Land Revenue Rule 131.

† Land Revenue Rule 139.

‡ Land Revenue Rule 132.

§ Land Revenue Rule 102.

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

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

Claims of
kanungos
to high
posts.

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

Kanungos in
districts
under settle-
ment.

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

Training of
kanungo
candidates in
settlement
work.
Filling up of
post of
district
kanungo.

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

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

Disabilities of
kanungos.

* Land Revenue Rule 103 (ii).

† Land Revenue Rule 103 (i).

‡ Land Revenue Rule 157.

§ Land Revenue Rules 106 and 107.

|| Land Revenue Rules 111 and 112.

CHAPTER VIII.

VILLAGE HEADMEN, INAMDARS, AND ZAILDARS.

Value of un-
official
agency.

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

Convenience
of dealing
with village
communities
through
headmen.

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

Duties of,
headmen.

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

A. Duties to Government—

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

* See paragraph 129 of Settlement Manual.

† See paragraphs 115 and 117 of Settlement Manual.

3. To aid—

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

B. Duties to landowners and tenants of estate—

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

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

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

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

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

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

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

† See paragraph 281.

‡ See paragraph 233 of Settlement Manual.

§ Land Revenue Rule 175 (ii).

|| See paragraph 44 of Settlement Manual.

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

Matters to be considered in making new appointments, are :—

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

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

New appointments of headman.

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

Ordinarily headman must perform duties himself.

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

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

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

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

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

* Land Revenue Rule 188.

† Land Revenue Rule 187 (i).

‡ Land Revenue Rule 187 (ii).

§ Land Revenue Rule 190 (iii).

|| Land Revenue Rule 191.

¶ Land Revenue Rule 190.

Division of
pachotra.

Removal of
substitute.

Resignation
of headman.

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

Dismissal of headman.

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

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

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

Poverty as a ground of dismissal.

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

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

321. Neglect of duty which is either gross or persistent should be followed by removal from office. Minor breaches of rule or acts of negligence may be punished— Punishment for neglect of duty.

(a) by the forfeiture of the whole or part of the *pachotra*, or

(b) by suspension from office for a term not exceeding a year.

Orders attaching the *pachotra* usually only relate to that due at the next harvest, and in no case should the *pachotra* of more than two harvests be declared forfeit. A substitute may be appointed to do the work of a headman under suspension.*

322. Considering that one of the chief duties of a headman is to aid in the prevention and detection of crime, he ought to be removed from office if convicted of any serious offence. If he is sent to jail for a year or more, the Deputy Commissioner has no choice, he must dismiss him; otherwise he has a discretion. Every petty breach of the criminal law need not be magnified into a ground for dismissal. The conditions of life in a Panjab village are such that a man is very liable to be hauled before a magistrate for acts, or alleged acts, which are offences under the Indian Penal Code, but which it is an abuse of language to qualify as crimes. The only rule that can be laid down is that, if the facts proved against a headman indicate that he is unfit to be entrusted with the duties of his post, he should cease to hold it. If he is shown to be dishonest or to consort with bad characters, obviously he should be dismissed. A conviction of theft or cheating proves him unfit to have charge of public money, an order to give security to be of good behaviour or trustworthy evidence of connivance with illicit distilling makes it clear that the offender cannot be relied on for help in suppressing crime or in enforcing the excise laws. Commission of criminal offence as ground of dismissal.

323. Where the office of headman becomes vacant it is the duty of the *tahsildar* to report without delay regarding the appointment of a successor. It is convenient to use a tabular form for such reports, as information on certain points is required in every case, and any special features of a particular case can be noted in the brief remarks explaining the recommendation of the *tahsildar*. Filling up of vacant posts.

324. Except in estates chiefly or wholly owned by Government much weight is attached to hereditary claims. The eldest fit son of the late *lambardar* should ordinarily be appointed, and, when there is no son, the nearest collateral relation according to the rule of primogeniture.† Where there are no near collaterals, the necessity of regarding hereditary claims disappears.‡ The nearest heir may of course be set aside for any reason which would justify his removal from office if he were already headman.§ Whether the claims of sons should be considered where a headman has been dismissed Hereditary claims.

* Land Revenue Rule 186.

† Land Revenue Rule 179 (i).

‡ Land Revenue Rule 179 (i), (a).

§ Land Revenue Rule 179 (i), (c).

depends on circumstances. If the ground of dismissal has been insolvency the son will be subject to the same disqualification; if serious misconduct, it can rarely be wise to let a son succeed. Even when he is innocent of any share in his father's misdeeds, he will generally be under his influence. If the other reasons for excluding him seem insufficient, the mere fact that he owns no land during his father's lifetime does not bar his appointment. The property which he will inherit on his father's death may be taken into account as if it was already his own.*

Votes must
not be taken.

325. Even where hereditary claims have to be set aside, the votes of the landowners must not be taken as a means of deciding between rival candidates.†

Appointment
of female.

326. Females are ordinarily ineligible. But a woman who is sole owner of an estate may be appointed, and special reasons may occasionally exist in other cases for departing from the general rule.‡

Appointment
when heredi-
tary claims
are set aside

327. Where hereditary claims do not exist or have to be set aside the considerations governing appointments are those mentioned in paragraph 313.§

Claims of
transferees.

328. Where a headman is removed because his own holding, or the whole estate or sub-division of the estate for whose revenue he is responsible has on account of arrears been transferred to a solvent co-sharer, put under direct management, or leased to a farmer, the transferee, manager, or farmer may, if the Deputy Commissioner thinks fit, be appointed *lambardar*.|| Where a headman loses office because he has mortgaged his holding, the mortgagee has usually no claim whatever to succeed him. But he may at the Deputy Commissioner's discretion be allowed to do so, where the revenue of the transferred holding is more than half of the whole revenue for the payment of which the late headman was as such responsible.¶ The appointments referred to in this paragraph are not in their nature permanent. When the temporary alienations from which they spring come to an end the transferee, manager, farmer, or mortgagee must lay down his office. A fresh selection is then made by the Deputy Commissioner having regard to the grounds stated in paragraph 313.**

Reduction in
headmen
when number
is excessive
difficult.

329. Reference has already been made to the inconvenience caused by the needless multiplication of headmen's posts at the first regular settlements. Substantial men as heads of villages are among the most necessary instruments of a vigorous revenue and criminal administration. The framing of a general scheme of reduction requires a large amount of local knowledge and a patient enquiry into the history of past appointments in every estate affected. The files relating to the arrangements made at the first regular settlement and

* Land Revenue Rule 179 (i), (b).¶

† Land Revenue Rule 179 (iii).

‡ Land Revenue Rule 179 (i), (d).

§ Land Revenue Rule 179 (i).

|| Land Revenue Rule 180 (i).

¶ Land Revenue Rule 180 (ii).

** Land Revenue Rule 180 (iii).

those dealing with subsequent appointments must be scrutinized, and the enquirer must obtain a clear idea of the constitution of each estate and must trace the origin of its sub-divisions by examining the village administration paper (*wajib-ul-arz*)* and genealogical tree (*shajra-nasb*).† The time for making such an enquiry is hard to find in the throng of daily duties which besets a Deputy Commissioner. Of course much of the information which he requires can be collected and put into shape for him by his subordinates, but even so the task is a heavy one.

330. The existing orders on the subject are quoted below.

General
schemes of
reduction.

"When a district is brought under resettlement, and the Settlement Officer finds that a reduction in the existing number of headmen is required in the interests of good administration in a considerable number of villages throughout such district or in any particular tahsils, he shall prepare a scheme for effecting the necessary reductions gradually as vacancies occur. In determining what appointment should be retained and what abolished, special attention should be paid to the composition of the village proprietary body, to the circumstances under which existing appointments became vested in certain families, and to the present position and influence of these families. The Settlement Officer's proposals should be reported for the Financial Commissioner's orders. The Settlement Officer should announce his proposals to the parties affected by them, and before the Commissioner forwards the scheme to the Financial Commissioner, he should allow an opportunity to headman whose appointments are recommended for future reductions of making any representations they may desire in the matter. Reduction sanctioned prospectively on such schemes by the Financial Commissioner may be carried out when the time comes by the Deputy Commissioner without any further reference to higher authority. If, however, a Deputy Commissioner considers, when the vacancy occurs, that a reduction thus sanctioned should for any reason not be carried into effect, he shall report the case through the Commissioner for the Financial Commissioner's orders. A similar scheme may at any time, for sufficient reason, be prepared by the Deputy Commissioner of a district not under settlement with the Financial Commissioner's previous approval."

331. In circulating these orders the Financial Commissioner remarked:—

Instructions
of Financial
Commissioner.

"The policy which has now been deliberately affirmed must be effectively carried out. A general measure affecting all districts or even many or several contiguous districts would be open to obvious objection. * * * But Commissioners should bear the matter in mind when making their tours and discuss it with Deputy Commissioners; and, in the case of

* See paragraphs 295-296 of the Settlement Manual.

† See Appendix VIII to the Settlement Manual.

districts or part of districts where the number of headmen is excessive, and a reduction appears to be required in the interests of the administration, make proposals in accordance with the last sentence of the (orders) quoted above. It must, however, be understood that such proposals should not be made unless the Commissioner is satisfied that the circumstances of the district, the amount of work which the Deputy Commissioner has to perform, and the qualifications of the Deputy Commissioner himself are such as to admit of his doing justice to the subject. It is not every officer in charge of a district who possesses the somewhat special aptitude required for the preparation of a successful *lambardari* reduction scheme. An ill-considered scheme, still more a scheme hastily or carelessly framed, would do nothing but harm locally, and would throw upon superior officers a great burden in the way of correcting mistakes.”*

Casual
proposals for
reduction.

332. “Casual proposals for the reduction in the number of headmen in an estate should be made to the Financial Commissioner by transmission of the files in original through the vernacular office, together with an English abstract in tabular form.†”

“When a Collector decides to propose a casual reduction, he shall intimate the fact to all the parties interested, viz., those whose names are entered in columns 5 and 6 of the form, and shall give them sufficient opportunity to bring to his notice any objections any of them may think fit to urge against the proposed reduction. He shall cause his proceedings in this connection to be recorded in the vernacular file in detail, and shall also cause a detailed record to be made of such objections as are made to him. The Commissioner, in forwarding the case to the Financial Commissioner, shall specially notice all such objections, and, if necessary, he shall cause the objector or objectors to appear before him and give them a hearing before recording his opinion on the Collector’s proposal. He shall not ordinarily send on the recommendation for orders till the expiry of two months from the date of the Collector’s proposals.”

Chief head-
men.

333. A device which was formerly adopted in order to lessen the inconvenience caused by the excessive number of *lambardars* appointed at the first regular settlements was the institution of the office of chief headman (*'ala lambardar*) in estates with several headmen. The plan was followed in the settlements made when Mr. Prinsep was Settlement Commissioner (1863—1871) and in some later settlements. The *'ala lambardar* must himself be a headman. Appointments are made with regard to the same considerations as are taken into account in filling up the post of headman, except that no hereditary claim can be pleaded.‡ When a vacancy occurs the most capable and influential of the headmen should be chosen. In addition to his ordinary *pachotra* on the revenue of the sub-division which he represents as headman, the *'ala lambardar* receives one per cent. on the revenue of the whole estate.§ Orders to be carried out by a headman may, if thought desirable, be addressed to the chief headman, and the latter is responsible that any orders issued are properly executed,

* Financial Commissioner’s No. 2082, dated 28th March 1905.

† For the form see Revenue Circular No. 26.

‡ Land Revenue Rule 183.

§ Land Revenue Rule 185.

and should carry them out himself if the headman responsible fail to do so.* It is generally admitted that the office of chief headman has served no useful end, and, when the settlements made under the supervision of Mr. Prinsep were revised, a large number of *ala lambardari* posts were reduced, and doubtless those which remain will in time disappear.

334. As already remarked *zaildars* represent the *chaudhris* *Zaildars* of former times. The existence and value of *chaudhris* was recognised at the time of the annexation of the Panjab, but the measures taken to maintain the influence of men of this class were not sufficiently definite and practical, and the position of *chaudhri* fell into decay. The credit of reviving it, and of making it under another name a regular part of our administrative system belongs mainly to Mr. Prinsep. Almost everywhere in the Panjab, and even in so democratic a tribe as the Jats, there are men who stand a head and shoulders above the ordinary headmen, and whose influence extends not to one, but to a number of villages. If the proper men are found, and the higher officials of the district know them well and use them wisely, the work of administration is greatly assisted. In his *zaildars* the Deputy Commissioner has a ready means of getting into touch with his people, of understanding them, and getting them to understand him. He will find many pieces of revenue and administrative work in which he can utilize the services of the *zaildars*, and above all he has in them a powerful engine for the prevention and detection of crime.

335. In the closing paragraphs of the Settlement Manual the Formation of measures connected with the first introduction of the *zaildari* agency *zails* into a district and the principles to be followed in grouping estates into *zails* are described.

336. The duties of the *zaildars* are set forth under seven heads Duties of in the *sanads*† which they receive on appointment. Their functions *zaildar* with regard to crime are within their larger spheres similar to those of headmen within their villages. They are of very great importance, but this is not the place to describe them. Like *lambardars* they are bound to aid in all sorts of revenue work, and to report when Government buildings, roads, or boundary marks are out of repair. When called on to do so they notify throughout their *zails* all Government orders, and use their personal influence to secure prompt compliance with them. While obtaining from personal interference with the work of *lambardars* and *patwaris*, it is their duty to see that they perform it properly, and to inform the authorities of any failure to do so. Forbidden to intermeddle of their own motion with cases pending in the law courts, they can sometimes be employed with advantage as conciliators, or in making preliminary enquiries into criminal complaints, which appear to be probably the exaggerated reflections of petty village or family quarrels.

* Land Revenue Rule 184.

† See Revenue Circular No. 27, paragraph 6, and Land Revenue Rule 170.

Duty of attendance on officers visiting their *zails*.

337. They must attend on Government officers who pass through their *zails*. This is a duty which is usually cheerfully performed, and which should always be enforced. A Deputy Commissioner should try to see all his *zaildars* at least once a year in or near their *zails*, and should encourage them to visit him from time to time at head-quarters. If they find that the district officer talks freely to them on matters of local interest, and encourages a frank expression of their views, they are sure to value these opportunities of meeting him.

Percentage of land revenue allotted for remuneration of *zaildars* and *inamdars*.

338. For the remuneration of *zaildars* a sum is set aside out of the land revenue amounting usually to one per cent. If *inamdars* as well as *zaildars* are appointed an additional $\frac{1}{2}$ per cent. is allowed. This deduction is made from assigned as well as from *khalsa* revenue. In the case of assigned revenue the highest contribution that can legally be taken is $1\frac{1}{2}$ per cent. But the usual rate is $1\frac{1}{2}$ per cent. as noted above, and more than $\frac{1}{2}$ per cent. should not be devoted to the remuneration of *inamdars*.*

Methods of remuneration.

339. There are two ways of treating the sum devoted to the payment of *zaildars*. Each *zaildar* may receive one per cent. of the land revenue of his own circle in the form of an *inam* paid out of the *jama* of some particular estate, generally that in which he himself is headman. Thus if the *zail* is assessed at Rs. 24,900, the *inam* will be Rs. 249, and the *zaildar* will keep back that sum when the revenue of his village is paid to Government. A better plan is to have *inams* arranged in different grades, the total being equal to one per cent. of the land revenue of the *tahsil* or district.†

Advantages of grade system.

340. The grade system gives the officer who fixes the limits of *zails* a much freer hand. It secures a fairer distribution when *zaildars* are first appointed, for it by no means follows that the *zail* which yields the biggest revenue is either the largest in area or the most troublesome to manage. Above all it enables the Deputy Commissioner to recognize good work by promoting deserving men on the occurrence of vacancies, and now and then to punish slackness by reducing a *zaildar* to an inferior grade. In order to make the system effective a *zaildar* appointed to fill a vacancy should always be put in the lowest grade. Even where the plan of graded *inams* is in force the *zaildar* gets his pay in the shape of an *inam* out of the revenue of some village. The reason is that to native minds this seems a more honourable form of payment than the receipt of money from the *tahsil* treasury.

Inam first charge on revenue of village from which payable.

341. The *zaildar's inam* is a first charge on the revenue of the estate from which it is paid. Partial suspensions or remissions therefore do not affect the *zaildar*, so long as the balance is large enough to cover his *inam*. If it is not, the deficiency should be made up to the *zaildar* from the revenue of some other village.‡

* Section 28 (2) of Act XVII of 1887 and Panjab Government No. 160, dated 11th June 1906.

† Land Revenue Rule 171.

‡ Panjab Government No. 222, dated 11th November 1903,—Revenue Proceedings No. 6 of No

342. In choosing a *zaildar* the field of selection is usually confined to the headmen. Occasionally the most able and influential man in a *zail* may be a landowner or Government tenant, perhaps a *jagirdar* or pensioned native officer, who is not a *lambardar*. On a vacancy occurring such a man may be appointed, if the Commissioner of the division has previously accepted him as a suitable candidate.* Care must be taken in putting forward names that a pushing new-comer is not taken at his own valuation, and allowed to thrust aside deserving men of the old *chaudhri* class. Zaildar must as a rule be a headman.

343. It is true that it is a settled rule that "in the appointment of *zaildars* regard shall not be had to any alleged hereditary claim." But as two of the chief matters to be considered are "the candidate's personal influence and the degree in which he is by race or otherwise fitted to represent the majority of the agriculturists who reside in the *zail*" and the "services rendered to the State by (the candidate) himself or by his family," it is obvious that questions of descent cannot be wholly excluded. Influence is very commonly hereditary in certain families, and a man who has done nothing to forfeit the respect in which his ancestors have been held in the countryside, may assuredly be allowed to urge in his own behalf the services they have rendered in the past as *chaudhris* and *zaildars*. The other points for consideration:— Qualifications of candidates.

(a) personal character and ability,

(b) extent of property in the *zail* and freedom from debt.†

344. It sometimes happens that the only suitable candidate is a minor. It may be found, especially in the hills, that to take the *zaildar* from any family but one involves a breaking up of old ties and a weakening of the means Government has of influencing the people. In such a case, if the representative of the family is a minor, one of two courses may be followed. The minor may be made *zaildar* and a substitute may be appointed to discharge during his nonage the duties of the office, or, if it is thought expedient, the post may be left unfilled for a time.‡ Appointment of minor.

345. To assist him in deciding between rival candidates the Deputy Commissioner may, if he thinks fit, have the votes of the headmen taken in his own presence at some place within the *zail*. But this is not a course which it is usually well to adopt. The Deputy Commissioner is not bound to appoint the candidate who has most votes, but it is difficult to put him aside. Elections of this sort are still at odds with native ways of thinking. They do not supply any satisfactory proof of a candidate's real influence and a man of any position regards it as a much greater honour to be chosen for an office by the representative of Government in his district than by a popular vote. Votes of headmen may be taken.

* Land Revenue Rule 166.

† Land Revenue Rule 167 (1).

‡ Land Revenue Rule 169.

Inamdars.

346. In many districts it has been thought expedient to supplement the *zaildari* agency by setting up a class of *inamdars* or *sufedposhes*. The services required of an *inamdar* are within his own sphere of the same type as those rendered by a *zaildar*,* but he receives a much smaller *inam*, and has no defined group of estates put under his charge. He should clearly understand that he is bound to assist in every possible way the *zaildar* in whose *zail* he resides. Occasionally services of a special kind are required by the condition on which the *inam* was originally granted. When *inams* are graded those of the lowest grade need not exceed Rs. 40 or Rs. 50, and Rs. 100 is a sufficient sum for a first class *inam*. The orders regarding appointment, loss of office, and succession are the same for *inamdars* and *zaildars*, subject in the case of the former to any special conditions imposed by Government when the *inam* was first granted. In some districts, e. g., Jehlam and Shahpur, there are no *zaildars*. The *inamdars*, called sometimes *ilakadars* or *halkadars*, perform all the duties of *zaildars*.

Punishment
and dismissal
of *zaildars*
and *inamdars*
and appoint-
ment of
substitutes.

347. The orders regulating the punishment and dismissal of *zaildars* and *inamdars* and the appointment of substitutes to perform their duties are practically identical with the corresponding orders in the case of headmen. A *zaildar* must be deprived of office when :—

- (a) he ceases to be a landowner in the *zail*, or has mortgaged his holding and delivered possession to the mortgagee,
- (b) his holding has been transferred or its assessment annulled on account of failure to pay land revenue,
- (c) he is sentenced to imprisonment for one year or upwards.†

Zail books.

348. When the *zaildari* agency is first introduced a *zail book* is drawn up. ‡ These should be of foolscap size, and should contain a map of the *zail* and the statistical table prescribed in Revenue Circular No. 27. On the appointment of a new *zaildar* a copy of the order passed by the Deputy Commissioner should be copied into this book. It is well to enter in it once a year a note on the conduct of each *zaildar*. Copies of entries in *zail books* should never be given to the *zaildar* himself or to any one else. It is also a good plan to give every *zaildar* a book in which the Deputy Commissioner and other superior officers who visit his circle can enter any notes they wish to put on record regarding the condition of the *zail* and the way in which the *zaildar* has been doing his work. A new Deputy Commissioner by glancing over this book when he first visits a *zail* quickly obtains some idea of local conditions and of the character of the *zaildar*.

* Land Revenue Rule 174.

† See Land Revenue Rules 168, 173, 186, 188 to 191.

‡ See paragraph 580 of the Settlement Manual.

Book III.—Agricultural Statistics and Record of Rights in Land.

CHAPTER IX.

HARVEST INSPECTION.

349. It is one of the chief duties of a *patwari* to inspect the crops of each harvest field by field before they are cut. This inspections is known as the *girdawari*. It usually begins on 1st October for the *kharif*, and on 1st March for the *rabi*, harvest, but the Commissioner of the division can change these dates after consultation with the Director of Land Records, when the special circumstances of any district make others more suitable. A few crops, chiefly melons and tobacco, are sown very late in the *rabi* season, and are gathered some time after the other crops of that harvest are got in. In villages where these extra *rabi* (*za'id rabi*) crops are grown a separate inspection of them is made about the middle of April. In some districts a crop inspection intermediate between the *kharif* and the *rabi girdawari* has been found necessary.

Harvest inspections.

350. The object of harvest inspections is to collect accurate information regarding—

Objects of harvest inspections.

- (a) crops,
- (b) changes in rights, rents, and possession of land,
- (c) amendments required in the village map.

The first is indispensable for any sound method of land-revenue assessment and collection, the second and third are aids to the maintenance of a true record-of-rights in the soil. Only such changes need be noted in the harvest inspection register as must under the rules be embodied in the record-of-rights. Others should be entered in the *patwari's* diary.

351. Under the system which prevailed down to 1885 an attempt was made to bring to record yearly about the month of December the *kharif* crops which had been mostly reaped some weeks or months before, and the *rabi* crops which had been recently sown. The plan was in no case likely to yield trustworthy results, and, in the lack of proper supervision, it is not wonderful that the *girdawari* was often made by the *patwari* sitting at his ease in the village rest-house. The utmost that the most sanguine could hope from the old procedure was a return of the crops sown at each harvest. But in many parts of the Panjab such a return would be worse than useless, for it would lead straight to the most erroneous conclusions. In high and dry tracts it is hard to say whether the more important feature of times of drought is the shrinkage of the area sown or the expansion of the area on which the crops fail to come to maturity. The character of the season at the sowing time will decide which is the prominent factor in any particular bad harvest. The destruction of crops which are almost ready for the sickle is a common enough incident in riverain tracts.

The system in force before 1885 useless.

Record of
failed crops
(*kharaba*)
essential.

352. It is essential in any true record of crops to distinguish between those which *open* and those which fail. The latter are classed as "*kharaba*," the instruction regarding which is as follows :—

"When a crop is sown and dries up, or is destroyed by calamity, it should be returned as *kharaba*. In the same way, if the crop is much below average, a deduction from the whole area should be made; for example, a bad field of wheat, area 4 *bighas*, may be returned as wheat—3 *bighas*, *kharaba*—1 *bigha*. But this should only be done when the field is much below average, and the *kharaba* allowed should be only as much as is necessary to raise the whole crop of the area returned as under crop to the average of an ordinary harvest."

Kharaba in
Canal Colonies.

353. In the lands irrigated by the Chenab and Jahlum Canals, and in lands under fluctuating assessment in some tracts which have recently been resettled, new rules for the record of *kharaba* have been introduced. Tables showing the "standard" yields of the crops are prepared. A crop which reaches that standard is called a sixteen-anna crop. Whether the standard is to represent an "average" crop or a "good" crop can hardly be said to have been yet decided. When seed fails altogether to germinate or the crop is worse than a four-anna one, the whole area is returned as *kharaba*. When it is equal to, or better than a four-anna, but worse than an eight-anna, crop, half is entered as *kharaba*; no deduction is allowed when it is equal to, or better than, an eight-anna crop.

Checking of
kharaba.

354. The entry of *kharaba* is a matter which requires both honesty and sound judgment on the part of the recorder, and this branch of the *patwari's* work should be carefully tested by all supervising officers. But where the record has been made with care and is generally sound, it is well to refrain from making petty alterations here and there, which affect but slightly the main result. More than ordinary care is of course required in tracts under fluctuating assessment, where the amount of the demand at each harvest depends directly on the area of matured crop. There are special rules as to the check to be exercised over the record of *kharaba* in such cases.

The *khasra*
girdawari.
Entries re-
specting un-
cultivated
soils.

355. The harvest inspection book is known as the *khasra girdawari*. In this register and in the record-of-rights uncultivated land is classified as *banjar jadid*, *banjar kadim*, and *ghairmumkin*. The exact meaning of each of these terms is explained in the 267th paragraph of the Settlement Manual. Land which is not under crop, but which has not lain fallow long enough (*i. e.*, for four harvests), to be described as *banjar jadid*, is called *khali* (empty).

Taradaddi.

356. By a refinement, which serves no very useful purpose, another class is recognized under the name of *taradaddi i. e.*, under tillage. This term is applied to a field which bears no crop belonging to the harvest under inspection but "has been ploughed for the next harvest, or is occupied by trees or plants, which will fruit in the coming harvest." Examples are fields of cotton or cane

in the *rabi*. Cane, which is planted about March, and occupies the ground for ten or eleven months, is treated for statistical purposes as a *kharif* crop. Land is ploughed for cotton, another *kharif* staple, in the cold weather, and, where irrigation is available, the sowings also often take place before the *rabi* crops are cut. Orchards which fruit in spring are shown as *karadaddi* in the *kharif*.

357. The terms *barani*, *sailab*, *abi*, *chahi*, *nahri*, by which cultivated fields, and the crops grown on them are distinguished are explained in the 259th paragraph of the Settlement Manual. Where the moisture on which the crop depends is derived from a double source, two of these terms may have to be combined, e. g., *chahi-nahri*, *chahi-sailab*.^{*} Fields are classified according to their permanent character and crops according to the actual facts of their cultivation in the harvest under inspection. For example, *chahi* fields are often put under *barani* crops, and the converse sometimes happens.[†]

Classification of crops and cultivated soils.

358. As it is important to have a record of wells at work (*jari*) and out of use (*uftada*), a remark showing how the matter stands is entered against each field in which a well is situated. When a new well has been sunk the fact is noted.

Entries relating to wells.

359. There are columns in the harvest inspection register in which to show the ownership and cultivating occupancy of every field. Changes should be noted with care. It is only through the *khassra girdawari* that alterations in tenancies-at-will find their way into the record-of-rights.

Entries of owners and tenants.

360. Where one field has been divided into two, or the boundary of a field has from any cause undergone change, the *patwari* should make a rough measurement sufficient for the crop entries, and put a red cross opposite the field number in the remarks column to remind him that a correction of the village map is required.

Changes in fields.

361. When all the entries for a village are finished, the totals for each crop must be made out and entered in the crop abstract (*jinswar*) of the estate before work is started in another village. The uses of this very important statement will be described in a later chapter.[‡] A statement in the same form is the chief of the statistical returns included in the village revenue register or note-book. As soon as the crop abstract has been checked and signed by the field *kanungo*, the *patwari* copies the entries into the corresponding form in this register, and sends the original to the *tahsil*. Promptitude in filing these returns is a matter of prime necessity, if any question regarding the suspension of any part of the land-revenue demand is likely to arise. The *kharif* statements should, if possible, all reach the *tahsil* by the 1st of November, the *rabi* statements by the 1st of April, and the extra *rabi* statements by the 1st of June.

The crop abstract (*jinswar*).

^{*} See paragraphs 440 and 451 of the Settlement Manual.

[†] See paragraph 260 of the Settlement Manual.

[‡] See Chapter XVI; also paragraph 307 of the Settlement Manual.

Duty of
kanungos as
regards crop
inspections.

362. Revenue officials of all grades should be made to understand that harvest inspections are the foundation of all effective land administration. While the *girdawari* is going on field *kanungos* of course spend the whole of their time in checking it. In October and March the tours made by the district *kanungo* should be devoted to the same work. In ordinary inspections the field *kanungo* accompanies the district *kanungo*, but during the *girdawari* the former has to accomplish so much in a short period that the latter is forbidden to call for his attendance.*

Duty of tahsildars and naib tahsildars.

363. The responsibility of *tahsildars* and *naib tahsildars* should be steadily enforced. The standard to aim at is the inspection of every estate by one or other of these officers at each harvest before the crops are cut. But at present this is a counsel of perfection. Both officers cannot be in camp at once, and the harvests last for too short a time to admit of the results being observed and the records of them checked in every village. It is far better that the *girdawari* in one or two estates in each circle should be thoroughly checked than that a nominal inspection of it should be made in every village. The *tahsildar* and his deputy should so lay out their work that no part of their respective charges remains unvisited. They should have a clear idea of the state of the crops in every assessment circle and in all important villages, and special attention should be given to estates in which suspension of the demand is likely to be required. In bad seasons other work must give way to a thorough examination of the results of each harvest while it is still standing on the ground.

Duty of superior revenue officials.

364. The Revenue Assistant must be on tour throughout October and March, and must then give most of his time to the checking of harvest inspection work. The Deputy Commissioner should, if possible, help him by sending at the same time into camp some other member or members of the head-quarters staff. In times of drought especially, care must be taken to utilize Assistant and extra Assistant Commissioners to the fullest extent compatible with the carrying out of such judicial and executive work as must be done at head-quarters.

Duty of the Deputy Commissioner.

365. The Deputy Commissioner's own part does not consist so much in checking a few entries in harvest inspection registers in the field, which is all he could possibly accomplish, as in laying out the work of his subordinates, and obtaining a good general idea of the results of the harvest in the different parts of his charge by viewing the standing crops and examining the crop returns of the villages.

* Land Revenue Rule 135.

CHAPTER X.

THE RECORD OF RIGHTS.

366. As explained in the fourth chapter the second of the objects of the reform of the *patwári* and *kanungo* staff effected in 1885 was to make possible the maintenance of a correct record of rights. The procedure which is employed to secure this end will be explained in the present chapter.

Second object of reform effected in 1885 the securing of an accurate record of rights.

367. It is needless to describe here the nature and contents of a standing record of rights, which is usually drawn up at settlement, and of the subsequent revised editions of it, whose legal description is "annual records", though in the great majority of estates they are prepared only at intervals of four years. The reader is supposed to be familiar with the XIVth chapter of the Settlement Manual, where these matters are fully discussed.*

Nature and contents of records of rights described in Settlement Manual.

368. The Settlement Officer hands over to the Deputy Commissioner a record of rights for each estate, the chief document included in which is a *jamabandi*, that is to say, a list of owners' and tenants' holdings, with a detail of the fields contained in each, of the rent paid by each tenant and of the revenue due from each owner. It is the business of the Deputy Commissioner to keep this up to date. The provision contained in section 44 of the Land Revenue Act (XVI of 1887) attaching an equal presumption of truth to entries in standing records of rights and in annual records is a measure both of the care which should be bestowed on the drawing up of the latter and of the confidence felt by the chief framer of the Act that the maintenance of a correct record by the ordinary district was perfectly feasible.†

Duty of Deputy Commissioner to keep the record of rights up to date.

369. The law as to the circumstances under which the alteration of an existing standing record of rights or annual record is permissible is discussed in paragraphs 279—282 of the Settlement Manual, which should be read as part of this chapter.

Law as to change of entries in records of right explained in the Settlement Manual.

370. We are not here concerned with the elaborate procedure for the revision of the *jamabandi*, which is carried out when a complete remeasurement of an estate is ordered, for such remeasurement, as a rule, only takes place in connection with a general revision of record when a complete remeasurement is ordered.

Revision of record when a complete remeasurement is ordered.

* See paragraphs 276—297 of Settlement Manual, and Appendices VII and VIII in the same volume.

† See paragraph 273 of the Settlement Manual.

reassessment of the land revenue. Should, however, the remeasurement of an estate become necessary at another time, the procedure will be that laid down in the VIIIth Appendix to the Settlement Manual.

Forms of
jamabandi
and of list of
révenue
assignments.

371. The forms of the *jamabandi* and of the list of revenue assignments and pensions, which is included in the annual record, with instructions for their preparation, will be found in Revenue Circular 30.

Classification
of rights to be
recorded.

372. The rights, of which the acquisition or loss gives rise to an alteration in the record of rights, may be classified as follows:—

A. Rights of persons responsible to Government for land revenue.

1. Landowners.

2. Mortgagees with possession.

B. Rights of persons responsible to landowners for rent.

3. Occupancy tenants.

4. Leaseholders.

5. Tenants-at-will.

"Leaseholders" in this connection means persons holding land as tenants for periods exceeding one year on written leases.

Reports of
acquisitions
of right to
patwaris.

373. The first three classes are legally bound to report to the *patwari* the right which they have acquired.* If they fail to do so within three months from the date of acquisition they render themselves liable to a small fine.† Assignees of land revenue and mortgagees without possession are also bound to report, but their rights are not of a kind which must be recorded in the body of the *jamabandi*, though certain notes regarding them are made in the "remarks column" of that document.‡ Redemptions of mortgages must be reported by the landowners whose lands have been redeemed. For his knowledge of acquisition of title by leaseholders and tenants-at-will the *patwari* must rely mainly on his own observations and on the result of enquiries as to the cultivating occupancy of land made at the harvest inspections.§ Among the things which he has to enter in his diary are the deaths of tenants, owners, village officers, pensioners, and revenue assignees, the ejection, absconding, or settling of cultivators and rightholders; the relinquishment, change, or renewal of any tenure and the execution of any lease or agreement for cultivation. Leaseholders and tenants-at-will are under no obligation to report to the *patwari*, but like all other persons whose rights are recorded in the *jamabandi* they are bound on demand to furnish him and any revenue officer engaged in revising it with accurate information.|| To aid in

* Section 34 (1) of Act XVII of 1887. The sections mentioned in the notes to this chapter are sections of the Land Revenue Act, XVII of 1887.

† Section 39.

‡ For the procedure as regards revenue assignments see paragraph 23 of Revenue Circular 30 and the instructions appended to the *jamabandi* form in the same circular. For that relating to collateral mortgages, in which the landowner remains responsible for the payment of the land revenue, see instructions appended to the forms for the mutation register and the *jamabandi*.

§ See paragraph 359.

|| Section 40.