

stop to the consumption. If the contractor himself petitions for the uprooting of the hemp plants which grow spontaneously, and the officer in charge of excise is satisfied that to do so will not be to remove a check to the prevalence of fever among the people, there will be no harm in uprooting the plants, as in India they are not put to any useful purpose, such as the manufacture of rope, &c. But in many places the people use the hemp plant (*Canabis Sativa*) as an antidote to fever, and therefore its destruction might do harm.

*Opium.*

1. The Treasurer should not, as a rule, be allowed to sell opium for profit : for the object of its being sold at the Treasury is to keep down the price of the drug.

2. Too much strictness need not be used towards cultivators of opium with regard to the scrapings of their ladles and pots, especially towards those who bring in a good average supply of opium : otherwise, there will be a danger of checking the cultivation of opium.

3. The license fees taken should be in proportion to the profits of sale : this amount should be settled after investigation and enquiry by the officer in charge of excise into the circumstances of the district, and should average about Rs. 150 for every maund of opium sold. More or less than this amount may be taken, as the result of the enquiry made by the officer in charge of excise shews to be advisable. This is a very important point, and must be specially noted by the officer in charge of excise : and he should also enquire whether the cultivation of opium is on the increase or decrease, with reasons for the same.

*Tari.*

1. Under what circumstances Tari produces the greatest degree of intoxication, whether when newly extracted from the tree, or after being kept, is a subject for enquiry.

2. Similarly, enquiry should be made as to what the zemindars take from the contractors in return for the right to tap the trees.

*Chandu and Madak.*

These are the most injurious drugs of all, and every means should be used to check the consumption of them. It should be decided how this result may best be obtained, by ceasing to grant the contract at all, or by prohibiting the private use of the drug.

Suggestions for testing the general excise administration of a district :—

1. On what principles have shops been located ?
2. Is there a rough census of consumers ?
3. Are any changes allowed after settlement ?
4. Is there a rough estimate of the profits of every shop ?
5. Are the fees for shops fixed, or settled by absolute auction ?
6. Has there been any attempt to lease drugs separately, and enhance the price of the most deleterious articles ?
7. Are any monopolies allowed ?
8. Is reckless bidding allowed at auctions, and are contracts given to unsubstantial men ?
9. On what principles are instalments of excise revenue fixed ?

10. Have there been any irrecoverable balances, and, if so, how did they occur?

11. Are prosecutions for trivial and technical offences allowed?

12. Are decisions generally satisfactory to the departmental authorities?

13. Is an officer of the Opium Department present at the trial of all opium cases?

14. Are rewards distributed with discrimination, or do they encourage professional informers?

15. In cases of serious offences against the excise laws in a village, is the chaukidar proceeded against?

16. Is there any reason to suspect smuggling in the district; and, if not, what are the grounds of confidence?

17. What enquiries have been made about the consumption and effect of various intoxicating substances?

18. Is the use of drugs for medicinal or religious purposes interfered with by the excise administration?

19. Have any malpractices on the part of vendors with a view to stimulate consumption been discovered, and are there any complaints of drunkenness and rowdyism?

20. Are the walls of distilleries safe?

21. Have any excise officials been very long in the district?

22. Is there a store-book of materials entering the distilleries, and is the outturn of liquor proportionate?

23. Is the liquor brewed clean and wholesome?

24. Are drug and liquor contracts in the same hands?

25. Do drugs grow spontaneously in the district; and, if so, what is the effect on sales and contracts?

26. Has the Treasury anything to do with retail sale of opium?

27. Is opium smuggling suspected; and, if so, are more opium shops called for?

28. Are opium cultivators harassed by prosecution for trivial offences and has cultivation been thereby rendered unpopular?

29. What manorial dues are paid to landlords by tari contractors and others?

30. Does opium smacking exist in the district?

31. Is the Excise note-book properly kept up as an "abstract and brief chronicle" of all that affects the administration?

32. Is the state of excise balances brought to the District Officer's notice every month?

Suggestions for inspecting distilleries :—

1. Is the daily stock account of liquor kept in a bound-up book or on loose leaves?

2. Are leases properly classified?

3. Are passes returned punctually, and properly posted to their counterfoil?

4. Is the time allowed for return of passes reasonable?

5. Have old pass-books or rawanas been destroyed?

6. Does it appear from the shop register that any of the retail vendors take suspiciously small quantities of liquor as compared with the monthly license fees paid by them, or take it at very irregular intervals?

7. Is there any combination or monopoly?

8. What percentage of the cheques and passes have been compared with the register and with what result?



9. Are all registers properly kept up ?
10. Are locks, casks, standard vessels, &c., in good order ?
11. What arrangements are there for conservancy ?

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## CHAPTER 20.

### FAIRS.

#### *Preliminary arrangements.*

As a preliminary to the special arrangements to be made for each Fair, it has to be decided if any such measures as keeping land out of cultivation, procuring labor or material from a distance, or the like, will be required. If such be the case, orders must be issued a sufficient time before hand, but, of course, no hard-and-fast rule can be laid down.

#### *Watch and Ward of Approaches.*

Arrangements have to be made for the patrol of all roads leading to the Fair as soon as traffic begins to set in towards the appointed place. If the ordinary district and village constabulary is insufficient for this purpose, men may be borrowed from the large land-owners of the district, or specially engaged and paid for out of the income of the Fair. Special arrangements should be made to watch places where the road passes through jungle, or other lonely spots. For the purpose of this road patrol mounted men are, of course, particularly useful, and can generally be procured on loan from large landholders. Of course the same arrangements for supervision are necessary as within the Fair itself, see *infra*. Similar precautions are, of course, necessary when the assemblage is dispersing.

*Internal arrangements of the Fair.*

The principal matters to be attended to within the Fair itself are settling the limits of the various bathing ghats, the allocation of shops, the laying out of roads, and the allotment of space for tents, carts, animals, and men. The limits of each bathing ghat should be clearly defined, and the proprietor compelled to mark the deep-water line by a string supported on strong uprights driven into the river-bed. The principal shops should be allocated round a wide open space, to which four or more roads lead. A sufficient number of roads should be provided to prevent congestion of traffic, and in particular a wide open space on the bank of the river should be demarcated on which no encroachments are allowed.

*Watch and Ward.*

A sufficient number of temporary Police stations should be run up in different parts of the Fair, the principal one being located in the open space above alluded to, where should also be found the office of the Magistrate in charge of the Fair, if this can be arranged. A sufficient number of men must be drafted from the reserve, and the interior, but the most important thing in all Fairs is to have a large number of officers. Thus, if one man is provided for every thousand of the population, there should be at least one officer to every 25 men. The most inefficient of the officers should be relegated to station duty, as the one important thing in a Fair is patrol. If the superior officers of Police are incessantly on patrol day and night, and the Magistrate himself takes the trouble to go out unexpectedly

at least one night during the Fair, there will be little or nothing to do at the stations, because crime will be prevented. The services of special detective officers should be arranged for, to assist in pointing out bad characters (who should all be kept under surveillance during the Fair). If the District staff is not sufficient for the requirements, substitutes should be appointed for the men taken from the reserve or the interior, and paid for out of the Fair income. On no account should the substitutes be put on duty in the Fair itself.

*Income.*

The income of the Fair should be proportioned to the estimated expenditure, and a regular budget should be drawn up. The usual sources of income are, fees paid by occupants of shops and bathing ghats, and levied on animals coming to the Fair for sale. Expenditure, which should be liberal, should be met by means of advances, the entire receipts being brought to book as soon as levied.

*Sanitation.*

Latrines should, of course, be provided all over the Fair, but the most important part of Fair sanitation is as follows:—

The limits within which nuisances will be punished should be clearly flagged out, and holes should be dug at convenient spots for the burying of filth which cannot otherwise be prevented. The most important thing of all is to have a sufficiently large staff of sweepers for what may be called *ex post facto* sanitation. A temporary dispensary should be provided, under the charge of a

competent medical officer, within the Fair itself. In the case of an epidemic breaking out in a Fair, it must be dispersed at once.

*Miscellaneous.*

For the prevention of crushes and other accidents, it is usually necessary to have separate roads for ingress and egress. It is also necessary to prevent sudden rushes to the river bank ; but if the large space alluded to above is kept clear of obstruction, there will rarely be any necessity for other precautions. Boats should always be at hand in case of accidents, and it should also be ascertained that ferry contractors make proper arrangements for crowds crossing the river while the Fair is proceeding.

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CHAPTER 21.

FAMINE AND OTHER CALAMITIES.

FULL instructions are contained in the Famine Code for the guidance of District Officers on the occurrence of calamity, but the following suggestions may be found useful :—

For the purpose of report under section 3, the most convenient unit appears to be the circle of the Supervisor Kanungo. The Supervisor Kanungo should divide his circle into blocks, according to the plan suggested under head "Prices, Crops and Weather," in Chapter 32.

Supervisors should piece together the blocks of their circles, and the Tahsildar perform a similar operation on the circles, so as to give a general average result ; but at the same time should keep distinct local areas, in which the conditions are unique. It is scarcely necessary to

observe that reporting should commence when circumstances are such as to threaten calamity, and should not be delayed until the calamity is actually present. The preparation of the register under section 4 requires careful testing by the Tahsildar, and to the section it might be added that a list of those persons who can be supported by private charity should also be prepared. A list of works likely to afford relief, which can be undertaken by private agency, should also be drawn up.

Chapters 3 and 4 contain full directions as to works, but the following suggestions may be found useful :—

The raising of roads is, on the whole, the most satisfactory kind of relief work : the roads of nearly every district require raising, and the work requires no outside professional supervision.

Next comes the construction of dams, a work of a somewhat similar nature. Dams are much more likely to be useful than tanks, because, unless the soil is of the right nature, the tank will not hold water. Of course, it must be ascertained that the dam to be made will not flood the country, and will not give rise to riots and disputes. The digging up of sterile land, and transporting to it fertile soil, is a work worthy of trial; but the digging up of fields suggested in the Code seems a matter of very doubtful utility, as the danger of turning up sterile soil in an alluvial country is very great.

The raising of crops by artificial irrigation is a work which will give employment to any amount of labor.

Other useful works are, digging of holes for trees, the collection of firewood, &c.

One poor-house, at least, should ordinarily be kept permanently opened in every district.

It is to be regretted that the measures provided in Chapter 7 for the protection of cattle are not always enforced in every district ; the rules, however, require to be supplemented by others providing pasture in local areas. A simple method would be to exempt a certain portion of every Muhal from land revenue, on condition that the proprietors kept it solely for the use of the village cattle. The area should be divided into two blocks: the first, or reserve pasture, being open only at certain seasons of the year, and the rest at all seasons. All the village community would, of course, have to help in the work of ploughing, demarcating, or improving the pasture ground, as a condition of using it.

The patrolling of lines of communication and watching of grain stores should not wait for actual calamity, but be carried out on the appearance of any restlessness among the proletariat, consequent on high prices.

#### *Miscellaneous Calamities.*

On the occurrence of any adventitious calamity, such as destruction of crops by hail or floods, a trustworthy officer should at once proceed to the spot to investigate. No hopes of remission of rent or revenue should be held out, enquirers being merely told that suitable orders will be passed in each case.

No system of relief can be efficacious which does not work upwards, from the tenant to the landlord. The condition of the former should be the criterion of action,

It is not, therefore, a sufficient reason for refusing relief that the landlord does not require it. Only one system of action is possible, and it must apply to rich and poor alike.

*Gradual Deterioration of Estates.*

Besides those unforeseen calamities which we have been considering, a District Officer has to be on the alert to observe those which are gradually brought about, such as the deterioration of revenue-paying estates. The greatest caution and discrimination are necessary in the performance of this duty. The object is, of course, to grant relief wherever it is called for, without diffusing a spirit of unrest among proprietors, or tempting the spendthrift to throw land out of cultivation, in order to gain the benefit of a remission of revenue.

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CHAPTER 22.

INCOME TAX.

THE difficult question of direct taxation is one which comes forcibly to the notice of most District Officers. As a preliminary to the discussion of the principles on which this branch of work should be conducted, the following remarks are offered on the general question. There seems no doubt that a want of clear comprehension and approval of the principles of, and reasons for, the impost we are considering, militates considerably against its efficient administration. When the executive officers of Government are personally disposed to regard any portion of their work as useless or pernicious, the re-

sult generally is that the work is badly done. Difficulties which would otherwise have been faced and overcome are put down as insuperable, and no real energy or intellectual resource is brought to the task of finding out how the work may be most efficiently performed. A few arguments, therefore, in favor of the tax, may be offered as a contribution towards its practical working.

1. It is highly advisable that all citizens or subjects of a civilized Government should recognise that they have duties towards that Government, as well as rights which must be respected by that Government. One of the first duties of the subject is to contribute to the expenses of a Government which protects him. The majority of the class who pay the income-tax contribute in no other way whatever to the expenses of the State. It would, therefore, be extremely unfair to that large portion of the community which does pay taxes, if these persons were allowed to continue enjoying the protection of the Government, without contributing their quota towards its exchequer. It is particularly unfair to the land-owning class, who are obliged to contribute one-half of their collections. Besides, it is necessary to bear in mind that an occasion may at any time arise, when the Government will be compelled to call upon the people to contribute towards some unforeseen expenditure. Unless they are accustomed to part with their money in contributions to the State habitually, it will be extremely difficult to get anything out of them when an emergency arises. It will be observed that the stock argument as to the expediency and justice of an income-tax has not been approached. This is, of course,



that the class paying income-tax are, as a rule, those who have benefited most by the Government, and, therefore, those of all others who should contribute towards it.

It is to be feared that Government officers generally have scarcely done their duty in their attitude towards this tax. Perhaps it is scarcely unjust to say that having had to pay the tax themselves has had something to do with this. It is very much to be regretted that this should have been the case, for by their want of attention to this important duty, officers have too often allowed the tax to become still more unpopular by the injustice with which it has been worked. If the tax is only equitably assessed and collected, there is no reason why it should be a hardship at all.

In approaching, now, the means towards an equitable assessment, the first requisite, as in all other branches of work, is, of course, local knowledge.

The Tahsildar should know every individual of sufficient importance to pay income-tax in his Tahsil so well as to be confident of his assessment being correct.

But there are several methods of independent enquiry which should never be neglected as a means of testing this personal knowledge which we must proceed to consider.

*First.*—The Tahsildar may make a direct enquiry into the sources of income of each assessee, just as if he was enquiring into any other question; he may record evidence, and the substance of what the witnesses say, though it will be better not to record their names.

*Secondly.*—The Tahsildar may make an indirect enquiry into the circumstances of each assessee, which will gene-

rally be more conducive to finding out the truth than a direct enquiry. For example, we may be enquiring into the trade and manufactures of a particular tract of country. If we are always coming across the name of a certain individual as connected with this trade, we should be certain, almost, that he is liable to assessment, and have some sort of guide to the amount which he ought to pay. We may be enquiring into the indebtedness of the peasantry. If, in like manner, we are continually hearing of a certain money lender, to whom the distressed agriculturist is always resorting, we shall have a valuable hint of a similar nature.

*Thirdly.*—The local knowledge of all persons likely to possess it may be utilised. Such persons are officers of Police, Supervisor Kanungos, Patwaris, Vaccinators, and non-official residents, who are either residing among the people, or obliged by their duties to mix with them. Direct information should not be sought from these persons, unless they can be thoroughly relied upon to give it disinterestedly. But even where informants are absolutely dishonest, the information they have to impart can often be extracted from them by judicious questioning, so that they may be induced to disclose what they know, without perceiving the object of the persons desirous of profiting by this knowledge.

*Fourthly.*—The assessee himself may be questioned as to the nature and profits of his occupations. It is not such a difficult matter as might be at first imagined to get the truth out of an unwilling witness like this. A preliminary process is necessary. It must be ascertained

to what extent the particular individual is given to concealing the truth. Thus a very truthful person may divulge three quarters of his income, a moderately truthful person half, and a very deceitful person might admit of a very small fractional portion only. Additions have to be made to the figures disclosed by the witnesses, in accordance with the results of this preliminary enquiry. Here, however, a caution is necessary. If the assessee is questioned, as he should be, in the presence of his friends and neighbours, there will be certain facts about which he will be unable to make very false statements. For instance, suppose the assessee is a cloth merchant, who supplies the village with cloth. It will be impossible for him to conceal very much the amount of cloth which comes into his hands every year, or the price at which he sells it. If, then, the wholesale price and expenses of the business can be ascertained (as it should be possible to do with tolerable accuracy), the profits of the assessee in this particular trade should be pretty correctly gaugeable. As in every other branch of work, the principles applied must be acted on with discrimination, and a recognition of those circumstances under which they will probably be inapplicable.

*Fifthly.*—The whole of the assesseees may be assembled in a kind of punchayet, and the Tahsildar's list of assessment revised according to their unanimous opinion. In this kind of enquiry it is useful to take a, so to speak, *test assessee*, whose income has been pretty accurately gauged, and to ask the assembly if so-and-so makes so much, what does this other one make? *i.e.*, double, half, one quarter, and so on.

*Sixthly.*—The assessee's friends and enemies may be questioned, and the necessary additions or deductions on account of untruthfulness made, but this is likely to be a troublesome process.

By comparing the results of all these six different kinds of enquiries, the assessing officer cannot go very wrong, though, of course, he cannot expect to be always right. The District Officer should always keep this branch of work in his own hands, and any large number of successful objections should always call down his grave displeasure on the assessing officer. No punitive measures should ever be necessary for the recovery of this tax ; if any are resorted to, it is *præsumptio* proof that the assessment has been incorrect.

But however great the amount of initial attention devoted to this branch of work, constant care and vigilance is necessary to keep it in a satisfactory condition. Tahsildars must be forced to be constantly watching the course of trade, and finding out both those who have lost, and those who have gained, by accidents, or the fluctuations of the market: their irritating tendency to imagine that their superior officers will be gratified by a rising income irrespective of justice has, of course, to be resisted. But at the same time, a tendency of quite an opposite character has to be as strenuously opposed, namely, that of allowing the income to fall below its proper figure, through failure to make exhaustive enquiries. It is probable that as much discontent is caused by omitting to tax persons who should pay, as by improper assessment. It is, of course, imagined that undue influences have been

at work when persons liable to pay are left untouched. But when the tax is evenly and fairly distributed over all alike, discontent is reduced to a minimum.

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## CHAPTER 23.

### JUDICIAL WORK AND PARTITION.

*Note.*—The intention of the following is not to prescribe a stilted form for case-work, merely to transcribe the results of experience with the object of saving time and making work more interesting as well as efficient.

#### *Judicial Work.*

##### (A)—*Of the Record.*

Although the matter may seem to some persons too trifling to deserve serious attention, the form of the record of his cases will really have a sensible effect upon a judicial officer's work.

A nicely-arranged, well-written record, every paper of which can be traced at a moment's notice, and which contains proper indexes and abstracts as a guide to its contents, will not only be infinitely more useful than one of an opposite character, but the officer himself will have a kind of pride and pleasure in producing such records, which will be a guarantee for work of a high character.

It may be useful, therefore, to indicate the general form of a record. The outer sheet may be a kind of title page containing the following particulars :—

- 1.—Name of the Court.
- 2.—Number and date of case.
- 3.—Names of parties and pleaders.

4.—Mouza, pargana, or police station.

5.—Particulars of the matter at issue with law applicable.

6.—Abstract of any proceedings anterior to trial.

7.—List of property involved with parties concerned.

8.—Particulars of any previous litigation involving the parties (including of course the previous conviction of prisoners in criminal cases).

*N. B.*—The headings of such title pages can be printed or written, and the particulars incident to the case to be tried filled in by a clerk before the trial commences.

After the title page should come the index, and then the abstract of proceedings, according to date. Then may follow any portion of the record which is detachable, for forwarding to some other Court, as, for instance, the Civil Surgeon's evidence, and statements of accused persons in criminal cases sent for trial by the Court of Session. These should be always on separate pieces of paper.

Then will follow the formal papers of the record, the body of the evidence, and lastly the judgment. Each deposition, according to length, should occupy one or more complete pages, and the name, parentage, caste, residence (and description in certain cases) of the witness should head the page in a conspicuous manner.

The paging will be double, one for the usual *nathis* of an Indian record office, and one for the whole.

(B)—*General Principles.*

1. The plaint or petition should always clearly shew forth the offence complained of and relief claimed, with the law applicable, and if not conformable to these conditions, should be amended.

2. Printed forms for application to the Courts are in use in some districts, and where such forms are not in use, a clear and intelligible standard should be introduced and adhered to

3. In all cases it is desirable to settle the point or points at issue as soon as possible, and for this purpose it is convenient that every record of evidence should be headed by the statements of the parties.

4. Evidence should be arranged in order of time, and the evidence of each witness on the same principle.

5. In taking evidence in India the confronting of witnesses is a most powerful engine for the extraction of truth. Witnesses should give their evidence with their eyes fixed upon the countenance of the person to whom their statements are damaging, and in special cases may be made to address them thus: "You did so and so." Under such an ordeal a false witness or a guilty person will constantly flinch and be shewn up in his true colours.

6. Cross-examination should be done in such a manner as not to let the witness know that he is being cross-examined. But questions should be asked in such a manner that the witness thinks the questioner expects the answer he desires, and not in such a manner as to give an opportunity for subterfuge. For instance, a person should not be asked: "You hav'nt any quarrel with so-and-so, have you?" but questioned thus: "Now, sir, tell us clearly and plainly what your quarrel with so-and-so is."

7. It is very convenient to ask each party whether he can give any good reason why any particular witness

should be regarded with suspicion: this is a better challenge than the favorite discrepancies in statement of which the Indian bar is so fond. Indian witnesses, whether true or false, constantly speak at random, and therefore discrepancies prove nothing.

8. The object of a person taking depositions should be to omit nothing that can throw light on the case, but to put down nothing superfluous. Deponents, especially in cases of admissions, should be told of the effect of what they say.

9. All cases in which such a course will not injuriously affect society, are better settled out of Court. The object of judicial officers should be to decrease litigation as much as possible, and shew litigants how ruinous and foolish their conduct usually is. At the same time any case in which a question is involved which ought to be set at rest by an authority which no one can controvert, should be decided by the Court.

10 It should be remembered that there are no Courts of Equity in India, so that the law should not be too blindly followed, though of course, where clear, it must not be transgressed.

*(c)—Criminal Jurisdiction.*

1. The statement of the injured person, or of some intelligent individual on his behalf, should contain a brief summary of all the leading facts of the case.

2. When complainants are examined on the institution of a case, it is not necessary that they should give more than a resumé of the salient points. For instance, a com-



plaint of assault is made: the complainant need only state as to the facts of the assault, the hour and place, the extent of the injury, weapon used, cause of quarrel, and witnesses present. More important than anything else is the task of discovering, at the preliminary examination of a complainant, all matters bearing upon the relationship between him and the other parties to the case and the witnesses. Above all should the complainant be forced to disclose the version of the story which falls from his opponent's lips. If no delay takes place in his examination, the complainant will not ordinarily have time or sense enough to invent lies, and often such a process will lead to proof positive that the case is not one for a Criminal Court. For instance, after defeating (as he is bound to do) the numerous dodges which a crafty complainant will resort to to avoid answering this question—suppose an Officer has elicited from a complainant of criminal trespass that the person complained against claims the property as his own—his duty will be plain and simple.

3. If after examining the complainant on the lines laid down, it is impossible to decide whether a crime has or has not been committed, the Court should hold a preliminary enquiry rather than summon a possibly innocent person. In camp of course all cases can be enquired into on the spot, and a great deal of good done to the people. In preliminary enquiries one witness whose statements can be relied upon, is quite sufficient, and more than one such witness should not be summoned by the Court.

4. When the preliminary enquiry has revealed the apparent necessity for taking up a case, the Court should

test the relationship, &c., of the parties and witnesses named with a view to see whether the evidence is likely to be reliable. These principles must of course be borne in mind in making preliminary enquiries. It is perhaps unnecessary to insist on the extreme caution which should be used in finally coming to the decision to summon an accused person in a country like India, where false and frivolous litigation is so common. This caution cannot be exercised without delaying justice to some persons *bonâ fide* in need of relief, but Indian litigants are so plundered by official and non-official, that this delay of justice, even if it takes place, is by far a less serious evil than the opposite one, which ensues when the above cautions are neglected. It should be remembered that a little delay in taking up a case, the institution of which will really injure the person instituting it rather than benefit him, will often end in his thinking better of the matter and abandoning it.

It must, of course, be remembered that any person known to be a bad character, and one who habitually annoys and molests the public, should never get the benefit of the remedial and precautional measures recommended above. That each case must be judged on its own merits, and that circumstances alter all cases, are two important maxims that must always be borne in mind : it is also necessary to observe that general principles, however good, must not be blindly followed.

The Court should distinguish between being satisfied that a crime has been committed, and that that crime can be brought home to the offender. It may be impolitic to

summon a dangerous character on insufficient evidence, as, if he is acquitted, he will be stimulated to more evil, and will laugh at the Court.

No petty case should ever be sent to the Police for enquiry, as this is often exactly what maliciously disposed complainants want, *viz.*, to set the venal myrmidons of the police-station on to their enemies.

When there are cross-summonses no further orders should be passed than that each party should produce his witnesses on a day to be fixed by the Court.

5. When the parties have appeared in Court, the Court should be guided by the abovementioned principles in deciding whether or not a compromise should be effected (see general principles No 9, *supra*). In cross-summonses and all cases in which process of Court has not issued, compromise will generally be the best way of settling the dispute. In such cases it need not be objected that an offence is by law not compoundable.

6. The preferable manner of taking evidence is detailed above. In hurt cases the medical evidence should be taken on these lines :—

*First:* Is the hurt from which the party is suffering possible in the manner described in the evidence for the prosecution? The reasons for the medical man's opinion should be given in full.

*Secondly:* Is the hurt possible in any other way, with reasons as before?

Special care should be taken to give witnesses full expenses, and see that they are put to no unnecessary detention or inconvenience; nothing tends so much to

prevent concealment of crime as attention to these points.

7. In awarding sentence, the circumstances of the person punished should be taken into consideration. Thus, a poor man should not be heavily fined, a man in good position should not be let off with a fine for a heinous offence; none but very low-born criminals should be whipped, except for offences involving grave moral turpitude. In excise cases especially, technical offences should be met by a merely nominal fine, though offences which endanger the public revenues must be severely punished in the public interests, to which those of individuals must always yield.

It is usually very impolitic to fine people in this country for trivial offences against the person, as they will never rest till they get their revenge; if the contingency cannot be avoided, steps should be taken to prevent the parties from fighting again, either in or out of Court. Juveniles should be whipped, and habitual offenders receive at least from 25 to 50 per cent. more imprisonment for each offence.

8. Care must be taken that the Police do not unnecessarily harass the people by unintelligent application of the six years' rule for realising fine. Uncollected fines should ordinarily be struck off as irrecoverable if they cannot be realised with due diligence within six months.

9. Security for good behaviour cases are best taken up in the cold weather. A really bad character who is injuring society should not be let off for slender evidence, and no ordinary security should be accepted for him; but

a person of influence who will keep him from evil ways should be required to stand for him.

10. Subdivisional Officers should satisfy themselves that they are informed of any ill-feeling which is likely to cause a breach of the peace ; and when there is a dispute as to property, be sure they get early information so as to prevent an affray. Chowkidars, if properly in hand, can prevent most riots.

11. In charges against public servants the greatest possible care should be taken that false complaints do not succeed.

(D)—*Regular Revenue Suits and Applications.*

1. *Profits.*—Suits for profits should be accompanied by the following :—

i. An extract from the jamabandi or rent-roll of the year for which profits are claimed, showing distinctly the different items which make up the total, distinguishing between those which are collected, and those which are not collected, and where the latter are included, specifying the proof of gross negligence on the part of the lumbaradar or collecting shareholder.

ii. The method on which sîr assets are calculated should be distinctly specified, with the grounds for the same.

iii. It should be distinctly stated by the plaintiff what he admits in the way of village expenses, and what he objects to, with the grounds thereof.

iv. It should be distinctly stated whether the plaintiff has paid in his own revenue or not, and whether in the latter case the defendant has paid it for him or not.

The accounts, if requiring correction on the result of the foregoing enquiries, should be returned to the plaintiff for correction, *before the suit is brought on the file*: this is most important, as if attended to, it will lighten labour immensely and shorten duration of suits.

2. *Rent Suits*.—The Court must remember that its only task is to decide whether rent has been paid by the cultivator to the plaintiff, or to some one whom he fancied was entitled to collect or not; in the former case the claim will be dismissed, in the latter decreed. Of course the Court must satisfy itself that the rent can be claimed by the plaintiff, that he is legally entitled to sue.

The following decision, *Madho Prasad vs. Ambar*, 5 I. L. R., pp. 503 *sqq.*, may be quoted; this decision shows that rent can only be recovered from a person other than a cultivator in a Civil Court.

3. *Distrain*.—The law contains very precise principles on which cases of contested distraint are to be decided. That is, in all cases where the demand is found to be due, a decree must be given against the cultivator, irregularities notwithstanding. Where irregularities prejudicial to the cultivator have occurred, he must sue for *damages* to obtain redress.

4. *Damages*.—In all sorts of suits for damages a decree for from twice to about four or five times the rent of the land in respect of which damages are claimed, according to the circumstances, seems a reliable basis for decision.

*Applications.*

1. Applications for production of Patwaris' accounts should not, as a rule, be made into regular cases, but disposed of through the Tahsildar.

2. Resumption of rent-free tenures. The principle on which these are resumed is strict; *sewar* (or miscellaneous proceeds) is held to be equivalent to rent, but in this case the Board of Revenue have ruled that the application should be for delivery of counterpart (*kabuliat*), and not for resumption or assessment.

3. In cases of ejectment of occupancy-tenants, the Board have constantly impressed upon Subordinate Courts the advisability of giving time to the tenant, who should only be ejected in case of persistent contumacy, or hopeless impecuniosity.

4. In cases of ejectment of non-occupancy tenants who have growing crops on their lands, they must be allowed to tend and cut the same or be given compensation for the *ripe crops*. About two to five times the rent of the land is a fair amount to award. In either case rent will be payable in cash or by way of set-off.

5. *Enhancement of rent*—The following is a useful method of calculating or reducing lump rents to rent-rates. Find out the exact proportion which each class of soil in the holding bears to the rent, reduce the whole holding to terms of the lowest soil, calculate the rent-rate on this, and then work backward for the higher soils. Example: Suppose there are three kinds (A, B, C) of soil in fertility of the following proportion, 3 : 2 : 1.

Suppose a tenant has 30 acres of land and pays Rs. 90, his amount of each kind of soil being equal = 10 acres. This holding may then be supposed equivalent to  $30 + 20 + 10 = 60$  acres of the worst soil ; hence the rate for this will be Rs. 1-8 per acre, for the middling Rs. 3, and for the best Rs. 4-8.

(E)—*Miscellaneous.*

The following notes on the most important miscellaneous cases may be found useful :—

1. *Lumberdar's appointments.*—The provisions of section 14 of the Circular must be enquired into and carried out in every case. When an appointment has to be made by Government, the following points should be borne in mind. Is the person chosen representative of the community ? Is he a person from whom the revenue can be realised without difficulty ?

2. Mutation cases are, of course, decided on the basis of possession if possible ; if not, the principal points of the Hindu and Mahomedan Law of Inheritance should be borne in mind in giving possession to those best entitled. The conduct of partitions is so important that the following special directions are given at length on the subject.

*Directions for the Conduct of Partition Cases by Assistant Collectors.*

(A)—*Of the Preliminary Procedure.*

1. On presentation of an application for partition the Peshkar, or other officer in charge of the vernacular office, should be called upon to report within two days (a)



whether the application is in order, (b) whether the share claimed by applicant, and of which partition is desired, corresponds with that recorded against his name in the copy of the Khewat filed.

2. If the application is not in order or is open to objection on account of want of evidence that the share claimed actually belongs to the applicant, or for any other reason, the Assistant Collector should either return the application for amendment or reject it altogether.

*N. B.*—Ordinarily applications should be returned for amendment if this can be effected within a reasonable time, and of course the amended applications should not be rejected as over time. If, however, applicant claims more than appears to be his share (by the Khewat filed) and has to apply to the Civil Court for a declaratory decree, or other circumstances render the proposed partition premature or impossible, the application should be rejected.

3. If the proposed partition appears likely to cause administrative inconvenience, as for instance when perfect partition is claimed for a very small share, the annual Government revenue of which would be less than (say) Rs. 50, or the partition seems objectionable for any reason not sufficient to involve its summary dismissal under Rule 2, the Assistant Collector should forward the record with his opinion for the orders of the Collector of the district.

*N. B.*—Action under this rule will more often be taken after the examination of the Patwari and co-sharers has taken place than during the preliminary stage.

4. When the application does not present any *prima facie* objection, or when it has been amended, or when a reference to the Collector under Rule 3 has resulted in an order for the partition to proceed, the Assistant Collector will continue the partition as follows :—

" The order for issue of the Notification and Notices required under section 11 of the Act shall be passed, and the applicant shall be informed of the costs and required to pay them into the Court within a given time.

" During the term allowed by the Notification, the record-keeper shall be called upon to certify that no changes in the register have been made or ordered since the copy of the Khewat was given to the applicant, and to report whether the field map and settlement records of the muhal are complete. He shall also be required to state how the constitution of the muhal was defined in the settlement record of rights, and to quote any provisions regarding partition therein contained." \*

5. If costs are not paid in by the appointed time, the case may be struck off. If any objections to the partition are filed, a day should be fixed for their disposal on the following principles :—

(a) If there be an objection raising a *bonâ fide* question of right, and the case seems complicated, it will be better to refuse the partition until the matter has been set at rest by the Civil Court ; but

(b) if the Revenue Court has sufficient material for the decision of the question, or the objection is frivolous, it may be decided, and, if overruled, the partition will proceed.

N.B.—Although the law makes the consent of co-sharers to an imperfect partition necessary, it is not advisable to suggest as it were to the non-applicants that they should *veto* the partition ; and if no objection be made within the prescribed period, it may be presumed that none exists.

6. If there are no objections, or they have been overruled, the Patwari and shareholders will be summoned

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\* These are the words of the old Circular.

for examination as to the details of the property and principles of division. If on the day appointed the applicant does not attend, the case will be struck off. If no shareholders attend Court, the Partition Proceeding must be drawn up after examination of the Patwari and applicant, and the same will be proclaimed in the estate to be divided by affixing a copy thereof in the village "chaupal" or other public place. If no objection to the proceeding is made within a specified time, it will be presumed to have been ratified by the other shareholders. If any objection is made it should be disposed of after notice to objectors and applicants, and the partition proceeding may be modified in consequence thereof.

(B)—*Of the examination of the Patwari and Shareholders.*

(a) *Investigation into the nature and extent of the properties to be divided.*

What is the constitution of the estate to be divided? How are shares calculated (fractions of a rupee, bigha, &c.)? What is the share of the applicant? What is the whole revenue payable by the estate, and by the applicant? What is the total amount of cultivated land and of each class of soil? How much is held in common and how much in severalty? What sir land or land in special possession is there? What portion is cultivated by the proprietor and what by under-tenants? What description of cultivators hold the assamiwar or tenant's land and how much does each hold? What portions of the estate, if any, differ in quality of land, and what is the extent of each? What description of industrial or menial castes

live in the village, and what is the number of able-bodied males in each? What is the total number of houses in the village and the details of the uncultivated land, &c.? What revenue-free holdings or rent-free plots are there?

The statements marked 1 P, 2 P, &c., in the appendix may be filled up according to the facts, and will be found to present the answers to the foregoing enquiries in a convenient form.

(b) *Of the customs prevailing in reference to the above properties.*

2. Do the proprietors pay rent for their quasi sir land,\* or is it accounted for in the distribution of profits? What customs prevail as to the ejection of proprietors from land of this description?

3. What cases are collected from tenants of all descriptions, and to what extent do grain rents prevail? What difference is there between the rates ordinarily paid by cultivators with rights of occupancy and without rights of occupancy, and have the latter (tenants-at-will) any privileges as compared with outsiders, if resident on the estate?

To whose share do lands held by ex-proprietary tenants belong? What customs prevail as to trees growing spontaneously in cultivators' fields? What customs prevail as to sugar-cane or other extra rates?

4. What rights do tenants exercise over their houses?  
What customs prevail as to new buildings, use of manure,

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\* Land in special possession, but not sir.

&c. ? What customs prevail as to the trees inside the village site ? What rates, if any, are paid by non-cultivating castes ?

5. What customs prevail as to use of wood and fruits in groves in common possession or in that of tenants ? What customs prevail as to breaking up new land, grazing cattle, and use of forest produce ? What dues, if any, are paid by outsiders ?

What customs exist as to fishing, irrigation and use of water produce (singhara nuts, &c.) ? What irrigation dues are levied, if any, and from whom ? What customs exist as to use of water and earth from tanks for building purposes ? Is irrigation practised from rivers ? What dams, if any, are constructed for purposes of irrigation, and what customs prevail as to their use, repairs, &c., and what customs exist as to cultivation of melons or other crops on river banks ? What customs exist as to lands recovered from or lost in the river ? What boats and ferries are there, and what customs exist as to their use ? What customs exist as to the use of granaries, graveyards, quarries, burning ghâts, and the like ? What customs exist as to maintenance of roads and use of trees, &c., grown on them ?

6. What customs prevail as to irrigation from wells, their repairs, &c. ? What customs exist as to the use of temples, mosques and other religious institutions ? When do markets and fairs take place ? What dues are levied and how are they expended ? What customs prevail regarding indigo factories, saltpetre factories, saltpetre licenses, brick kilns and sugar mills ?

(c)—*Instructions as to the preparation of partition proceedings.*

(a) *Regarding the formal preamble.*

The following particulars should be stated in the partition proceeding by way of formal preamble :—

1. Serial number.
2. Number of the case.
3. Section of the Act under which proceedings are taken.
4. The name of the mbuza and pargana.
5. Names of the parties.
6. Shares of the parties.
7. Date of the filing of the case.
8. Date of the payment of costs.
9. Date of issue of proclamation.
10. Date of decision of objection if any.
11. Constitution of mahal and proposed constitution after partition.
12. Details of previous partitions.
13. Total area, with details of cultivated, cultivable and barren.

(b) *Regarding the general rules of the partition.*

1. Whether the partition will be made by an Amin, by the Patwari, by Arbitrators, or by the parties themselves.

*N. B.*—If the parties can do the work themselves, no method of partition is preferable, but ordinarily an Amin will have to be appointed. Arbitrators do not often give satisfaction in conducting a partition, and the Patwari cannot be allowed to do so unless his other duties admit of it.

2. Whether the present records will be accepted or whether a fresh survey is necessary.

3. Whether the numbers of the Khasra in use at present will be maintained or altered.

4. Whether the partition will be effected according to geometrical division, chakbat or khetbat, or nominal portions divided off by name.

(c) After recording the general methods of division approved by the shareholders present (it is understood of course that the Patwari and shareholders should remain in Court until the partition proceeding is completed), the details of property revealed by the investigation directed above should be recorded in narrative form, and the particular methods of division selected in a similar manner as explained below.

(d) Of the methods of division of the various properties recorded as above and their advantages and disadvantages.

1. *Sir land*.—Possession can be retained or can be given up: the law directs that it be maintained as far as possible; if this is impossible, that portion should be selected for transfer which is sublet to under-tenants. Deficiencies in sir land should be made up in the first instance from lands of similar quality held by tenants without rights of occupancy.

2. *Quasi sir land*.—This will ordinarily be divided as land held by tenants, but if the shareholders wish it, and it is practicable to do so, possession can be maintained.

3. If the estate to be partitioned can be divided into sections of varying fertility, each shareholder should ordinarily have his fair portion of each section, as well as of the different kinds of soil within that section. If the

shareholders desire it, and it is possible to do so, regard may also be paid to—(a) the number of each kind of tenant given to each shareholder, (b) the rent actually paid by those tenants, and (c) the possibilities of enhancement in the future. Rent free and ex-proprietary lands should be divided off to the share of that proprietor to whom they appertain, but rent-free lands granted by the entire proprietary body should be rateably divided. The village site should be divided with special reference to avoiding disputes and bad feeling in the future. Possession should be maintained as far as possible, and property which is of common use and advantage (as open spaces for sanitary purposes) should remain in common. Each shareholder should have his fair share of each kind of menial and industrial caste as far as possible. If compensation has to be given for land in possession in the village site (or “*abadi*”), it should be given from barren land.

5. Groves in special possession should be treated as *sir* land, the compensation to be awarded in each case to be decided by the shareholders. Groves in common should be partitioned so as to avoid breaking them up as far as possible. It will very seldom happen that the parties will consent to receive less than their fair share of land; so that inequalities in number of trees will have to be made up in one or other of the following ways :—

(a) Deficiency in number of trees can be made up by superior quality, or

(b) By cash payment.

(c) The number of trees can be made the same, but deficiencies in area can be made up from culturable land.



Groves in possession of tenants should be divided with reference only to area, and the rent, if any, payable for them.

Forests, waste lands, &c., should be divided rateably with reference to the produce, if any, obtainable from them, and their uses, or allowed to remain in common. The customs agreed upon to be followed after partition should be carefully ascertained and recorded. Rivers, tanks, &c., should be nominally divided, but it will be generally advisable to maintain the old custom as to irrigation, fishing, &c., and attention should be paid to any inequalities in usefulness.

6. Dams and other irrigation works. It should be particularly stated what differences, if any, will take place in their use, repairs, &c., after partition.

As to religious buildings, &c., the wishes of the shareholders and persons in possession should be carefully ascertained, and an arrangement made with reference to the special circumstances of each case, which will prevent future disputes and ill-will. As to factories, &c., the profits had better be divided in most cases, and the management remain as before, but the shareholders' wishes will of course be carried out.

(D)—*Of the Amin's Duties.*

Within fifteen days of his appointment the Amin should obtain copies of the following papers :—

1. Khasra.
2. Sajra.
3. Jamabandi.

The Amin will then begin the partition on the spot, and should ordinarily finish his work within one month. On completion of his work he should explain to each of the shareholders on the spot, if possible, the share he has allotted him, and obtain his affidavit of agreement to the partition. If the Amin takes a longer time than is necessary in completing the partition, or neglects his duties in any way, as by not testing the papers delivered to or prepared by him on the spot, or in any other way, a rateable deduction will be made from his fees.

*NB*—Nothing of the nature of valuation or appraisement of the properties to be divided should be left to the Amin, but this work must be done by the parties, or by the officer deciding the case himself on the spot.

(E)—*Of the final proceedings.*

On receiving the Amin's papers the officer conducting the partition will summon the parties to attest the papers, and explain to them the shares allotted to each. If there are any objections they will be decided in the usual manner.

*NB*—The disposal of the objections should always, if possible, take place on the spot, and the officer conducting the partition should take the opportunity of thus testing the entire work of partition from the earliest stages, and ascertaining that the details of property recorded correspond with the facts, and that the method of partition agreed upon is just and possible. It would be better of course that the examination of Patwari and shareholders and preparation of the partition proceeding should take place on the spot; but as this is not generally practicable, the final testing should be made as thorough as possible, and should include not only a scrutiny of the Amin's work, but a review of the entire proceedings.

After disposing of the objections, the Assistant Collector conducting the partition should distribute the revenue

over the shares and forward the papers including the following :—

1. Khasra,
2. Jamabandi,
3. Mahalwar abstract,
4. List of blocks,

to the Collector of the district for final sanction.

*N.B.*—Of course even if there are no objections the Officer dividing the estate is bound to satisfy himself that the partition is a fair one, and to amend it if necessary. In conclusion, the important principle may be repeated that nothing in the way of valuation or appraisement should be left to the Amin if this is not attended to, the results will be disastrous.

Suggestions for inspection of the working of Sub-ordinate Courts :—

I.—*Courts in general.*

1. Are the records neat and according to rule ?
2. Are parties informed of postponements ?
3. Are cases generally disposed of on fixed dates ?
4. What is the average duration ?

II.—*Criminal Courts.*

5. Are complainant's depositions properly taken on first institution ?
6. Are depositions written in the presiding officer's own hand-writing ?
7. Are defendant's statements properly taken ?
8. Are necessary certificates given in case of confessions ?
9. Are charge sheets used and properly filled up ?
10. Are formal sentences recorded ?
11. Are witnesses' expenses paid ?

The following questions concern stamps :—

1. Are stamps properly defaced ?
2. Is Talbana taken in non-cognizable cases ?
3. Are the perforations clean, no pieces being left sticking ?
4. Are stamps properly calculated according to the Court-fees Act ?
5. When the value is made up of two or more stamps, does a Treasury certificate accompany ?
6. Are pieces of stamps burnt or not ?
7. Are stamp values added to fines on defendants ?
8. Does each record bear a list of stamps ?
9. Do copies bear the signature of the attesting officer on stamps ?
10. Are all stamps above Rs. 2 signed by the official vendor, with date of sale, and others by persons filing them ?
11. Are there any unstamped or insufficiently stamped documents ?

*N.B.*—The following questions refer to records which have already been in the record-room —

12. Is the record-keeper's perforation dated ?
13. Is there a certificate of balance of stamps after weeding ?

*Appellate Jurisdiction.*

In conclusion, the following remarks may be hazarded as to the decision of appeals. It is not the function of an Appellate Court to retry a case, but merely to correct any obvious mistakes or injustice into which the Lower Court appears to have been led.

## CHAPTER 24.

## MEDICAL WORK.

THE extension of European medicine is a matter deeply affecting the well-being of the country. Although in a knowledge of simples the European surgeon might find something to learn from the experienced native practitioner, yet the absence of scientific and surgical knowledge in the latter renders the Government dispensary the safest place for a sick person to betake himself to. It is much to be regretted that the European practitioner adopts such a contemptuous attitude towards local methods of cure, and that no means can be devised of bringing the two systems into harmonious working. But while matters remain as they are, and especially while raw and inexperienced native practitioners are able to practice without any restriction, it seems advisable to extend dispensaries as much as possible, both by public funds and private enterprise. For the present we might be content with arrangements under which no person had to go more than ten miles for gratuitous medical advice. It then has to be ascertained that the people thoroughly understand that they are entitled to free treatment, and that the assistant in charge does not defeat the objects of Government by exacting illegal fees, and neglecting the poor because they are unable to pay them.

*Vaccination.*

Sanitation being treated of in a separate chapter we pass on to consider the subject of prophylactic measures against the scourge of small-pox. The principal draw-

backs to the spread of vaccination are, *first*, the system of endeavouring to force it down the throats of the people; *2ndly*, the want of a sound system of administration; and *3rdly*, the laziness and unintelligent procedure of the actual operators. As regards the first difficulty, the subject is one which, like sanitation, must be accomplished, at least in rural tracts, through the people themselves. The drastic method may succeed in towns, but cannot possibly be other than a failure in villages. Accomplished through the heads of the people, the effect will be lasting and permanent; accomplished in any other way, the effects, even if tangible, will be merely ephemeral.

The faults of the present system seem to be the dual control of the operating staff, and the inferior class of men usually employed. Until the staff are under the entire control of the local authorities, it is vain to expect to get really good work out of them. If a better class of men were appointed, so large a surface of work would probably not be performed, but its effects would be infinitely more lasting. Besides, a better stamp of man could be utilised at all seasons of the year as a kind of itinerant practitioner and health officer. As matters are at present the only thing to be done is to endeavour by every available means to defeat the tricks employed by the vaccinator to draw his pay without doing his work. A few words as to these tricks may not be out of place. *1st*, the vaccinator will take bribes from villages not to go there at all, or from heads of families not to vaccinate their children. *2ndly*, he will seize a few children whose parents are too poor to bribe, and too low down in the

social scale to resist him, and vaccinate them. This will, of course, do no good in the matter of example ; whereas if the leaders of the people were induced, by persuasion, to have their children vaccinated, the whole village would probably follow suit. *3rdly*, on arriving in a village the operator will demand fees, and, if refused, will report that the people decline vaccination. *4thly*, he will commence work in an aggressive manner, the result of which will be that all the children in the village run away and hide themselves, and then the operator will report, perhaps, that he has been opposed in his duties ; the real fact being that his unintelligent and objectionable method of procedure is alone at fault. *5thly*, he will visit the villages of his beat in such an irregular manner as most effectually to waste his time. And *6thly*, he will perhaps pretend that there is scarcity of lymph, the real fact being that this means he has not been doing his work ; as if a vaccinator really does his work, he cannot help *producing* lymph.

It must be the object of an officer who attempts to get good vaccination work done, to defeat these various machinations, and to so arrange an operator's work that he does not waste his time, and that a full tale of work can be exacted from him. In particular, it must be arranged that every village of the district is visited by an operator, once a year if possible ; if not, at least once in two years.

*Countess of Dufferin's Fund.*

In connection with the movement for supplying female medical aid to the women of India, the most practical

steps to take, with the object of benefitting the district in which work is organized, seem the following :—*1st*, the training and supervision of local midwives ; and *2ndly*, the training of medical pupils for work within the district.

A branch of the Provincial Fund, affiliated to the central body, will probably be most beneficial to the district.

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#### CHAPTER 25.

#### MUNICIPALITIES.

##### *Establishment.*

THE establishment of a municipality will ordinarily consist of a Superintendent and subordinates, in each of the three grand sub-divisions of Collection, Conservancy, and Public Works. Whether these departments will be entirely separate, or to any extent combined, will depend upon the circumstances of each municipality.

The number of subordinates also will greatly vary, and in addition to the whole will be the staff of English writers or clerks, described in Chapter 1 as belonging in most districts to the English office. The Superintendent of the Public Works Department will, in all large municipalities, be a professional engineer, and the whole will be superintended by a Secretary, on whose personal supervision of every department efficient working will depend.

##### *Income.*

The most important portion of municipal work is naturally the financial department. The income of most municipalities is derived from one of two sources, either



octroi taxation, *i.e.*, an impost on articles consumed within the municipality, or direct taxes. If income is raised by the latter, the same principles have to be borne in mind as are necessary in regard to Act XX Towns, see Chapter 32. But usually the income of a municipality is derived from a local duty on articles imported into the municipality—entitled octroi. In the collection of this tax the following points require attention:—

1st.—Are the outposts so situated as to watch all the roads by which goods could approach the municipality?

2nd.—Is the system of collection one which offers any opportunity of embezzlement?

3rd.—Has each outpost a list of monthly income for the past ten years with the average struck?

4th.—Is a list of duties leviable hung up at each post?

5th.—Does the taxation injuriously affect the trade of the town, or unduly raise the price of any article of consumption?

#### *Collection.*

The collection of an octroi tax is the only matter in this connection which is likely to present any difficulty. The work of collection has to be carefully supervised to see that the public are not unduly harassed, and that, at the same time, the tax is not evaded or embezzled. No vexatious weighing or searching of traders' consignments should be allowed at the outposts, but only enough to check fraud. The counterfoil passes given for different consignments, according as they are for consumption within the municipality, in transit, or partly one and partly the other, should be of different colours, so as to be

easily distinguished, and every facility should be given to those desiring to pay duty at the Bonded Warehouse.

The clerks must be compelled to have returnable counterfoils properly pasted in in the various pass-books: they must give a separate pass to each individual, and be required to write legibly.

The safest method of collection is by sealed or locked boxes, the cash with a copy of the pass being deposited through a slit by the clerk, and the boxes opened by a responsible officer daily: It is understood that duties paid at the Warehouse are collected by the Octroi Superintendent himself. It must be remembered that articles, the duties on which do not amount to one pie, are exempt from taxation. All outpost clerks should sleep at their outposts, their proceedings on market days being carefully checked to see that they collect duty on the full amount of goods sold in the market, and no more. It should be ascertained that proper duties are levied on all goods consigned to European and official residents within municipal limits.

### *Conservancy.*

The conservancy of towns will be found treated of under the title of Urban Sanitation in Chapter 27. The strictest supervision is required in towns to ensure the observance of cleanliness. As a preliminary measure it must of course be ascertained that the number of latrines and urinals, and the staff of sweepers, is sufficient for the requirements of the town. Similar remarks apply to dust-bins, which should be distributed, according to

a uniform system, all over the town. Particular attention should be paid to the trenching of nightsoil, which, unless the screw is constantly applied, will be done in a most unsatisfactory and objectionable manner. Deep trenching, and a thorough covering with earth, is, of course, what is required. It need scarcely be remarked that all drains should be of masonry, and that the water-supply should be kept thoroughly pure. Details will be found in Chapter 27. If the conservancy plant is found insufficient, a special grant should be made for supplementing it.

### *Public Works*

The public works of a municipality do not present any peculiar features, and remarks in Chapters 15 and 22 apply. It may be stated in general terms that the money raised in taxation should be expended, as far as possible, for the benefit of the classes taxed. As a particular instance of this general principle, it may be noted that all towns should be provided with well-kept parks or gardens, and that money should not be grudged in improving streets, or even in beautifying the town. It is particularly worthy of notice that municipal roads, specially those over which traffic is heavy and continuous, will usually require repairs more than once a year. The principal streets of every town should be furnished with shady avenues.

### *Arrangement of streets, houses, &c.*

In every place where a number of human beings collect, the interests of the individual have to yield to those

of the community. It follows that a certain space in all streets and thoroughfares must be preserved from encroachment, and that houses and additions to houses must be built, trees cut down and planted, &c., according to certain fixed rules. General principles are difficult to lay down, because the circumstances of no two towns are alike: but the following will be found of pretty general application :—

1. Traffic must not be impeded.
2. Free entrance to drains must not be interfered with.
3. Danger of fire must not be incurred.
4. Trees or branches of trees, in dangerous positions, must be removed.
5. Trees affording shade to the public should not be allowed to be cut down.

With regard to No. 3, grass thatchings should never be allowed in populous streets, as in the hot, dry weather they catch fire on the slightest provocation. A bamboo thatching is not nearly so dangerous, and nearly as cheap. This kind of roofing may be recommended to the poor, who, however, should leave the town if they cannot afford to conform to its laws.

#### *Penalties.*

The penal clauses of the law should be enforced with discrimination. It must be remembered that the majority of offences are, like those under excise and similar laws, not usually *mala per se*. It is inadvisable to prosecute an otherwise unoffending citizen for ordinary breaches of bye-laws. Those whom it is for other

reasons advisable to punish may be thus proceeded against, and repeated offences may, and in fact should be, punished : but it is better to secure general observance of rules by personal influence than by constant prosecution. Frequent prosecutions are also inadvisable, because they lead to underlings getting up false cases for gain.

### *Supervision.*

The most important thing of all is, of course, efficient and constant supervision. In towns where there is a paid Secretary, the exclusive devotion of his time to this work ought to be sufficient to gain the desired object. But even where this is the case, the Tahsildar and Magistrate having jurisdiction in the town, should take a share of the duty of superintendence, bringing to the notice of the District Officer everything that it is advisable for him to know. In every instance the town should be parcelled out between the members of the committee, each being responsible for the conservancy, and absence of anything injurious to health, safety, or convenience, within their beats. Members should also test vital statistics within their beats.

### *Preparation of Budget.*

Clear explanations should be given, under the head of Income, of any abnormal figures : that is, if past experience (which is the usual basis of estimates of income) is expected to be falsified in the future, reasons should be given in full. Under Expenditure, reasons for exceeding the Government percentage, under each head, should invariably be given.

*Miscellaneous.*

Licensing of hackney carriages is an important part of the duties of a large municipality. Numbers must be exactly suited to the requirements of the town. In case of excess, drivers will ply for less than the proper scale of charges : this will always deteriorate the condition of the carriages. In case of deficiency, the public will suffer, of course, in another way, *i.e.*, from the independence of the drivers.

Among minor miscellaneous matters may be mentioned the following : contributions to schools and dispensaries should be liberal ; all leases of intra-municipal nazul lands should be reported for Government sanction, and all houses should be permanently numbered.

The following suggestions for inspecting the condition of a municipality may be found useful :—

*Establishment.*

1. Is the establishment in due proportion to the income and work to be performed ?

2. Do all heads of subordinate departments keep up and submit diaries ?

*Income.*

3. Is the income sufficient for the requirements ?

4. If not, is any obvious source of receipt neglected ?

5. Are the effects of any tax injurious to the community ?

6. Do all residents within municipal limits, irrespective of nationality or position, pay full taxes ?

7. Where an octroi tax is levied, are the outposts properly situated ?

8. Has each outpost a standard average of monthly income and list of duties ?

9. Are traders subjected to unnecessary annoyance in the collection of the tax ?

10. Is the system of passes efficient ?

11. Does the system of drawbacks work well, or does the octroi operate as a transit duty ?

12. Do all octroi clerks sleep at their outposts ?

13. What system of supervision is there over collections on market days ?

14. Is the system of collection from outposts one which opens a door to fraud ?

#### *Conservancy.*

15. Is the number of latrines, urinals, and dust-bins sufficient, and are they clean ?

16. Is there any deficiency in number of sweepers or plant ?

17. Is the trenching of nightsoil satisfactory ?

18. Are house and street drains in a satisfactory condition ?

19. Is the water-supply pure ?

20. Are there proper arrangements for bathing, washing of clothes, and slaughter of animals for food ?

#### *Public Works.*

21. Is the income spent for the benefit of the town ?

22. Are there any public gardens and avenues ?

23. Are the most frequented roads kept in proper repair all the year round ?

*Miscellaneous.*

24. Are encroachments on streets, or buildings dangerous, from liability to catch fire, or for any other reason, allowed ?

25. Do the municipal members supervise their wards and check vital statistics ?

26. Is the system of licensing hackney carriages efficient ?

27. Are all leases of intra-municipal nazul reported for sanction ?

28. Are all houses numbered ?

29. Are the penal clauses of the law intelligently worked ?

30. Are the Government percentages of expenditure exceeded ?

31. Are the contributions to schools and dispensaries liberal ?

32. What system of official supervision is there ?

33. Does the Secretary insist upon seeing everything with his own eyes ?

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CHAPTER 26.

POLICE.

THE administration of the Police Office is to a certain extent a matter outside the District Officer's duties, and the following remarks are therefore confined to the



modified share of the work which, under existing arrangements, alone falls to his share.

The first and all-important desideratum is that there should be cordial relationship and co-operation between the District Officer as Magistrate and Head of the Police, and the District Superintendent, or immediate controlling officer under the Departmental Head.

In certain cases, of course, this advantage may be purchased too dearly by allowing a young and inexperienced Police Superintendent to have complete control of his department, and responsibility for the proper working of the Police is a burden which the District Officer can never shake off. But he may with advantage be careful not to run to the opposite extreme, by vexatious interference with an officer of high reputation and experience. The evil effect of an idea getting abroad among the people, that those who control them are at variance among themselves, will not be counterbalanced by the so-called strong administration of an officer who has everything done his own way.

It is in every way desirable that the District Officer should thoroughly know the *personnel* of his Police establishment. He should particularly know the station officers, but not neglect the almost equally important class of subordinate officers. These subordinates often counteract all the good that an honest station officer does, and a knowledge of their character and operations is a most important part of the assistance which a District Officer can render the Police. It will be rarely that the District Officer will have sufficient time to extend his

knowledge to constables, but he should know generally whether the retention of all officers at their stations is desirable in the interests of the people and of the administration. In this connection it may be remarked that while the retention of station officers, and constables possessed of local knowledge, is, under due restrictions, advisable, subordinate officers will generally employ any influence they may acquire from long residence for evil.

The following subjects for enquiry in reference to the working of Police stations visited may be noticed:—

1. Is reporting faithful, or do the public from want of confidence in the Police try to do *any thing rather than report*?

*N. B.*—This lamentable state of things is a good deal brought about by the foolish (if not corrupt) conduct of the subordinate officers referred to above. They conduct their enquiries in the most oppressive and insulting manner possible, and rarely, if ever, find out any thing. A complainant, besides getting back nothing of his property, loses a great deal more in feeding the Police, loss of time, &c., and is probably well abused and disgraced into the bargain. What wonder then if he tries to conceal his loss?

2. Is the station officer respected by the people?

3. Has he his chaukidars well in hand, and does he insist upon getting the benefit of their local knowledge?

4. Has he his bad characters well in hand, and is he always informed of their movements?

5. Does he work with or against the officers of surrounding stations and districts?

6. Is he active in his habits, a good horseman, and well mounted, and has he really inspected all his villages himself?

7. Has he divided the whole of his circle among his constables?

8. Does he induce respectable persons to come and converse with him freely, and does he take care that he is alone when thus conversing?

9. Does he make his informers understand that the information they impart will be kept secret, and that they will never be called upon to give evidence against their will?

*N. B.*—This is, of course, the backbone of a policeman's work. If, in order to work a particular case, he sacrifices the principle, he will absolutely ruin his administration.

### *Watch and Ward.*

The matter of effective watch and ward is one which comes specially within the province of the District Officer. Not only should he ascertain that his thanas are properly allocated, but that all roads, ferries, and other channels of traffic are properly watched and protected.

The allocation of a thana is a matter involving a number of considerations, but, of course, the most important of all is centrality. Besides centrality (the arranging that no village in the district is much more than eight miles away from a Police station), the following matters have to be taken into consideration :—

*First.*—The importance of the place fixed upon for the Thana itself and the advantages of controlling a turbulent or criminal population on the spot.

*Secondly.*—The number of roads, and lines of communication, that can be most effectively watched from the place.

*Thirdly.*—The healthiness or the reverse of the spot chosen.

When the villages subordinate to the station have been chosen it is necessary to determine the number of chaukidars (or village watchmen) who should be appointed to each village. It is obvious that these should bear some proportion to certain average figures. The district average figures for the following items may serve as a guide : number of houses per man ; number of inhabitants per man ; number of miles to be travelled by each man each night. The most important point in the allocation of chaukidars is to enquire whether they have any physical obstacles to the proper patrol of their beats, as, for instance, impassable rivers or *nalas* to cross in the rains.

*General.*

The following general points may be noted for a District Officer's enquiries as to his Police :—

1. Do headquarters officials habitually make money by transfers, roster of duty, &c. ?

2. Does the Superintendent of Police leave the Reserve Inspector too much power ?

3. Have the Circle Inspectors their thanas well in hand ?

4. Are they always on the move in their circles, or is their time frittered away in doing subordinate officials' work ?

5. Are they prompt in reporting bad work among station officers, or do they screen offenders ?

6. Are the lines properly situated, with latrines, &c., and clean ?

7. Are the officers and men generally smart ?

*The Daily Abstract of Crime.*

Having got a good Police force and establishment, and a fairly accurate report of crime, the District Officer ought to find the daily abstract reflect to him, as in a mirror, the state of his district from a police point of view. It will show whether there has been any serious crime which reflects adversely on the administration, or whether there has been an epidemic of crime in any village. The number of crimes, since the year began, should be noticed opposite each village in every abstract. The following questions may be added as a guide to reading the daily abstract :—

1. Has there been any delay in reporting ?

2. Is there any serious crime in the abstract ?

3. Is there any village of small population and importance where more than six crimes have been committed ?

4. Is there any place where more than one crime has been committed during the same night ?

In the last two cases the chaukidars should be called upon through the station officer for an explanation.

In conclusion it may be stated (though the proposition will probably encounter a good deal of adverse criticism) that superior officers of Police should be *held responsible that serious crime is not committed within their jurisdictions*. If they attend to their duties, especially the all-

important one of patrol, the worst criminals will either leave the district, or adopt an honest livelihood. Unpremeditated crime (such as murder) cannot, of course, be prevented ; but the occurrence of rioting, dacoity, serious robbery, &c., simply proves mal-administration.

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## CHAPTER 27.

### SANITATION.

THE sanitation of towns and villages is a most important branch of district work, and not as difficult as might at first be thought. It is certainly one that has to be faced, and therefore a few simple rules may be suggested as a contribution towards the literature of the subject.

Health depends generally upon the following conditions: pure air, pure water, wholesome food, proper clothing, and regular exercise. Additional requisites that may be noted are: well-lighted dwelling-houses, situated on high sites from which the water drains off easily and where the surface moisture does not linger ; or in other words, the important factors of light, elevation, and soil. It is, however, but rarely that the average conditions of life in India admit of such details being attended to. The circumstances of many parts of Europe, however, show that it is not only Asia which is obnoxious to criticism of this kind. Such minutiae might with advantage be attended to when a new site is being chosen for human habitation ; but we have, from a practical point of view, to consider how to make the best of existing conditions.

Sanitation from a practical point of view may be divided into urban, rural, and intra-domestic sanitation.

For towns, the following rules are offered as having stood the test of practical experience:—

1. All drains should be open, so that they can be flushed with pure water daily.

2. Wells should be built on high clean places with broad platforms, and the upper part of the masonry kept in constant repair, so as to prevent the infiltration of surface water.

3. Bathing should not be allowed on the platforms of wells used for drinking purposes, but, if carried on at all, confined to special platforms constructed away from the wells.

4. Trees should not be allowed near wells used for drinking; or if they must be tolerated, there should be a covering to the well to prevent leaves falling into it and rotting there.

5. Measures should be taken to prevent dirty water from plates, &c., washed at the well falling back into it.

6. *Lotas* full of earth should never be lowered into the well, but the earth rubbed off the *lota* before it is allowed to touch the water.

7. Wells should be thoroughly cleansed at least once a year.

8. House drainage into public streets should be carried out by means of masonry drains leading to a large receptacle, which admits of being constantly emptied and cleansed. The receptacle should be covered over, but the cover should be removeable at pleasure. The great

point to avoid is the contact of the drainage with, and its absorption by, the soil.

9. No waste places should be allowed within municipal limits. If waste places are allowed, it is impossible to keep them clean. The sites, which are usually very valuable, should be let out on building leases, or to cultivators. Ruined houses especially should be levelled and removed, or properly repaired.

10.] All unnecessary plants, such as thistles and undergrowths of every description, should be cut and cleared away; as if this is not done it is difficult to tell whether the ground is clean or not.

11. Wherever sewage or other contamination has been allowed to get into the soil, the affected earth should be carefully removed, and dry clean earth substituted for it.

12. Rubbish bins should be situated at convenient spots all over the town, and in sufficient quantity to avoid the collection of refuse elsewhere. Owners of houses should be carefully watched to see that they do not throw their rubbish outside the bin.

13. Latrines should be supplied in sufficient number to obviate any excuse for not using them. The most important point in connection with latrines is that dry earth in sufficient quantity should be supplied, and its use insisted on. The flooring must be such that water does not penetrate. Whenever a bad smell comes from a latrine, it is a proof of defects of this nature in conservancy, and the remedy is not to remove the latrine but to improve the system.



14. Similar remarks apply to urinals: whatever vessels are supplied, should be sufficiently large or numerous to prevent overflowing, and of course all nightsoil trenching must be deep, wells being dug if necessary for its reception.

15. Tanks used for bathing should be kept for that purpose, and no dirty clothes washed, or offensive articles steeped, in them; if possible, a current of running water should be made to flow through the tank.

16. Similar remarks apply, *mutatis mutandis*, to tanks used for the purpose of washing clothes: a stream of running water should be made through the tank, to the cost of which the washermen using the tank should contribute. Of course no offensive article should be steeped in the tank. All tanks should at least be turfed at the sides, if masonry walls cannot be provided.

17. Slaughter-houses should be built away from the town, and provided with roofs and paved flooring, to the cost of which the butchers should contribute.

#### *Rural Sanitation.*

The above rules apply to a certain extent to large villages; but rural sanitation in general is, of course, not so complex a thing as that of towns. The following seven rules may be recommended for general introduction:—

1. All rubbish heaps should be removed from the village site and located in places from whence the wind rarely blows. Large holes should be dug to receive the refuse, the earth from the holes being piled on the side, and thrown in from time to time on the top of the rubbish.

2. House drainage should be received in a masonry or earthenware vessel, as in Rule No. 8 for urban sanitation.

3. Special places should be fixed upon to be used as latrines and the nightsoil should be covered over with earth.

4. Wells for bathing and drinking purposes should be separate. See Rule No. 2 for urban sanitation.

5. Piggeries should not be allowed within the village site.

6. Tanks for bathing purposes should be kept clean and walled in, as in Rule No. 15 for urban sanitation.

7 All holes, waste places, and deserted houses should be levelled, built upon, or cultivated.

*Intra-domestic Sanitation.*

1. Sewage to be prevented from entering the soil.

2. Stagnant water not to be allowed inside the house.

3. Houses to be well ventilated.

4. Cattle not to be kept inside the dwelling-house, or, if allowed, the droppings to be carefully removed.

5. The ground to be hard enough to prevent the water poured on it from entering the soil.

6. Latrines to be kept scrupulously clean, and care taken that they cannot possibly pollute the drinking water.

The following two rules are of universal application :

1. No decaying vegetation should be allowed anywhere.

2. Everyone should sleep as high off the ground as possible.

*Suggestions for the Sanitation of Dwelling-houses on the European method.*

1. The site of the dwelling-house should be high and so regulated that surface water does not accumulate. A good plinth is very healthy.

2. Trees and shrubs in small number should be planted round the house, but not to such an extent as to impede the free circulation of the air. The lower branches of trees should, with this object, be lopped off, to the height of some ten or twelve feet from the ground.

3. The well should be of solid masonry with a raised and covered platform, and so arranged that water does not accumulate round it. All wells should be thoroughly cleaned out once a year.

4. Stables, fowl-houses, &c., should be kept scrupulously clean, and no droppings, whether solid or liquid, allowed to accumulate. The earth flooring should be renewed from time to time.

5. Nightsoil must be buried in a deep pit and covered over with dry earth immediately. Where latrines are used, an abundance of dry earth should always be at hand for instant use, and the flooring should be solid.

6. At least once in 24 hours the whole house should be opened out so as to insure a current of fresh air right through the building. The time to do this is in the early morning, an hour before sunrise, as then flies do not enter, and it is, besides, the coolest time. Chicks or

bamboo blinds must of course be raised, or a perfectly fresh current of air will not enter.

7. All dirty water should be carried away to a distance from the house by means of masonry drains, which should continually be flushed with pure water. Particular care is necessary that the dirty water of the cook-room should not accumulate. Deodorizers and disinfectants should be occasionally used.

8. Nothing should be allowed inside the cook-house, but what is absolutely necessary for carrying on the operations there, and persons entering it should have previously bathed and put on clean clothes.

9. No decaying vegetables of any sort or kind should be allowed within the enclosure, and all refuse paper and cloth should be burnt and the ashes put into the recognised manure pits. .

10. Soiled clothes should be put away in unoccupied rooms and washed as soon as possible.

11. Water for drinking purposes should be first boiled and then filtered.

### *Epidemics.*

On the outbreak of an epidemic the most important thing of all is to isolate the infected spot; no communication should, if possible, be allowed between the infected spot and the outer world. Anyone desiring to pass out from the infected habitation should be compelled to pass through an atmosphere of sulphurous vapour. All material objects, as well as persons, should be similarly disinfected. It will of course be rarely possible to carry

out these measures in their entirety, but sometimes a little apparently unnecessary fuss at the commencement of an outbreak will save an immense deal of money as well as of life. Soldiers taken into cholera camps often carry the disease with them ; whereas if they and their kit were disinfected before going into camp, they would probably find they left the disease behind them. All excreta should be first disinfected and then removed to a distance and carefully buried. Similar remarks apply to vomit. The clothes of all cholera patients should be disinfected and, if possible, burnt. It is safest, likewise, to destroy with fire the rooms in which the cholera patients have been ; but if this is not possible, they should be thoroughly cleansed and disinfected. It is at least indispensable that all earth, on which cholera discharges have fallen, should be dug up and renewed.

#### *Prophylactic Measures.*

In all epidemics, strict attention to sanitation is necessary. Diet should be plain and digestible ; long fasts should be avoided, especially when having to pass through infected places. All diarrhoea should be checked at once : for this purpose chlorodine or diluted sulphuric acid and water is useful. During epidemics refuse heaps should be left alone, and water-supply attended to. *The use of wells from which victims have drunk should be stopped.*

This chapter cannot be better concluded than by remarking, that even if the special measures advocated are found impracticable, a certain amount of good can

always be done by what may be called preventive or *ex-post facto* sanitation. Flag out a space within which no nuisance is allowed, and *clean up afterwards*, i.e., when people who will not attend to rules have passed through the area you wish to protect.

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## CHAPTER 28.

### STAMPS.

THE administration of the Stamp Department may be divided into the following subdivisions, on each of which a few words are necessary :—

1. Provision for the custody and sale of stamps.
2. Diffusion of a knowledge of stamp law among the people.
3. The inspection of records.
4. The punishment of breaches of the stamp law.
5. Watching fluctuations in sales.

1.—The officer in charge of stamps should arrange for their custody in tin-lined boxes, impervious to the attacks of white ants, rats and other vermin. All higher values of adhesive stamps should be kept in separate envelopes, clearly marked with their values; care should also be taken that stamps are not creased or otherwise damaged.

The officer in charge of stamps should have a *stamp map* of the district prepared, showing at a glance where there are arrangements for the sale of stamps. The map will, of course, show clearly whether rural areas are properly supplied, that is, whether every inhabitant

of the district has, as he ought to have, a place at which he can purchase stamps within reasonable distance (say eight miles) of his residence. The map should, of course, have marked upon it all market towns, or places where there is any trade, and the sites where there are facilities for vend will, of course, be indicated by the same sign, say, by a big S. All vendors must keep stamps of every description likely to be required and a sign-board, copy of the Act, &c., as required by Government.

*Knowledge of the Law by the Public.*

2.—The officer in charge of stamps should see that a short abstract of the Stamp Act is available for reference by the public where required. It might be posted up in bazars, marts, and places where “merchants most do congregate,” and it should be in the hands of all Patwaris. The abstract should be trilingual, *i.e.*, in English, Urdu and Hindi, or at least bilingual. Patwaris should be examined, at every opportunity, as to their knowledge of the stamp law, and should never be granted a certificate of fitness, unless they have passed a mild examination in the most important points.

It should also be impressed upon Patwaris that it is their duty to instruct villagers, traders, and money-lenders in the most important points of the stamp law. Besides the public, the officer in charge of stamps has to ascertain that Government officials know and observe the law. It is necessary that all Government servants should be well up in the stamp law, but the following officials more particularly need this knowledge. First,

Record-keepers, and then officials connected with the courts.

3.—The following suggestions for the inspection of record-rooms may be found useful :—

1. Do copies bear three perforations, one on each side of the Queen's head and one in the centre ?

2. Do all other stamps bear two perforations, one on the right side of the picture (and left of spectator) and one in the centre ?

3. Are pieces of punched stamps left adhering to the records ?

4. Does each record bear a list of stamps ?

5. Do copies bear the signature of the attesting officer on the stamps ?

6. Does the Record-keeper's perforation (that on the right side of the picture) bear the date of the operation ?

7. Are court-fees properly calculated in all suits ?

8. After weeding does a certificate of balance of stamps in the record exist ?

9. Are receipts from prosecutors, for property produced in evidence, taken on plain paper ?

10. Are Talbana or process stamps attached to the application for issue ?

11. Are court-fee stamps above Rs. 2 signed by the official vendors, and others by the person filing them, with date of sale or presentation respectively ?

12. Are there any unstamped or insufficiently stamped documents ?

13. Are complainants in criminal cases repaid their court-fees (by fine on defendants) ?



14. Are receipt stamps properly defaced ?

*N. B.*—If any of the foregoing questions, except 3, be answered in the negative, a fault has been committed, the following officials being responsible :—

The Ahalmad of the Court, 1, 2, 3, 4, 7, 10, 11, and 12.

The Officer in charge of Copies, 1 and 5.

The Court Inspector, 9.

The Officer in charge of Records, 8.

The Stamp Moharir or vendor, 11.

The Record-keeper is, however, responsible for bringing all descriptions of irregularities to light. The following is a convenient form for recording results :—

1	2	3	4	5	6	7
Number of stamps examined	Number of serious irregularities detected	Number of trifling irregularities detected	Percentage of serious irregularities on total stamps examined	Percentage of trifling irregularities on total stamps examined	Officials to blame for serious irregularities	Officials to blame for trifling irregularities

Inspections should be made at least once a month, and current files as well as those deposited in the Record-room should be inspected.

### *Penalties.*

4.—In order to ensure the observance of the law it is necessary to stimulate both officials and the public by a judicious administration of penalties ; but it has to be remembered that offences against the stamp law belong to the class styled technical, and therefore the remarks on this subject in Chapters 19 and 25 (Excise and Municipalities) apply.

For officials a book should be kept, in which the names of all found responsible for irregularities connected with stamps should be entered. A small code prescribing the duties of various officials in connection with stamps will be found useful.

The officer in charge of stamps should watch the action of the courts in impounding unstamped and insufficiently stamped documents, and bring to the District Officer's notice any instances of systematic neglect in this respect, which he may discover.

The public should invariably be prosecuted for breaches of the stamp law. The only exception that can be made is, when the offender is so ignorant that his action in breaking the law may be regarded as a pure accident, or when his conduct proves that he had no intention of defrauding Government. In awarding punishment the circumstances of the offender, and any penalty which may already have been levied from him, should, of course, be taken into consideration.

5.—The stamp note-book should contain the average sales of every denomination of stamp for the past ten years for every month of the year. If the Stamp Officer desires to keep a thorough grasp of the administration, he will have the sales for each month written up in this book, as the year proceeds, opposite the average figures. Should, then, any violent fluctuation take place, he will at once be able to localize it, and enquire into its cause. When no special causes can be ascertained for fluctuations, they may be noted as natural, but particular care must be taken to see whether

they correct themselves as the year goes on ; and if they do not, there is clearly some cause at work which should be ascertained and recorded. The Stamp Officer should ascertain whether there are any large traders or money-lenders in the district whose operations may be expected to affect sales. Intelligent explanations of fluctuations should accompany the quarterly statements.

#### *Refunds.*

Refunds should be freely granted, the District Officer merely satisfying himself that the allegations of applicants are generally correct.

#### *Miscellaneous.*

The Stamp Officer should inspect all Record-rooms and the current files of all courts at head-quarters at least once a quarter.

All courts in the interior should be inspected either by the Stamp Officer, or by some one on his behalf, at least once a year. Inspections should include all kinds of courts, civil, military (as Cantonment Magistrates' courts), revenue, and criminal. Results of inspections should be recorded in the stamp note-book, or in a special book devoted to the results of record inspection.

The stamp note-book should contain a note of everything affecting the administration, and especially the results of inspection of all offices and shops, in the interest of stamp administration.

Suggestions for the inspection of Tahsil offices and courts will be found in Chapters 4 and 23.

The following apply to the stamp administration of a district in general:—

*Head-quarters Office.*

1. Are stamps properly stored and registers kept up ?
2. Are acquittance rolls properly stamped ?
3. Are the stamps counted regularly, and, if so, by whom ?
4. Are fluctuations watched and intelligently explained ?
5. Is the stamp note-book properly kept up ?
6. Where are results of Record Inspections recorded ?
7. Is there a stamp map of the district ?
8. Have all officials a small code prescribing their duties ?
9. Is there a book in which all delinquencies are recorded ?

*Tahsil Offices.*

The first four questions will be found applicable.

*Instruction of the Public in the Law.*

10. Are any abstracts of the Stamp Act in use in the district ?
11. Do money-lenders and large traders generally know the law ?

*Record-rooms and Courts.*

12. How often have the various Record-rooms and courts been inspected within the year ?

*Stamp Vendors.*

13. Have all stamp vendors' shops been inspected within the year ?

14. How many have been found properly supplied with stamps, and with copies of the Act, Schedules, &c., properly posted ?

*Miscellaneous.*

15. Are deeds for pawn of jewellery properly stamped ?

16. Are the proper stamps for bills of exchange used ?

17. Are refunds freely granted ?

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CHAPTER 29.

SUMMARY SETTLEMENT AND ENHANCEMENT OF RENT.

FULL rules for imposition of summary settlements are contained in Board's Book Circular No. VI, 1. But these rules are a little obscure in parts, and probably the procedure in many districts is very dissimilar.

In some districts the entire papers are prepared by a Kanungo, and a certain percentage only tested by the officer making the settlement ; in others, all fields are inspected by the officer himself. It need hardly be stated that every field should be classified by the officer himself, but it is not necessary that he should test every detail of the Kanungo's measurement, provided he has satisfied himself by testing a sufficiently large percentage of the general accuracy of the whole. For instance, he would probably be able to classify, at a glance, a largish tract of country lying between two definite natural boundaries, *e.g.* the present stream of the river, and the high bank in time of flood, and all the khasra numbers belonging to this tract may thus be assessed, on

the basis of their measurements, at the soil-rate in question. If the proprietors object to a lump classification of this sort, the assessing officer should, to satisfy them, inspect all individual fields which they declare to be below the average, and see if they are sufficiently numerous to vitiate the classification. The soil-rate to be applied to the classified land will, in all probability, have been ascertained and recorded by the Settlement Officer; but, if this has not been done, observation must, of course, be made over a sufficiently large area to obviate the danger of error in educing the average rate. The safest way is probably to eliminate from the calculation all figures which are abnormally high or low, and include in the calculation only such as are really average.

An apparently insuperable difficulty is met with when rents are found to be "lump" and not on the basis of soil-rates, but this difficulty can be met by a simple expedient. Suppose the lump rent is Rs. 20, and the holding consists of, say, 20 bighas of land, 10 of first-class and 10 of second-class soil; also suppose the value of the first class soil to be twice that of the second class. The holding then is equivalent to one of 30 bighas of the second-class land, and the rate per bigha for this class will be As. 10-8, that for the first-class being Re. 1-5-4. The calculation will stand thus:—

10 bighas of land at	Rs. 1 5 4 =	Rs. 13 5 4
10     "     "     "     "	" 0 10 8 =	" 6 10 8

Total 20 bighas at a lump rent of Rs. 20. Similarly, lump-rents for all kinds of holdings can be made to

yield soil-rates by reducing the holding to, so to speak, lowest terms of soil, and working back to the highest. The educed soil-rates will be applied of course to all *str* and rent-free lands, and calculations of all miscellaneous items of revenue added, according to the Circular, to produce the gross assets, of which a moiety is to be taken as revenue. Besides the above data, the assessing officer has, as the basis of settlement, the actual recorded assets as entered in the Patwari's papers. If the papers are fairly accurate, these figures may be largely accepted as the basis of the settlement; but if the reverse is the case, or there is any reason to suspect deliberate falsification, they must be regarded, of course, with extreme caution.

The following paradigm or exemplar statement is offered as it may be useful to officers doing this kind of work for the first time. It generally appears in the column of Remarks in Statement A, the form in which all summary settlements are reported for sanction :—

“The changes in this *Mahal* since the last quinquennial revision have been very great. Besides the area assessed in 1500 *Fasli*, the rent-roll of which has not materially changed, the river has thrown up three distinct classes of soil, aggregating in area some 50 acres. The first-class, classified as *Teraï*, grows splendid wheat crops, and Rs. 10 an acre is a fair average, which errs rather on the side of leniency than otherwise; the recorded rental cannot be ascertained, as the village papers are not reliable. The assessment has been made on this soil at the average educed rate. The second tract of

"land classed *Terai No. 2* is about 25 per cent. less  
 "in value than the other, it has been assessed in the  
 "same way at Rs. 7-8 per acre. On the third class of  
 "soil, which is sand, melons only are grown, and the  
 "recorded rental may be accepted, and gives an assess-  
 "ment rate of Rs 3 per acre. The income from grass  
 "has not materially changed. The following table gives  
 "the details of assessment :—

" Assessment of last revision on high lands and jungle pro-									
" posed to be retained .. ... ..									250
" Add 25 acres 1st class Terai at				Rs.	10	0	(Rs	250)	= 125
" " 10 " 2nd " " " "					7	8	( "	75)	= 38
" " 15 " " of melon land at "					3	0	( "	45)	= 22
Total Rs. 435 "									

### *Enhancement of Rent.*

The rules for enhancement of rent are contained in Board's Book Circular No 5, Department II. The investigation in enhancement cases may be conducted very much in the same way as that above described (in Summary Settlements), and the method of educing soil-rates from lump-rentals is, of course, precisely the same. The labor of investigation may be very much abridged by throwing a large number of cases in the same neighbourhood together. One case may thus be made to decide others, so to speak, and the work of educing soil-rates will be considerably abridged, and at the same time more thoroughly done, if applications are disposed of in groups and not singly. When all the land, in all the suits that are to be heard together, has been inspected and classified, the Settlement Officer's rates for each



class will be compared with those given by the recorded rental, or ascertained rental, of fully-assessed holdings, and it will be easy to deduce fair rates, which can then be applied to each individual holding.

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## CHAPTER 30.

### SUPPLIES TO CAMPS.

WITHOUT entering upon the difficult question of whether supplies should be exacted or not, the following rules, for rendering their enforced collection as little irksome as possible, are offered as likely to prove useful.

#### *General Rules.*

1. It is most important that all officers going into camp should give as long notice as possible of their intention to do so, and of the places at which they will require supplies and transport. A week is the very least interval during which supplies can be arranged for, and it should be a clear week, *i.e.*, the notice should be received in the Tahsil seven clear days before the supplies are required.
2. Officers should finish their work in one Tahsil before proceeding to another, as it is impossible to arrange for the attendance of the necessary officials in the camp, if it is moved capriciously from one tahsil to another.
3. Provided they conform to the rules enforced in the district, there is no objection to any officer applying direct to the Tahsildar for supplies, but in that case the

supplies will only be furnished in accordance with the rules, and Tahsildars may be directed either to refuse supplies to those who do not conform, or in case they consider the public service will suffer by their refusal, to give the supplies under protest, reporting the name of the officer, and the circumstances in full, for orders.

4. As soon as possible after the conclusion of the rains, the Tahsildars will prepare lists of prices-current for all the usual encamping grounds in their jurisdiction ; at the foot of these prices-current will be noted all articles supplied free, according to the scale hereinafter to be laid down, and also any article (whether to be paid for or not) which cannot be procured at the particular encamping ground.

5. A copy of the prices-current will be delivered to every officer demanding supplies, and his receipt taken for the same, which will be held to be a recognition on his part of the conditions on which alone supplies will be furnished.

6. The principal native official attached to every camp must be made personally responsible for the carrying out of the rules.

7. Cash payment for all articles supplied must be insisted upon.

The subject divides itself naturally into the following sub-heads—(1) Transport; (2) Major Necessaries which are always paid for; (3) Minor Necessaries which are sometimes paid for and sometimes not; (4) Minor Necessaries which are never paid for; (5) Skilled Labour which

is always paid for; (6) Unskilled Labour which is sometimes paid for and sometimes not. A few words are necessary on each of these heads.

*Transport.*—It cannot be too strongly impressed upon every officer that all transport should be hired by the month. The following is a list of fair monthly and daily rates:—

Kind of transport	Monthly rate			Daily rates			Remarks.
	Rs.	A.	P.	Rs.	A.	P.	
Camel ...	7	0	0	0	6	0	
Buffalo ...	6	0	0	0	4	0	
Bullock ..	7	8	0	0	4	0	
Pony (1 anna a kos) ...	12	0	0	0	6	0	
Ordinary small country two-bullock cart ..	15	0	0	0	8	0	
Large bullock cart ...	7	8	0	0	4	0	Per bullock.

*Major Necessaries.*—The best method of all is for each officer to carry about a bania with him in camp, and supply him with money in advance to buy up grain at favourable rates. • But if this cannot be done, a small advance on market rates must be paid to banias seized and compelled to attend on officers' camps, in order to compensate them for loss of profit and arbitrary disposal of their services; at least if they are required to be in attendance the whole day. Officers must remember that the travelling allowance which is granted by Government is specially intended to reimburse them for these and similar charges. The official in charge of supplies should fix the hours of attendance of the bania, in reference both to his convenience and that of the camp-followers, and should prevent the bania being compelled to hang about the camp all day. The bania should be informed that

if he supplies anything to anybody except for cash down, he does it at his own risk, and the camp-followers should be supplied with small change, and compelled to adhere to the cash rules.

The following articles are always paid for, and Tahsildars are absolutely prohibited from supplying them free :—

Grain and other eatables.

Poultry.

Eggs.

Goats or sheep.

Milk.

Fodder (" blusa," " karbi," &c.)

Grass should always be paid for if the owner can be traced and is willing to receive it.

*Minor Necessaries.*—The following are usually supplied free :—

Straw.

Wood.

Earthen vessels.

The following is a list of quantities per man ; it is a maximum allowance, and should never be exceeded without special reason :—

Straw—1 bundle, not exceeding 15 seers.

Wood—not exceeding 6 seers.

Earthen vessels—2 " gharas " and 2 " handies."

Grass—not exceeding 15 seers. ..

The officer in charge of supplies should be held responsible for seeing that all supplies are paid for before

the advance camp is struck, and has marched, and must prevent the unseemly scenes, witnessed in too many camps, of the bania hunting out defaulting customers.

*Skilled Labour.*—It must also be observed that skilled labour, if required in the camp, must be paid for, and the rates should be higher than those of the market, on account of compulsory attendance.

*Unskilled Labour.*—Unskilled labour required for tent pitching, &c., need not be paid for, especially in estates where labourers of this class receive grants of land in lieu of service. But such labourers may receive a small gratuity at the discretion of the officer in charge of the camp.

Officers cannot be too strongly recommended not to accept offers of horses, elephants, and the like, from persons over whom they have jurisdiction. Such conduct always creates an uneasy feeling in the minds of those who have not such commodities to offer, that their chance of justice is less than that of their richer neighbours. If these things are ever borrowed, the menial servants of the owners should be liberally rewarded, and the animal's food always paid for, at all events if detained more than one day.

The cream of the above rules is contained in the following maxims, and if officers will bear them in mind, much of the hardships resulting from camping will be avoided:—

1. Always give a week's notice.
2. Pay higher rates for compulsory attendance.

3. Insist on cash payments.
4. Never allow the maximum quantities to be exceeded.
5. Put a high official in charge of supply.
6. Always take your transport by the month.
7. Insist upon a patient hearing of all complaints.
8. Do not be too anxious about your own comfort.
9. Never borrow.

Tahsildars will make lists of all things and persons liable to seizure within their jurisdiction, and be personally responsible that they are taken in turn. If this is not done, illegal gratifications for exemption will be taken by subordinate officials.

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#### CHAPTER 31.

##### TAKAVI.

TAKAVI may be defined as a cash advance to a proprietor or cultivator, to enable him to effect improvements in land, or support himself or his cattle during seasons of distress. Ordinarily advances of the latter description are made under the Agriculturist Loans Act (XII of 1884) in times of famine and scarcity, but advances are also made, in normal years, for the purchase of seed and plough cattle. Advances for the improvement of land are made under Act XIX of 1883, and may take place at any time. Full directions as to procedure under both Acts are given in Board's Book Circular No. 5, pages 60 sqq.,—IV, Part II, and the following remarks are merely transcribed as the results of experience.

Immense diversity exists in different districts as to the granting of these advances. In some the District Officer is beset by applications for advances; in others his great difficulty is to induce the people to come forward and accept the relief offered them by the law. It need scarcely be remarked that this state of things is due to the various methods of procedure adopted. In the former case, loans have been too readily granted, in the latter not readily enough. The object, of course, is to hit the golden mean between the two extremes. It may be remarked that the unpopularity of Government loans in most districts is principally due to two causes:—First, want of discrimination in granting a loan, and secondly, too great rigidity in recovering it. Suppose that advances have been made to a number of persons who had no real intention of carrying out the objects of Government, and that when this was discovered the few persons who desired the money for legitimate purposes have been harshly treated along with the rest in the matter of recovery, it being, of course, very difficult to discriminate after the fact. The result, is that Government advances of all kinds receive a bad name, and are avoided. Another reason for the unsatisfactory progress of work of this description is the too great timidity of Tahsildars in granting these loans; they are nervously afraid of having any but safe debts on their list, and this disposition is too often fostered by the treatment they receive at the hands of District Officers. If the agricultural community are to benefit by these loans, some risks must be run, though, of course, irrecoverable

balances ought to be reduced to a minimum. The following principles are applicable to the three classes of loans alike, *i.e.*, advances in time of famine, for plough cattle and seed, and permanent improvements:—*First*, the most thorough enquiry should be made, before granting any loan of any sort or kind, as to whether the proposed recipient intends to use the money properly. It is not sufficient to enquire whether the applicant is a rich or poor man. If he is a poor man he may nevertheless desire a loan only with the object of squandering it and absconding. Nor is the fact of a man's being well-to-do a sufficient reason, by itself, for either refusing or granting a loan. Although well-to-do, a man may *bonâ-fide* desire an advance for legitimate purposes; or on the other hand, he may desire to borrow money at a low rate of interest, and lend it out at a high one. The obvious conclusion of the foregoing remarks is that each case must be judged on its individual merits. The only questions to ask are:—Does the applicant desire a loan for legitimate purposes? Has he the power to carry out his intentions? *Secondly*, having chosen your recipient, the next thing is to grant him his loan in such a manner as will be really useful to him. In this connection the great object is to make the period of repayment sufficiently large. In the case of a rich man, of course, the loan may be advantageously recovered within a very short period of time; but for the ordinary borrower it is absolutely necessary that the period of recovery should be a lengthy one, at least ten years. *Thirdly*, the money should be advanced to the



recipient in such a manner, and at such a time, as to be most useful to him. This rule can be best illustrated by pointing out the inconveniences which result when it is sinned against. For example, advances are constantly given for land improvements at a time when the improvement works cannot be executed. This, of course, is a direct incentive to the borrower to embezzle the money. *Fourthly*, given a *bonâ-fidè* borrower, there should never be any hesitation in granting him time for the repayment of his loan. Similarly there should never be any hesitation in recovering at once all money which has been obtained under false pretences. An exception to this rule is so important that it may be given as a fifth principle. When a *bonâ-fidè* borrower has diverted money advanced to him to purposes other than those for which it was intended, it is not to be concluded at once that the money should be taken back. If the recipient has a prospect of getting the money back, and *eventually* spending it on the object for which it was granted, indulgence may still be shown him. As before, the one question to ask is : Will the money eventually be spent on the objects contemplated by Government ? *Fifthly*, all Tahsildars should, during the cold season, previous to the grant of the loans, make exhaustive enquiries on the above principles, as to deserving recipients of takavi. They should know exactly the places in their Tahsils where this loan money can usefully be advanced; the objects on which it should be expended, and the amount of money required for each purpose. *Sixthly*, the money allotted to the district should be

divided over all the Tahsils, in proportion to their requirements ; and if any Tahsildar finds that he cannot spend his allotment, it should be reallocated to Tahsils requiring the money. *Seventhly*, if the district allotment is exhausted, and more money can be spent, application should be made for the overflowings of other districts. *Eighthly*, care must be taken that proper interest is charged on all overdue advances.

A few words are now necessary as to two kinds of loan :—

*Famine advances.*—But little need be said about these advances, as adequate security should always be taken. It may be remarked, however, that report should freely be made for leave to exceed the sanctioned maximum of three years, which appears very low.

*Advances for seed and cattle.*—These advances are constantly made in a most haphazard way. The bullocks purchased may be hypothecated for the repayment of the loans, and branded as an additional precaution. Enquiries should be made in the cold weather as to the way in which these loans have been utilised. A common system of fraud is for cultivators to send away their bullocks to an accomplice's house, and then pretend to buy them in with the Government loan. These and other methods of deception should be enquired into and checked.

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## CHAPTER 32.

## MISCELLANEOUS.

THE following chapter refers to a number of minor miscellaneous matters, arranged as in the preceding chapters in alphabetical order :—

*Act XX Towns.*

Act XX of 1857 is primarily intended to provide for the watch and ward of those places where the land revenue is not sufficiently large for this purpose. Towns of five thousand inhabitants and over usually come under the Act, and in the larger ones it has become customary to provide funds for useful sanitary and other works within the town, as well as for protection. The income is derived from a house-tax, with occasionally assistance from other sources, such as confiscated market dues. The income from direct taxation is ordinarily assessed by a local Panchayet or Committee. The assessments are usually most unsatisfactory, as the assessing body attempt to throw the whole burden of taxation on the poor. It might be expected that these worthies would favour their friends and rich neighbours, but it will be found that they also strive to exempt the rich as a class. Under these circumstances it is plain that the greatest care is necessary to defeat these machinations. The needs of these towns are practically the same as those of municipalities, but it will ordinarily be impossible to supply them with more than the most pressing wants, such as roads, drains, and perhaps latrines. Well-cleaning should be done by the owners of wells, or when this cannot be

arranged for, by the surplus at the disposal of the town, Tahsildars should know intimately the requirements of all towns within their jurisdiction, and be prepared with proposals for the expenditure of balances. It need scarcely be added that the assessments should be most carefully revised, and measures taken to check the malpractices alluded to above.

#### *Appropriation of Land.*

Full directions are given as to the conduct of this kind of work in Board's Circular No. 1, Department VIII. The only caution necessary is to be sure that Government officials are not allowed to understate the value of properties under assessment, under a false idea of duty to their employers. It is much to be regretted that some officials fancy conduct of this kind to be loyalty, the real fact being that no greater injury could be done to the true interests of Government. There may be some difficulty found in capitalizing the value of fractions of land revenue, but full directions are given in Circular No. 2, and nothing further is needed than intelligently to read and carry them out.

#### *Boundary Disputes.*

Notwithstanding all efforts made to ensure the accurate survey of revenue-paying lands, cases constantly occur in which the maps of adjoining villages do not correspond. There are only three satisfactory methods of deciding disputes arising out of these inaccuracies:—

*First method.*—When one of the two maps is obviously correct, and the other obviously incorrect, any disputes should be decided on the basis of the former.

*Second method.*—When both maps are incorrect, and possession clear and indisputable, a dispute may be decided on this basis, the party out of possession being referred to the Civil Courts for redress.

*Third method.*—When both maps are incorrect, and possession cannot be ascertained, the neutral zone given by the superimposition of the maps one on the other must be divided between the contending parties, either in moiety, or in proportion to the area of their respective properties.

### *Buildings and Repairs.*

Notwithstanding the existence of the Public Works Department, the superintendence of building work still devolves not unfrequently on the District Officer and his assistants. The following calendar showing the general descriptions of engineering work which should go on at different times of the year, may be found useful :—

DESCRIPTION OF WORK.	NAMES OF MONTHS IN WHICH THE WORK SHOULD BE DONE.
Masonry in general. (This should be done as necessity commands of course, but the proper season for pucca masonry is the rainy one.)	July, August and September.
Wood work. (This depends on necessity, but it can be done better in the dry season than in any other.)	From December to June.
Collection of metal for 1st class roads.	From November to June.
Consolidation of metal on 1st class roads.	Generally in July, August and September.
Bridge making ...	From December to June.
Raising unmetalled roads ...	From November to March.
Well sinking ...	From December to June.
Drain making (in dry season) ...	From December to May.

DESCRIPTION OF WORK.	NAMES OF MONTHS IN WHICH THE WORK SHOULD BE DONE.
Tank making ... ..	From December to May.
Dam making ... ..	From December to July.
Ordinary annual repairs to buildings.	Commenced in November and finished as soon as possible.
Execution of petty repairs on 1st class roads. (These should be executed within 24 hours after any holes or hollows appear on the road.)	All seasons of the year.
Repairs to bridges and culverts ...	From November to March.
Repairs to patris or sidings of 1st class roads.	From November to January.

The following suggestions for testing work may be found useful :—

1. Are the bricks well burnt ?
2. Is the mortar made with good lime ?
3. Is the whole building made according to specification ?
4. Are the spans of arches too wide for safety ?
5. Is the wood strong and free from knots ?

But professional inspection should always be arranged for. The proper season for repairs is after the monsoon. During the monsoon only such work should be done as is necessary to preserve the building from injury by the monsoon rain, and to enable it to be used during the monsoon itself. Tahsildars should be compelled to send in estimates for repairs as soon as possible after the close of the monsoon.

#### *Destruction of Noxious Animals.*

Rewards should not be given for the destruction of noxious animals unless there is an appreciable loss of life or property caused by them. Unless strictness of this kind is observed, deception of various kinds will be practised.

*Jails.*

The Magistrate of the district is required to visit the jail every month. The following questions are suggested as a general guide for this inspection :—

1. Is the discipline good ?
2. Are the scales accurate, and does the Superintendent himself inspect the weighing ?
3. Is the conservancy good ?
4. Is the bread clean and pleasant to the taste ?
5. Are the vegetables inspected by the Superintendent before issue ?
6. Is the clothing in good order ?
7. Is the garden properly manured, and the lime-trees watered ?
8. Is the waste land utilised ?
9. Is solitary confinement awarded with discretion ?
10. Are there any under-trial prisoners whose cases have been pending more than a month ?
11. Have any prison officials interest in contracts ?
12. Are the registers neatly kept up ?
13. Are all prisoners who desire it allowed to labour ?
14. Are all fines and punishments entered in character rolls and misconduct book ?
15. Are any articles likely to facilitate escape left about ?
16. Are more than one-third of the guard natives of the district ?
17. Does the Superintendent visit the jail at night ?
18. Is there a written distribution of work ?

19. Are more than the authorized percentage of prisoners employed as jail servants ?

20. Is there any rank vegetation in the enclosure ?

21. Are there any lunatics unnecessarily detained ?

*Lunatics.*

Lunatics are of three kinds :—

*First.*—Ordinary lunatics who may be detained by the Police if they are found doing, or likely to do, injury to themselves or others, or to public property. These lunatics should be sent as a rule for the observation of the Civil Surgeon. If they are found to be harmless, such lunatics will be made over to their friends, on their filing security to prevent them from doing any injury. If he is reported dangerous, a lunatic should be sent to an asylum ; but in all cases his relatives (if he has relatives, and they are able to do so) should contribute towards the cost of his maintenance. When a harmless lunatic has no relatives, he may be detained in a poor-house, if he is unable to contribute to his support in an asylum.

*Second.*—The second kind of lunatic is a criminal lunatic who is under trial for an offence. Under section 466 of the Criminal Procedure Code, the Civil Surgeon must be examined as a witness in the case ; and if he deposes that the lunatic is incapable of making a defence, he will be reported to Government under the rules issued under cover of Government Order No. <sup>89</sup>VI-274B of 1890. The documents to be forwarded are the same as those to be sent with the third kind of lunatic, see below. It should



be observed that the second kind of lunatic will be detained in the same way as the third kind, viz., as a person who has committed an offence when he was insane, the only difference being that if he subsequently becomes sane he may be put upon his trial.

*Third.* — Those lunatics who are found to have committed an offence when they were insane. These will be reported to Government with the following papers:— (1) Magistrate's summary, as per G. O. No. <sup>98 99</sup> VI-274B, dated 15th January 1890; (2) Abstract of the evidence; (3) Report by the Medical Officer. These documents are described in the G. O. as Form 1 A, C and B respectively. It is, of course, to be understood that the third class of lunatics are only those who are found to be sane at the time of trial. Should they be found insane, they must be dealt with under the rules applicable to the second class. The point to be observed is that the procedure in the District Court is different with the two classes of criminal lunatics,—the one being tried, and the other reported without trial. The procedure in reporting and detention is practically the same in both cases.

### *Nazul.*

The principal points to be attended to in the administration of Nazul properties, or properties of which Government is the owner, are as follow:—

In all cases where the State property consists of land, it will usually be most efficiently managed on the same principles as Court of Wards estates, see Chapter 16.

The points to ascertain on taking charge of Nazul lands are:—How much property is there in the district of this description, and where is it situated? Are the prescribed registers properly kept up? Are there maps of all the property, and are the boundaries properly demarcated? Who makes the settlement of the land, or the property, and who checks his operations? What is the state of the collections? Are all sources of income developed to the greatest extent possible? For what period are leases granted? Could a greater amount be obtained by granting leases for longer periods? Has a proper amount of money been spent in improvements, and have proper efforts been made to develop the property in every way?

What is the state of the balances? Has proper care been exercised in collection? Have tenants been asked to pay at the proper times, when their crops are ripe?

What is the state of the expenditure? Has sanction been accorded to all items? Are unauthorized deductions from receipt ever made and expended without being first credited?

Have all persons occupying Government property been made to pay rent? Are there any unreported occupations?

Can any Nazul land or money be obtained under N.-W. P. Circular 6 (C IV) for public purposes, *e.g.*, station improvements, &c.? Can takavi be usefully given?

When have the accounts been audited, and with what result?

*Prices, Crops and Weather.*

It has been constantly laid down that Tahsildars should keep the District Officer informed of everything affecting the well-being of the agricultural community. In connection with this duty trustworthy reports of the state of crops, markets, &c., become of paramount importance. It must be ascertained that Tahsildars do not allow any one to play tricks with prices-current. In some districts immense sums of money are made by illegitimate interference with market rates. It should therefore be ascertained that Tahsildars are personally cognisant of the rates they return, and do not depend upon the reports of other persons. Similarly accurate reports of crop outturn should be insisted upon. The unit is usually the circle of the supervisor kanungo. Each of these circles should be divided into blocks of varying outturn according to the facts. The average outturn of the circle can be easily calculated in the following manner:—Suppose the outturn of any particular crop over half the circle to be (say) 8 annas and for the other half 12 annas; then the whole circle will give 8 annas, but in addition half of it gives 4 annas more: the total outturn for the circle is therefore 10 annas. Similar calculations will give accurate average figures, whatever the facts may be. In exactly the same manner the figures for all the circles should be pieced together to give the outturn for each Tahsil, and similarly also the Tahsil figures will give those for the district.

*Revenue.*

The principles which should govern the collection of revenue have been commented on in Chapter 9 in reference to Tahsildars. The District Officer has, of course, to be guided by similar principles in his own conduct, that is, he must ruthlessly collect wherever default is contumacious, and hold his hand wherever it is due to calamity. The District Officer should take every opportunity of finding out what estates are over-assessed, without letting it be known what he is doing ; and he should endeavour to obtain a reduction even during the currency of settlement.

The following is quoted from a previous work by the author :—

“ In the most cautious manner District Officers should  
“ make themselves acquainted with the circumstances  
“ of all those estates which require relief and submit  
“ proposals for their re-settlement for longer or shorter  
“ periods. An officer has ready to his hands the most  
“ unerring guide to a generally correct list of such  
“ estates, if he will only utilise it. He must find out  
“ on what properties the demands of the state are habi-  
“ tually in arrears or discharged with difficulty. If such  
“ a result is due to the hopeless impecuniosity or mis-  
“ conduct of the revenue payer, the sooner the estate  
“ changes hands the better, for its real capabilities can-  
“ not be ascertained as it is. If no fault attaches to the  
“ proprietor, and he is not overwhelmed with debt, the  
“ case is plainly one for a relief which ought to be  
“ granted without the least delay or demur.”

In collecting revenue the first object is to make the proprietor pay up when he has cash in hand, and to insist upon the Government demand as a first charge on estates; but, on the other hand, care must be taken not to drive the proprietor into the clutches of the money-lenders. As to punitive measures the greatest care is necessary to prevent Tahsildars from themselves employing or allowing others to employ irregular methods of collection. For instance, the quartering of peons or petty officials upon landholders is an abominable system, which should involve the removal from his office of any Tahsildar who permits it. The quartered person, of course, encourages the default, instead of attempting to collect the arrears.

After writs of demand the most effective method of coercion is attachment of movable property. But this, as a rule, should be reserved for the contumacious defaulter and as a warning to others. When resorted to with defaulters who are not contumacious, every effort should be used to prevent the attachment actually ending in sale.

Care should be taken in particular that livestock is left in the custody of the proprietor.

After attachment will follow temporary alienation. This is particularly useful as a guide to the real condition of any estate. Failing satisfaction the severer methods of realization must be resorted to. Under such exceptional circumstances the District Officer will, as a rule, have the benefit of the advice of superior authority before taking action. During the collection of the land revenue a weekly statement of the state of the balances, as

compared with those of the past year and average for five years past, should be prepared and brought up for orders.

#### *Sales.*

The execution of decrees of the Civil Court against immovable property is a most important matter, and one that it is to be feared does not receive its due share of attention. The result is that the economical evil wrought by our Civil Courts is unnecessarily aggravated. The first requisite is accurately to gauge the value of the estates to be sold, a work often most perfunctorily performed in Tahsils. Temporary alienations are rarely possible, but what can be done is to see that only such portions of the estate are sold as are necessary to satisfy the decree; and to insist, by judicious postponements and other devices, on getting a fair price.

#### *Treasure Trove.*

The directions, in the Statute (Act No. VI of 1878) are exceedingly clear and full, but the following points may be noticed :—

1. No interference by the Police is allowable unless the treasure exceeds Rs. 10 (§ 4).
2. Ownerless treasure (that is deposited more than a hundred years ago) should be made over three-fourths to the finder and one-fourth to the owner of the place of finding (§ 12).
3. Treasure deposited less than a hundred years ago is to be treated as ownerless if no claimant appears.
4. Persons claiming treasure trove are to be referred to the Civil Court (§ 8).

5. Treasure trove may be acquired by Government on payment of 20 per cent. above the value of the property (§ 16).

*Weights and Measures.*

A District Officer will constantly find his subordinates trying to induce him to interfere in the matter of weights and measures. But this subject is one far better let alone until settled by legislation. There is not half as much danger of fraud from a varying standard as might be at first sight supposed : an Indian purchaser is, as a rule, quite able to look after himself.

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PART V.

QUASI-OFFICIAL DUTIES.

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CHAPTER 33.

AGRICULTURAL IMPROVEMENTS.

THE most important thing in this connection is to get up a branch of the Provincial Agricultural Association in the district, and to encourage its members to form little sub-associations, at various places, all over the district, where matters connected with agriculture may be discussed in the presence of the agriculturalists themselves. What is meant is that bodies of actual cultivators should be invited to be present at the meetings, their objections heard to the proposals of the department, and their co-operation invited in carrying out feasible and practical experiments in the neighbourhood. The great mistake which has been hitherto made by the department seems to be

this—the actual cultivator has never been approached direct. All sorts of fancy ideas and implements for the improvement of agriculture have been devised in the office, some of which have turned out to be absolutely useless in practical working. Had the cultivator himself been taken into the counsels of the department, all this waste of energy, or a good deal of it, might have been avoided.

The following subjects seem to have most chance of practical success in India at the present day.

*First*, the improvement of the breed of plough cattle. Even if nothing much can be done in the way of importing superior animals, there is always an immense field for useful work in trying to overcome the popular prejudice against castration. If the reproduction of species by worn and worked animals could be stopped, a benefit would be conferred on the country of which the extent can hardly be calculated.

*Secondly*, comes the kindred subject of providing cattle with proper food. This again presents a field of almost unlimited usefulness for our hypothetical village associations. Hardly a village now exists in the thickly populated districts of India which has proper grazing grounds. Government co-operation is, of course, required before any great progress can be made in this matter, as for instance in encouraging the provision of grazing grounds, in the same manner as is done in the case of groves, by exempting the grounds from assessment as long as they are used *bonâ fide* for the purpose for which exempted, *i.e.*, the grass not sold as a commercial speculation.