In some such cases the proprietors who had cultivated less of their land than their fellows claimed to have the assessment distributed over the cultivated land only, or at all events to have the uncultivated land assessed at a lighter rate; but I held that as the land whether cultivated or not was all of approximately the same value, it would be unfair as between the individual proprietors to charge a larger share of the total assessment of the township to those proprietors who happened to have broken up more of their land than their fellows at the time of the Settlement survey, and accordingly, except in a few cases where all the proprietors agreed to exempt the uncultivated land, I distributed the assessment over the proprietors in such villages by one rate on all the culturable land, whether cultivated or not. Where the soils were of different qualities and held in different proportions by the individual proprietors, as was especially the case in the Ghaggar and Satlaj valleys, it became necessary to fix different rates for the different classes of soil for the distribution of the assessment. I examined the method of distribution adopted at the previous Settlement and discussed with the proprietors the rates that would now be most appropriate to the different classes of soil, calculating out for them the result of any rates they suggested and helping them to fix appropriate rates. I then made them go over the map of the township with the patwárí and see that the fields had been rightly classified according to soil, and any fields which they agreed had been wrongly classified were classed correctly. I took care that the rates chosen should be simple rates per *bígha* having no fraction less than a quarter anna, so that the calculation might be easily made and understood; any small excess or deficiency in the total brought out by these rates as compared with the total assessment of the village was added to or made up from the fund for common village expenses *(malba)*. The following statement shows how the assessment was distributed; for the sake of completeness the villages under fluctuating assessment are entered in the columns showing how their assessments would have been distributed had they been fixed.

| Assessment Circle. | Total No. of Villages. | NO. OF VILLAGES IN WHICH THE ASSESSMENT IS PAID. | | | | |
|---|---|---|---|---|---|---|
| | | Jointly. | On shares. | On the Land | | |
| | | | | At one rate. | At two rates. | At more than two rates. |
| Bágar ... ... | 57 | 26 | 30 | ... | 1 | ... |
| Náli ... ... | 109 | 42 | 25 | 3 | 19 | 20 |
| Rohí ... ... | 364 | 133 | 176 | 54 | 1 | ... |
| Utár ... ... | 58 | 37 | 20 | 1 | ... | ... |
| Hitár ... ... | 62 | 32 | 7 | ... | 3 | 20 |
| **Total of the district ...** | **650** | **270** | **258** | **58** | **24** | **40** |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Tahsíl Sirsa | ... | 199 | 89 | 67 | 5 | 20 | 18 |
| Tahsíl Dabwálí | ... | 157 | 37 | 107 | 10 | 1 | 2 |
| Tahsíl Fázilká | ... | 294 | 144 | 84 | 43 | 3 | 20 |

It will be seen that of the 650 townships in the district 270 are still held jointly by the whole body of proprietors, and in 258 of those in which the land has been divided the proprietors still pay the land-revenue in proportion to their shares in the township. In the remaining 122 townships the assessment is paid by each proprietor in proportion to the area of land he holds, but in many of these the tenure is much the same as in the villages paying on shares, as they are held in large blocks *(pattí)* by a few proprietors, and the assessment is paid on the land only because it turns out not to be in exact proportion to the shares. Indeed some villages which formerly paid their revenue by a rate on the land held by each proprietor have at this Settlement made the land proportionate to the shares by adding enough from the common holding to make up the full area to those proprietors who had less than their shares, and now pay their assessment in proportion to their shares instead of on the land. Most of the villages in the Ghaggar and Sotar valleys which had the most complicated system of distribution on soils, such as rates for first-class and second-class rice-lands, for wheat-lands and gram-lands and high lands of different qualities, have now been placed under the general system of fluctuating assessment, and only very few villages under fixed assessment distribute it on the land in any other way than by one all-round rate on all classes of soil. This is the simplest mode of distribution and generally the fairest, for even where the soil differs in quality, each proprietor usually holds a proportionate share of each class of soil. In the villages along the Ghaggar north-east of Sirsá it is usual to have two rates, one on the land within reach of the floods and the other on the high dry land.

The progress of partitions.

245. Some idea of the progress towards severalty may be gained from the following comparative statement of land tenures at different periods. It may be noted that in 1838 all the townships in the district were reported to be held jointly by their owners (*zamíndárí*).

| Assessment Circle. | Total No. of townships. | No. of townships held jointly by their proprietors (zamindari) | | |
|---|---|---|---|---|
| | | At the Regular Settlement, 1852-64. | Before the Revision, 1880. | After the Revision, 1882. |
| Bágar ... ... | 57 | 54 | 37 | 26 |
| Náli ... ... | 109 | 78 | 46 | 42 |
| Rohí ... ... | 364 | 315 | 163 | 133 |
| Utár ... ... | 58 | 55 | 42 | 37 |
| Hisár ... ... | 62 | 48 | 38 | 32 |
| Total of the district ... | 650 | 550 | 326 | 270 |

That is, at last Settlement of the 650 townships only 100 had been divided, by 1880 the lands of half the townships had been subjected to partition, and by 1882 there were only 270 townships left with undivided lands (Zamíndárí). The other ordinary terms applied to tenures—Pattidárí and Bhaiyáchára, pure and mixed—are misleading when applied to Sirsá townships; for a large township divided between four families, though technically a pattídárí estate, is really held by a tenure resembling the zamindárí more closely than the ordinary pattídárí; and there is hardly a village in Sirsá resembling the typical bhaiyáchára communities of the older districts towards the Jamna, where each family of a large brotherhood holds a small area of the land of the township in proprietary right, and has its rights and liabilities determined by the area it holds.

Extension of cultivation by tenants.

246. The most important question we had to decide during the operations of Settlement was that of tenant-right. I have already described the struggle between the proprietors and tenants which came to a height during our operations, and how special legislation was refused, and the relations between the two classes left to be regulated by the entries in the record of the Regular Settlement as modified by the Panjáb Tenancy Act of 1868 and the Land Revenue Act of 1871. One point of great importance confronted us on the very threshold of our operations. When we came to measure the fields we found that in very many cases a tenant who had been given occupancy rights at the Regular Settlement in all the land he then cultivated had since then gradually extended his cultivation into the adjoining prairie, so that he was now in cultivating possession of a much larger block of land than he had then held. In such cases the patwárí had usually made a distinction in his annual record, showing that of the area held by the tenant so much was "old land" (*khewat*) held with a right of occupancy, and so much "new land" (*nautor*) broken up since Settlement and held without a right of occupancy; and very often the distinction between these two classes of land was very clearly marked in actual practice by the different rates of rent charged on them, the old land paying the rent fixed at Settlement generally calculated in terms of the land-revenue with cesses and proprietor's due, and the new land paying at a simpler, and often a higher rate. But on the ground there was no such distinction; the whole of the tenant's cultivation was one continuous field, the old boundary having been obliterated as he ploughed out into the prairie. Had there been any mark on the ground to show what had been the boundary of the tenant's cultivation at the Regular Settlement, or had the old map been drawn to scale so as to show that old boundary with any certainty, we should probably have attemped to measure and map the two parts of the field separately. But we found it impossible to discover satisfactorily what had been the limits of the old field, and any attempt to make the distinction at once gave rise to disputes between the proprietor and the tenant which would not otherwise have arisen; it was therefore decided that we should map the whole of the tenant's cultivation as one field, making no division of it on the ground or on the map, but giving in the record a de

tail showing that so much of the total area was held with right of occupancy and so much without. This is all that is necessary for the purpose of calculating rent at the different rates, and actual partition of the land will not be necessary until the proprietor wishes to eject the tenant from that portion of the field which he holds without right of occupancy. In the few cases of the kind which arose during Settlement operations, we held that although the map generally indicated that the new cultivation was a strip round the edges of the field, it was more convenient for both parties to divide the field into continuous blocks, and that in the circumstances of the case it was to be presumed that the tenant had broken up the best part of the land first; we accordingly, unless there were special reasons to the contrary, allowed the tenant to choose out of his whole field any continuous block of the area to which he was entitled, recorded him as having a right of occupancy in that block, and ejected him from the remainder. It is also important, in dividing such a field between two proprietors or two tenants, to record them as having proportionate shares in the occupancy and non-occupancy portions of it; otherwise when it comes to ejectment, one individual sharer will suffer more than his fellow. In some cases we found that in ejectment proceedings previous to our Settlement Survey such fields had actually been divided and the two parts demarcated on the ground, though the tenant had not been actually ejected, and in such cases we mapped the cultivation as two separate fields and recorded them under separate numbers.

Continuance of the struggle between the proprietors and tenants.

247. When Settlement operations commenced, the duties of serving notices of ejectment on tenants at the instance of proprietors, and of determining all Civil suits between proprietor and tenant were made over to the Settlement Officers, and the large number of ejectment notices (1,296 and 1,882 respectively) issued in 1880 and 1881 were served through the Settlement Courts. In 1882 this duty was re-transferred to the ordinary District Courts, and all Civil suits instituted after the 9th of March 1882 were left to be tried as usual by the District Courts under the Deputy Commissioner. During the 2¼ years from December 1879 to March 1882, 3,024 Civil suits were instituted in the Settlement Courts. Almost all of these were disputes between proprietor and tenant; 1,861 of them were suits brought by tenants to contest notices of ejectment which had been served on them at the instance of the proprietors, and 1,020 were suits brought by tenants of their own motion to establish rights of occupancy in land they held or claimed on various grounds. In deciding these suits we were, like the District Courts, bound by the Panjáb Tenancy Act, and although our personal sympathies were in favour of the tenants for the reasons I have given in describing the circumstances which gave rise to the struggle, and although (as generally happens in such cases) there may have been some straining of the law in favour of the tenants, we were compelled as a rule to decide against the tenants and enforce the law in favour of the proprietors. Appeals from the orders of the Superintendents of Settlement lay to me, and appeals from my orders and from those of the Extra Assistant Settlement Officer to the Commissioner, and finally to

the Financial Commissioner or Chief Court. I decided about 100 appeals, and about as many were decided by the Settlement Commissioner, while a few went to higher authority, and the result showed that on the whole the decisions passed were consistent with the law, and that it had been rightly held that the tenants could not, except under special circumstances, claim to be protected from ejectment from the land broken up by them from the prairie after the Regular Settlement, so that the proprietors had full power to eject the tenants from such land or to enhance the rent payable for it, without interference by the Courts. The suits brought to contest notices of ejectment under Section 25 of the Panjáb Tenancy Act were decided as follows:—

| Year. | Suits Decided | | |
|---|---|---|---|
| | In favour of the proprietor. | In favour of the tenant. | Total. |
| 1880-81 ... ... ... | 456 | 324 | 780 |
| 1881-82 ... ... ... | 558 | 228 | 786 |
| 1882-83 ... ... ... | 160 | 43 | 203 |
| | 1,174 | 595 | 1,769 |

and many of the suits given in favour of the tenant were decided in his favour only on account of some technicality, such as that the notice had not been properly served or that the proper compensation had not been offered; so that the decision often did not protect him from future ejectment, and the decreasing proportion of suits decided in the tenants' favour shows that the proprietors' position was gradually becoming stronger.

Questions regarding land formerly held with right of occupancy.

248. I have already indicated some of the points which arose in the course of the struggle between the two classes, and may now briefly note on a few of the most important which came up for decision. As regards "old land" (*khewat*) which had been recorded at the Regular Settlement as held with a right of occupancy, we found that in many villages the tenant had, during one of the periodical scarcities, abandoned his fields and gone to reside, temporarily or permanently, in some other village. During the early years of the Settlement, the patwárí acting on the condition which was entered in the records of many villages to the effect that a year's absence of the tenant would forfeit his occupancy right, cut out the tenant's name from his record, and entered the land as held by the proprietor himself. In many cases, however, the absent tenant had returned when better times came round, paid his arrears of rent and resumed possession of his land on the old terms; yet the patwárí had often in such a case recorded him as holding at the will of the proprietor the land he had formerly held with a right of occupancy. When such a case came into Court, it was generally held that the proprietor had by accepting payment of

the arrears (*tot*) and putting the tenant in possession of his former land condoned his absence, and the tenant was held to have recovered his right of occupancy. So where it appeared that the tenant, before migrating in a season of drought, had made over his land to another, or to the proprietor himself, on condition of taking it back again on payment of arrears, and that he had actually paid his arrears and recovered possession of his land, he was held to have recovered his occupancy right. If however it appeared that the tenant had, when he migrated, left his rent in arrears, so that the proprietor had suffered loss by his migration, he was held to have no claim to recover his right of occupancy without the consent of the proprietor. In some cases where it was found that the proprietor had made over the land abandoned by a tenant to a new tenant on payment of the arrears of rent due, it was held that this amounted to a sale of the occupancy right and that the tenant who had paid the arrears was entitled to the same rights in the land as had been held by his predecessor. In a few cases, in which it appeared that on the death of a tenant his minor children had gone for a time to reside with their relatives elsewhere, but had on reaching manhood returned and been put in possession of their father's land, they were held to have recovered his occupancy rights. Uncultivated land entered as held by a tenant with right of occupancy was held to be his with that title even though he kept it uncultivated, so long as he paid the customary rent on it. In a few cases where the tenant had given up part of the land he held with right of occupancy to be attached to a pond or for some other purpose and had taken other land in exchange, he was held under section 7 of the Act to have a right of occupancy in the land taken in exchange. In many of the village records of the Regular Settlement it had been broadly stated that on the death or migration of an occupancy tenant his relatives would succeed to his land, provided they would reside in the village; with regard to the custom of the country it was held that this condition of the tenure was preserved by section 2 of the Tenancy Act from the limitations imposed on hereditary succession by section 36, so that for instance a sonless widow was held entitled to a life-interest in her husband's holding with occupancy right, or a childless tenant was succeeded by his brother or agnate nephews although their common ancestor had not occupied the land. At the Regular Settlement residence in the village had been made a condition of succession to occupancy rights; this condition also was held to have been preserved by section 2 of the Act, and in some cases in which tenants had permanently left the village to settle elsewhere still retaining their holdings in the old village, it was held under this clause that they must either give up their occupancy right or maintain a residence in the old village and share in the village cesses and burdens as householders. It is not uncommon for some members of a family to take up land in a new village and share its cultivation and that of the old family holding with the other members of the family who have stayed at home (*adhchára*). Where there was a reasonable excuse for non-residence, the condition was not enforced, but it should be remembered that it is only fair to the proprietors and other householders that the tenant who was granted occupancy rights on condition

of residence should be made to reside and share the common burdens of the village. In a few cases occupancy rights in land were sold or mortgaged, and where the proprietors tried to forbid the alienation, especially where an heirless tenant or widow wished to dispose of the occupancy right to an outsider, it was held that both under the conditions of the Settlement record and under section 34 of the Act the proprietor had the right to forbid the transfer or at all events had a right of pre-emption.

Questions regarding land broken up after Settlement.

249. But the most important of these questions were those that affected the possession of the land broken up after the Regular Settlement *(nautor)*, which amounted on the whole to about 3,50,000 acres. The clear decision of the Government at Settlement that the uncultivated land should be left at the absolute disposal of the proprietors, repeated as it was in the Settlement record, made it impossible to hold that tenants who had broken up such land had a right of occupancy in it except under very special circumstances. It seemed probable that where a tenant had left his former home and come to settle in a new Sirsá village, there had been an understanding between him and the proprietor that he would not be ejected from land he broke up from the prairie so long as he continued to pay a fair rent, but this was nothing more than a probability, and it was impossible to hold this view in a judicial suit where the proprietor denied any such understanding and the tenant could produce no particular evidence in support of it. In a considerable number of cases we found that a note had been made at the time in the patwárís' diary or a rude deed had been drawn up by him and sealed by the headman, purporting to give the land "for ever" to the tenant; and in such cases, where the document could be received in evidence, it was held that the tenant had been given a right of occupancy in the land then given him: but in some such cases there was difficulty under the Registration and Evidence Acts in receiving such unstamped and unregistered documents in evidence at all, and some ignorant and too confiding tenants suffered from the operation of those Acts, which were unsuited to the primitive society of the tract. It was only in a few cases that a tenant could be held to have a right of occupancy under section 5, clause 3 of the Tenancy Act as being the representative of a tenant who had settled with the founders of the village and had died before 1868. Where the tenant had paid a sum of money for permission to cultivate the land, the fact was accepted as *primâ facie* evidence that he had purchased an occupancy right in the land. But such cases were the exception, and generally speaking, land broken up since the Regular Settlement was held to be occupied at the will of the proprietor *(ghair-maurúsí)*, except where an occupancy right had been conferred by decree of Court or by direct grant of the proprietor. In some cases where a tenant had been given occupancy rights by the headman acting for the whole community, and partition of the proprietary right had afterwards taken place, the individual proprietor into whose share the tenant's land had come denied the right of the tenant, but it was generally held that the act of the headman of the joint community was in such matters binding on the individual proprietors, and the occupancy right of the tenant was main-

tained. In a number of villages the Settlement record, while declaring that the power to arrange for the cultivation of the prairie remained with the proprietors, stipulated that new land should be offered first to proprietors, then to resident tenants with rights of occupancy, and failing them, to outsiders; and in some such cases it was held that the effect of this clause was to give a right of occupancy in such land to resident occupancy tenants, but not to protect them from enhancement of rent up to the rate ordinarily paid by tenants-at-will. Unless where exceptional circumstances of the above nature could be proved to exist, we had to reject the claims of the tenants and assist the proprietors to eject them when required, but in a considerable number of cases the proprietors were content to have established their power to eject, and allowed the tenant to remain in possession of his land on payment of a fine (*daula*) or on his agreeing to pay a higher rate of rent. Where the proprietor insisted on ejecting the tenant this had to be done. The Act did not allow an award of compensation for disturbance merely; and the only improvements for which compensation could be awarded were those by which the letting-value of the land had been increased. In a great part of the district it does not require much labour to prepare the prairie for cultivation, and new uncultivated land lets for as high a rent as old land; so that it was only rarely that compensation could be awarded for improvements, and there was little check upon the caprice of the proprietors when they wished to eject a tenant. The commonest class of cases was where a tenant holding a small area of land with right of occupancy was ejected by the proprietor from the excess area which he held without right of occupancy, because the proprietor wished the land for himself, or demanded an increase of rent, or did not find the tenant so submissive as he wished him to be. In such cases he could not turn the tenant out of the area he held with rights of occupancy, but generally that small area was not sufficient to maintain the tenant's increased family at the standard of comfort to which they had been accustomed, and this fact in itself was sufficient to give the proprietor a hold over the tenant and to reduce him to subjection or, in extreme cases, drive him from the village.

Grant of occupancy rights at attestation.

250. At the attestation of the new record of rights before the Superintendent of Settlement, the proprietors and tenants were confronted and a full enquiry made as to the rights in each field and the rents paid. Where the parties agreed in their statement, the record was drawn up accordingly; where they differed, the old record was followed and the party disputing it was referred to a Civil suit. As regarded land held with a right of occupancy, the Superintendent after enquiring into the facts of the case classed the right under one or other of the sections and clauses of the Panjáb Tenancy Act. The great majority of the occupancy tenants were classed simply under section 6 of the Act as having been entered in the record of the Regular Settlement with a right of occupancy; the cases in which the right could be classed under one of the clauses of section 5 were comparatively few; tenants who had acquired a right of occupancy since the Regular Settlement by decree of Court or by agreement or under any special circumstances

were classed under section 2 or 8 of the Act. A large number of proprietors took advantage of the simple Settlement procedure to grant new occupancy rights to their tenants. It required no stamped or registered deed; all that was necessary was for the parties to attest their agreement orally before the Settlement Superintendent and their assembled neighbours, and when the agreement was recorded and embodied in the faired Settlement record it was presumed to be true and the tenant's title was as secure as if he had been granted the right by a stamped and registered deed. Not a few proprietors admitted that their tenants were equitably entitled to rights of occupancy in all the land they cultivated; some of them granted rights of occupancy as a free gift to all their tenants; some excepted from the grant tenants with whom they did not get on well or who had only very lately come to the village; others gave occupancy rights only to those tenants who were nearly related to them or of their own clan. In a great many cases the tenants purchased the right of occupancy from the proprietor, sometimes declaring the amount of the purchase-money before the Superintendent and sometimes concealing it. It was chiefly in the great Dry Tract, where the villages had been most recently founded and land was still plentiful, that this grant of occupancy rights took place. In that tract the price paid by a tenant to his landlord for occupancy rights in land already held by the tenant as tenant-at-will varied from 8 annas to Rs. 3 per *bígha*, and was generally Re. 1 per *bígha* or Re. 1-10 per acre. In some cases, instead of taking a money price, the proprietor made the tenant agree to a higher rent as a price for the right of occupancy. Altogether the Superintendents estimated that occupancy rights were granted by the proprietors in this way at attestation in about 10 per cent. of the land previously held by tenants without right of occupancy. In other ways the area held with occupancy rights increased at attestation; for instance, as above stated, a number of tenants were held by Civil suit to have occupancy rights in land previously entered as held by them without rights of occupancy; and in many partition cases owners whose fields were assigned in the partition to other owners were entered as having occupancy rights under their fellows. On the other hand, in the sandy tract south of the Ghaggar, where much of the poor soil has become exhausted, a considerable number of tenants relinquished their rights of occupancy, and we found that many tenants had been absent from the village for years, leaving their land in the hands of the proprietors; in such cases we cut out the name of the tenant and entered the land as held by the proprietors or by the new tenants to whom they had given it. In a number of Musalmán villages near the Satlaj, especially those of the Bodlás and Wattus, the tenants were so much in the power of the proprietors and so little attached to the soil that they would not have occupancy rights in the land and insisted on relinquishing them. The result of all these changes made at attestation is shown by the following comparison between the state of things in 1880 at the beginning of Settlement operations, and in 1882 when attestation had been completed and the new records faired, but before the orders in the case of the Farm villages had been carried out.

| Assessment Circle. | Area in acres held by tenants with right of occupancy. | | Increase or decrease. |
|---|---|---|---|
| | In 1880. | In 1882. | |
| Bágar ... | 92,792 | 89,395 | −3,397 |
| Nálí ... | 59,130 | 63,339 | +4,209 |
| Rohí ... | 1,91,178 | 2,58,799 | +67,621 |
| Útár ... | 4,618 | 7,802 | +3,184 |
| Hitár ... | 3,210 | 2,177 | −1.033 |
| Total of the district | 3.50,928 | 4,21,512 | +70,584 |
| Tahsíl Sirsá ... | 1,73,211 | 1,82,744 | +9,533 |
| Tahsíl Dabwálí | 1,29,837 | 1,54,481 | +24,644 |
| Tahsíl Fázilká... | 47,880 | 84,287 | +36,407 |

Thus the net increase of occupancy rights was 70,584 acres, and the total area held with occupancy rights was raised to 4,21,512 acres or 40 per cent. of the total cultivated area, but it was still less than at the Regular Settlement, when occupancy rights had been granted in 4,65,060 acres. The following statement gives a comparison of the statistics of cultivating possession at different periods.

| Area (in acres) cultivated by | At the Regular Settlement, 1852-64 | | In 1880. | | In 1882. | |
|---|---|---|---|---|---|---|
| | | | Cultivated and fallow. | | Cultivated area only. | |
| | Acres | Percentage | Acres | Percentage | Acres | Percentage |
| Proprietors ... ... | 1.86.108 | 27 | 2.87.824 | 27 | 3,10,942 | 29 |
| Tenants with rights of occupancy | 4,65,060 | 66 | 3,43,284 | 32 | 4,01,747 | 38 |
| Tenants without rights of occupancy ... ... ... | 49,121 | 7 | 4.35.708 | 41 | 3.46.259 | 33 |
| Total ... | 7,00,289 | 100 | 10,66,816 | 100 | 10,58,948 | 100 |

Of the area held by tenants without rights of occupancy in 1882, 94,834 acres, or more than a fourth, were held by tenants having rights of occupancy in other land, so that the area held by tenants having no rights of occupancy at all was 2,51,425 acres, or about a fourth of the total cultivated area.

Determination of the rents of tenants with rights of occupancy.

251. At the same time that I announced to the assembled proprietors of each township what its new assessment was to be and arranged how they were to distribute among them the burden of paying it, I fixed and announced the rent of the occupancy tenants, who had also been summoned together. I enquired as to what had been the relation of their rent to the revenue assessment at the previous Settlement and maintained the same relation now. The Settlement Officer at the Regular

Settlement had arbitrarily fixed the rents of all occupancy tenants, and where they were payable in cash had in almost every case fixed the rent at the revenue assessed on the land with so much for cesses and so much for proprietors' due, expressed as a percentage on the revenue assessed; so that in such cases all I had to do was to calculate the new rate of revenue assessed on the land and maintain the old percentages. Where the rent was paid in kind, no interference was necessary, and the tenant continued to pay the same share of the produce as before. Where the rent was paid in cash, I calculated and announced the revenue-rate, generally by putting a fair proportion of the assessment on the uncultivated land held by the proprietors and distributing the rest by an all-round rate on cultivation; but where the soils varied greatly in quality, as for instance in the Sotar valley, I fixed different rates for them after consulting the proprietors and tenants. In some villages in which the proprietors had distributed the assessment over their proprietary holdings by an all-round rate over all the culturable land whether cultivated or not, this gave a revenue-rate for the occupancy tenants higher than the revenue-rate for the proprietors; but this I held to be only fair, for the tenants had no share in the uncultivated land held by the proprietors, and it was the mode in which the tenant's rents had been calculated at the Regular Settlement. The assessment-rate thus calculated was announced, fractions of a pie per bígha being generally disregarded, and I proceeded to calculate the percentage of cesses and proprietors' due payable by the tenants according to the decision of the Settlement Officer at the Regular Settlement. Where the tenants paid rent at double the revenue-rate (*dúní báchh*) or in other words paid a proprietor's due (*málikána*) of 100 per cent., they paid none of the cesses on the land, which were due from the proprietor and defrayed by him out of this profit, and in some villages they were by the terms of the administration-paper exempted from paying even the common expenses of the village, such as the pay of the village watchman: in short they paid the proprietor double the assessment charged on their land, and were liable to no other charges; where this was the rule the old custom was maintained. Rent at double the revenue-rate is paid most commonly in the more recently founded villages in the Dry Tract of the Dabwálí and Fázilká tahsíls. In a large number of villages in the Sirsa tahsíl the Settlement Officer had fixed the proprietor's due at 50 per cent., and in such cases the tenant paid the road, school, postal and patwárí cesses and half the local rate, in all $12\frac{1}{4}$ per cent. on the revenue; I lumped these all together with the proprietor's due and calculated the whole as ten annas per rupee of revenue; *i.e.*, the tenant's rent was calculated on his land at so much land-revenue at the assessment-rate per *bígha*, and so much cesses and proprietor's due at ten annas per rupee of revenue; he pays this rent to the proprietor, who then remains responsible for the land-revenue and all cesses on the land and retains the balance as his proprietary profit. A similar calculation was made in other villages where the proprietor's due had been fixed at the Regular Settlement at other rates; in some villages some tenants paid at one rate, and some at another, and in all cases the old rate was maintained. The most prevalent rates are as follows:—

| Rate per cent. of Proprietors' due. | Rate on the revenue of proprietors' due and cesses payable by occupancy tenants. | | | |
|---|---|---|---|---|
| | Per cent. | Per Rupee. | | |
| | | Rs. | As. | P. |
| 100 | 100 | 1 | 0 | 0 |
| 50 | 62½ | 0 | 10 | 0 |
| 30 | 42½ | 0 | 6 | 10 |
| 10 | 32½ | 0 | 5 | 2 |
| 7 | 29½ | 0 | 4 | 8 |
| 5 | 27⅓ | 0 | 4 | 4 |
| None | 22½ | 0 | 3 | 6 |

In some villages there were peculiar rates; *e.g.*, in some the tenants paid the revenue and cesses and one anna per *bígha* as proprietors' due; in all cases the old method of calculating the rent was maintained. Among the most interesting cases were those in which, notwithstanding the grant of proprietary right at the Regular Settlement to a few individuals, the old "brotherhood" *(bhaiyáchára)* practice still prevailed; for instance, in Nathauhar all the resident cultivators, whether recorded as proprietors or tenants, continued to share all profits and losses on an equal footing and paid their revenue and cesses and common village expenses by distributing the whole each year at an all-round rate on the cultiyated and fallow land held separately, whether by owner or tenant. Similar survivals of old custom are found in Rori, Súratiya, and other villages of the old Rori pargana. In some villages where the tenants had formerly paid rent in kind on their occupancy land, they and the proprietors agreed before me to commute their rent in kind into a cash rent at double the revenue-rate or some other rate, and this was after explanation attested and recorded as their future rent. In some cases I had to arbitrate between the parties and persuade the proprietor to take a lower rate in commutation for rents in kind than he at first demanded; and in a number of cases in which the proprietor had at attestation of the record granted occupancy rights to his tenants, both parties left it to me to decide what rate of rent should be fixed, and I fixed the rent in accordance with the custom of the village or of neighbouring villages. The resultant rates of rent may be shown as follows :—

| Tahsil. | Total No. of villages. | No. of villages in which there are no occupancy tenants paying cash rents. | No. of villages in which the proprietors' due bears to the revenue a percentage of | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | 100 | 50 | 30 | 10 | 7 | 5 | Other rates. | Nil. |
| Sirsa ... ... | 199 | 35 | 12 | 73 | 6 | 0 | 0 | 34 | 10 | 29 |
| Dabwali ... ... | 157 | 0 | 70 | 1 | 0 | 18 | 10 | 5 | 0 | 53 |
| Fazilka ... ... | 294 | 97 | 183 | 7 | 0 | 0 | 0 | 0 | 6 | 1 |
| Total of the district ... | 650 | 132 | 265 | 81 | 6 | 18 | 10 | 39 | 16 | 83 |

I thus determined the cash-rents to be paid by 20,000 tenants with rights of occupancy for about 4,00,000 acres. In no single case was my order made the subject of appeal or taken into the Civil Court. Both proprietors and tenants accepted my award and the rents then fixed by me have been realised now for two years. Only two cases for enhancement of rent have yet been brought, but I fear that the Civil Courts will hold that the rents so fixed at Settlement are liable to enhancement under the Tenancy Act; if so, they will undoubtedly admit of great and general enhancement under section 11 of that Act. I understand that it is under contemplation to amend the Act so as to make the rents fixed by the Settlement Officer not liable to enhancement during the period of Settlement. Such a provision is urgently necessary in the Sirsá district to prevent the proprietors from unjustly enhancing the rents of the occupancy tenants, and inequitably lowering the position of the tenant-class for their own pecuniary profit.

Defeat of the tenants as regards land broken up since Settlement.

252. While the rents of the land held with rights of occupancy were thus determined by me, those of the land held without rights of occupancy were not interfered with; they were attested and recorded just as we found them to exist, except that in those few villages in which the rents formerly paid by tenants-at-will were less than the enhanced revenue, I held that the proprietor was entitled to realise from his tenants at least the amount assessed by the State on the land, and in the first year of the new assessment the rents in such villages were by consent of proprietors and tenants realised accordingly. I took the opportunity of the assembling of the proprietors and tenants to hear the new assessment, to announce to them that special legislation in favour of the tenants had been applied for and refused, and that their mutual relations would continue to be determined as before by the entries in the record of the Regular Settlement and the Panjáb Tenancy Act; that, in short, as regarded land broken up from the prairie since the Regular Settlement the tenants were at the mercy of the proprietors, who could eject them from such land or demand on it what rents they chose. The numerous cases

decided in the Civil Courts of the District and Settlement formed precedents in every set of circumstances, and the attestation of the record of rights had shown clearly what were the rights in every plot of land. In the struggle for occupancy rights in land broken up since Settlement the tenants had been defeated all along the line. That they have given up the struggle is shown by the falling-off in the number of notices of ejectment applied for during the last two years, and still more by the great decrease in the number of suits brought to contest ejectment. That the proprietors have lost no time in taking advantage of their victory is shown by the great and general rise of rents which is now taking place throughout the district. For instance, of the 157 villages in tahsil Dabwálí, in 45 the proprietors have already within two years of the introduction of the new assessment effected a general increase of the rents of land held without right of occupancy; the increase in several cases is more than 50 per cent. and the new rents in many villages are now more than double and even three times the incidence of the new asssesment. Things are fast finding their equilibrium under the new circumstances, and the proprietors are now in a much stronger position than before, while the tenants have been permanently reduced to a much lower level than they maintained while rights were more vague and indefinite than they have now become.

The Farmed villages-grant of the leases.

253. While throughout the greater part of the district the action of the Settlement Officers was confined to the lines laid down by the Regular Settlement and the Land Revenue and Tenancy Acts, there were certain townships in which rights had not yet been finally defined and which practically came for the first time under Regular Settlement. After the annexation of the great Dry Tract in 1837-38, Major Thoresby and his successors marked the prairie out into townships, and wherever they found an inhabited village, they made it the centre of a township and granted a lease to the leading inhabitants of the village, which afterwards at the Regular Settlement was made the basis of a grant of proprietary right in the land of the township. But up to the commencement of the Regular Settlement a tract of about 300 square miles about Abohar remained almost uninhabited and still undemarcated, and several townships in other parts of the district were still unallotted to individual cultivators. In 1851-52 when Mr. Thomason the Lieutenant-Governor of the North-Western Provinces visited the district, he wrote as follows regarding this unallotted land. "There is still much waste and unoccupied land which it is most desirable to bring under cultivation. In order to effect this it is necessary that the terms on which land is to be had should be liberal, determinate and generally known. No such terms are known or observed in the district, and there seems to have been a vagueness and caprice in this respect which can scarcely have failed to check enterprise. It is very true that the circumstances of the country are peculiar, and that the habits of the people are such as to make it difficult to deal with them. These facts render it necessary that the terms on which land is to be had should be carefully considered

and skilfully adapted to the requirements of the case. The land in its natural state is valuable for pasturage, and the object of letting it out in grants is mainly to secure permanent habitation and a certain effort at cultivation. The people have little or no capital and are a wandering race, peculiarly indisposed to bind themselves down to residence on a fixed spot. All grants then should provide for permanent residence as a condition of the tenure and require collateral security for the fulfilment of the terms. If we wish to teach a wild people regularity, method and good faith, we should begin by proving to them that our own proceedings are framed on these principles. We must give ourselves no opening for partiality and caprice, if we wish to inspire them with confidence in our wisdom and justice. I beg that in the spirit of these remarks the local authorities will take the subject into their mature consideration and propose such terms as they think most suitable." After some correspondence on the subject the Lieutenant-Governor in 1852 sanctioned the grant of waste lands on the following conditions:—

(1.) No grant to be more than 4,000 acres for each settler.

(2.) No rent to be taken for the first two years, and the rent to be then progressive, rising to Rs. 400 in the 16th year.

(3) A *pakka* well to be made, 50 families to be established, and 50 houses built, and half the area to be cultivated, within 12 years.

(4.) Security to be taken from the farmers that they would abide by the conditions of the grant.

In 1857 Mr. Oliver, then Senior Assistant Superintendent in charge of Fázilká, reported the completion of this work. He had allotted to lessees 2,01,376 acres in parganas Malaut and Mahájaní above the Danda, divided into 48 farms and leased on the terms sanctioned by Government, the amount of rent being reduced in the case of those farms whose area was much less than 4,000 acres. Regarding the old villages he wrote that he found the cultivation of Abohar itself so scattered about that in order to include as much of it as possible he had to allot 25,296 acres to this township, requiring the proprietors to found two other villages within its boundaries. He found at different places in the waste seven hamlets founded by the proprietors of Abohar, and attached about 4,000 acres to each of these as old settlements. The encroachment on the waste by adjoining villages he found to be very considerable, and where cultivation had not proportionately extended he separated off the excess and formed it into distinct farms, giving the option to the proprietors of the original villages to lease them on condition that they inhabited them and would break up a certain specified quantity of waste within a given period, in default of which their rights in the farms would lapse and the farms would be resumed and leased to other parties. A large number of other farms, especially in the Utár portion of pargana Wattu below the Danda, had been leased on similar terms, the usual stipulations being that the farmer would found a village, establish so many families, dig a pond, make a pakka well and cultivate a certain proportion of the area of the township. Most of these other farms however were much smaller than the 4,000 acres prescribed by the North-Western Provinces Government, and the rent, the number of families &c., were proportionately less.

Former reports on the farms.

254. From time to time enquiry was made as to how the lessees were carrying out the terms of their leases. At first considerable difficulty was experienced in getting good steady men, and during the first ten years a number of the farms changed hands, either because the lessees absconded leaving their sureties to pay the arrears of rent, or because they were found not to be fulfilling the terms of the lease, which was therefore cancelled and given to some other. In 1871 Mr. Melvill, Deputy Commissioner, instituted a general enquiry into the condition of the farms, and of his own authority cancelled some and granted proprietary rights to the lessees of others; but on this being brought to the Commissioner's notice, he called on Mr. Melvill for a report on the whole matter, and in the correspondence that ensued it was held that Government had intended to confer proprietary rights on all the lessees who should comply with the terms of their leases, and accordingly the Lieutenant-Governor confirmed as proprietors the grantees of six farms all below the Danda, in which the terms of the lease had been substantially fulfilled. In 1877 Mr. Wakefield, Deputy Commissioner, submitted a general report on the Farmed villages in tahsíl Fázilká. He pointed out that in most of these farms the lessees had even on their own showing failed to fulfil the terms of the lease, more particularly that condition which required them to break up half the culturable land, and gave it as his opinion that as so many of the farmers had already shown their inability to manage the large tracts leased to them, it was best both for their interests and for those of Government, that the estates should be reduced in size by having a reasonable proportion reserved as Government *rakhs*, and the remainder made over to them in proprietorship. Of the 2,55,666 acres of land held on lease only 83,333 acres had been cultivated. Mr. Wakefield proposed to reserve 35,000 acres in numerous plots as Government *rakhs* for fuel and grazing, and to grant to the lessees proprietary rights in 2,20,666 acres. The Financial Commissioner however ordered the subject to be left to stand over till Settlement, remarking that the Settlement Officer would probably be able to resume any portion of uncultivated land he might consider fit to resume in villages in which the terms of the lease had not been fulfilled, but that this should be done in a considerate and liberal spirit.

Grant of occupancy rights to the tenants.

255. After making a preliminary report and after I had visited each of the Farmed villages, I submitted in 1882 a full report showing the circumstances of each of them, the conditions of the lease and the extent to which they had been fulfilled, the number of population and of houses, the extent of area cultivated, and the statements of the lessees and their sub-tenants regarding their respective claims. There were then in the Fázilká tahsíl 83 townships held as farms, 31 being held on the terms prescribed by the North-Western Provinces' Government, and 52 on other terms somewhat similiar; there were also one village in tahsíl Dabwálí and four in tahsíl Sirsá held as farms, making 88 altogether held on this tenure. These villages were all entered on the district register as Farm villages, the holders were recorded in the revenue records as "lessees" *(thekadár)*

not as "proprietors" *(biswadár)*; and it was well known both to them and to their neighbours that their position was not so secure as that of proprietors, and that they were liable to eviction unless they fulfilled the terms on which the farms were granted. In other respects their circumstances differed little from those of the neighbouring villages held in the ordinary proprietary right. The lessees had been in the habit of transferring their rights from hand to hand by sale and gift as freely as if they were proprietary rights, and until recently they had located and ejected their tenants in the same way as the proprietors of neighbouring villages. In no case however had the conditions of the farm been fulfilled within the stipulated period and Government was legally entitled to evict the lessees and do as it thought proper with the land. The class who from their position were first entitled to consideration at the hands of Government were not the lessees but their under-tenants. If proprietary rights had been given to the lessees without any precaution being taken to secure the sub-tenants in possession of their land, there could be little doubt that their position would have been as insecure in these villages as in the neighbouring proprietary villages, in which so much hardship had been caused to the tenants by the numerous ejectment notices served on them at the instance of the proprietors. Before Settlement operations began some of the lessees had already evicted their sub-tenants, and unless their right to do so had in the interests of the tenants been denied on behalf of Government as proprietor, the number of ejectment notices served in these farm villages during the two years of suspense would have been very large; but as a veto was put upon evictions, each tenant was maintained in possession of the land he held when Settlement operations began. In the discussion which had taken place regarding the position of the tenants in the Sirsá district, it had been generally agreed that they had been inequitably treated by being placed at the mercy of the proprietors as regarded ejectment from so much of the land they held, and the chief reason for refusing special legislation in their favour was the inequality of treatment which would thus be introduced as compared with other districts. In the case of these Farmed villages however no special legislation was required. Government was still the proprietor of the land of those townships, and could confer rights in it on the persons it thought best entitled to have them. The tenants in these Farmed villages had still stronger claims to a right of occupancy than had the tenants in the older villages in which proprietary rights had been granted to individuals at an earlier date. The chief object with which the farms had been granted was to get the prairie colonised by a permanent population, and it was the intention of Government that the new colonists should be attached to the land by permanent rights in it. The claims of the lessees to proprietary rights they owed to the aid given them by the tenants in founding the village, breaking up the land, digging the pond and making the well; and it would have been unjust to the tenants to leave them at the mercy of the lessees, turned into landlords, and to allow the latter to eject the tenants to whom they would owe their proprietary rights. The object of Govern-

ment also would have been very incompletely fulfilled if the population it had succeeded in persuading to settle had been left to the caprice of the agent it had employed to collect them together. I therefore urged that in all these Farmed villages Government should take advantage of its position as proprietor to confer occupancy rights on all resident tenants in the land they then held. It was recognised that there was a difference in the claims of the tenants; the man who had settled with the farmer 25 years before when there was no pond, no well, no village, and had endured all the hardships of the early colonists, had a stronger claim to consideration than the man who had settled only recently when the village was comparatively well developed. But to make any such distinction would have involved a great deal of troublesome enquiry and probably have given rise to much bad feeling; and the difference in the strength of the claims of the old and new tenants would be sufficiently recognised, not by a difference in the degree of right conferred on them, but by the difference in the area and quality of the land in which they would be granted occupancy rights. Usually a new tenant begins by cultivating a small field, and as his family and his means increase he extends his cultivation farther and farther into the adjoining prairie, so that the older tenants were as a rule in possession of a larger area of land than those who had come more recently to the village. Besides, the land most valuable for natural qualities and situation had been first broken up and was in possession of the tenants of longest standing. We had in 1880-81 measured and mapped these townships for Settlement purposes along with the rest of the district, and had attested the rights of the sub-tenants in every field held by them. That the lessees themselves very generally acknowledged the equitable claim of their sub-tenants was shown by the fact that at the ordinary attestation of rights while they still held the status of lessees, the farmers of 46 townships agreed that sub-tenants formerly recorded as tenants-at-will should be recorded as having occupancy rights in nearly 17,000 acres of land cultivated by them. In many other townships also some of the lessees were anxious that occupancy rights should be conferred on their sub-tenants, but their co-farmers objected, saying they would await the orders of Government regarding the proprietary rights in the township. I accordingly proposed that in every Farm village every sub-tenant should be recorded as holding the land which was in his possession at the Settlement survey in 1880-81, with a right of occupancy similar to that described in section 5, clause 3 of the Tenancy Act, as the claims of the tenants were similar to those of men who had settled as cultivators with the founder of the village. This recommendation was supported by the Financial Commissioner and sanctioned by Government. I had proposed that the grant of occupancy rights should, as at the Regular Settlement, be made to depend on residence in the village, so that if any tenant or his heir failed after one year's grace to take up his residence permanently in the village, he should lose his right of occupancy; but the orders of Government did not make residence a condition of the grant and continued enjoyment of occupancy rights in the case of any but non-resident

tenants of less than ten years' standing, who were allowed two years' grace within which to take up their abode in the village. As regards rent, where the rent was taken in kind, the old rate was to be maintained except where both parties wished to commute it for a cash rent; and where the rents were paid in cash, the rent was to be fixed for the period of Settlement and in no case to be more than double the revenue unless a higher rent had been paid for some reasonably long time preceding the Settlement or was justified by improvements effected at the expense of the lessee.

Grant of proprietary rights to the lessees.

256. As regards the grant of proprietary rights in the land of the townships, I proposed to confer them on all lessees who though they had failed to fulfil the conditions of the farm within the stipulated period, had substantially fulfilled them before 1882. This was but fair, for such lessees had done as much to deserve proprietary rights as had many of their neighbours who had been given proprietary rights at the Regular Settlement simply because they had settled in the waste a few years earlier; indeed, the better-developed farm villages were more satisfactorily established than many of those proprietary villages. I had assessed the farm villages as they would have been assessed had they been held in proprietary right, and in the case of those villages which had been well established it seemed sufficient, after grant of occupancy rights to the tenants, to grant proprietary rights to the lessees and to leave them to themselves without further interference. In some cases in which some of the recorded sharers had had nothing to do with the farm for a number of years, I proposed to cut out their names; and in one or two cases in which the shares as recorded were not the same as those in which the farm was actually held or in proportion to the shares taken by the lessees in the development of the village, I proposed to grant the proprietary right in shares differing from those recorded and more in accordance with the actual state of things. Of the 31 farms held on the terms prescribed by the North-Western Provinces' Government I proposed to grant proprietary rights in 24; and of the other 57 farms in 43 the conditions of the farm seemed to have been so far fulfilled as to justify a grant of proprietary rights. These proposals were sanctioned, and proprietary rights were granted to the lessees of 67 townships with an area of 1,89,747 acres of which 91,896 acres were cultivated, and with a gross assessment of Rs. 22,075. The remaining 21 townships with an area of 65,545 acres of which only 22,095 acres were cultivated, and a gross assessment of Rs. 5,660, did not seem to be sufficiently developed and I proposed to keep them as farms until the conditions should have been more nearly fulfilled. The property to be given away, which might be valued at Rs. 5 per acre, was much too valuable to be granted without exacting a fair equivalent, and the lessees should be required to fulfil substantially the conditions of their agreement. The most difficult condition to fulfil was that of making a *pakka* well. In the 83 Fázilká farm villages, a *pakka* well had been made in 72, but there were still 11 in which no *pakka* well had been made. In some of the latter the excuse given was that the water was brackish and that a *pakka* well, if made, would be useless. But in many villages

throughout the tract brackish wells had been made sweet by pouring rainwater down them every rainy season, and there was little doubt that in these villages also if a *pakka* well were made it would in course of time become sweet in the same way. In this dry country no village could be considered properly established until it had its *pakka* well, and I recommended that, except in one or two small townships, Government should insist on the making of a well before granting proprietary rights. In a few cases the number of families established in the village or the proportion of area cultivated was too small. Tenants were plentiful, and the lessees could have no difficulty in fulfilling these conditions, and I recommended that this should be required of them and that they should make up the full number of tenants with rights of occupancy and the full area of land held with occupancy rights. I did not support Mr Wakefield's proposal to resume numerous plots here and there and hold them as Government *rakhs*. It would be impossible to manage such *rakhs* satisfactorily and would have been inequitable, though quite within the rights of Government, to resume many such areas; and it was only in one case, Bhangar Khera, in which only a small portion of the area had been brought under cultivation, that I proposed to resume part of the township. I recommended that in all cases in which the farm was maintained the lessees should be given a period of five years within which to fulfil the conditions now imposed, and should meanwhile, to mark their inferior status, pay to Government, in addition to the land-revenue assessment, a proprietor's due (*málikána*) of Rs. 50 or Rs. 100 per annum. These proposals were with a few unimportant modifications supported by the Financial Commissioner and sanctioned by Government, and I was directed to carry them out.

The orders carried out.

257. In January 1883 I returned to Fázilká to announce and carry out these orders. I called before me the lessees and under-tenants of the 88 farmed villages and explained to them, village by village, and holding by holding, what the orders of Government were regarding their future rights. I fixed and announced the rate of rent to be paid by each holding for the term of Settlement, and in almost every case both parties seemed satisfied that the rate fixed was fair. Generally, with reference to the rates of rent previously current in the village and to those in force in neighbouring proprietary townships, I fixed the rent-rate at double the incidence of the land-revenue; where rent had been paid in kind, the old rate was maintained. I attested the shares in proprietary right or in the farm in each case, and decided all disputes regarding shares. I also answered all objections made on general grounds by proprietors or tenants, drew up instructions as to the mode in which the remaining procedure was to be carried out, and decided all disputes brought to my notice. The lessees of each township were told they must enter into agreements with their tenants granting them rights of occupancy in the land they cultivated, and must agree to the rents fixed by me for the term of Settlement, and bind themselves thereafter to abide by the rents fixed from time to time by the Settlement Officer. The under-tenants were evidently grateful for the protection afforded them and most of the lessees admitted the justice of the stipulation; some of them objected to the grant of occupancy

rights to those sub-tenants who had only recently settled in the village and a number of appeals were presented on this ground: in every case however they were rejected and my order was carried out and acted on. In a very few cases in which a lessee had recently given land to a new tenant from his own cultivated holding, or in which he had let land on a well made by himself, he was not required to grant occupancy rights to the tenant, and such land was entered as held at the will of the proprietors. I was unable myself to attest the agreements in every case, and this was done by the Extra Assistant Settlement Officer during the year 1883. Some of the lessees held out and would not agree to the terms offered, but when all their appeals had been rejected and their position had been explained to them, they one and all accepted the terms offered them by Government and attested the necessary agreements, which were recorded by the Extra Assistant Settlement Officer on the Settlement record of the village, which had been already completed and faired in accordance with the old status and was now corrected in accordance with the orders passed in each case. The lessees agreed to grant to the sub-tenants cultivating land in the village, occupancy rights similar to those described in section 5, clause 3 of the Tenancy Act in all the land they cultivated at the Settlement measurement and attestation, and to take on that land no higher rent than that fixed by the Settlement Officer; and admitted that should they at any time fail in carrying out the terms of these agreements, Government would be at liberty to resume the grant of proprietary rights made on those conditions. The occupancy rights are to devolve on the heirs of the tenant according to the customary rules which regulate the devolution of proprietary rights in arable land in the tribe to which the tenant belongs, provided that no collateral relative of the present tenant shall succeed to his rights unless their common ancestor shall have been a tenant in the village. In a very few cases where tenants still residing in the village had been evicted during the last few years by the lessee, he was required to reinstate them in their old fields or give them either an equal area of cultivated land or one and a half times the area of waste land. Tenants of less than ten years standing not resident in the village were told that they would forfeit their right of occupancy if they did not, within two years, take up their residence in the village. When the necessary agreements had all been attested, deeds of grant were made out conferring on the lessees of 67 townships the proprietary right in the whole land of the townships aggregating 1,89,747 acres, of which 91,896 acres were cultivated. The money value of this gift may be estimated at nine lákhs of rupees, as the land if sold in the open market would probably fetch this sum. In one case, Bhangar Khera, in which the lessee had brought under cultivation only a small portion of the area, he was made proprietor of only 1,500 acres, and the remaining 2,500 acres were resumed and sold at a favourable price for Rs. 8,000 to the Sikh Jats of Mahárwála whose land had been taken up for a reservoir on the Abobar Branch of the Sirhind Canal. In the remaining 20 townships aggregating about 61,500 acres, the farm was continued to the lessees for five years ending May 1888 on certain conditions, the chief of which were that they should grant their sub-tenants occupancy

rights, pay Government in addition to the assessment proprietary dues aggregating Rs. 955 per annum, and fulfil the remaining conditions of their lease, such as making a *pakka* well, establishing the proper number of families and cultivating half the area. (See Appendix). Written notices were given to the lessees setting forth the conditions in each case. No lessee is to be allowed to transfer or mortgage his right or to eject a tenant without the sanction of the Deputy Commissioner; and the Deputy Commissioner should see that the proprietary dues are punctually paid, and report briefly each year the progress made in the fulfilment of the conditions. Should they be fulfilled within the five years, the proprietary dues might be at once remitted and proprietary rights granted without further delay; but at all events a complete report should be submitted after the expiry of the five years; and in granting proprietary rights, care should be taken to secure occupancy rights to the tenants.

The effects of the orders.

258. One of the most important results of these orders has been to confer occupancy rights on 2,000 tenants who did not previously hold any land with rights of occupancy, and to give this status to the tenants in respect of some 80,000 acres of land previously held by them as tenants-at-will; thus raising the area held in the district by tenants with rights of occupancy to about 5,00,000 acres or nearly half the cultivated area of the district; which is now held about 30 per cent. by the proprietors themselves, 45 per cent. by occupancy tenants and 25 per cent. by tenants-at-will. This wholesale grant of occupancy rights has not only directly benefitted the tenants of these Farmed villages, but has helped to strengthen the position of the tenant-class throughout the district by affording a striking example both to landlords and tenants, and showing how desirous Government was to give the tenants security from ejectment. The artificial demand which will be created for tenants in order to enable the lessees of the villages still held in farm to break up the necessary area during the next five years, will also tend to counteract the depression of the tenant-class generally, due to the Tenancy Act and the definition of rights during Settlement operations. It will be observed that we have dealt with these Farmed villages on much the same principles as were followed at the Regular Settlement. The tenants have been granted occupancy rights in all the land they cultivate at rents fixed for the term of the Settlement, and in those townships in which proprietary rights have been granted, the whole of the rest of the land will be at the disposal of the lessees, who have now been made proprietors of the whole township. It is possible that in future in these townships the same difficulties will arise as in the older villages between proprietors and tenants regarding land broken up from the prairie hereafter; but in view of the history of rights in the district, of the Tenancy and Land Revenue Acts, and of the promises held out to the lessees, it was hardly possible to go farther in the direction of securing the position of the tenants in these villages or to place stricter limits on the proprietary rights to be given to the lessees, who had taken up the leases in the first instance directly and individually and not merely as the leaders of a community. At all events, after the struggle that has been carried on, it will hardly be possible for the tenants in these

villages to entertain hopes such as prevailed generally before 1880, that they will be granted occupancy rights in land they may break up hereafter.

The object for which these leases were granted has on the whole met with signal success. The Dry Tract of Fázilká, great part of which was a desert waste only thirty years ago, is now fairly well peopled and cultivated. At every three miles or so there is a good-sized village with a prosperous population, a good pond and often a *pakka* well. In the 83 farmed villages of Fázilká with their total area of 2,49,970 acres, which 30 years ago was almost all uncultivated, cultivation now extends to 1,09,185 acres or 44 per cent. of the whole; and these townships, then almost wholly uninhabited, have now a population of 16,800 souls or 43 per square mile. This stage of progress is still considerably behind that of the similar tract in tahsíl Dabwálí, which has 61 per cent. of its area cultivated and a population of 87 per square mile, but it represents a very satisfactory advance and proves the soundness of the views of the authorities of the time and the success with which they have been carried out.

The Sukhlambari grants.

259. I may here give some account of the peculiar tenure found in some villages, which has developed out of the *Sukhlambari* grants made after the conclusion of the Pindárí campaign in 1818, when the army was largely reduced. With the object of providing for the disbanded troops and also it seems in order to establish a sort of military colony along the frontier in imitation of the Roman plan, grants of land in Hariána and Bhattiána, and especially in the Sotar or Ghaggar valley lately annexed from the Bhattí Nawáb of Rániá, were offered to the officers and men of nine regiments of Rohilla Cavalry and Irregular Horse which had been selected for disbandment; they were given deeds entitling them to be put in possession of so many *bíghas* of land and were left to make application to the local officers. At that time Bhattiána, which had just been annexed, was in a very unsettled state and bore a bad reputation owing to the plundering propensities of the Bhattís and other Musalmán tribes; and the Sotar valley was very thinly peopled and covered with dense jungle and grass. Most of the grantees were natives of Hindustán, Rohilkhand and the Central Indian States, and did not like the idea of risking their lives and property in such an unsettled country so far from their homes; and for a time comparatively few of them took any steps to be put in possession of their grants, so that the attempt to establish a military colony on the frontier met with only partial success. But as the country developed under British rule, and life and property became more secure and rights in land more valuable, the grantees or *sukhlambars*—so called either from "supernumerary," or as having taken their discharge *(lambar)* on easy terms *(sukh)*—from time to time applied to the local officer to be put in possession of their grants. When in 1837 Bhattiána was made into a separate district under Major Thoresby as Superintendent, on his first tour in the Ghaggar valley his tent was beset for hours daily by sukhlambars who had been led by the news of special arrangements for the development of the tract to apply to be put in possession of their grants. For years afterwards such claimants

were constantly turning up, until in 1849 Government decisively prohibited any further sukhlambari grants, and those not till then applied for were held to have lapsed. The deeds of grant, many of which are dated in 1819 and 1820, run in some such terms as these:—"As by order of the Governor-General each disbanded trooper is to receive a hundred *bíghas* of culturable waste land for his support, so-and-so trooper has at his request been granted a hundred *bíghas* in such-and-such a village to be held free of revenue by him and his son and son's son for three generations. If he have no son, or his descendants within three generations die within 20 years, the land will be held revenue-free by his relatives for 20 years. The proprietary right will remain with him and his descendants for ever, but after three generations they will pay revenue like other proprietors of land. He should take possession of the land, reside in the village and cultivate his grant." Each trooper received a grant of a hundred *bíghas*, and each officer was given a larger area according to his rank. When a grantee presented his deed of grant to the local officer, it was compared with the registers, and if it was found correct, the grantee was put in possession of the specified area of land in the village mentioned, the plot being measured and demarcated and made over to him. Some of the grantees settled in the village or its neighbourhood and themselves arranged for the cultivation of their land, but most of them were content to take formal possession, and have their names recorded in the revenue papers, and then returned to their homes across the Jamna, sometimes appointing a resident their agent for the management of the land, but often without making any arrangement at all for its cultivation. In 1842-43 a general enquiry seems to have been made, and the boundaries of the plots demarcated anew; but a full and detailed enquiry was commenced in 1852 by Capt. Robertson, the Superintendent of Bhattiána, in the course of the Regular Settlement, and a complete register of all sukhlambari grants was drawn up for each village, giving the names of the grantees, the area of each grant and the terms on which it was held, whether it was still held revenue-free or had been resumed. This register is still in the district office and has been revised in the present Settlement, brought up to date, and refaired. After the circumstances of each such holding had been attested, I summoned before me the leading *sukhlambars*, and after enquiry from them and examination of the papers, I drew up a note on the whole subject with references to past orders and the decisions. This note will be found in the district office, and I give here an abstract of the conclusions at which I arrived regarding the tenure of these holdings.

Rights of the grantees against Government and among themselves.

260. The terms of the sukhlambari grants are thus stated in a note drawn up at Hissár on the 15th November 1850 by the Lieutenant-Governor of the North-Western Provinces.

(1.) The tenures to be rent-free for three lives in direct lineal succession in the male line from the grantee.

(2.) If male issue fail, the tenure to be rent-free for 20 years certain from the date of possession, not from the date of the deed of grant, nor from the date on which the grantee demised.

(3.) On expiry of the rent-free term, the tenures to be settled in proprietary right with the next of kin or the assignees of the grantee or his heirs.

In 1852 it was held that if any grantee failed to cultivate his land it would be liable to resumption, but neither this rule nor the condition requiring the grantee to reside in the village seems to have been enforced; indeed, many of the grantees have always resided at a distance. The "*bígha*" which was the standard of measure when the grants were first made, was a square of only 18 *gathas* side, while the *bígha* of the Regular and Revised Settlements was the Shahjahánpúr *bígha* of 20 *gathas* side, equal to five-eighths of an acre, so that the "hundred *bíghas*" of the original grants amounted only to 81 Settlement *bíghas*, or a little over 50 acres, and this is the usual area of the "hundred-*bígha*" grants as recorded at the Regular Settlement and as now held by the grantees; but many of the grants had been very carelessly demarcated and the boundaries of many had become effaced or had been encroached on by the neighbouring proprietors, so that many of them as now held vary considerably from the original area granted. It was decided by the Board of Revenue in 1852 that if the original sukhlambar died without male issue, his widow was not entitled to succeed to the revenue-free grant, which must in such a case lapse 20 years after the grantee first took possession; but the widow of a sukhlambar is entitled to maintenance from his successors. It has been usual to interpret the grant as being for three male *lives* rather than generations; for instance, if the eldest son die before the father leaving a grandson, the grant, instead of going (1) Sukhlambar, (2) son, (3) grandson, goes (1) Sukhlambar, (2) grandson, (3) great-grandson; or again, if the son succeeds and dies without male issue, the second son is allowed to succeed as third life, and the grant goes (1) Sukhlambar, (2) eldest son, (3) second son. The right to hold revenue-free descends to the eldest son and to his eldest son in preference to a younger branch, and the right to enjoy the revenue of the holding would seem to vest in the person in whose name it is released, *i.e.*, the eldest son; and the sukhlambars say that while it was formerly usual for the revenue-free holder to allow all his relatives to share in the exemption from revenue, it is now more common for him to refuse to allow his relatives to participate. The existence of the revenue-free holders is annually attested as prescribed in the general rules, and much trouble is often experienced in obtaining evidence of the existence of the many who reside across the Jamna or in Native States. Where satisfactory evidence cannot be obtained, the tenure should be attached, and after two years resumed. The Deputy Commisioner has the power to sanction the succession of heirs under the terms of the grant. On the lapse of a sukhlambari grant, it is usual to settle the land with the heirs at half or two-thirds of the full revenue rates for the remainder of the period of Settlement. A number of the heirs of *sukhlambars*, who had been holding at such favourable terms applied to have them continued, but it was only in a few cases that there seemed any ground for such further indulgence, and most of such holdings were assessed at full rates in the present Settlement. Where the heir is a widow, a pension may be granted her under the Pension

Rules of 1873. While the right of enjoying the revenue of the holding, so long as it is exempt from paying revenue to the State, vests in the holder for the time being, on the resumption of the grant the proprietary right in the land vests in all the heirs of the original sukhlambar by the ordinary rules of inheritance and not in the heirs of the last revenue-free holder only.

Rights of the grantees against other proprietors.

261. A large number of sukhlambari grants have now been resumed; a considerable number were confiscated for misconduct of the holders in the mutiny, but the greater number have been resumed owing to the expiry of the three lives for which they were granted. As the proprietary right also was conferred on the grantees, their heirs for the most part remain in possession as proprietors paying the revenue assessed on the land. In the idiom of the district, a plot of land granted to a *sukhlambar* is a called a *chithi*, and when it has been resumed a *khewat*. The sukhlambars are known as *námkate*, *i.e.*, men whose names have been cut off the regimental-roll, and the heirs of a sukhlambar, who are in possession of a resumed plot or *khewat* are known as *khewatdárs*. As most of them are of Hindustáni origin and retain their Hindustáni dress, language and customs, they form a marked contrast to the natives of this part of the country. Many of them are Musalmáns of the Shaikh, Mughal, Pathán, or Saiyad tribes; some live in Sirsá, where they act as petition-writers, agents, servants, or peons, and arrange for the cultivation of their lands through tenants, while some live in the villages where their lands are, such as Narel, Kariwálí, Humáyun Khera, but many of them still live in their ancestral homes across the Jamna, and seldom visit this district. When the grants were first made the land of the townships had no owner but Government, and the grantees were put in possession of their several plots only, and had no more connection with each other, or with the other land of the village than that they happened to be in the same township. The remaining land of the township was still at the disposal of Government and was conferred in proprietary right, sometimes on one or more of the sukhlambars, sometimes on other parties. At the Regular Settlement an enquiry was held into the proprietary right to these townships as in the rest of the District, and those persons who were considered to have established a claim to the land of the township not allotted to the sukhlambars, which is still called *khálsa* land, were declared to be the proprietors (*biswadárs*) of the township, and to own it jointly in certain shares, while the sukhlambars and their heirs were recorded as owning only each his own plot of land. The Settlement Officer in some villages declared that the heirs of sukhlambars whose grant had lapsed stood to the proprietors of the township in a relation resembling that of occupancy tenants, and that their interest in the land would lapse to Government on their death, but this view was never acted upon, and was distinctly contrary to the terms of the original grant and to the decision of the Lieutenant-Governor in 1850 above quoted. There can be no doubt that the heirs of sukhlambars have proprietary rights each in his own plot of land. Disputes have, however, constantly arisen between them and the proprietors of the township (*biswadárs*) regarding their res-

pective rights in the land not comprised within the holding of the individual *khewatdár* or sukhlambar's heir. The *biswadárs* maintain that the proprietary right of each *khewatdár* is strictly limited to his own holding (*málik qabza* or *milkiyat mahdúda*), and that he has no right to share in the income of the common land of the village (*khálsa*) which belongs to the *biswádárs* only. One of the forms the dispute has taken has been regarding the rights of the parties to have the lands of absentee *khewatdárs* made over to them. Hitherto as there was generally inconvenience and loss attached to the possession of such lands, the headman of the *biswadárs* who was compelled by the revenue-collector to pay the arrears of revenue on such land was allowed by the other proprietors to retain possession of it; but now that there seems some prospect of profit, the *khewatdárs* have asked to have it declared that they as a body have a right prior to that of the *biswadárs* of the township, of taking up the land of an absentee *khewatdár*. According to the Land Revenue Act, however, in such a case the claim of the person who in case of sale would have a right of pre-emption must be preferred; and it has recently been held in a case in Karíwálí that the proprietors of a township (*biswadárs*) have a right of pre-emption prior to that of the *khewatdárs*, so they would seem to have a preferential right to have the land of an absentee *khewatdár* made over to them. In this Settlement the *khewatdárs* in one or two villages asked to have their lands separated off from the *khálsa* lands and made into a separate *pattí* with a separate headman. This request was refused, as the plots are scattered about the township and have no more connection with each other than they have with the rest of the land of the township, nor have the *khewatdárs* a community of interest not shared with them by the *biswadárs*; often the *biswadárs* are also *khewatdárs*, and usually the former live in the village, while the lattter often live elsewhere. It has been held however that the interests of the *khewatdárs* should be considered when partition is applied for by the *biswadárs*. As the grazing rights in these lands are somewhat valuable, disputes have often arisen regarding the right to levy grazing-fees and to share in them. It is usual in these villages for the cattle to graze over the whole area indiscriminately and the headman realises the fees for the whole village. The *biswadárs* claim the right of sharing them according to their shares in the township to the exclusion of the *khewatdárs*, and the latter claim to share them in proportion to their land. From the former Settlement record and recent decisions it seems that if a *khewatdár* chooses to make proper arrangements for preserving his grass to his own private use by demarcating and fencing his fields, he has the right to do so; and if the cattle graze all over the village indiscriminately, it would seem that the *khewatdárs* are entitled to share in the grazing fees in proportion to the land they own. In some villages, however, it has hitherto been the custom for the *biswadárs* only to take the grazing fees of the whole village. Where any dispute or doubt existed on this or any other point, we simply repeated in our revised record of rights the entry in the record of the Regular Settlement. It will be seen that the status of these *khewatdárs* is higher than that of mere tenants with rights of

occupancy, as they are entitled to hold their plots without paying a proprietary due to any one, and are not liable to ejectment for non-payment of arrears of rent. But their proprietary right is limited to their own holdings and they have almost no rights in the remaining land of the township, except those that are enjoyed by resident tenants with rights of occupancy.

Arrangements regarding the land of absentee grantees.

262. The chief difficulty in dealing with these *sukhlambari* holdings has been the absenteeism of the grantees and their descendants. Many of them rarely visit the district and have made no proper arrangement for the cultivation of their land and the payment of the revenue and cesses. The produce of the Sotar lands in the Ghaggar valley, where most of the grants were made, is very variable. Sometimes when the floods fail, nothing is produced; at other times the crop is of great value. Some of the absentees make a practice of coming to the district only when they hear that their holdings have produced a crop and endeavouring to get a share of the produce by way of rent from the cultivator; when they hear that there is no produce worth coming for, they make no arrangement for the payment of the revenue and leave the resident proprietors to pay it for them. Hitherto the practice has been to compel the headman of the village to pay up the revenue and to leave him to recover the amount from the absentee as best he can by Civil suit or otherwise. Sometimes the headman has informally taken possession of land of the absentee, and sometimes he has been put in possession by the Revenue authorities, but without the due formalities and without fixing a reasonable period for which the headman is to retain possession of the land. Thus at the present Settlement there were numerous cases in which the owners of such plots have been found out of possession, the plot being held by the headman or some other proprietor in the village with ill-defined rights; in such cases the absentee has, as hitherto, been recorded as the proprietor, and the present holder has simply been recorded as in possession of the rights of the absentee; and as the rights of the parties in such cases are by no means well-defined and are generally disputed, the former entry on the subject in the administration paper, which is generally vague, has been repeated in the revised record. In some recent cases when the absentee has returned and claimed back his land, the title of the possessor has been found defective and he has been made to restore the land at once, so that he has had no proper compensation for the trouble and expense to which he has been put on the absentee's behalf. Where he was put in possession of the land by order of the Revenue Court, Government should in fairness and in the interest of the Revenue administration defend him from the claim of the absentee until he has received full compensation. In future however when the headman of a township reports that an absentee proprietor has failed to pay his revenue or cesses, the tahsildár should, instead of compelling the headman to pay the arrear as has hitherto been the custom, proceed against the defaulter's land and have it transferred to the solvent co-proprietors with due formality and for a certain term of years sufficient to encourage cultivation in the hard *Sotar* soil and

to ensure the possessor against loss in paying the arrear and taking on himself the responsibility for the revenue due on the land. Probably twelve years would be a suitable period. A rule of this nature, while consistent with the law, would hardly be unjust to the absentees who have by their absence caused great loss and inconvenience to the resident proprietors, and would give great encouragement to the development of cultivation in some of the richest soil in the Ghaggar valley now lying uncultivated.

Rights in land affected by alluvion and diluvion.

263. The Satlaj is the boundary betweeen the Sirsá and Montgomery districts, and for purposes of administration and jurisdiction the deep stream is in all cases taken to be the boundary between the two districts. As regards proprietary right, custom is at present in a transition stage. Forty years ago when the river was the boundary between independent, and often hostile, States—on this side Mamdot and Bháwalpur, and on the other side the Sikhs—the deep stream not only formed the mutual boundary of the States, but determined the cultivating rights of the villagers on either side of the river. No peasant belonging to this side was allowed to obtain a footing on the other; even if his land had been transferred by avulsion with its buildings and trees, he was forced to give it up and retire to his own side of the deep stream. But since both sides came under British rule, right has no longer been determined by might alone, and it is now the universally acknowledged custom that when land is transferred by avulsion (*rú gardání*) from one side of the deep stream to the other, still retaining its former features (*baní banáí*) so as to be identifiable as the same land, it remains the property of its former owners. The deep-stream rule however (*hadd Sikandrí* or *daryá hadd*) still so far prevails that when land is gradually washed away from one side and gradually thrown up on the other by accretion (*burd barámad*) so as not to be identifiable as the same land, it belongs in proprietary right to the village adjoining which it is thrown up. Even in such cases however there is a strong tendency to restore the land to the proprietor who formerly owned land on that side. Formerly it was difficult, if not impossible, without maps satisfactorily to identify the site; but since maps were made, and still more since they began to be accurately made, there is a clear tendency to allow any village which can identify land as having once formed part of its mapped township to claim it as its own. Thus, as between villages on the same side of the river, new land is divided according to the map which records how land formerly on that site was divided, especially if it is shown on the most accurate map, *viz.*, that drawn up at Settlement. And when a village has been washed away altogether and land is again formed on the same site, the owners of the township which had disappeared, on the strength of the old map recover proprietary rights in the land restored, and the owners of the adjoining village inland are entitled only to so much land as their village map shows them to have formerly possessed (*naqsha púra kítá jáwe*). Thus it seems to follow that once a village has by avulsion established a footing on the opposite bank, this fixes permanently the boundary of the township adjoining it on that bank, for even should it be again

carried away, it will, in the event of future accretion on that site, become entitled to the land so formed, the adjoining township being entitled only to so much land as it had when the former township was established between it and the river. Thus there seems reason to believe that in course of time all boundaries will become fixed, whichever side of the river they be on (*wár pár* or *len den*). There is no doubt the people themselves would consider this equitable, although at present they wish to adhere to the deep-stream rule. The question regarding new land is, whether it is identifiable as the same land that was formerly held by the claimant. To their eyes it seems identifiable only when buildings, trees, pillars or permanent marks of some kind remain on it as before. They do not understand that with an accurate system of measurement any site can be identified with land formerly mapped, whether it be underneath or across the river. As they get to have more confidence in our maps, they come to depend on them more, and during the Settlement of Mamdot up the river, many headmen on both sides asked to have their boundaries fixed once for all, to be no longer alterable by the vagaries of the river.

At present only 14 villages in the Sirsá district actually border on the Satlaj. I assembled their headmen and those of the adjoining villages in the Montgomery district across the river, and attested their riverain customs by enquiry from them. The questions and answers with instances and notes were recorded by me, and the record will be found in the district office. The deep-stream rule they call "the boat-boundary" (*kishtí banna*) because the question as to which branch of the river is the deep stream (*táru daryá*) is determined by observing the course taken by trade-vessels (*kishtí*) in the month of November when the river is low. If boats use both of two channels, the old channel is taken as the boundary, and if both are new the depth is measured at the place where they separate and the deeper channel is taken. Every year in the cold weather after the river has subsided, an investigation is made by the officers on either side, and it is determined which is the deep stream to be taken as the boundary of the district, and to which township new accretions are to be considered to belong. The changes are measured and mapped by the patwárís and after check by the superior officers are incorporated in the records of the respective villages, the consequent changes being made in their assessments. Disputes constantly arise between opposite villages about the right to new land, and are referred to the Civil Courts; but as above explained, the boundaries of opposite villages appear to be gradually becoming fixed, and as the accuracy of the maps becomes more evident to the Courts and to the people, it seems probable that in time the deep-stream rule, which is a development of an age of violence and ignorance, will give place to one of fixed boundaries. Between villages on the same side of the river new land is divided according to the former map so far as it goes, and new land formerly unmapped is divided by extending the common boundary of the two villages as nearly as possible in a straight line. Within each township the same rule holds, *i. e.*, so far as the old map shows, new land is held to belong to the proprietor who formerly owned the land on the same site, and any new

land thrown up on a site formerly unmapped is divided between the proprietors of the adjoining land by extending their boundaries towards the river. It seems that hitherto the rights of an occupancy tenant have been considered to have ceased altogether when his land was carried away by the river, but probably with the increased accuracy of the maps and the increased value of occupancy rights in land a custom will arise by which occupancy rights also will revive when land is again thrown up on the old site.

264. In the statement of customs or administration-paper (*wájib-ul-arz* or *iqrárnáma*) prepared for each village at the Regular Settlement many clauses had been arbitrarily drawn up by the Settlement Officer and made of such general application that the form of the statement was lithographed for a great number of villages; the general spirit of the paper was that all rights of non-proprietors were limitations on the absolute proprietary right of those declared proprietors, and as rights became more valuable and more clearly defined, there was danger of the rights of non-proprietors disappearing altogether. I drew attention to this tendency, and also pointed out that in many cases the interest of the individual proprietors was opposed to the interest of the community generally. I therefore proposed that in order to prevent the proprietors from exercising the rights conferred on them so as to injure the customary rights of the non-proprietors, and in order to provide for good administration generally, the conditions recorded in the administration paper should be amended or amplified where necessary, and made conditions of the Settlement under section 32 of the Land Revenue Act to be enforced by penalties similar to those provided in section 123 of the Central Provinces Land Revenue Act. But it was ruled that the Panjáb Land Revenue Act could not be interpreted so as to support such action. Rights had developed too far to be moulded in this way, and in revising the statement of customs we were bound by the Rules under the Land Revenue Act. Our action was confined to bringing it up to date, striking out clauses regarding matters which had since been regulated by law, amplifying it where it was obscure or deficient and modifying it where all parties concerned agreed that it did not correctly state their custom. Although the entries in the previous record had been very arbitrary on some points, they were on the whole fairly consistent with local custom as it then existed, and as they were practically binding on the inhabitants of the township, they had directed the development of custom, and few radical changes were necessary to make them consistent with the state of things we found to exist. Although the statement of customs of each township is complete in itself, it is very desirable that the customs prevalent in different townships should be compared one with another, so that the general bearings of each custom may be understood and disputes decided in accordance with the local customs prevalent in the whole tract, as a decision so based is likely to be more equitable than one resting on the narrow basis of a single entry in the record of a single village.

**Record of local customs.**

Rights of pasture.

265. One of the most important customs was that regulating the right of pasture in the uncultivated prairie. It was held at the Regular Settlement that, generally speaking, the proprietors had the right of exacting grazing-fees for pasturage within the township; but in a number of villages, especially those in which the area of uncultivated land was comparatively small, the cattle of residents were exempted from paying such fees, and in other villages the proprietors allowed their right to take fees to fall into disuse. The villages in which no grazing fees are exacted from residents are chiefly to be found in the Bágar tract south of Sirsá, among the Sikhs along the north-east border, and in the Satlaj valley. In such villages all residents without restriction can send any cattle they have to graze in the uncultivated land. For a few days after a crop has been cut, the cultivator of the field is allowed to appropriate whatever grazing there is left on it and then the cultivated fields also are thrown open to the cattle of the whole village for grazing. In about two-thirds of the villages in the district the proprietors exact grazing-fees *(bhúnga)* from the residents; they vary somewhat in different villages, but the commonest rates are as follows for each class of animal for the season.

| | | | | | |
|---|---|---|---|---|---|
| Camel | ... | 8 annas. | Horse or donkey | ... | 2 annas. |
| Buffalo | ... | 8 „ | Sheep or goat | ... | 1 „ |
| Cow | ... | 4 „ | | | |

Generally for each plough employed in cultivating the lands of the township, a camel or two bullocks and a cow are exempted from paying grazing-fees, and very young calves are not charged for. The patwárí during the rainy season draws up a list of the animals on which grazing-fees are due, and the fees are collected along with the land-revenue and rents for the kharíf harvest. In most villages, even where the land of the township has been divided between the proprietors, the cattle of all the residents graze indiscriminately over the whole land of the township and the fees are collected into a common fund and divided between the proprietors in proportion to their shares in the township; but in a few villages the divisions of the land are acted on, and the cattle of each *pattí* graze only in the land belonging to the *pattí* and pay fees only to the proprietors of the *pattí*. When cattle belonging to another village come to graze in any township the proprietors exact fees fixed according to the circumstances of the time, sometimes double the rates exacted from residents, and share the income among themselves according to their shares. In a few villages especially among the Sikhs, a proprietor reserves a block of uncultivated land (*bír*) for grazing his own cattle and does not allow anyone else's cattle to graze there until he has consumed the best of the grass. This practice appears to be growing, and although it is unobjectionable so long as there is plenty of other grazing, care should be taken that the grazing rights of non-proprietors are not unduly curtailed by the proprietors enclosing too much land in this way. In many villages at partition a large area of prairie has been left common (*shámlát*) as a pasture-ground (*charágáh*), and with regard to the rights of the non-proprietors and the interests of the cattle of the village as a whole such

pasture-grounds should not be divided or allowed to be brought under cultivation. Usually the cattle of the village are sent out to graze in a body in charge of a herd (*pálí* or *charwáha*) who is paid sometimes in cash at an anna or half an anna per animal per month, but more commonly in kind by being allowed to take the milk of each cow, buffalo, sheep or goat every sixth or seventh day. Sometimes, especially among the Bágris, the villagers themselves take it in turns (*bárí*) to herd the cattle of the whole village.

Rights to fuel, minerals, &c.

266. The miscellaneous income, such as that from saltpetre in the Sotar valley, from *sajjí* in the Dry Tract, or from the *sarr* grass on the Satlaj, is usually realised by giving out a contract for the whole village or *pattí*, and is divided among the proprietors of the village or *pattí* in proportion to their shares. Throughout the whole district the residents of the village are allowed free of charge to collect twigs and roots of such bushes as the *ák*, *lána*, *búí* and *jhárí* for fuel (*irná*), and to gather the droppings of the cattle (*gohá*) which they make up into pats and dry and stack as fuel. In the Dry Tracts it is by no means easy to get enough burning-material, and the village children may often be seen out with their baskets gathering cowdung in the pasture-land or where the cattle stand near the village in the morning before they go out in a body to graze.

With reference to sections 26 and 29 of the Land Revenue Act the rights of Government to all mineral products were expressly reserved by entering a clause in the administration paper of each village to the following effect:—"All old ruins and deserted sites (*thehs*) and all minerals such as lime, kankar, stone, coal, saltpetre and other salts existing on the land or below its surface are the property of the State and have not been reckoned as assets of the village in the assessment of the land made at this Settlement. The State is entitled to do on the land whatever is necessary to dig out, collect or carry away the products aforesaid, paying compensation to the cultivators for any loss caused to their cultivation." It has not been usual hitherto for Government to assert its right to saltpetre, and the only income derived by the State from this source is the small license-fee charged for permission to extract saltpetre, but I understand that the State could at any time assert its right to the produce; it is not likely however that this will be thought expedient. Similarly the villagers have always been allowed to dig as much *kankar* and as many old bricks from deserted sites as they wanted, and the proprietors of the land have even been allowed to charge small fees to others for permission to take away such products, but I understand that the State has the right to as much of these as it requires without payment, and that this right has recently been asserted by the authorities of the State Railway.

Rights in trees.

267. I have already (paragraph 233) given some account of the development of rights in trees. The general custom now is that all proprietors and occupancy tenants are considered sole proprietors of trees in their yards, enclosures or fields and can cut them down without asking permission of any one.

Trees in the fields of tenants without rights of occupancy are the property of the proprietors of the land, but the tenant is entitled by custom to as much wood as is necessary to keep his agricultural implements in repair. Trees on roadsides, on ponds and wells, and in common land about the village site are sometimes considered the property of the person who planted them, but more often are the common property of the whole village, and there is a general rule against cutting down any such tree so long as it lives and gives shade. When it withers up or falls, its wood is sometimes appropriated by the proprietors, but is generally devoted to some common purpose of the village, such as repairing the village gate, well, mosque or temple, or deepening the village-pond. Such trees are in this treeless country considered almost sacred and no private individual can appropriate them to his private benefit. In some villages the proprietors have set apart a small portion of the common land and allowed some individual inhabitant to fence in a portion of it and plant trees, which are specially tended by him for the common good of the village. This practice deserves every encouragement, and although disputes sometimes arise owing to the individual's claiming exclusive possession for the time of this portion of the common land, the villagers generally appreciate too much the advantage of having as many trees as possible near the village to carry their objections very far.

Irrigation-rights.

268. Among the rice-growing villages in the Ghaggar valley, where the supply of water is very scanty and very precious, an elaborate system of irrigation-rights has grown out of the necessities of cultivation. It had not been reduced to writing until the present Settlement and no disputes on the subject had been brought into our Courts, so that the system is a spontaneous development of local custom. The annual floods of the Ghaggar are conveyed by irrigation-cuts sometimes more than a mile long to the embanked rice *kunds* which have been constructed with great labour in the lowlying parts of the valley. In the early part of the season when the floods are high there is generally enough water for everyone, and each cultivator whose field is irrigable is allowed to take as much water as he wants at any time; but when the floods fall and the water supply gets scanty, it is necessary to arrange for its distribution. The arrangement made in the large Ráin village of Mangála may be taken as an instance of how this is effected. The proprietors are divided into four bodies called *thoks*, holding 117 shares called *pagris* in the following proportions, 30, 30, 28, 29, and each individual proprietor has a fixed share in his *thok*. When it becomes necessary to arrange for distributing the supply of water in the irrigation-channel from the Ghaggar, the four *thoks* cast lots (*gúne*) for the first turn by drawing balls of mud distinguished from one another by having or not having a piece of stick concealed inside. The proprietors go on casting lots in this way until the turn (*vára*) of each sharer has been determined. Each *thok* takes the whole of the water for 24 hours at a time, so that its turn comes round every fourth day; the 24 hours are divided into day and night, and half the *thok* takes the water for a day one turn and for a night next turn; this is to make up for the inequality of the day and

night, which are determined by the sunrise and sunset. They have also a way of roughly adjusting the turns so that the *thok* having 28 shares gets a little less water than the *thok* having 29 shares and that again less than the 30-share *thoks*. Two responsible men (*pahra*) are placed with a water-clock at the head of the channel where it enters the rice-embankment, and they time the turn of each sharer by the water-clock, having determined by experiment how many *gharis* as measured by their clock go to the day or to the night. If a share includes a fraction of a *ghari* they determine the end of the turn by guess. When one man's turn is over, they shout out to him to close his branch of the irrigation-channel, and to the next man to open his. There is even a custom by which the man whose turn comes first after the opening of the common channel has the loss by percolation in the dry bed made up to him (*pauh*); he is allowed when his turn ends to put in a stick (*ringa*) to mark the depth of the water, and when the channel is finally closed he is allowed to take all the water below that level. This is an interesting instance of the ability of ignorant peasants to manage their common affairs and to work an elaborate system with fairness to all concerned. In the other rice-growing villages a similar system prevails, but in some the division of the water is made on shares, and in some on the area sown with rice by each cultivator, whether proprietor or tenant; in others again it is made by a combination of both systems. The small irrigation-cuts (*baggi*) are made by the individual cultivators, but the large distributary channels (*nála*) are made and cleaned out when necessary by the whole body of cultivators dependent on them for irrigation, the work being distributed over them in the same way as the water. The repairs to the embankments (*ber*) and ditches (*kháti*) of the rice *kunds* are made in the same way by the whole body of cultivators interested. Where more villages than one have a common irrigation channel, they are not allowed to widen the entrances (*dahána*) of their respective branches, or to draw water from the common channel by means of lever-bags (*chambal*).

In some of the villages on the Ghaggar, especially those on its narrow valley north-east of Sirsá town, it is not unusual for a large number of villagers to join in making a well and in irrigating from it. They usually fix on their shares before starting the undertaking and allow a share to each bullock equal to that of a man, and sometimes allot shares to the individuals whose land is made use of for irrigation. The shares are generally numerous, sometimes as many as 37, and the partners pay for the cost of the well in proportion to their shares, cultivate and irrigate the land in common, and divide the gross produce of the irrigated land each year among them in proportion to their shares. Similar partnerships are also to be found on wells in the Satlaj valley, but there the means of irrigation are less expensive and it is more usual for a well to be owned by one family or for the area attached to a well to be divided, say into four portions, each of which is irrigated separately by a cultivator taking the use of the well in his turn with the others, but defraying all the expenses of his cultivation separately and appropriating all the produce of his separate

fields. Their turns at the well are arranged by dividing the 24 hours into 8 *pahars* and casting lots for the order in which they are to work the well for so many *pahars* each. If the Persian-wheel (*harat*) is erected by one of the cultivators only, he takes 12 maunds of grain out of the gross produce for the use of his wheel. An irrigation-channel (*ár*) from a well must not be stopped by the cultivator of a field along whose boundary it passes, but a new channel cannot ordinarily be made on another man's land without his consent.

On the inundation-canals from the Satlaj now maintained and worked on the Fírozpur system, the work to be done on the main canal, whether it be construction or annual clearance or repair, is measured up and allotted to villages in blocks (*dak*) proportioned to the area irrigated in each village, and the villagers are called upon each to perform his allotted share of the work within a given time. The system is the same as that on which the Ráins of the Ghaggar manage their annual clearances and repairs, but the work to be done is much greater and the interests involved more important, and it requires the authoritative superintendence of Government officials to get the people to combine and to arrange that each village shall perform its allotted share of the common task in good time for the annual floods. The distributary channels (*chhár*) are made by the individual villages concerned and there is usually no objection made by one village to the excavation of a channel through its lands for the irrigation of another village farther off.

In the Dry Tracts the only mode of irrigation is by long drains (*súa* or *ágam*) leading into the low ground the drainage of uncultivated land. Sometimes these drains are half a mile or more in length and the increase of moisture thereby made available makes the lowlying fields much more productive than they otherwise would be. By general custom the existence of a drain of this sort does not give the owner the right to forbid his co-proprietors from bringing under cultivation the land from which he draws his drainage-supply, but he is entitled to enjoy the advantage of it so long as the land remains uncultivated. A new drain of the kind cannot be made by one proprietor if the others have any reasonable objection to its being made. In the Sotar valley also the drainage of the higher land is utilised in cultivating the hollows and lowlying fields, and although such use cannot prevent the cultivation of the higher lands, a cultivator is entitled to use the drainage until the land off which it runs is broken up by the plough.

Rights to drinking-water.

269. Small ponds are sometimes made out in the fields by individual cultivators or groups of cultivators for the convenience of themselves and their cattle when working on the land in the neighbourhood. Such ponds are generally considered to belong in a special sense to the persons who excavated them, but it is rare that such men attempt to forbid other cultivators from making use of them, and in cases of dispute the presumption would ordinarily be against the man who denied his neighbour's right to use the water collected in one of these hollows. Every village has one or more large ponds near the village-site

which are generally kept common property even when the land of the village is divided between the proprietors. All the residents of the village have the right to take water from the village-pond for household proposes, to water their cattle, and to take clay to repair their houses and to make bricks and earthen vessels; and all are bound to join in deepening it from time to time. This is sometimes arranged by requiring each woman who draws water from it to carry away two basketsful of earth first, or by requiring each family (*ghar*) or each adult male (*pagri*) or each male young or old (*tagri*) to dig and carry out a certain quantity of earth (*jhúl*) generally nine cubit *háths*, or about 30 cubic feet; or sometimes labourers are employed to deepen the pond and the cost of their work is spread over all the male inhabitants of the village, or half on the male inhabitants and half on the cattle, or on the houses or on the land. Sometimes the fees charged to outsiders for the use of the pond (*píhí*) are spent in deepening it, and so sometimes is common income such as the price of wood from the common land. In most villages a suitable area of land has been marked off round each pond of any importance and entered in the Settlement record as attached to the pond (*mutaalliqa johar*), and it has been provided that no one shall cultivate this land, which is to be kept in its bare uncultivated condition that the rain may run off it into the pond and so supply the village with drinking-water. . It is imposible to exaggerate the importance to a village of preserving this land intact from the plough. If the land attached to a pond is cultivated, the rain sinks into the loosened soil and no longer reaches the pond; and unless the pond is kept well supplied with water, the wells do not keep sweet, and the villagers are put to inconvenience so great that some villages have been deserted simply because a sufficient supply of good water could not be obtained near the village-site. The people themselves recognise this and as a rule carefully abstain from breaking up such land, though sometimes the temptation has proved too strong and an individual has encroached on the land attached to the pond. In such cases it has been usual to fine the offender for interfering with the water-supply, and it is of great importance that the prohibition should be maintained in the interest of the whole village community.

Every resident of the village is allowed to dig unlined wells at the edge of the pond, and it is usual for a few families to combine and dig one by their joint labour. When a masonry well is made, the proprietors usually defray the money cost of it, but sometimes a few of the tenants join with them and generally all the inhabitants of the village or *patti* help in the way of labour. All are then considered entitled to make use of the water, but a man of low caste, such as a Chamár or Chúhra, must not draw water from the well with his impure hands, he must get some one else to draw for him; and a Hindu and a Musalmán do not draw water from the well at the same time. It is usual to arrange for drawing water from the well for the cattle by making each family take in turn the duty of supplying men and bullocks to draw water for the whole village for the day; or the turns are arranged in proportion to the number of cattle owned by each; or sometimes a contract is given to an individual who draws the water

every day and charges monthly fees such as one anna per house, one anna per buffalo, per three cows or per eight sheep. In many villages outsiders are allowed to use the pond and well free of charge, but as a matter of favour and not of right; in a few villages outsiders are charged drinking fees (*píhí*) at so much per bullock, &c., for watering their cattle at the pond or well, or at a lump sum for the right to make a *kachcha* well at the edge of the village-pond.

Rights in the village-site.

270. Rights in the village-site have hardly as yet any transferable value. Plots of building-ground are sold at a good price in the towns of Sirsá and Fázilka and sometimes fetch a price in the larger villages such as Chautála, but in the villages generally such sales are hardly known. Each inhabitant is considered to be the proprietor of his house and yard so long as he occupies them, and the proprietors of the township, though they can eject a tenant from his fields, cannot eject him from his house in the village. If however he leaves the village and there is no near relative to succeed him, his house and yard are at the disposal of the proprietors of the township who can allot them to other inhabitants. An old inhabitant can extend his house by building on unoccupied land adjoining it or on the outskirts of the village, and a new colonist is always welcome to take possession of an unoccupied plot of building-ground. The village hedge and ditch are repaired by the whole body of inhabitants, usually in the cold weather. Sometimes the hedge is divided into portions corresponding to the number of families in the village and each family is required to keep its allotted portion in repair; sometimes each family on the outskirts is required to repair the portion of the hedge opposite its dwelling and the families inside the village repair the rest of it; or sometimes the work to be done is spread over all the adult males of the village. The hedge and ditch are a great protection against cattle-theft, and the villagers, especially the Bágris, attach great importance to keeping them in repair. The condition requiring this to be done and giving the officials of Government power to enforce it when necessary has been repeated from the old administration paper. The village gate (*phalsa* or *phalha*) sometimes consists merely of a screen of thorns, but is often a more elaborate and expensive affair, subscribed for by the whole village on families, or made from some tree that has withered on the common land and been devoted to the purpose. In most villages nothing in the shape of ground-rent is charged; but in some, especially in the Satlaj valley, each trader and artisan resident in the village has to pay a ground-rent (*kúdí kamíní*) of Re. 1 per house per annum, which is the perquisite of the proprietors. When a girl of the village is married and the wedding-procession comes for her, the proprietors often exact a fee from the bridgeroom's father, and if he has drums (*dhol*) beaten he must pay an extra fee called "village expenses" (*khera kharch*). When a fine is inflicted on the village as a whole, as was done to some villages in the Mutiny, and is now sometimes done under the Track Law (Act IV of 1872), it is spread over all the families of the village without distinction of proprietor, tenant or non-cultivator. A condition was inserted in the administration paper of many villages at

last Settlement that all rubbish should be deposited some distance from the village, and that if it became necessary to order a general cleaning of the village the inhabitants would be liable to pay the cost; but this is seldom acted on. The rubbish is thrown down on any vacant space, and little attention is paid to conservancy, except in the Sikh villages, where the lanes are generally kept pretty clean by the village sweepers. The Chamárs or Chúhras are bound to remove the carcases of animals that have died within the village and generally get the hides as their perquisites; sometimes the owner takes the hide and pays the Chamár a small money fee for removing and skinning the animal. Manure is so little used in the district that no rights to the rubbish-heaps have yet grown up, and the potters are generally allowed to take from them what they require to burn their bricks and earthen vessels.

In many villages the proprietors are entitled to a sort of octroi-duty (*dharat*) on all exports and imports, generally at the rate of one *paisa* per rupee or Re. 1-9 per cent. on the value of the articles, but sometimes $\frac{1}{3}$ of an anna per rupee or $2\frac{1}{16}$ per cent. The produce of the township consumed within the village pays no rate, but if an outsider sells or purchases in the village, he has to pay this tax. It is generally farmed to a trader (*dharwáí*) who keeps half the realisations for his trouble in weighing the goods (*tuláí*) and credits the proprietors with the other half in his account of the common village expenses. In a number of villages no such charge is levied, although a condition to that effect was entered in the old administration paper and at the request of the proprietors has been repeated now. Where no such custom has really existed, the proprietors should not be allowed to impose this tax on trade now, and where it does exist, they should be encouraged to spend the income on common expenses of the village.

Common expenses and common burdens of the village.

271. These common expenses (*malba*) consist of such charges as charity to beggars, hospitality to strangers, repairs of the village gate and guest-house, expenses of village-festivals such as the Holí and Diwálí, and sometimes an allowance of an anna and a half a day to the headmen when attending Courts on behalf of the village community. Other common charges, such as the cost of stationery for the patwárí or of repairs to his office, or loss in the matter of supplies to troops or camps, are defrayed out of this common fund. For instance when each village was required to furnish so many camels for the first Kábul campaign, the cost of the camels was defrayed by the whole village community and charged to the village fund (*malba*); and in some villages where the tenants refused to share this exceptional charge, the proprietors in retaliation ejected them from the land they held without rights of occupancy. The accounts of the fund are generally kept by some trader in the village, who disburses sums authorised by the headmen. Sometimes the proprietors, where they realise rents at double the land-revenue assessment, defray all the village expenses; sometimes they get an allowance of 5 per cent. on the land-revenue and are bound to defray all ordinary expenses from this income; sometimes common income such as the tax on trade or on artisans, the drinking-fees charged to outsiders or the price of trees on common land, are credited

to the fund, and when the accounts are audited after harvest any balance is levied by an all-round rate on the land-revenue assessment or on the cultivated land, or by an equal rate on families residing in the village. The headmen are generally restricted to spending on common expenses not more than 5 per cent. on the land-revenue, and any expenditure exceeding this amount requires the special consent of those who are to pay the rate.

The common burdens *(begár)* of the village, which are very heavy in the adjoining Native States, are gradually becoming lighter in this district as population increases and contract takes the place of custom. In the administration paper drawn up at the Regular Settlement of pargana Darba a clause to the following effect was entered with the approval of the Board of Revenue :—" When any officer's camp or body of troops comes to our village, and grass, wood, &c., are wanted, we find difficulty in supplying them. We therefore agree that at harvest-time each cultivator shall give one maund of wood, one maund of grass and one maund of fodder of some sort, and that nothing more shall be asked from him for the year. Two of the proprietors will keep the store and supply the wants of Government, and the price realised will go into the common village fund *(malba)*." But in 1860 the Deputy Commissioner reported that this clause was liable to much abuse, as in the many villages to which a camp seldom came, the unused stores were appropriated by the headmen or native officials without payment ; and accordingly with the approval of the Commissioner he cancelled the clause in the administration papers already sanctioned and omitted it from those afterwards drawn up. When a body of troops or a large camp marches through the district there is often considerable difficulty about supplies (*rasad*) and it becomes necessary to collect a large quantity of grass, wood, grain, milk, earthen vessels, &c., at each halting-place. In such cases the tahsíldár spreads the demand over the neighbouring villages, each of which is required to supply its proportion of the necessary articles and to bring them to the camping-ground. The villagers generally spread the demand over the families which possess articles of the kind required and each family contributes its share. Often the payment received is less than the full value of the articles, and the loss is made good to the individuals from the common village fund, or the amount received is distributed roughly in proportion to the articles supplied. The greatest difficulty is experienced in obtaining carriage, and it is usual to impress carts or camels for Government service, paying for them at fixed rates, generally seven annas a day for each bullock or camel. Ordinarily the remuneration is sufficient as compared with the usual market rates, but sometimes it is inconvenient for the individuals at the time, and a Ráín village called on to furnish a few carts has been known to subscribe so much all round and cast lots to determine which owners were to supply the carts, giving them the amount subscribed as compensation for the inconvenience, in addition to the hire they were to receive. Such a heavy demand as that for camels for the Afghan campaign was exceptional and is hardly likely to recur ; and the ordinary demands of Government for carriage and supplies are no great burden, nothing as compared with similar burdens in adjoining Native States, or with

the burden of conscription in many European countries. But as no proper rules have been laid down regulating the order in which villages and individuals are to be called upon to furnish the carriage and supplies required, the subordinate officials to whom the duty of collecting them is entrusted too often seize upon those who are nearest to hand or who will give least trouble, and the burden to individuals is thus made much greater than it need be. This system of impressment (*begár*) is an old custom of the country and a duty which the subjects owe to the State, and in this primitive and scantily peopled tract it would be impossible to do without it. The burden is gradually becoming lighter and would be quite imperceptible if only it were reduced to rule, so that each man should be made to sustain his share of it, and should know that he was not called upon to do more than his neighbours.

Roads and land acquired for public purposes.

272. In the greater part of the district the village-roads are rarely fenced except close to the village itself. Further out they meander through the fields and often dwindle down into mere foot-paths, and the less frequented roads are sometimes ploughed up and sown by the cultivators of the fields through which they pass. In the present Settlement such roads were shown on the maps by a coloured line and entered in the record under the number of the plot through which they passed as 3 *kadams* wide (16½ feet). Some of them are mere rights of way, but generally they are of the nature of common property and in a partition of the land are reckoned as unculturable. The cultivators are bound by a condition in the administration paper not to obstruct them, and strictly speaking they ought not to plough them up. Unless where the District Committee has taken an important road in hand and widened and improved it, little is done to repair the roads, which are simply tracks worn on the ground by the coming and going of men and cattle.

In some of the administration papers of the Regular Settlement elaborate conditions were entered as to the division of the compensation paid by Government for land taken up for public purposes. Sometimes it was laid down that the cultivator whose field was taken up would get an equal area of the common land, giving half the compensation to the proprietors, or again that if the land of an occupancy tenant were taken up he would get all the compensation paid, except 5 per cent. or sometimes 25 per cent., which would go to the proprietors; or that a non-occupancy tenant of over 5 years' standing would get one-fifth of the compensation. These conditions have been repeated in the new administration paper, where they existed in the former record. Comparatively little land has yet been taken up by Government, but when this is done the compensation is distributed according to the conditions recorded in the administration paper; and if no condition is recorded, the Deputy Commissioner distributes it between the proprietors and tenants of the land on similar principles. For instance when land was taken up in 1882 for the Sirhind Canal, tenants having rights of occupancy under section 5 of the Tenancy Act were awarded half of the compensation paid for their lands and other occupancy tenants one-third.

Village officials.

273. Each village has its headman or headmen (*lambardár*), who represent it in all its dealings with Government and through whom all orders are communicated to the community. The post is hereditary and descends strictly by primogeniture in the male line. The headmen are primarily responsible for the land-revenue of the village, which they collect and pay into the Treasury; they are required to answer for the good behaviour of the members of the community and have power to arrest and detain offenders. Their duties to Government as representatives of the community in all things are many, and are defined in the rules under the Land Revenue Act and elsewhere. The remuneration consists of an allowance of 5 per cent. on the assessment of the village, which they are entitled to levy from their fellow-proprietors. They have considerable authority over their fellow villagers and the management of all common interests rests chiefly with them. They arrange for the cultivation of the common land and collect its rents and the common income, and disburse common expenses, but in all important matters they must consult the whole body of proprietors and decide according to the general wish. There is no fixed rule by which a numerical majority of votes carries a question, but generally the proprietors manage to come to an agreement on matters of common interest and very few disputes on such matters come into Court. Where the body of proprietors is numerous, they and the tenants generally assemble after each harvest to audit the common accounts, and to have the income and expenditure of the common fund (*malba*) explained to them, and as a rule they manage to decide all questions regarding such accounts and to divide the profits or losses among them without any appeal to outside authority. Where the proprietors are non-resident, they usually appoint one of the resident cultivators as their representative (*muqaddam*) to perform the duties of a headman, and generally give him a fixed allowance or a small percentage on the income as his remuneration for undertaking the duties of the post.

Each township is in the circle of a patwárí who keeps the revenue records and accounts, measures the land and keeps the record of rights up to date. The patwarí was formerly considered a sort of servant of the villages in his circle and drew his pay from them in the form of a percentage on their revenue; but now the patwárí cess has been funded and the patwáris are paid from the Treasury, and they are now rather servants of Government than village officers. Often the patwárí is the only man in the village who can read and write, and as all the records and accounts of the village are in his keeping, he is a most important functionary.

The village watchman (*chaukidár*) performs the duties of a constable and has some power to arrest offenders. He is the servant of the headmen in criminal matters and is bound to report offences and extraordinary occurrences. He is supposed to patrol the village at night and is responsible for the prevention and detection of crime in the village, so far as in him lies. He used to draw his pay at various rates sometimes in cash or kind from the villagers, sometimes on the houses and sometimes on the land as a percentage on the land-revenue, but under the Panjáb Laws Act and the re-arrangement

made at this Settlement, he now almost everywhere draws his pay of Rs. 36 per annum by an all-round rate on the houses of the village, and he is now more strictly answerable to the regular Police, with police duties defined by a body of rules having the force of law. He has also lately been made responsible for maintaining a register of all births and deaths in the village.

There is in most villages another official whose duties have not yet been defined by law, so that he may still be properly considered a village servant. This is the runner or reporter (*daura*, *raptí* or *baláhar*) who is usually of the sweeper caste and is at the beck and call of everyone. He lives at the village gate and attends to strangers when they come to the village, calls for any one required, acts as guide to the next village, runs messages and carries reports and news to the *tahsíl* and *thána*. His pay is usually about Rs. 12 per annum, but is frequently given him in kind at five or ten sers of grain per house or per plough, or sometimes levied at two or four annas per house or per holding. Skins of cattle not belonging to anyone in the village are also his perquisite. Houses of poor widows and of village officials are generally exempted from paying the rates for the runner and watchman, and so sometimes are those of Bráhmans, Faqírs and Mirásís. In a number of villages formerly the rate for the runner was charged on the land at a percentage on the assessment, but now like the watchman's pay it is generally charged on the houses. In some villages in which the proprietors levy rents at double the assessment rate, they are bound to pay the watchman and runner out of their profits, as well as the other cesses.

It is not uncommon for a village to grant a small area of land rent-free to a village official by way of payment for his services. Thus in Hindu villages the Bráhman often holds a few acres rent-free for religious purposes (*punarth*). Such a gift is called a *dohlí* or *punkhátá* and is held by the grantee and his successors in the office so long as they perform the duties for which it was given. In some villages a grant of proprietary or occupancy rights in a small plot of land is given to the village Maulvi, Saiyad, Náí or Mirásí for his support, and sometimes the proprietors or the whole body of cultivators pay the revenue and cesses due on the plot and charge no rent on it.

Tendency towards separation of rights.

274. Although rights in land are of very recent origin in this district, the custom of all tribes attaches much importance to them and places great restrictions on their alienation. They descend to all the sons in equal shares, and failing sons they go to the nearest agnates, all agnates of the same class taking equal shares. A proprietor cannot deprive an agnatic heir of his reversionary right by will or unequal partition during his lifetime or by gift, and if he sells his land, his near agnatic relatives, or failing them, the other members of the village community can by the custom of the country, now regulated and confirmed by the Panjáb Laws Act, exercise a right of pre-emption and so prevent an outsider from gaining possession of the land; and cases in which this right is exercised are not uncommon. As the families of proprietors increase in numbers, the number of sharers in a

township gradually increases and their mutual rights and responsibilities become more complicated. I have already pointed out how rapidly townships are being divided by co-proprietors, so that each may have exclusive possession of land in proportion to his share, the result being that instead of all the proprietors holding the whole of the land of the township jointly, enjoying its income and sustaining its burdens in common, each holds separate proprietary possession of his own block of land and pays only the revenue, cesses and other burdens due upon it. As families increase in numbers each generation sees a further sub-division of the land and separation of rights, not only among the proprietors, but among the tenants also, and the progress is now all in one direction from the joint holding to the separate holding, from status to contract, from the family as the unit to the individual holding his separate area of land with well-defined rights and duties; and there can be little doubt that as society developes, this progress will continue and will probably become more rapid, and that in time each individual will own or cultivate his own plot of land and have little common interest with his neighbours except what has been determined by law or contract, and have his rights and duties clearly defined by law rather than by custom. Society in Sirsa however has not yet progressed very far in this direction, and indeed it is one of the most striking features in its development, that in many villages the individual colonists, who came in from all quarters and had no previous connection with one another, at once fell into their places as members of a village community and formed an organic group with proprietors, tenants, artisans and menials, each having his customary rights and duties; so that already there is little to distinguish such communities, founded in the prairie less than 50 years ago, from older communities of the most archaic type which have held together on their ancestral lands for generations. The arrangements by which the individual families unite to perform common burdens and to work for the common good of the village are rather an unconscious adaptation to circumstances of the habits and ideas they had formed in their previous homes, than the result of deliberate agreement among individuals after discussion; and although the colonists came together as individuals and were therefore in a position to determine their mutual relations by contract as free agents, it was not as a rule by contract that they entered the village community, but each dropped into the place assigned him by his previous status. The exceptions are striking because unusual in older parts of the country, but they are only exceptions, and as a rule we find men of different castes each taking up in the new village the rights and duties which pertained to his position in his former village. The tendency towards severalty now so noticeable is not a natural development of society, but the result of our laws, of our passion for definition, of our ideas of absolute rights and duties, individual independence and liberty of action. Custom is everywhere vague and elastic; but we have demarcated and measured the land, created definite and transferable rights in it, and made it possible for everyone holding such a right to have it separated off from those of his neighbours and given into his exclusive possession; and the action of our Legislature and Law Courts has gradually defined more clearly and rigidly the mutual relations

of individuals which were formerly determined by vague custom. It seems probable that this individualisation of rights has been one of the chief causes of the rapid development of this tract. Each individual has been encouraged to appropriate to himself the fruits of his labour, which would by custom have benefitted the community rather than the individual, and self-interest has thus been brought more directly into play. It is possible that in some ways this may be a misdirection of development, and that certain classes and perhaps society as a whole would have benefitted more largely, had interests been less clearly separated and the progress of communities rather than of individuals been encouraged; but there can be no doubt that under the system adopted the material prosperity of the tract has been developed more rapidly than it would have been under any other. It is hardly possible to go back now, and it seems certain that the tendency towards severalty will continue to manifest itself. The recent Settlement operations have had a great effect in that direction. We have measured and demarcated the land more correctly and defined rights of all kinds much more clearly than before, and thus made them more valuable to the possessors than they were formerly. The effect of this may be seen in the rapidity with which the proprietors of land are raising the rents of their tenants-at-will all over the district, and in the great increase in the selling value of proprietary rights in the land notwithstanding the great enhancement of assessment. In 1880, before Settlement, after examination of the statistics of previous years, I estimated the selling-price of land in the Dry Tract at Rs. 2 per acre, and in 1882, after Settlement, the Deputy Commissioner after taking evidence as to recent sales and mortgages fixed the compensation to be paid by Government for the land taken up for the Sirhind Canal in one of the least developed parts of that tract at Rs. 8 per acre for cultivated land, Rs. 6 for culturable, and Rs. 5 for unculturable land. These rates include 15 per cent. compensation for disturbance, and are if anything somewhat liberal, but they are not much above the actual market-value of the land; and there is every indication that land throughout the district will continue to rise rapidly in value, owing partly to the increase of population and improvement of communications, but chiefly perhaps to the definition of rights.

Tendency towards separation of classes.

275. Much has been said of the levelling tendency of our rule, and no doubt we have obliterated some distinctions which formerly existed and made men more equal than they were under Native rule. Especially has the condition of the lowest classes been raised, so that a man of the lowest caste has his complaints listened to and his rights of person and property enforced almost as readily as a Bráhman or a Rájput and much more impartially than under Native rulers; and in other districts we have taken away many of the caste privileges of the higher classes, and so lowered their position and made them more nearly equal to the classes which were formerly much inferior to them in status. But in this district at all events, we have created distinctions which did not formerly exist, and divided society into classes founded on new differences. Previous to the Regular Settlement all the colonists were

practically equal, all had much the same rights and the same burdens, and the distinctions between peasants and menials, and between headmen and ordinary cultivators, were vague and unimportant. Now we have not only emphasized the distinction between cultivators and non-cultivators, but have divided the peasantry into tenants-at-will, occupancy tenants, and proprietors, with very different rights and holding very different positions, we have marked off more clearly the superior position of the headmen of villages, and we have during the present Settlement created a new rank, that of zaildárs or rural notables, each of whom has authority over a circle of ten or twenty villages with their headmen. There is hardly a single inhabitant of the Sirsá district to whom the peace and security of our rule have not given a better position and more material advantages and comfort, but these benefits have been distributed somewhat unequally. The recent Settlement operations, notwithstanding the great enhancement of assessment, have greatly improved the position of the proprietors, but there is reason to fear that the tenants as a body, and especially those having no rights of occupancy, will find themselves in a position inferior to that they would have occupied had the record of rights not been revised so thoroughly.

## CHAPTER VI.—The Assessment.

Previous assessments.

276. I have in the previous chapters described how the right of the State, which was under Native rule generally taken in the form of a share of the actual produce and thus fluctuated from year to year with the nature of the harvest, was converted on the introduction of British rule into a cash assessment for each township, intended to be fixed, but at first in practice very fluctuating because so high that it was really a maximum demand realisable only in exceptionally good years. At the Regular Settlement the demand was so assessed that it became in reality a fixed assessment for each township, and has since been realised with remissions averaging only 1·6 per cent. per annum. Before the Regular Settlement the assessment was made with little reference to the net produce, being founded on previous realisations so far as they could be ascertained or estimated, and in many cases the demand exceeded the total net profits of the township and was therefore not fully realised. At the Regular Settlement the demand was calculated at half the average net profits, but with regard to the previous demand and the probable future increase of resources the assessment was in many cases intentionally left at considerably above this standard. The following statement shows approximately the demand and collections of land-revenue at various periods.

| About the year. | Demand. | Collections. |
|---|---|---|
| | Rs. | Rs. |
| 1841-42 | 1,35,000 | 1,00,000 |
| 1852-53 | 1,73,000 | 1,30,000 |
| 1862-63 | 1,63,000 | 1,60,000 |
| 1881-82 | 1,75,000 | 1,75,000 |

The total land-revenue assessment of 1881-82, the last year of the expired Settlement, is given in detail in paragraph 48. It was Rs. 1,93,106, of which Rs. 12,783 were assigned to jágírdárs and Rs. 5,066 to holders of small revenue-free plots, leaving Rs. 1,75,257 as the amount shown on the revenue-roll of the district.

Principles of revision of assessment.

277. I was instructed to revise the assessment of the district on the following principles:—"The general principle of assessment to be followed is that the Government demand for land-revenue shall not exceed the estimated value of half the net produce of an estate, or, in other words, half of the share of the produce of an estate ordinarily receivable by the landlord, either in money or kind. In applying this principle where produce rents prevail, special attention should be given by the Settlement Officer to produce estimates. In estimating the land-revenue demand, the Settlement Officer will take into consideration all circumstances directly or indirectly bearing on the assessment, such as rent-rates where money rates exist, the habits and character of the people, the proximity of marts for the disposal of produce, facilities of communication, the incidence of past assessments, the existence of profits from grazing and the like. These and other considerations must be allowed their weight. The gross assessments for each assessment circle having been framed by the Settlement Officer on the principles above indicated, revenue-rates on soils may be deduced therefrom, and the proposed gross assessment, together with the proposal revenue-rates, must be reported to the Financial Commissioner to form the basis of assessment of particular estates in the circle; but in the assessment to be ultimately adopted, full consideration must be given to the special circumstances of each estate, and the principles laid down above must be observed in each case."

Submission of Assessment Report.

278. When I commenced operations in the district in the end of 1879, the term of the previous Settlement had already expired some years before, and it seemed desirable that no time should be lost in revising the new assessment in order to secure to Government the large enhancement which would obviously result. I found the conditions of agriculture so simple, and the areas returned by the Revenue Survey of 1876-79 and by the patwáris' annual papers of the past few years so trustworthy, that I sought and obtained permission to submit my Assessment Report with as little delay as possible; and accordingly I submitted my proposals for the re-assessment of the whole district in September 1880. Orders were not however passed on them for some time, and as information bearing on the question of assessment accumulated I sent up supplementary reports from time to time; and when the Financial Commissioner finally passed orders on the Report, he had before him the statistics given by the patwáris' detailed field-survey and the preliminary attestation of the record of rights. Since then more information has become available, and especially the observation of several more harvests has given much fuller information on which to found an estimate of the produce of the district. I have availed myself of that information in estimating the average gross produce, and will now make use of it to correct my former estimates of the half net produce on which my assessments were based.

279. Some difficulties in interpreting the meaning of the words "half the net produce of an estate" in the instructions for assessment had to be cleared away. Where the proprietors themselves cultivated a large portion of the estate and there was no means of directly estimating with any accuracy the actual costs of cultivation, I estimated the net produce of such land at the rent which the proprietors would get for it if they let it to tenants, as shown by the rents of similar land held by tenants in the neighbourhood. Where, as was very generally the case, a large area was held by tenants with rights of occupancy entitled by law to hold at favourable rents, I held that the net produce was really divided between the proprietor and the tenant, and that it was to be estimated not from the low rent paid by such a tenant to the proprietor, but from the full rents paid by tenants without rights of occupancy for similar land; and the same consideration applied to cases in which the proprietor refrained from exacting the full rent from his tenants-at-will through favour or by custom. The net produce of an estate was therefore for purposes of assessment taken to be the gross rent which the proprietors would derive from it if all the land comprised in it were let without favour at the rent ordinarily paid by tenants-at-will for similar land in the neighbourhood.

Interpretation of instructions.

280. The rents fixed at the Regular Settlement for land held by tenants with rights of occupancy could not be taken as a guide to the net produce, for they had been arbitrarily fixed by the Settlement Officer with direct reference to the incidence of the land-revenue. But 3,70,000 acres of prairie land had been brought under cultivation since Settlement, and the proprietors and tenants had been left to themselves to determine by mutual agreement the rent to be charged on such land. It had been to the interest of the proprietors, especially at the commencement of the period of Settlement, to get as much land as possible taken up at any rate of rent, as their income would thereby be increased without any immediate increase in their assessment, and in many villages, especially in the less developed parts of the district, they had at first been content with very low rents. In some villages the proprietors had continued to charge on such land low rents fixed with reference to the incidence of the revenue or to the favourable rents of the tenants with rights of occupancy, but in a large number of villages here and there over the district they had taken advantage of their position as proprietors, of the rise in prices and of the increase of population and consequent competition for land, to charge higher rents more of the nature of competition rents than of mere customary rents. Such rents, where there was no sign of rackrenting, were the best guide to an estimate of the net produce not only of those lands, but also of the lands broken up before the Regular Settlement and cultivated by the proprietors themselves or by tenants with rights of occupancy holding at favourable rates. Naturally the best lands in each village, that is, those whose soil was of the best quality, which were so situated as to receive the largest supply of the necessary moisture, and which were most conveniently situated with reference to the homestead, were the first to be brought under cultivation, and it seemed safe to take the rents of the inferior land

The rents as a guide to the net produce.

broken up after the Regular Settlement as a guide to the net produce of the better land brought under cultivation before, due allowance being made for deterioration of soil from continuous cultivation where there seemed any sign of it. In short the competition rents paid by tenants-at-will for land broken up from the prairie since Settlement were taken as the best guide to an estimate of the average net produce of the whole of the land of a similar description, whether found to be paying favourable rents or to be cultivated by the proprietors themselves. The clearest evidence was that of the cash-rents which are ordinarily paid in full without reference to the nature of the harvest, but estimates founded on them were checked by estimates of the average value of that share of the actual produce which is appropriated by the proprietor where it is usual to take rents in kind.

The net produce of the uncultivated land.

281. As the area of uncultivated land was still so large in many villages and the income derived from it by the proprietors so important, it was necessary in order to make the assessment a fair one to take this into account as well as the income derived from the rents of the cultivated land. It was not so easy to frame an estimate of the produce of the uncultivated prairie as of the cultivation, for there was in that case no such clear evidence as that given by the rents. Some idea of its importance however may be gathered from a consideration of the following items of annual income to the peasants of the district which are derived more or less directly from the uncultivated land.

| | | Rs. |
|---|---|---|
| Sale of surplus cattle | ... | 2,00,000 |
| " " ghí | ... | 80,000 |
| " " camels | ... | 60,000 |
| " " sheep | ... | 10,000 |
| " " wool | ... | 10,000 |
| " " goats | ... | 6,000 |
| " sajji, &c. | ... | 4,000 |
| Total | ... | Rs. 3,70,000 |

It is true that the cattle are supported largely on the fodder grown on the cultivated land, but a large proportion of this income may fairly be ascribed to the grass prairie on which they find most of their food. In many villages the proprietors charge no grazing fees on the cattle, but their income from this source was returned as follows by the patwárís for the year 1880:—

| *Assessment Circle.* | *Income from grazing-dues.* Rs. |
|---|---|
| Bágar ... ... ... | 189 |
| Nálí ... ... ... | 4,684 |
| Rohí ... ... ... | 11,921 |
| Utár ... ... ... | 1,385 |
| Hitár ... ... ... | 470 |
| Total of the district ... | Rs. 18,649 |

A considerable addition might be made to this amount by allowing for the cattle of those villages where by custom no grazing-fees are charged to residents, and for the cattle of the proprietors themselves which often graze free of charge. There are some other items of miscellaneous income which may be taken into account, such as fees for the right to make *sajji* which amounted to Rs. 1,515 in 1876-77 all in the Rohí circle, fees for cutting the *sarr* grass and digging *khas* roots which were returned at Rs. 397 in that year, and income from the sale of grass and wood, especially near Sirsá and Fázilká towns. Altogether the direct net income to the proprietors from the uncultivated land is about Rs. 20,000 per annum, and the indirect income must be much larger.

The assessment of the uncultivated land.

282. In the neighbouring tahsíl of Muktsar where the uncultivated land was extensive the assessment had been made progressive in anticipation of the increase of cultivation, and a similar rule had been followed at the Regular Settlement in the case of some villages in the Sotar valley and in pargana Bahak. But the history of those villages, some of which were, owing to the progressive assessment increasing faster than the cultivation, now much too highly assessed, showed that it was not safe to discount improvements in this way, and it was decided not to fix any progressive assessments in anticipation of an extension of cultivation. There could be no doubt that cultivation would continue to extend rapidly and that the income of the proprietors of many villages would continue to increase, and some allowance was made for this in assessing individual villages having a large area of uncultivated land, but the increase of assessment so imposed was generally very small and probably in every case well within the present actual profits from the land in its uncultivated condition. As a rough guide to the amount to be assessed on the present actual profits of the uncultivated land, I adopted the rule which had been followed at the Regular Settlement in this district and at previous Settlements in neighbouring districts, and after exempting a certain fraction of the uncultivated land as needed for grazing purposes by the village community, I roughly assessed the rest at a low rate per acre.

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## THE BAGAR.

Chak Bágar. The Produce estimate.

283. In the Bágar assessment circle, which comprises 57 villages in the sandy tract south of Sirsá, only 184 acres pay rent in kind, the share taken being one-fourth of the gross produce. A considerable area of similar sandy soil in the adjoining Nálí Chak pays rent in kind at one-fourth, and in some villages at one-third, and it seems safe to assume one-eighth as the fraction of the average gross produce which represents half the net produce. Cultivation is very precarious in the inferior sandy soil of this tract, and in estimating the average gross produce I have calculated that of the 1,25,607 acres returned at the Settlement Survey as under cultivation

only 1,03,000 acres produce a crop on an average of years, 1,00,000 acres of this being under bájra, moth and other kharíf crops and only 3,000 acres under barley and gram in the rabí. The average outturn on this area is estimated at only 1½ maunds per acre, and the average value of the gross produce of the cultivated land of the tract is Rs. 1,90,000, one-eighth of which would give Rs. 23,750 as half the net produce of the cultivated land. Besides 7,596 acres returned at the Settlement Survey as recently thrown out of cultivation, 38,302 acres or 22 per cent. of the total area were returned as uncultivated land fit for cultivation, but this land is mostly very poor and consists chiefly of rolling sandhills which produce almost no grass, or of inferior sandy soil producing such plants as *búi* and *lána* and affording only very poor pasturage. The income from grazing dues is very small (only Rs. 189 in 1880), but a large area, 5,890 acres, is kept in its uncultivated condition for grazing purposes by tenants with rights of occupancy who pay on it the full rent chargeable on cultivated land; and there must be a considerable income derived indirectly from the waste by the sale of surplus camels and bullocks; so that it seems safe to increase the estimate of the value of the half net produce of the tract on this account to Rs. 25,000.

Chak Bágar. The Cash-rent Estimate.

284. In making an estimate founded on the cash-rents, the area to be taken as the basis is not the area which on an average of years produces a crop but the total area under cultivation, for when land occupied by a tenant paying a cash-rent produces no crop or even lies altogether uncultivated for a time, the cash-rent is still paid, and if it fall into arrears in bad years, the arrears are generally paid up when good years come round. The land lately thrown out of cultivation is also to be included, as it is only temporarily uncultivated owing to unfavourable seasons and still pays rent. The seasons previous to the Settlement Survey in 1880 had been unusually unfavourable for some years and the area then returned as lately out of cultivation was unusually large (7,596 acres); and, as already stated, 5,890 acres of uncultivated land were found in the possession of tenants with rights of occupancy paying cash rents on it at the rates for cultivated land. For an estimate of the area under cultivation or paying cash-rents there were the following figures (in acres):—

| Survey. | Year. | Cultivated. | Lately thrown out of cultivation. | Uncultivated paying cash rents. | Total. |
|---|---|---|---|---|---|
| Regular Settlement ... | 1853-64 | 1,40,617 | ... | ... | 1,40,617 |
| Revenue Survey ... | 1876-79 | 1,31,795 | 3,596 | ... | 1,35,391 |
| Settlement Survey ... | 1880-81 | 1,25,607 | 7,596 | 5,890 | 1,39,093 |

The patwáris' annual papers of 1876-77 had given an area of 1,49,393 acres as under cultivation or paying rent, and it seemed safe to assume 1,39,093 acres as the basis for the rent-rate estimate.

This area was held as follows:—

| | |
|---|---|
| Proprietors ... ... ... | 24,331 *acres* |
| Tenants with rights of occupancy ... ... | 92,792 *acres* |
| Tenants-at-will ... ... ... | 21,970 *acres* |
| Total ... ... ... | 1,39,093 *acres* |

And the cash rents paid were as follows:—

| *Rate per acre.* | *Acres.* |
|---|---|
| Under 5 annas ... ... ... | 1,02,868 |
| From 5 to 6½ annas ... ... ... | 7,848 |
| From 6½ to 8 annas ... ... ... | 2,754 |
| More than 8 annas ... ... ... | 679 |
| Total ... ... ... | 1,14,149 |

The area held by tenants with rights of occupancy paid the rents fixed by the Settlement Officer at the Regular Settlement which were all under 5 annas per acre, and it was only land held by tenants-at-will which paid over that rate. Thus of the 21,970 acres held by tenants-at-will 11,281 acres, or more than half, were found to be paying more than 5 annas per acre. In individual villages all over the tract I found that 6·4 annas per acre (4 annas per *bígha*) was a rent often paid on land of ordinary quality, and that the land paying more than this rate (3,433 acres) was not much above the average in quality. Altogether the evidence of the cash rents seems to justify an estimate of 2½ annas per acre as below the half net produce of the cultivated land. This would give the total half net produce of the cultivated land of the circle as 1,39,093 acres at 2½ annas per acre=Rs. 21,733. The net produce of the uncultivated land can only be roughly estimated, but it seems safe on that account to raise the estimate founded on cash-rents to Rs. 23,000.

Chak Bágar. Comparison of Estimates.

285. The total assessment of the previous Settlement was Rs. 15,221. At the Regular Settlement in pargana Darba, which is included in the present Chak Bágar, the revenue-rate was fixed at 2 annas per acre, but as the area under cultivation at the time of the Settlement measurements had been much in excess of the average, the Settlement Officer applied this rate only to four-fifths of the area returned as cultivated, so that practically his assessment rate on his cultivated area was 1·6 annas per acre. In the upland villages of pargana Sirsá now included in the Bágar Chak, the revenue-rate was 2·4 annas per acre. The former revenue-rate of two annas per acre applied to the present area of 1,39,093 acres would have given on the cultivated land an assessment of Rs. 17,386, and the latter rate of 2·4 annas would have given Rs. 20,864. In the adjoining Bágar assessment circle of the Hissár district, which is very similar to the Sirsá Bágar, the lowest general assessment rate of the Settlement of 1863 was three annas per acre, and the assessment rates actually fixed for the villages bordering on the Sirsá Bágar, some of which I visited and found similar

to those of Sirsá, averaged three and a half annas per acre, and in several were over four annas per acre. The assessment had worked well and it was only in seasons of severe drought that any difficulty had been experienced in realizing the revenue. Even the lowest Hissár rate of three annas per acre would, if applied to the area of 1,39,093 acres, have given an assessment of Rs. 26,080 on the cultivated land alone.

There are then the following mutually independent estimates on which to frame the assessment of the Bágar assessment circle:—

| *Estimate.* | Rs. |
|---|---|
| Half net produce (founded on estimate of gross produce,)... | 25,000 |
| Half net produce (founded on cash-rents) ... ... | 23,000 |
| Assessment at revenue-rates of Regular Settlement | 17,386 or 20,864 |
| Assessment at revenue-rate of Hissár Chak Bágar ... | 26,080 |
| Former assessment ... | 15,221 |

Chak Bágar. The assessment of the circle.

286. The Bágar circle, which comprises 57 villages, is throughout very sandy, and in some places the shifting sand-hills cover a large area. Water is more than ninety feet below the surface, and in one village out of every three is brackish. The tract was colonised some fifty or sixty years ago, chiefly by Bágrí Játs from the south, and was very rapidly brought under cultivation. Half the area had been broken up forty years ago, and at the Regular Settlement in 1853 more than three-fourths of the area had been brought under the plough. According to the measurement returns of the present Settlement cultivation had fallen off by 11 per cent.; although much of this decrease appeared due to deterioration of soil and emigration of cultivators, much of it seemed only temporary and due to the exceptionally bad seasons from which the tract had recently suffered. In 1840 there had been 47 inhabited villages, and only five new villages had since been founded; but the villages had increased greatly in size since then and even in 1868 there were twice as many houses as in 1840. Population had increased from 17,836 in 1853 to 21,889 in 1868, but had again fallen off to 19,993 in 1881, a decrease of 9 per cent.; yet it was still 12 per cent. above the population of the Regular Settlement in 1853. The density in 1881 was only 74 per square mile. The decrease since 1868 was partly due to the deterioration of the soil and to permanent migration of tenants, principally to the north-west where there was still about Abohar and in the adjoining Bíkáner territory plenty of good land available for new tenants; but it seemed chiefly due to temporary migration caused by the recent bad seasons, and especially by the failure of the rains in 1880, and it appears probable that the permanent population now is really much the same as in 1868. These migrations do not mean that the people are very badly off. They go from where they are well off to where they can be better, and many families pay up their arrears of rent before going and take with them their camels and cows and some

little capital to start afresh in a new country. No doubt a succession of good years would bring many of them back; and those who remained were, even after the failure of two years' harvests, well supplied with food and clothing and other necessaries. Some 80 per cent. of the population are Hindu, and the most important class are the Bágrí Játs, who own 36 whole villages and shares in twelve others and form with the Bágrí Kumhárs and similar classes the great majority of the cultivators. The peasantry of the tract are thus on the whole quiet, industrious and thrifty, accustomed to an agricultural life in a sandy country where the produce is very precarious, and belong to a class which has adapted itself readily to our system of fixed average cash rents and assessments. There are nine times as many tenants as proprietors, and two-thirds of the cultivated area is held by tenants with rights of occupancy paying favourable rents dependent on the land-revenue assessment. Each proprietor owns on the average 221 acres of cultivated land, of which he himself cultivates only 46 acres, while the average area of a tenant's holding is 27 acres. Almost the whole of the cultivation is devoted to the kharíf crop, but the peasants are beginning to learn the advantage of having some rabí crop, and to extend their rabí cultivation. Ninety-four per cent. of the cultivation is usually under bájra and moth; there is no irrigation, and the crops are unusually precarious and at the best the produce is very small. About a fifth of the total area is uncultivated, but this land is very sandy and inferior and not likely to produce much even if cultivated. The assessments of the Summary Settlements had been too heavy, and previous to 1852 the collections had averaged only about three-fourths of the demand. At the Regular Settlement the assessment had been reduced 11 per cent., and had since worked well, though suspensions had been frequent and half the villages in the circle had in the course of 18 years received remissions aggregating four-fifths of a year's assessment; some villages having been granted remissions three times in that period. Sales and mortgages had not been common and the selling-price of land was very low. The people are generally well off, and appear on the whole more prosperous than at the Regular Settlement; among other signs of improvement, masonry wells are now three times as numerous. Prices have risen by one-half and cash-rents have risen and show signs of a further increase. The former assessment was Rs. 15,221 and the present estimates of half net produce are Rs. 25,000 and Rs. 23,000; but at the time I submitted my assessment report the statistics available did not seem to justify a higher estimate than Rs. 20,000. The Superintendent of Settlement, after making calculations independently of mine, proposed to assess the circle at Rs. 19,932. At first I proposed that in consideration of the unpleasant climate, the scarcity and bad quality of the water, the difficulties of cultivation and the many disappointments incident to it, and the unusually heavy charges for village watchmen and runners, the assessment of the Bágar should be fixed at Rs. 18,000 only. But the Settlement Commissioner pointed out that the statistics justified a larger increase, and that it was desirable to assess the Sirsá villages at a rate more nearly approaching that of the similar villages adjoining them in the

Hissár district. On further acquaintance with the tract I agreed with him that, provided suspensions were liberally granted in bad years, the circle might safely be assessed at Rs. 20,000; and the Financial Commissioner, accepting this estimate, directed me to assess the tract at Rs. 20,000, taking as a guide for the distribution of this amount over the different villages the rate of $2\frac{1}{3}$ annas per acre on the cultivated area, which on 1,39,093 acres would have given Rs. 20,284. It was agreed that as the direct income from the uncultivated land was very small in this circle, it would be better not to assess any rate on it.

Chak Bágar. The distribution of the assessment over villages.

287. In distributing the assessment over the villages I had as my guide the estimate given by this rate sanctioned for the circle, the former assessment, the assessment proposed by the Superintendent of the tahsíl, his notes and my own made after inspection of each village and its area, and the statistics given by the Revenue Survey and Settlement measurements. I took the villages in order of locality and compared village with village as I went along, and estimated their assessments so that they might give a total of Rs. 20,000 for the circle. The total assessment by this first estimate came to Rs. 19,758. I then went over the villages again, comparing them one with another in different ways, slightly reducing some estimated assessments and raising others, and made the total assessment Rs. 20,003; the extra Rs. 3 being due to a small township whose assessment is fixed as before at Rs. 8. I then announced the assessments of the individual villages, which were all readily accepted by the people. The estimates and assessment are as follows:—

| | | Rs. |
|---|---|---|
| Former assessment ... ... | ... | 15,221 |
| Assessment sanctioned by Financial Commissioner | ... | 20,000 |
| Assessment at sanctioned circle rate ... | ... | 20,284 |
| Total of assessments actually announced | ... | 20,003 |

Increase 31 per cent.

I found that as a rule the villages to the north and east of Darba were much better off than those to the south and west. At the Regular Settlement the assessment of pargana Darba had been distributed without discrimination at the rate of 1·6 annas per acre on the area then returned as cultivated, and some of the villages along the west of the tract, which were at the Regular Settlement in pargana Sirsá, had been assessed without discrimination at 2 annas per acre. As a rule, the villages north and east of Darba had had some culturable land left uncultivated, and their cultivation had extended since Settlement, their population and resources had increased and their assessment had been paid with ease; their prevailing rents too were higher. Most of the villages south and west of Darba had broken up almost all their available land before the Regular Settlement. They suffered severely in the drought of 1868-69, when many of their tenants migrated, and since 1868 they had had an almost unbroken succession of bad seasons, and cultivation had continued to decrease, more tenants had migrated, and in some the resources were considerably poorer than at the Regular Settlement. On

that side of the tract the soil was said to have permanently deteriorated from over-cropping and from the spread of *duchâb* grass and there might be some truth in this, though probably the falling off was to a great extent only temporary. On that side of the tract remissions had been numerous, while the villages on the east and north had required few or none. The latter villages had been more fortunate in their seasons and their soil seemed to be of better natural quality and to have been less exhausted by cultivation; possibly too their average rainfall in a series of years is somewhat better than that of the villages south and west of Darbâ, in accordance with the law that as one goes south-west away from the Himálaya the rainfall gets gradually less. On the whole, there was no doubt that the villages south and west of Darba were inferior to those to the north and east, and while I assessed the latter up to and above the assessment given by the rate sanctioned for the circle, even where the increase on the former assessment was great, I took only a small increase on the former villages, and assessed them as a rule below the circle rate assessment. In three villages to the south-west I thought it necessary to reduce the assessment, as in them cultivation had fallen off enormously and the former assessment seemed now unduly high, but in each case in which I thus reduced the assessment, I left it considerably above what the circle rate would have given.

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## THE NALI.

288. The Nálí assessment circle comprises 109 villages along the Sotar or Ghaggar valley. Most of these villages have either some land liable to be flooded by the Ghaggar or have some part of their area in the Sotar valley with its hard clay soil, but with few exceptions they have also some part of their area in the light soil of the uplands beyond the reach of the floods; and a number of villages lying between the two branches of the Ghaggar valley or between the valley and the border of the district are entirely in the uplands, and have no lands subject to floods or capable of irrigation. The villages of the latter class are exactly similar to those of the adjoining dry circles, and have been included in the Nálí circle simply for convenience of boundary. There are thus four distinct classes of soil which must be taken into account in assessing the Nálí tract—(1) the unirrigated light soil of the uplands (*rohí bárání*); (2) the hard clay soil of the Sotar valley dependent for moisture on the local rainfall (*sotar barání*); (3) the land cultivated with the aid of the Ghaggar floods (*rez*); (4) the land irrigated by wells (*cháhí*). According to the Revenue Survey the area under cultivation in 1876-77 was 1,81,656 acres, and 18,268 acres had been lately thrown out of cultivation, making a total of 1,99,924 acres. According to the patwáris' measurements of 1880-81 the area then under cultivation was 1,85,813 acres and 9,704 had been lately thrown out of cultivation, making a total of 1,95,517 acres, or 2 per cent. less than the area returned by the Revenue Survey; but we found that 4,465 acres of uncultivated land were held by tenants with rights of occupancy, paying on it rents similar to those paid for cultivated land, and took this into

Chak Nálí. The classes of soil.

account also as if it were cultivated; so that the total area to be assessed as under cultivation was by the patwáris' measurements 1,99,982 acres, or almost exactly the same as the area returned by the independent Revenue Survey. The detail of this area is as follows:—

| Soil. | Cultivated. | Lately abandoned. | Uncultivated paying rent | Total. |
|---|---|---|---|---|
| Irrigated from wells ... ... | 892 | ..... | ..... | 892 |
| Flooded ... ... | 39,915 | 3,316 | ..... | 43 231 |
| Unirrigated clay soil ... ... | 8.051 | 2.142 | ..... | 10,193 |
| Unirrigated light soil ... ... | 1,36.955 | 4 246 | 4.465 | 1,45,666 |
| Total ... | 1,85,813 | 9,704 | 4,465 | 1,99,982 |

Chak Náli. The produce estimate.

289. Of the 892 acres returned as within reach of irrigation from wells, I have shown reason for estimating that only 500 acres are actually irrigated from the wells on an average of years; and as the area is so small it is not worth while in estimating the gross assessment of the circle to complicate the calculations by making a separate estimate for the land on wells. It has therefore been included in the estimate of the flooded lands growing wheat. Of the 1,99,982 acres under cultivation, I have estimated that on an average of years 1,52,000 acres are actually sown, and that of this area 1,23,000 acres produce a crop of the gross value of Rs. 5,20,000. To take first the unirrigated light soil of the uplands (*rchí bárání*)—of the 1,15,492 acres of this class of soil held by tenants, only 13,092 acres (or about one-ninth of the whole) pay rent in kind. Of this area 10,667 acres (81 per cent.) pay as rent one-fourth of the gross produce, and the rest pays one-third, so that it seems safe to assume one-eighth of the gross produce of this class of soil as representing half the net profits of cultivation. Again of the 5,119 acres of unirrigated sotar clay held by tenants, 2,324 acres (nearly half) pay rent in kind; and of this area 1,588 acres (68 per cent.) pay as rent one-fourth of the gross produce, and the rest pays one-third; so that here it is still safer to assume one-eighth of the gross produce as representing half the net profits of cultivation. The estimate of the average gross produce of the cultivated land of the circle gives Rs. 2,80,000 as the average value of the gross produce of the unirrigated land, and one-eighth of this would give Rs. 35,000 as the estimate of the average net profits of the unirrigated cultivation of the circle.

If we turn now to the land liable to be flooded by the Ghaggar, we find that according to the patwáris' measurements 43,231 acres of the land under cultivation are irrigated in this way. I have estimated that of this area, on an average of years, only 25,000 acres are actually sown with the aid of the floods of the Ghaggar and only 22,000 acres actually produce a crop, the average gross value of which is estimated at Rs. 2,40,000. Of the 26,376 acres of this class of land held by tenants 16,611 acres (63 per cent.) pay rent in kind, and of this area 15,628

acres (94 per cent.) pay as rent one-third of the gross produce, while 63 acres pay one-half, 414 acres two-fifths, and only 506 acres pay as rent so small a share as one-fourth. It seems then safe to assume one-sixth as the fraction of the gross produce which represents half the net profits of the cultivation of the flooded land, and this fraction of Rs. 2,40,000 gives Rs. 40,000 as the average half net profits of cultivation with the aid of the floods of the Ghaggar. Added to the Rs. 35,000 estimated for the unirrigated land, this gives Rs. 75,000 as the total half net profits of cultivation in the Náli circle.

The area of land still uncultivated is large in this circle, amounting as it does to 1,31,661 acres or 39 per cent. of the total area. Much of this land consists of rich clay soil in the Sotar valley, which only requires irrigation to produce valuable crops of rice and wheat, but although there were some prospects of a future development of cultivation, it would not have been safe to increase the assessments greatly by way of discounting future improvements. The actual present income from the uncultivated land was however large in this tract. The grazing fees realized by the proprietors on the cattle of non-proprietors pastured in the jungle amounted in 1880 to Rs. 4,684, and a considerable income is derived from the sale of grass and wood in Sirsá town and elsewhere. The indirect income from the surplus cattle, sheep, *ghí* &c., which is chiefly the produce of the waste, must be very large, and it seems safe to estimate half the actual present net produce of the uncultivated land at Rs. 5,000. This gives the total half net produce of the Náli circle as follows:—

*Estimate of half net profits founded on the estimate of gross produce.*

| | Rs. |
|---|---|
| Unirrigated cultivation ... ... ... | 35,000 |
| Irrigated cultivation ... ... ... ... | 40,000 |
| Uncultivated land ... ... ... ... | 5,000 |
| Total half net profits ... | 80,000 |

Chak Náli. The cash-rent estimate.

290. To turn now to the cash rents. According to the returns of the Settlement measurements, of the 1,15,492 acres of unirrigated light soil held by tenants, 1,02,298 acres (89 per cent.) pay cash rents as follows:—

| *Rate of rent per acre.* | *Acres* |
|---|---|
| Under 5 annas ... ... ... ... | 77,510 |
| From 5 to 6½ annas ... ... ... | 16,160 |
| From 6½ to 8 annas ... ... ... | 4,551 |
| Above 8 annas ... ... ... ... | 4,077 |
| Total ... | 1,02,298 |

The area paying less than five annas per acre consists chiefly of land held by occupancy tenants paying at favourable rates and of land paying rents fixed with reference to the incidence of the assessment and therefore not true competition rents. The 24,788 acres paying higher rents than five annas per acre consist of land not any better in quality

than the unirrigated soil of the circle generally, and the rents paid by that land may be taken as a guide to the rents payable by other similar land of the circle; and as of this area 8,628 acres pay more than six and a half annas per acre, it seems safe to assume three annas per acre as the half net produce of such land. The area to which this rate is to be applied is 1,45,666 acres, for the whole of the cash-paying land pays its rents whether there be a crop or no. This estimate would therefore give Rs. 27,312 as half the average net produce of the unirrigated light soil of the Nálí uplands. Again of the 5,119 acres of unirrigated sotar clay held by tenants 2,794 acres pay rent in cash, and of this more than 1,014 acres pay above eight annas per acre, and a considerable area held by tenants-at-will pays over twelve annas per acre; half this or six annas per acre applied to the 10,193 acres of sotar would give a half net produce of Rs. 3,822, which would give a total estimate for the unirrigated cultivation of about Rs. 31,000. On the irrigated lands little help is to be got from the cash rents, for of the 26,376 acres of this class of land held by tenants, only 9,746 acres pay cash-rents, and of this area 6,074 acres pay rents fixed with reference to the land-revenue, and the remainder is chiefly the poorest land of the class, for almost all the good flooded lands held by the tenants pay rent in kind. The estimated net produce of Rs. 80,000 spread over the total irrigable area of 44,123 acres would give an average rent of Re. 1-13 per acre, and all that can be said is that there are cash rents which support this estimate. Thus the only evidence to be got from the cash rents in this circle is that they support an estimate of Rs. 31,000 as the half net produce of the unirrigated land, while the estimate from the grain rents gave Rs. 35,000; and as the produce estimate seemed to show that the total half net produce of the circle is Rs. 80,000, it seems safe to assume that it must be at least Rs. 76,000.

Chak Nálí. Comparison of estimates.

291. The previous total assessment of the circle was Rs. 66,312. Cultivation had increased by 26 per cent., but the area irrigable by the Ghaggar had increased only from 36,735 acres to 43,231 or by 19 per cent. The assessment rates employed at the previous Settlement were various and it was difficult to estimate what they would have given on present areas; if however an average of the assessment rates of last Settlement for each class of soil were applied to the areas returned by the present Settlement, they would give a gross assessment of about Rs. 85,000. The rates applied to the similar Nálí circle in the adjoining Hissár district at the Settlement of 1863 would have given about Rs. 75,000. There are then the following estimates on which to frame the assessment:—

| *Estimate.* | *Amount.* Rs. |
|---|---|
| Half net produce according to estimate of gross produce ... | 80,000 |
| Half net produce according to cash-rents ... ... | 76,000 |
| Assessment at average rates of Regular Settlement ... | 85,000 |
| Assessment at revenue-rates of Hissár Chak Nálí ... | 75,000 |
| Former assessment ... ... | 66,312 |

Chak Nálí. The assessment of the circle.

292. The Nálí assessment circle comprises all the villages any part of whose area lies in the Sotar or Ghaggar valley and a few others enclosed by these villages but not themselves having land in the valley. The greater part of the area of the circle is high unirrigated land similar to that of the Bágar, though not quite so sandy and more fertile. The soil of the Sotar valley is hard strong clay, capable when sufficiently moistened of producing excellent crops of rice, jawár, wheat and gram, and water in the lands near the Ghaggar is not very far below the surface and is everywhere sweet. The numerous ruins of large villages and remains of irrigation works show that in former times the tract was thickly peopled and highly cultivated; but 65 years ago when the valley came under British rule there was almost no cultivation and the only inhabitants were a few communities of marauding Bhattís and struggling Ráíns. During the *pax Britannica* which followed, the population rapidly increased and cultivation extended. In 1820 there were only 33 inhabited villages, in 1850 the number had increased to 88, and now there are 106. Population was returned at 40,548 in 1856, at 55,263 in 1868, and at 58,707 in 1881, an increase of 6 per cent. since 1868; and the density per square mile is now 110. About half the population are Musalmáns, some of them being thrifty and industrious Ráíns, but the majority Rájputs and Jats; who are comparatively lazy and thriftless and inclined to be turbulent. There are a few Sikhs, but the majority of the Hindus are thrifty Bágrís, immigrants from the south and east. There are five times as many tenants as proprietors, and while the proprietors themselves cultivate only 26 per cent. of the total cultivated area, tenants with rights of occupancy cultivate 30 per cent., and tenants-at-will 44 per cent. Each proprietor owns on the average 90 acres of cultivated land, of which he himself cultivates only 25 acres; while the average area of a tenant's holding is 17 acres. The uplands are chiefly sown for the kharíf, the principal crops being bájra, jawár and pulses; in the rabí some barley and gram are sown. The clay soil of the valley is when sufficiently irrigated sown with rice or jawár in the kharíf, and with wheat or gram in the rabí. The crops in this soil are chiefly dependent on the floods of the Ghaggar, which are very variable and often fail altogether or come down in such volume as to drown the crops. Only 892 acres are within reach of ordinary irrigation from wells, but water is in many places not far from the surface and irrigation from wells might be extended. Rice, the richest crop, is cultivated only with a considerable expenditure of labour and capital. More than a third of the total area is still uncultivated and much of it is good soil requiring only water to enable it to produce rich crops, and producing in its present state grass and wood of some value. The early assessments of the tract were much too severe, and on the average about a quarter of the demand was remitted annually. At the Regular Settlement the assessment was reduced by 14 per cent. and has since then worked well on the whole, as remissions during the 18 years previous to the Revision amounted on the average only to 1½ per cent. of the demand; but suspensions have been frequent and some villages have been granted

remissions four times in that period. There have been more sales and mortgages in this tract than in the rest of the district, and the Musalmáns are gradually parting with their lands to the more thrifty Hindus; but the people are on the whole well off except after a series of droughts, and the Ráins and Bágrís especially are prosperous. In 1840 about a third of the area was under cultivation, at the Regular Settlement the cultivated area had increased to 42 per cent., and now it amounts to 54 per cent. of the total area. The increase of 26 per cent. on the cultivated area of the Regular Settlement is chiefly in the unirrigated uplands. Rice-cultivation shows some falling off in the villages dependent on the Dhanúr Lake owing to the erosion of its bed by the Ghaggar, but has increased farther down the valley. Some of the flooded lands have deteriorated in quality, so that they now produce gram only instead of wheat; and a large area of high sandy soil to the south of the valley has become so unproductive that it has been abandoned by its cultivators. Prices have increased by about one-half, and as rents are generally paid in kind on the flooded lands, this has had the effect of directly increasing the value of their net produce; cash rents also have risen considerably. The former assessment was Rs. 66,312, and the present average half net produce is estimated at Rs. 76,000, or more probably Rs. 80,000. The statistics at my command when I wrote my assessment reports did not justify so high an estimate, and it seemed desirable to make some allowance for the unthrifty character of the Musalmán population and the variable nature of the floods. The assessment I proposed for the circle was Rs. 74,000, an increase of 12 per cent.; and this amount was sanctioned as an estimate of the average total assessment of the whole circle.

Chak Náli. The distribution of the assessment over villages.

293. For the distribution of this assessment over the villages, it was necessary to work out soil rates. At the Regular Settlement rice-lands had been assessed at from Re. 1·6 to Rs. 3·2 per acre, other irrigated lands at from 5 annas to Re. 1·2 per acre, unirrigated clay lands at 9·6 annas per acre, and high light soil at from 2 to 3·6 annas per acre, the rates having varied considerably in the different parganas. In the adjoining Náli circle of the Hissár district, which is in most respects similar to the Sirsá Náli, the assessment rates adopted at the Settlement of 1863 were Re. 1 per acre on well-lands, 10 annas on lands flooded by the Ghaggar, and 8 annas on the Choya, 4 annas on unirrigated lands and 1⅓ anna on uncultivated land after deducting one-fourth of the total area. At first I proposed to take as my guide for the distribution of the assessment only three rates, *viz.*, on flooded lands, on unirrigated lands and on uncultivated lands respectively, and to depart from them in special cases by assessing above rates the lands which were of better quality or more favourably situated, and assessing the inferior lands below rates. But the Settlement Commissioner pointed out that the differences in quality of soil and in advantage of situation were too great to be treated in this way, and that to work on all-round rates on irrigated and unirrigated lands respectively would be likely to lead to an over-assessment of the inferior villages and an under-assessment of the better lands, and directed me to follow more

closely the procedure of the Regular Settlement by adopting different rates for the different classes of soil. I accordingly summoned together the most intelligent headmen of the villages, and asked them what proportion they thought the rates on the different soils should bear to each other, explaining to them that the assessment of each village would be announced as a lump sum, and that it would be left to them to distribute it over the land. After a long discussion they were almost unanimously of opinion that generally speaking the rates on the different soils should bear to each other the following ratio :—

| Soil. | Proportion. |
|---|---|
| Rice-lands ... ... ... ... | 8 |
| Well-lands and wheat-lands ... ... ... | 4 |
| Gram-lands and unirrigated clay soil ... ... | 2 |
| Unirrigated uplands ... ... ... | 1 |
| Uncultivated land ... ... ... | $\frac{1}{8}$ |

The rates adopted at the Regular Settlement for the assessment of the various classes of irrigated land bore to each other much the same ratio as that now approved by the headmen, but according to their opinion they were much too high in proportion to the rates on the uplands ; for instance, irrigated gram-lands were assessed at three times the rate on the uplands, and rice-lands were assessed at from nine to eighteen times that rate. I agree with them in thinking that at the Regular Settlement too large a proportion of the total assessment of the tract was thrown on the flooded lands, and too little on the less fertile but more easily cultivated light soil of the uplands.

According to my estimate of the average gross produce, the 8,927 acres of rice-land produce on the average rice and straw of the value of Rs. 83,333. Tenants cultivating rice almost always pay one-third of the gross produce as rent, so that one-sixth may be taken as representing the half net produce. This gives an average rate per acre of Re. 1-9 on rice-land. Again, the 23,039 acres of wheat-land are estimated to produce on the average grain and straw of the value of Rs. 99,000, and if one-sixth of the gross produce be taken as representing half the net produce this gives about 12 annas per acre for wheat-land ; wheat and gram are sometimes (though rarely) grown on rice-lands, and jawár, barley, gram, &c., are often grown on wheat-lands, so that the rates may fairly be put higher than these calculations give. The average half net produce of the unirrigated land has been estimated at Rs. 35,000, and this amount spread over the total unirrigated area of 1,55,859 acres would give an average assessment rate of three and a half annas per acre, but the evidence of the cash rents hardly justified a higher assessment rate on the light upland soil than three annas per acre. It was difficult to estimate a fair assessment rate for the unirrigated clay soil

of the Sotar valley, for in years of good rain it produces excellent crops of wheat and jawár, while in dry years it produces much less even than the sandy soil of the uplands. At the previous Settlement the rate on this soil had been 9·6 annas per acre, but there was evidence that some of the villages in the Sotar valley east of Sirsá had found this rate press heavily on them, and I at first proposed to have no separate rate on this class of unirrigated soil, but to allow for it on general grounds in assessing. As however the people seemed to think that this soil was worth about twice as much as the light soil of the uplands, and as it had been assessed so high at the Regular Settlement, it was determined to fix on it a rate of 6 annas per acre, which was supported by the evidence of the rents so far as it went. After making allowance for the rates of last Settlement, the values ascribed to the different soils by the people, and the rates supported by the estimates of net produce, I proposed the following assessment rates, which were sanctioned by the Financial Commissioner :—

| *Soil.* | *Rate per acre.* Rs. | As. |
|---|---|---|
| Rice-lands ... ... ... | 2 | 0 |
| Wheat-lands and well-lands ... | 1 | 0 |
| Other flooded lands ... ... | 0 | 8 |
| Unirrigated clay lands ... ... | 0 | 6 |
| Unirrigated uplands ... ... | 0 | 2½ |
| Culturable waste, after deducting one-third ... | 0 | ½ |

These rates applied to the areas now returned would give for the circle a total assessment of Rs. 76,867; but in distributing the assessment over the villages I found that a considerable area of land returned as irrigated was really very seldom flooded, and after making allowance for this I fixed assessments for the individual villages aggregating exactly Rs. 74,000, which was the amount sanctioned as the assessment of the whole Náli circle. Although it was afterwards decided that the villages actually irrigated by the Ghaggar should be placed under fluctuating assessment, I calculated out for each village what its fixed assessment would have been. In assessing the uplands of the circle I derived some aid from my assessments, already made and accepted by the people, of the adjoining and similar lands in the Bágar and Rohi circles. The assessment rate for the Rohi circle was three and a half annas per acre, and I assessed the uplands of the Náli which lie to the north of the valley and are similar in quality to the land of the Rohi, at rates approaching this; on the other hand, I assessed the inferior sandy soil of the uplands south of the valley which resembles the land of the Bágar in quality, at rates approaching the Bágar assessment rate of two and a third annas per acre, more especially as I found some cultivated land on that side had recently been abandoned by the tenants. On the whole, I found it necessary to assess the uplands of the circle somewhat higher than the sanctioned rate of two and a half annas per acre, as I found the proprietors of several villages whose soil was by no means above the average of the circle were getting rents from their tenants of more than double this rate, and comparison

of these lands with those of the neighbouring circles together with the evidence of the rents and the estimate of the half net produce showed that the rate of two and a half annas was too low and that a rate of three annas per acre would have been a better guide. I considerably reduced the assessments of a number of villages in the Sotar or Choya valley east of Sirsá which do not get irrigation from the Ghaggar. At the Regular Settlement they had been assessed much too high, and some of them had suffered in consequence. The produce of their fields is very precarious, sometimes nothing at all for years and then a bumper crop, so that it was difficult to estimate for them a fair average assessment; but the impoverished condition of some of them showed how necessary it was to reduce their assessments. I had also to reduce considerably the assessments of Mádho Singhána, Malleka and other villages dependent for their irrigation supply on the level of the Dhanúr lake, which has been lowered of late years by the erosion of the Ghaggar bed. On the other hand, I found that irrigated cultivation had greatly increased in extent on the Annakai lake and farther down the valley, and I consequently increased considerably the assessments of the villages in that direction. I assessed more on the uplands and less on the flooded lands than the rates would have given, and in many cases I felt it necessary with regard to the circumstances of the village to depart considerably from the assessment given by the rates, for the cultivation fluctuates so greatly that in many cases the measurements of one or two years did not fairly represent the average cultivated area of the village.

With the knowledge now acquired of the qualities of the soils, and making full allowance for lands wrongly returned by the patwáris as irrigated or cultivated, I should prefer the following rates as guides to the distribution of the assessment of Rs. 74,000 over the villages:—

| Soil. | Area in acres. | Assessment rate. | Resulting assessment. |
|---|---|---|---|
| | | Rs. As. | Rs. |
| Rice-lands ... ... | 8,927 | 1 12 | 15,622 |
| Well-lands ... ... | 892 | 0 12 | 17,948 |
| Wheat-lands ... ... | 23,039 | | |
| Other flooded lands ... ... | 11,265 | 0 6 | 8,047 |
| Unirrigated clay lands ... | 10,193 | | |
| Unirrigated uplands... ... | 1,45,666 | 0 3 | 27,312 |
| Culturable waste, after deducting one-third ... ... | 87,774 | 0 1 | 5,486 |
| Total ... | ... | ... | 74,415 |

These rates are more nearly in the proportions approved by the people, and my actual village assessments follow these rates more closely han they do the rates originally reported and sanctioned. They com-

pare as follows with the sanctioned rates and with the rates of the Regular Settlement :—

| Soils. | Assessment Rates | | | |
|---|---|---|---|---|
| | Of Regular Settlement. | Of the Hissar Nali. | As originally sanctioned. | As now preferred. |
| | Rs. Rs | Rs. As. | Rs As. | Rs. As. |
| Rice-lands ... ... .. | 3-3 to 1-10 | 0 10 | 2 0 | 1 12 |
| Well-lands ... ... ... | ..... | 1 0 | 1 0 | 0 12 |
| Wheat-lands ... ... ... | 1-3 | 0 10 | 1 0 | 0 12 |
| Other irrigated lands ... ... | 0-10 to 0-5 | 0 10 | 0 8 | 0 6 |
| Unirrigated clay lands ... ... | 0-10 | 0 8 | 0 6 | 0 6 |
| Unirrigated uplands ... ... | 0-3½ to 0-2 | 0 4 | 0 2½ | 0 3 |
| Culturable waste ... ... | ..... | 0 1½ | 0 ½ | 0 1 |

The accounts of the Skinner Estate, which owns villages in this circle, were useful in showing the pitch of the assessment, for they stated clearly the actual annual net produce of each village in the Estate. As a rule the rents levied by the Manager of the Estate are taken in kind, and the grain and straw which form the landlord's share are sold by the Agent immediately after the harvest, and the proceeds credited in the accounts of the Estate, which thus show the actual net produce for each year. The income of the Estate for the ten years ending 1881-82 from the ten villages in this tract which are wholly owned by the Estate was as follows :—

| *Year.* | *Income.* Rs. |
|---|---|
| 1872-73 ... ... ... ... | 28,201 |
| 1873-74 ... ... ... ... | 26,327 |
| 1874-75 ... ... ... ... | 19,666 |
| 1875-76 ... ... ... ... | 13,357 |
| 1876-77 ... ... ... ... | 12,685 |
| 1877-78 ... ... ... ... | 7,326 |
| 1878-79 ... ... ... ... | 2,069 |
| 1879-80 ... ... ... ... | 26,002 |
| 1880-81 ... ... ... ... | 9,876 |
| 1881-82 ... ... ... ... | 15,340 |
| Average of the ten years Rs. | 16,085 |

Half the average income of these ten villages would have given an assessment of Rs. 8,042, but their former assessment was only Rs. 5,873, and the sanctioned assessment rates of the circle gave only Rs. 6,297 on their lands. I therefore assessed well below half net income at Rs. 7,530. That the revenue-rates adopted as guides in distributing the total assessment of Rs. 74,000 over the circle gave only