bardár's allowances, and village expenses are entered on one side, and the receipts from rents and other sources of common profits on the other.

Besides these accounts, the patwári keeps for general purposes a "roznámcha" or diary, which is simply a narrative of everything that he does, or that happens in his village or circle.

These books are preserved for four years after the close of the year to which they relate.

But the patwári has also to maintain another set of records relating to the condition of the village and its produce, showing the improvement or deterioration of the estate, and containing other statistical information of a similar character.

The maintenance of the village maps is also an important object.

If the maps, once correctly drawn out at settlement, could be accurately kept up, so that all changes in cultivation and other features were carefully entered in distinctive red lines, the expense of re-survey at future settlements might be almost wholly avoided. And this object is aimed at under the improved system of cadastral survey which has recently been introduced. In the same way with the statistical records. If a really reliable account of progress in cultivation, of the produce of land, and the rise or fall in value of land as shown by the *true* rental, the actual terms which proprietors can get for the use of their land, were available, the task of revising settlements, and of judging whether revision is necessary at all, would be almost indefinitely lightened[10]. It is also needless to point out how valuable such statistical information is for many other purposes connected with good government.

Great effort is therefore directed both to the proper preparation of the patwári's papers and to the maintenance of the maps.

Both objects are dependent on a field-to-field inspection done under supervision; and the first thing is to furnish the patwári

[10] See an excellent note prefaced to the Board's Circulars, Part III.

with copies[1] of the village maps when these have been prepared with sufficient accuracy. He has also a "khasra" or field-book, or index to the map. This shows the numbers of the fields as in the settlement khasra, but the columns are all blank, and it is the patwári's duty now to fill them, according to actual facts as they are at the time when he makes his inspection[2]. During the inspection, also, he marks all changes in the size and division of fields, or any other changes, such as roads, drains, or wells, in his village map. These maps and their corresponding tabular khasras for each year are filed and kept in the tahsil, being deposited there as soon as the year closes.

A second volume of records consists of statements or abstracts compiled from these field khasras, so as to show in convenient forms, and separately, the different classes of facts. These statements are :—

(1) "*Mílán Khasra*," a statement showing the total area of the year as compared with that of the previous year, under the heads of cultivated, culturable, and barren; and showing also what land is irrigated and what is unirrigated, how much is barren, covered with trees, and so forth. The number of wells of each kind is also stated.

(2) "*Naksha jinswár*," or abstract statement of crops. This shows the area under each kind of crop, both on irrigated and unirrigated land. It is prepared separately for each harvest.

(3) "*Naksha bághát*," a statement of groves and orchards.

(4) "*Jamabandi*." This paper is the annual rent-roll to which allusion has been made. It is brought on separate forms for tenants who pay *cash rents* and those who pay *in kind*.

(5) Lastly, there is the *Dákhil-khárij Khewat*, or register showing all the changes in the proprietorship and shares in land. It is prepared so as to show, first, the "opening khewat" or state of proprietorship as it was on the last day of the previous year; and, second, the intermediate changes or "closing khewat" as it stands at the close of the present year.

[1] Now usually prepared by photozincography.

[2] For example, his khasra before the rabi' harvest will show all the fields, &c., that have spring crops of different kinds, and when again he makes an inspection in the kharif he will show those that bear sugarcane and other autumn crops.

All these records are bound into four volumes:

Statistical Records	*Volume I.*—The Khasra. *Volume II.*—The land and crop statements compiled or abstracted from the Khasra. *Volume III.*—The Jamabandi and Dákhil-kháríj Khewat.
Village Accounts	*Volume IV.*—The Wásilbáqi and Jama-kharch, or village accounts.

§ 18.—*The Patwári in Oudh.*

In this province the system has not received quite the same development as in the North-West Provinces.

It must be borne in mind that originally, under the Native system, the patwári was purely a village servant, getting paid by certain perquisites, and perhaps a bit of land held free or at a favourable rate. In Bengal, as we have seen, the system of patwáris on this basis has fallen into disuse, not, however, without much difference of opinion among revenue-officers as to the wisdom of permitting it, and not without some serious difficulty in Revenue-administration, where the estates of "zamíndárs" are numerous and small. In the North-West Provinces it was early seen that with proprietary communities and small holdings, the patwári was a most essential institution. He was therefore lifted up out of his original position; he was made a Government servant and given a fixed salary. His education was provided for, and his duties multiplied and minutely prescribed: only the appointment and the succession to the office are regulated to some extent by ancient custom.

In Oudh, where the patwáris had long been regarded as the servants of the landlords, and remunerated by them in such manner as they thought fit,—by grant of land, by cash allowances, or by customary dues levied on the landlord's tenants—it would have been distasteful to introduce a complete change and make the patwári's appointment to depend entirely on the District Officer, and his remuneration to be a Government salary

raised by a cess. It was decided, therefore, not to impose any "patwári's cess," but in their kabúliyats, the landlords engaged that it should be open to the Government hereafter to make such modified arrangements as they thought fit. Finally the matter was dealt with in the Land Revenue Act[3]. By this the Chief Commissioner was authorised to require the appointment of a patwári for any village or group of villages or other local area, and to make rules for regulating the qualifications and duties of these officers. In estates other than taluqas the Deputy Commissioner is empowered (subject to rules made by the Chief Commissioner) to appoint, suspend, and dismiss the patwáris; and the Chief Commissioner is also authorised to provide for their remuneration and supervision.

In taluqa estates the law leaves these matters to the taluqdárs, who are not interfered with, so long as they make proper arrangements for the performance by the patwáris of their prescribed duties, and for the submission of the accounts and returns required by the Act and Rules. On the failure of the taluqdár to make such arrangements, the Deputy Commissioner is authorised to take action, and in cases of continued or repeated neglect the Chief Commissioner may declare that[4] the rules for estates other than taluqdári are to be applied. It has not yet been found necessary to exercise this power, to make a distinction which is a rather invidious one, between taluqdári and non-taluqdári estates; and the practice has been to allow all classes of proprietors, equally, to appoint their own patwáris and to exercise the power (which is by law only secured to the taluqdár) of fixing the remuneration, dismissing and suspending; but this is allowed as long as men are appointed according to the standard of qualification required, and as long as their duties are properly performed.

Patwáris are required to hold certificates of qualification in reading and writing and arithmetic, and in the duties of a patwári.

[3] Act XVII of 1876, Chapter XII.

[4] *Id.*, section 213.

The maximum area for one patwári is land paying a jama of Rs. 2,000 (or Rs. 3,000 in a taluqdári estate).

The patwári keeps up books much as in the North-West Provinces, has his village account, his diary of occurrences, his field list, which he checks and fills up by the inspection of every field, just in the same manner as already described.

He prepares at *the end of the year*, from the ledger which shows the payments of tenants, &c., a rent-roll or "jamabandi" showing the rents that *actually have been paid* in the previous year.

§ 19.—*The Patwári in the Panjáb.*

Here the duties of patwáris are described in detail in the rules made under the Revenue Act[5]. One is appointed for each mahál or estate, unless two or more smaller mahals have been united into a "circle[6]."

The patwári is nominated by the headmen, subject to conditions of fitness and approval by the Deputy Commissioner. He is paid by a fixed percentage (not exceeding 6¼ per cent.) on the revenue, which is collected by the headmen, and paid to the patwári on his receipt. His duties being concisely stated in Rule 15 under the Act, I shall not apologise for extracting it, although it repeats to some extent what has been stated under the North-West Provinces.

"The duties to be performed by patwáris shall be as follows:—

"(1) To keep a diary in which every fact coming to their knowledge, bearing on the preparation of their returns, or upon the revenue administration of the estates in their circles, shall be entered at the time, the date of the entry, and the manner in which the fact was learnt being shown.

"(2) To keep a ledger containing the accounts of demands upon and payments by the proprietors and tenants of each estate.

[5] Head A, Chapter II.

[6] In especially large or heavily worked estates or circles an assistant patwári may be appointed (Rules, II, § 4).

"(3) To report [7] to the qánúngo the death of village officers and of assignees of land revenue, and all transfers of, or successions to, proprietary right or rights of occupancy.

"(4) To conduct the survey and prepare the maps and measurement papers of the estate or estates included in the circle.

"(5) To report to the tahsíldár without delay the occurrence of calamities of season within the estate or circle.

"(6) In the cold season of each year to inspect all the fields included in each estate in the circle, and, while so engaged, to ascertain the crops grown during the kharíf season and those sown for the rabí' season, and to record all changes affecting the village field map or the preparation of the annual papers, and all mutations and lapses of assignments of land revenue which have not already been reported for orders.

"(7) To prepare and file in duplicate with the qánúngo to whom they are subordinate, as soon as may be after the annual inspection, a statement of the crops grown in each estate during the year, and not later than the 1st October, the remaining annual returns for the past agricultural year beginning with the kharíf and ending with the rabí' season.

"(8) To preserve the copies of settlement records and records of subsequent measurements which have been made over to their charge, and the annual papers of each estate in the circle for the past year.

"(9) To perform all other duties and services which may be required of them by the Deputy Commissioner."

The accounts and statistical records for the year (besides the village account and diary) are kept just as in the North-West Provinces [8], and consist of the mílán khasra, or fluctuations in the area cultivated and uncultivated, irrigated and unirrigated, &c.; the jamabandi, or rent-roll; the naksha jinswár, or record of crops for each harvest; the jama-kharch, or village account current; and the dákhil-khárij khewat, or record of the changes in the proprietary interests of the village.

The patwári is bound to furnish extracts from his records to persons who want them in order to file suits, &c.

[7] The Report is called the "fauti-náma," and states the facts regarding the deceased's holding and the *primâ facie* right of succession.

[8] Only the Panjáb patwári does not keep a list of orchards, as this is not a sufficiently common feature, nor do I find mention of a tenant's wásil-báki; the tenant's accounts sufficiently appear from the village account book.

§ 20.—*The Patwári in the Central Provinces.*

The patwári or pándyá (as he is sometimes called) has at present duties very similar to those above described. He has to see that all proprietary changes are duly reported at the tahsíl, so that the "dákhil-khárij" may take place. He also keeps a "lagwán" or rent-roll showing the holdings of the cultivators and the rents each has to pay for the year. A good deal of correspondence at one time took place as to the system. It was proposed to introduce the North-West Provinces plan of patwáris' "circles," each official being a Government servant, paid by a fixed cash percentage on the jama. This would be to upset the old Native system, under which the patwári was a village servant of a quasi-hereditary character. If he were purely a Government servant, he would come from the usual official class of Maráthá Brahmans, and would only induce discord in the village and make the people dependent on him, instead of letting them learn to know their own rights and liabilities. It was finally decided to maintain the Native system, merely placing the patwári under the control of the District Officer. Each "wájib-ul-'arz" was to define the custom of the village as regards the patwári, who would be appointed and maintained accordingly [9].

The Revenue Act has left scope for the maintenance of these principles.

It does not say that the patwári is a public servant, nor that one must be appointed, but it does say [10] that his papers are public documents and public property. At the old settlements the maintenance of a patwári was sometimes made optional; and the Chief Commissioner may make rules as to how the Deputy Commissioner is to deal with these cases, and what is to be done if a patwári is not appointed. In all cases, the Chief Commissioner may make rules as to the selection and qualifications of patwáris, and the appointment of substitutes for persons having a hereditary

[9] Circular B appended to Settlement Code. See also a note on the subject in Mr. Bernard's Memorandum on the Chánda Settlement.

[10] Act XVIII of 1881, sections 46-47.

claim to the office, but who are personally unable to act. Rules may also be made prescribing the duties of patwáris. No lambardár can be required to levy more than 6 per cent. on the revenue for the remuneration of a patwári. This does not apply, however, to cases coming under section 145 of the Act, *viz.*, those above alluded to, where it was necessary to appoint a patwári by the District Officer's order.

§ 21.—*The Village Headmen in the North-West Provinces.*

The village headmen are called [1] *lambardárs.* "The lambardár of an estate is a person who, either on his own account, or jointly [2] with others, or as representative of the whole or part of a proprietary community, engages with Government for the payment of the land revenue."

His duties are to pay in the land revenue to the local treasury [2] to report to the qánúngo encroachments on roads or on Government waste lands, and injuries, &c., to Government buildings, and also the same with regard to boundary marks.

If he is representative of a number of proprietors he has to *collect* the revenue and cesses, also to defray, in the first instance, the "village expenses," and reimburse himself in accordance with village custom. He must account to the co-sharers for these on the occasion of the "bujhárat" or audit of village accounts. The lambardár as the representative of the body acts generally as agent for the sharers in their dealings with Government.

He is appointed in the North-West Provinces according to local custom, subject to a right on the part of the Collector to refuse a nominee on certain specified grounds, chiefly regarding his competence, character, and his being a sharer (in possession) of the mahál.

[1] If there happens to be only one proprietor in an estate or in a "pattí," the owner is owner and lambardár in one. Most commonly there are several, and the lambardár is then the representative.

[2] S. B. Cir. Dep. III, page 9, issued under section 257 of the Revenue Act. These duties are irrespective of the responsibility enforced by the criminal law to report crime, &c.

§ 22.—*The Village Headmen in Oudh.*

Rules regarding lambardárs were published in 1878[3].

In estates not being those of taluqdárs they exist as elsewhere and get the usual remuneration of 5 per cent. on the jama. In taluqa estates the lambardári of the village under the taluqdár is an honorary office.

The rules regarding the lambardár in non-taluqdári estates are exactly like those of the North-Western Provinces. In taluqdári estates the lambardár becomes the revenue engagee, not with Government, but with the taluqdár. The lambardár is appointed according to local custom, but he is required to be able to read and write Hindi and to understand the village accounts. If there is no local custom, the appointment is elective, subject to certain conditions of competency and other matters to be found in the 11th rule.

The duties of an Oudh lambardár are—

(1) To pay—

(*a*) the Government demand on account of revenue and cesses to the officer appointed to receive it, when he represents a mahál or part of a mahál held in direct engagement with the Government;

(*b*) the rent payable to the taluqdár, when he represents a mahál or part of a mahál held in sub-settlement or under a heritable, non-transferable lease.

(2) To report to the qánúngo all encroachments on roads or on Government waste lands, and all injuries to, or appropriations of, nazúl buildings situated within the boundaries of the mahál.

(3) To report to the tahsildár the destruction or removal of, or injury to, boundary marks, or any other marks erected in the mahál by order of Government.

In mahals where the lambardár is a representative of other sharers, his duties are, in addition to those enumerated above—

(4) To collect in accordance with village custom—

(*a*) the Government demand on account of revenue and cesses, when he

[3] Notification (Revenue) No. 2899 R., dated 27th September 1878, and republished as Circular 23 of 1878. Under section 220 (*a*) of the Revenue Act, the sanction of the Governor General in Council is not required, the words in the Revenue Act having been repealed under Act XIV of 1878 to assimilate the powers of the Chief Commissioner in Oudh with those of the Lieutenant-Governor of the North-Western Provinces, the two offices being now united.

represents a mahál or part of a mahál held in direct engagement with the Government;

(b) the rent payable to the taluqdár, when he represents a mahál or part of a mahál held in sub-settlement or under a heritable, non-transferable lease.

(5) To defray, in the first instance, village expenses, and to reimburse himself in accordance with village custom.

(6) To render accounts to the co-sharers of the transactions referred to in clauses 4 and 5 of this rule.

§ 23.—*The Village Headmen in the Panjáb.*

The manner of appointing and the duties of the lambardár are laid down in the "Rules[4];" the number is kept as low as possible, but one is, if possible, appointed for each principal or well-known sub-division of an estate. The lambardár must be a sharer in possession, and must not be a man obnoxious to the majority of the proprietary body. The post is ordinarily hereditary if the heir is qualified.

In some cases there is an "a'lá" or chief lambardár over a number of minor headmen: he is elected subject to fitness and approval by the District Officer (or Settlement Officer if a settlement is in progress).

Opinions vary as to the utility of the institution of the a'lá lambardár, but it is usually found necessary, where the divisions in one estate are so numerous that the lambardárs form a considerable body in themselves.

The duties of a lambardár are stated in the Rules[5]:

"In addition to the duties imposed upon village headmen by law for the preservation of the peace, the report, prevention, and detection of crime[6], and the surrender of offenders, and as representatives of the proprietary body for the purpose of engaging for the revenue and paying it when due, a village headman shall—

"(1) attend the summons of district authorities and act for the village community in all their relations with Government;

[4] Head A, Chapter I.

[5] Rules, A, Chapter I, page 16.

[6] This alludes to the duties imposed by section 90 of the Criminal Procedure Code or other such provision of the law.

"(2) collect the rents and other income of the common land, and account for them to the community;

"(3) receive the quota of the land revenue, cesses, and other village charges due by each of the proprietors of whom he is the representative headman, and pay the village officers their authorised remuneration;

"(4) acknowledge every payment received by him in the books of the co-proprietors and tenants;

"(5) defray all village expenses, rendering accounts annually to the village proprietary body;

"(6) report to the tahsildár all deaths of assignees of land revenue and Government pensioners residing in the village, or their absence for more than a year;

"(7) report to the tahsildár all encroachments on roads or on Government waste lands, and injuries to, or appropriation of, nazúl buildings situated within the boundaries of the estate;

"(8) report to the tahsildár the destruction, removal, or injury of the boundary marks of the estate, or of any portion of the estate which has been separately demarcated;

"(9) report any injury to survey stations or Government buildings made over to his charge;

"(10) carry out to the best of his ability any orders that he may receive from the Deputy Commissioner, requiring him to furnish information, or to assist in providing supplies or means of transport for troops."

The lambardár is remunerated by being allowed to collect along with the Government revenue an extra sum equal to 5 per cent. on the revenue. This is called the "pachotra[7]" or haq-lambardári.

§ 24.—*The A'lá Lambardár in the Panjáb.*

The duties of a chief or a'lá lambardár are[8] that "all orders shall be communicated through him, and he shall be primarily responsible for such orders being carried out, and for the discharge of the other duties of the village headmen, except those relating to the collection of rent or revenue, and to the payment of the land revenue and cesses, and of the remuneration of village officers, and

[7] Properly panch-uttara, an "addition" of "five" per cent. on the revenue allowed to the headman.

[8] Rules, A, Chapter I, page 19.

to the disbursement of village expenses, in regard to which matters he shall be responsible only as one of the village headmen."

§ 25.—*The Zaildár.*

In the Panjáb an institution has been revived or created (whichever it is) called the zaildár. A local landed proprietor of influence and position is appointed over a "zail" or circle of villages[9]. His appointment is according to the votes of the headmen, but with reference to fitness and service to the State. The office is not hereditary nor salaried, but certain allowances are made. The zaildár is the local representative of Government, and sees that orders are obeyed and published when sent for this purpose. He is bound to give notice of serious crime; and a good and influential zaildár may be of much use in repressing crime. He also supervises generally the headmen and patwáris, sees to the maintenance of boundaries, and attends at land-measurements. He must give notice of serious crime and be in attendance on officers visiting his circle on public duty.

§ 26.—*Lambardárs and Sub-lambardárs in the Central Provinces.*

Here the lambardár is found in village communities as elsewhere. He is the representative of a body, or if there is only one proprietor, he is the lambardár himself. Where there are two proprietary bodies, a superior and an inferior, the inferior body is represented by one or more "sub-lambardárs." Both kinds of headmen are recognised by the Revenue Act in Chapter XI. But in these provinces the lambardár's functions are legally confined (section 138) to collecting and paying into the treasury the land-revenue payable through him, and to collecting and paying in the dues on account of the remuneration of the patwári, watchman, and muqaddam, or on account of expenses which the muqad-

[9] Barkley's edition of Directions, page 113; and Appendix IV, *id.* "Zail" is really a quasi-feudal term implying a subordinate to a chief.

dam is authorised to receive and to recover from the lambardárs or sub-lambardárs of his village[10].

§ 27.—*The office of Muqaddam.*

The "executive" functions which in the other provinces are performed by the lambardárs along with their revenue duties may, in the Central Provinces, be separately performed by an "executive headman" or muqaddam.

This office has been recently provided in the Revenue Law of 1881. In the old days there was one revenue farmer (málguzár) or one headman to whom the Government looked, but now, since the málguzár or patel has developed into proprietor, there is no longer one man. The proprietary right is divided among the different descendants and members of the family, all of whom are not resident.

It is convenient therefore to select one man, who performs the executive duties of lambardárs, while the latter have the revenue responsibility of the proprietary families. The appointment of a muqaddam or "executive headman" also enables Government to provide for the management of the village in those cases in which tracts of country have been bought up by town capitalists, and there are consequently no resident lambardárs[1].

Under the Revenue Act, the Chief Commissioner is empowered to make rules for the appointment, remuneration, and removal of lambardárs, sub-lambardárs, and muqaddams. Regard is to be had in framing such rules to local custom and hereditary claims[2]. In every village where there are resident málguzár proprietors, one of such shall be the muqaddam. The muqaddam has the usual

[10] It will be observed that the term "patel" is not used in the Act. In the Jabalpúr division, I am informed, it is falling into disuse. In the Nimár Settlement Report, sections 138-40, mention is made of a local institution—the tenant's headman or chaudhri. This term is rarely found in other places, but there it has a different meaning; it is a survival of the title of the old Mughal institution—the chaudhri.

[1] *cf* Act XVIII of 1881, section 137.

[2] See "Statement of Objects and Reasons," § 16. Before the muqaddam was introduced, the non-resident proprietor had a local agent called his kámdár, and servant called havaldár.

liability of landholders under the Criminal Procedure Code, section 90, and other similar provisions.

The duties of the muqaddam are enumerated in section 141 of the Revenue Act; they include the supervision of patwáris and village watchmen, and the payment of their allowances, the keeping of the village in good sanitary condition under rules made in this behalf, the reporting of births and deaths, giving aid in revenue collections, and reporting violation of rules made for the preservation of the village jungle.

§ 28.—*The Village Watchman.*

It is perhaps improper to place village watchmen side by side with headmen and patwáris, because they have no revenue duties of any kind; but as they are provided for in settlements and form part of the village organisation, it is not right to omit all mention of them from a Revenue and Land-tenure Manual. In all places where any form of village system has survived there are other village servants, artisans, &c., some of whom get customary dues in grain and bits of land, either rent-free or at favourable rates. Among these the only ones that are regarded in any way as under public regulation are the village watchmen or "chaukidárs," as they are usually called in the North-Western Provinces, Oudh, and the Panjáb.

In some provinces attempts have been made to organise these into a rural police, but generally they are retained as village messengers and assistants in serving notices and summoning people when wanted, and to serve as watchmen. They are usually paid by a fixed cash or grain allowance, their holdings in land under the Native system being resumed. In the Panjáb they are subject to rules, and may be vested with certain powers as provided in the Panjáb Laws Act IV of 1872, which may be referred to for details[3].

[3] There are numerous Acts relating to village watchmen which it is not necessary to detail. See North-Western Provinces Act XVI of 1873, Oudh Act XVIII of 1876, section 29, Panjáb Act IV of 1872 (as amended by XXIV of 1881), section 39A. For the Central Provinces I have not found any Act or law.

In *Oudh* the "kabúliyat" or revenue engagement contains clauses enabling Government to charge the landowners with the expense of a suitable arrangement for the support of these chaukidárs. But, as in the case of patwáris, as long as the men are kept up and their duties are performed, Government does not charge the proprietors with a cess, but leaves them to make their own arrangements for the necessary remuneration.

In the *Central Provinces* these servants are called most commonly "kotwál" or "kutwár;" they are also village servants, and are not organised as a police force[4].

They are paid according to custom recorded in the "wájib-ul-'arz" by perquisites and allowances (haqs), and sometimes by rent-free plots of land. The Revenue Act so far recognises them as to prescribe that the Settlement Officer may enquire into, record, and confirm the customs relating to their remuneration.

I have described in the chapter on tenures the institution of village artisans and menials, but as these are not in any way public servants, they demand no notice in this section.

Section II.—Revenue Business.

I now proceed to describe briefly the chief revenue duties under the heads of—

(*a*) Maintenance of the record of rights.
(*b*) Partition of estates.
(*c*) Minor settlements necessitated by the action of rivers, lapse of rent-free grants, &c.
(*d*) Maintenance of boundary marks.
(*e*) Collection of the revenue.
(*f*) Rent cases.

They are recognised in sections 3, 10, 11 of the Cattle Trespass Act I of 1871. The General Police Act (V of 1861), section 21, provides that village watchmen are not under the Act, unless enrolled under its provisions; but section 47 gives power to the Local Government to provide that the District Superintendent of Police may, subject to the Magistrate of the district, exercise a general superintendence over them.

[4] Although this was at one time contemplated, the rule also that they were to get a fixed pay of Rs. 3, to be raised by a household cess, has been cancelled (Circular B, Settlement Code).

(A.)—MAINTENANCE OF THE RECORDS.

§ 1.—*The nature of it.*

The record of rights as prepared at settlement is maintained correct under official signature up to the point of its being handed over with the other papers of the "settlement misl" to the Collector's (or Deputy Commissioner's) office.

And it is (with an exception presently noticed) never altered *i.e.*, in its own pages, but registers are kept to account for all subsequent changes. There may be errors, corrected by the Court or by consent of the parties; owners die and are succeeded by one or more heirs; lands change hands by sale or mortgage,—all these have to be recorded. Partitions of estates may also necessitate new entries.

§ 2.—*Provisions regarding records in the North-West Provinces.*

The North-West Provinces Act[5] requires the Collector to register all such facts, the Board prescribing the forms, and the Local Government prescribing the fees for registering them. The process is commonly spoken of as "dákhil-kháríj," literally "entering" (one man's name) and "striking out" (another's).

All persons succeeding to any *proprietary* right, by any process of transfer whatever, are[6] bound to report the fact to the tahsildár, who must get the orders of the Collector (or of the Assistant in charge) before recording the change. The Collector causes an enquiry to be made as to the *fact*. Questions of right are not of course entered upon.

But there may be a dispute as to possession. A person out of possession, for example, will often try and assert his (or his supposed) right by selling or mortgaging, and when the vendee applies to have his name entered, it appears that some one is already in possession, who declares that he never sold the land and has no intention of doing so; or a widow sells and some relative asserts that the transfer is invalid. In such a case the Collector will decide on the basis

[5] Act XIX of 1873, section 94. [6] Section 97.

of possession. But if he is unable to satisfy himself as to which party is in possession, he must ascertain by summary enquiry the party best entitled to the property, and must put such person in possession. He will then record the change, subject to any decree that may be passed subsequently by the Civil Court.[7]

All changes in landed interests other than proprietary are recorded by the qánúngo and patwári, and only if *there is a dispute*, the matter is reported for the orders of the Collector or Assistant.

§ 3.—*Provisions of the Oudh Law.*

The Act[8] requires, first of all, a series of registers to be made out "on the basis of the settlement records," and occurrences rendering alteration of these necessary are to be noted. The Chief Commissioner is to prescribe the form of register and the amount of fees. Report of the change, if of proprietary right, is to be made to the tahsíldár; non-proprietary changes are to be dealt with as the Chief Commissioner may direct[9].

§ 4.—*Provisions of the Panjáb Law.*

The Act provides that the facts above described shall be recorded[10], and leaves it to local rules to provide details[1]. The practice under the Rules is, that the patwári reports through the qánúngo to the tahsíl the death of a headman, a revenue-free grantee, or a person interested in land, including an occupancy tenant. In the first two cases the Deputy Commissioner or his Assistant passes orders, in the others the tahsíldár does, if the succession is not disputed; but if it is, reference is made to the Deputy

[7] Act XIX of 1873, section 101.

[8] Act XVII of 1876, section 56 *et seq.*

[9] Section 66. No rules have yet been issued, but it will be seen that the procedure closely resembles that of the North-West Provinces, but owing to the complication of subordinate tenures it is more intricate.

[10] Revenue Act, section 39.

[1] *Id.*, section 40 and Rules, head *E.*,—*Registration*, §§ 1-14.

Commissioner, who maintains the heirs who are in possession, and refers objectors to the Civil Court. Mutations necessitated by a decree of Court are also registered by order of the Deputy Commissioner.

Mutations arising from voluntary transfers are made before the tahsíldár, unless there is an objection, when the orders of the Deputy Commissioner are obtained. It is, however, expressly stated that the mutation, if the transferor is a minor, or under legal disability, or if the land has been hypothecated as security for a farm, or other *Government* contract, is to be refused [2].

As in the other provinces, fees are charged, and a notice for fifteen days is issued to allow of objections being made.

§ 5.—*Provisions of the Central Provinces Law.*

Here the original record may be altered after it is handed over to the District Officer, but only on one or other of the grounds specified in section 120 of the Revenue Act. The Chief Commissioner is empowered, by section 125, to direct that the village muqaddam shall prepare (or, if there is a patwári, cause to be prepared) such papers as he may prescribe, showing proprietary and other changes. All persons in possession of proprietary rights are bound to give the information necessary for the preparation of these papers.

Such changes will be recorded in such registers as may be prescribed.

As in the other provinces, persons entering into possession of proprietary rights and interests in land are bound to give notice to the tahsíldár.

A yearly enquiry is to be made [3] into revenue-free holdings, so as to see what holdings lapse and become liable to assessment, and whether the conditions on which such may be held are kept.

[2] Rules, head *E.*,—*Registration*, § 8. It is the rule in the Panjáb to report to the Commissioner mutations whereby an outsider acquires land in a village owned by a community. This is one of the several precautions taken to watch those changes which tend to break up the communities.

[3] Act XVIII of 1881, section 130.

(*B.*)—PARTITIONS.

§ 6.—*Nature of partition cases.*

This is one of the ways in which proprietary changes occur. The chapter on tenures will have informed the student that in some cases the village-owners enjoy the estate in common, pay the whole proceeds into a common stock, and then, after discharging the revenue, cesses, and village expenses, distribute the profits according to ancestral or other recognised shares. But besides this, the whole body is jointly liable to Government for the revenue. There may be a partition, therefore, which affects the private joint interest; there may also be one which affects the joint liability also. The partition is called (in legal language) "perfect" when the *joint* responsibility to Government is dissolved, and a number of new mahâls or separate estates, each with its own liability, is thereby created. "Imperfect" partition is when—without touching the joint responsibility to Government—the shares and liabilities of the shareholders as between themselves are declared, and the lands divided off on the ground to each sharer[4]. In the section on North-West Tenures, I have alluded to the causes which caused the original family to split up, first into "pattís," and then perhaps further, *viz.*, each pattí into smaller lots, or even into individual holdings. Partition may therefore be applied for (*a*) to separate the "pattís" only, leaving the holders of each pattí still united; and (*b*) to separate the individual holdings, which may be either "perfectly" (with separate revenue responsibility) or "imperfectly." There is a Partition Act (XIX of 1863) which has been superseded in the North-West Provinces and Oudh by the later Revenue Acts, and was not ever in force in the Panjáb. It is therefore only kept in the Central Provinces, in which the framers of the Revenue Act did not think it right to include any rules about partition, except such as might affect the revenue responsibility.

[4] In some of the text-books the native term "batwára" is confined to the perfect partition, but in common parlance it is not so. In the Panjáb, for example, where perfect partition is not, as a rule, allowed, the term "batwára" is constantly used for a mere division of estate.

§ 7.—*Partition Law in the North-West Provinces.*

In these provinces the whole subject of partition is dealt with in the Revenue Act. No objection is entertained, on principle, to either kind of partition [5]. That is to say, Government does not, as in the Panjáb, attempt to prevent the community dissolving its joint revenue liability by a perfect partition. It is competent, however, to any co-sharer to object to perfect partition, and the revenue authorities may adjudge the matter and refuse partition [6]. Imperfect partition cannot be granted unless all the recorded sharers agree to it. If there is a dispute about the correctness of the recorded shares [7], or other question of right, this must be first decided by a Civil Court, and the partition be refused pending such a decision, or the Revenue-officer may enquire into and decide the matter himself under the procedure laid down in the Act.

§ 8.—*Partition Law in Oudh.*

Chapter V of the Revenue Act is devoted to the subject, and Act XIX of 1863 was repealed [8] for the same reason as in the North-West Provinces. The provisions are exactly the same as in the North-West Provinces, except that the Act does not require the assent of all the co-sharers to an imperfect partition. The Circular Orders, however, show a disposition to defer perfect partition, if the people can be persuaded to agree to accept an imperfect partition instead [9].

§ 9.—*Law of the Panjáb.*

In this province Act XIX of 1863 is not in force. A very decided objection, on public grounds, is entertained to a perfect partition; it is thought that, if allowed generally, it would be the

[5] Revenue Act, section 108.

[6] Section 112. Partition is (in this and in all the Acts) one of the subjects over which Civil Courts have no jurisdiction (see section 135: so in Panjáb Act, section 65). Section 134.

[7] See Oudh Laws Act XVIII of 1876, Schedule I.

[8] Which it often really is. The definition of shares is what is really needed if a family disagree; the separation of the rarely enforced joint responsibility is very exceptionally of real importance to them. See Circular 21 of 1878.

signal for the break-up of the communities, and this would destroy the power of internal self-government according to ancient and familiar custom, which is one of the best features of the system.

The Revenue Act says nothing on the subject beyond barring the jurisdiction of the Civil Courts in such matters. It is consequently dealt with by rules under the general powers given in section 66[10].

As regards imperfect partition, any member of a community may apply to have his share separated off, irrespective of the consent of the others, provided there is no dispute about the accuracy of the record as regards who are the sharers.

Perfect partition may be made only *at settlement* (provided the sanction of the Financial Commissioner is obtained, if it is not the first regular settlement), but only on the written application of a sharer, or one who holds a decree and is executing it.

Even then (as in Oudh) the Settlement Officer is to explain the matter to the people and ascertain if a division of land without dissolving the communal bond will not suffice to meet what they really want.

§ 10.—*Law of the Central Provinces.*

The Partition Act (IX of 1863) is in force. Both forms of partition are recognised. The simple separation of holdings (called *khetbat*) is effected under the superintendence of the tahsíldár, subject to sanction of the District Officer. The Revenue Act has not dealt with the subject, except so far as it affects the question of revenue responsibility. A *Revenue* Act, it was held, has nothing to do with questions of partition of property as between the owners, which have no effect on the Government revenue, or the liability for it. This is, no doubt, the logical view. The 136th section of the Act allows perfect partition or separation of the revenue responsibility, as well as of the holding, on application to the Deputy Commissioner. But the creation of a new mahál must

[10] Rules, head *E*,—*Registration*, Chapter II, §§ 1—11, for imperfect, and Chapter III, §§ 1-29, for perfect partition.

be when the lands are separately held, and when the málguzárs, applying for separation, are not also co-sharers in other lands in the mahál, besides having their several holdings which they wish to separate.

(*C.*)—MINOR[1] SETTLEMENTS NECESSITATED BY LAPSE OF GRANTS, RIVER ACTION, &C.

§ 11.—*Lapses of revenue-free grants.*

Changes in the settlement arrangements have also to be provided for; they arise chiefly by the lapse or resumption of mu'áfis or jágírs (revenue-free grants). Many of these are granted only for a term, or for life, or are held conditionally. When the term or the life expires, or the conditions are not fulfilled, the grant may lapse, and then the land has to pay revenue. This involves the sanction of superior authority (1) to the fact of the lapse, in case it depends on a question whether it ought to lapse or not; (2) to the revenue to be in future assessed on it; (3) in case the grantee is not owner of the land, as to the person who is to be settled with. For the purposes of this Manual it is only necessary to indicate, not to give details regarding, this subject[2].

§ 12.—*Alluvion assessments.*

I have already alluded to the way in which, at settlement, lands liable to be washed away or added to by the action of rivers are dealt with, whether formed into separate "chaks," liable to be resettled after short periods, or left as part of the estate at large, but requiring an alteration of the assessment when assets as a whole are affected beyond a certain limit. The Collector has to provide for the inspection of the lands, either annually or

[1] Called "Summary Settlements" in the North-Western Provinces; but this term has quite another meaning in the Panjáb, where it refers to the temporary arrangements in districts before a regular settlement was introduced.

[2] For details of practice the Acts, the Revenue Rules, and the Provincial Revenue Circulars must be consulted. It would exceed the limits of the work to give them in the text. Half-yearly returns of "lapses" are usually required. Sometimes when such grants are held by several sharers, local rules have to be applied as to whether the *share* lapses to Government or the survivors absorb it.

when the period for alluvion and diluvion settlement comes round, or when a specially heavy river action has produced extraordinary effects, as the case may be. The checking of the measurements made by the patwári, and the inspection of the lands with a view to assessing them, or to seeing whether the estate assets are increased or diminished at the beginning of the cold season (when the river has subsided to its normal limits), is one of the instructive duties of the District Assistants who submit their reports to the Collector (or Deputy Commissioner). The latter ultimately proposes an assessment for the sanction of the chief revenue authority.

(*D.*)—Maintenance of boundaries.

§ 13.—*Legal provisions for repair of marks.*

The settlement proceedings, as we have seen, could not be carried out, if all boundaries were not in the first instance settled and proper marks set up. But it is of hardly less importance that these should *continue* in a state of repair. A Forest Officer will often find this a matter which comes practically under his notice, as the estate under his charge may be immediately contiguous to a revenue-paying estate.

All boundary disputes[3] are to be decided on the basis of possession, or, in some Acts, by arbitration with the consent of the parties; and an order may be given to maintain the marks as they are till the dispute is lawfully adjudicated. Obviously, it is the duty of persons disputing a boundary to go to Court and get the question settled—not in the heat of excitement to try and take the law into their own hands and destroy existing marks.

§ 14.—*Law of the North-West Provinces and Oudh.*

The Revenue Act[4] gives power to the Collector to *maintain* boundary marks. Owners are responsible for their maintenance,

[3] We are always now speaking of disputes arising *after* the Revenue Settlement is over.

[4] Sections 140-45.

and persons erasing or damaging marks may be made to pay for the damage [5]. When the author of the mischief cannot be discovered, the Collector has power to determine who shall pay for the restoration.

The Oudh Act[6] contains precisely similar provisions.

§ 15.—*Law of the Panjáb.*

The subject of the maintenance of boundary marks is not separately treated, but the same section of the Act[7] which gives power to the Settlement Officer to have the boundaries erected, also gives power for their subsequent maintenance. Rules under the Act also deal briefly with this subject. No penalty is provided, but only the cost of restoration can be recovered. Any penalty has to be sought by a prosecution under the Penal Code.

§ 16.—*Law of the Central Provinces.*

The Act[8] provides a fine for damaging or destroying marks and for rewarding the informer, as well as for paying the cost of restoration. All landed proprietors and mortgagees are bound to keep up the boundary marks [9].

The Act is entirely silent about boundary disputes, except those occurring at the time of settlement demarcation. All such cases consequently go to the Civil Court.

(*E*).—The collection of the land-revenue.

§ 17.—*The agricultural year.*

Before I can proceed to the subject of the following paragraphs, I must have to explain what is meant by the "agricultural year."

[5] Irrespective of course of any criminal penalty that they may be liable to under the Penal Code, section 434, &c.

[6] Sections 102-107.

[7] Section 23.

[8] Sections 134-35.

[9] This appears clearly from section 45, and also section 135. It was in the original drafts of the Revenue Bills specifically stated in clause 155, but this has disappeared as unnecessary from the Act as passed.

For various questions regarding the enhancement of rents, the time of ejectment of tenants, and so forth, it is necessary to fix when the agricultural year begins. It is obvious that this must vary according to the seasons and climate of each province. And the Revenue and Rent Laws either state the date of beginning and ending, or leave it to the Local Government to define it.

It would be hard that a tenant should be turned out, just as he had ploughed or sown his land; it would be equally hard that a tenant should be able to relinquish at such a season that the owner could not have time to make any other arrangement for cultivating the fields. Hence the necessity for fixing the beginning and ending of the year for agricultural purposes.

In the North-West Provinces and Oudh it begins on the 1st July and ends on the 30th June [10].

The Panjáb Revenue Act does not mention the subject. For certain purposes of the Tenancy Act (XXVIII of 1868), the agricultural year has been notified to begin on the 15th June [1].

In the same way, the Central Provinces Revenue Act does not mention the subject. In the Tenancy Bill (not yet passed) the year is provided to begin on the 1st June.

§ 18.—*Payment of the revenue.*

The land revenue is made payable, not in one lump sum for the whole year, but in certain instalments ("kist") arranged according to the two principal harvests,—spring (rabi') and autumn (kharif)—and usually so timed as to allow of crops being sold, and rents in money gathered in, so that the revenue-payers may be in a position to pay with punctuality.

These conditions may, in the North-West Provinces, be regulated by rules made by the Board [2], in Oudh by the Chief Com-

[10] Act XIX of 1873, section 2 (definitions). Also Rent Act, section 196(c), and Act XVII of 1876, section 2 (definitions).

[1] See also sections 21–24 of the Act, as to ejectment dates.

[2] Section 147. The rules will be found in S. B. Cir. Dep. III, page 9. Panjáb Land Revenue Rules, F., Chapter I.

missioner[3], and in the Panjáb[4] by the Local Government. In some cases the Settlement Officer determines at the time of settlement when the instalments are to be paid.

In the Central Provinces the Chief Commissioner may fix the number of instalments, and the time, place, and manner of payment. This he may do notwithstanding anything put down in the settlement record[5].

Revenue is in all provinces paid into the tahsíl, unless a man gets express permission to pay it into the "sadr," or Collector's head-quarters, direct.

The tahsildár keeps up a "kistbandi" or register showing the revenue payments, and when the instalments fall due.

§ 19.—*Recovery of arrears.*

The important question concerning the land revenue is its recovery, when not voluntarily paid on its falling due. A sum not paid at the proper time and place is in *arrear*, and the person failing to pay is a *defaulter*[6].

I may here remark that the Revenue Manuals are usually full of cautions as to the exercise of powers for the recovery of revenue; nor is this unnecessary. Why does not a man pay? Either because he *will* not, *i.e.*, he is negligent, careless, ought to be able to pay, &c., or he *cannot*; famine, drought, or some other calamity has reduced him, or his assessment is really too heavy. Native officers are prone to attribute the failure to "sharárat wa nadahindagi" (wicked refusal and contumacy). But the Collector must discriminate. If there is reason to suppose that there is misfortune rather than fault, he can *suspend* the demand, and ultimately

[3] Oudh Act, section 109.

[4] Panjáb Act, section 42.

[5] Act, section 90.

[6] North-West Provinces Act, section 147; Oudh Act, section 111; Punjáb Act, section 42; which latter adds that it must be paid before sunset on the day fixed. Central Provinces Act, section 91.

recommend it for *remission* under the rules in force in his province. I do not propose to deal with these matters in detail.

Interest is not demanded on arrears of revenue[7].

§ 20.—*When the arrear is disputed.*

The Acts recognise that a certificate of the tahsíldár is sufficient evidence of the arrear being due. But a person can pay "under protest," and then is allowed to bring a civil suit on the subject.

The Panjáb Act says nothing about proof of arrear; but only allows the fact to be contested by a suit (not after payment, but after finding security), so long as the milder processes of recovery (arrest and imprisonment in civil jail, &c.) mentioned in section 43 of the Act are going on.

But supposing that *legal process* has to be resorted to, that process is as follows:—

§ 21.—*Processes of recovery: North-West Provinces.*

The procedure is sufficiently described in the 150th section of the Act, which is as follows[8]:—

"An arrear of revenue may be recovered by the following processes:—
"(*a*) by serving a writ of demand (dastak) on any of the defaulters;
"(*b*) by arrest and detention of his person;
"(*c*) by distress and sale of his movable property;
"(*d*) by attachment of the share, or patti, or mahál in respect of which the arrear is due;
"(*e*) by transfer of such share or patti to a solvent co-sharer in the mahál;
"(*f*) by annulment of the settlement of such patti or of the whole mahál;
"(*g*) by sale of such patti or of the whole mahál;
"(*h*) by sale of other immovable property of the defaulter."

[7] North-West Provinces Act, section 148; Oudh Act, section 111; not alluded to in the Panjáb Act; Central Provinces Act, section 119; conditional, however, on the Chief Commissioner's *not ordering* it: interest may be awarded on revenue due under a sub-settlement, because non-payment then does not only affect Government but the superior proprietor.

[8] North-West Provinces Act (XIX, 1873), sections 149 and 189; Panjáb Act (XXXIII, 1871), sections 43-44; Oudh Act (XVII, 1876), sections 113 and 156; Central Provinces Act (XVIII, 1881), sections 92 and 114.

Under the first process, simple detention may last for fifteen days if the arrear (with costs) is not sooner paid [9].

Whether arrest has taken place or not, *movable* property (excepting implements of husbandry and cattle or tools of an artisan) may be sold [10].

In addition to, or instead of, this process, the estate or share in it may be attached and managed by a Government agent, or the Collector may *transfer* the defaulting estate or the defaulting share (or pattí) for a term not exceeding fifteen years, to a solvent co-sharer, or to the body of the co-sharers [1].

Another remedy is to annul the settlement, and take the estate under direct management, or farm it out. In this case, as also in the milder process of management without annulling the settlement just alluded to, a proclamation is made, and no one can pay rent or any other due on account of the estate to the defaulter, but to the Collector: if he does so pay, he gets no credit for it [2]. If a part of an estate only is affected by an order of annulment of settlement, the joint responsibility is dissolved as between such part of the estate and the rest. If the Collector thinks that these processes are not sufficient to recover the arrears, he may in addition to (*i.e.*, after trying them), or instead of all or any of, them, sell, subject to the Board's sanction, the pattí or the estate by auction: the sale must be for arrears that had accrued before, and not during the time of its being held under management, as one of the processes for recovery of arrears.

The land is sold free of all incumbrances, except certain specified ones, for which the Act may be consulted [3].

Last of all, if the arrear cannot be recovered, immovable property *other* than that on which the arrear accrued may be sold,

[9] Section 152.

[10] Section 153.

[1] Section 157.

[2] Section 161. The annulment of settlement is applied when other processes are not sufficient, and requires special sanction.

[3] Section 167.

but sold *with* its incumbrances[4]. The procedure for conducting sales is given in the Act, and need not here be detailed.

§ 22.—*Law of the other provinces.*

The procedure in Oudh is practically the same[5].

The Panjáb law[6] is also drawn on the same lines.

The Central Provinces Act devotes Chapter VIII to revenue collection. The compulsory processes are practically the same as in the other Acts. There are some provisos as to the application of the different processes, for which the Act must be referred to.

When land is sold in satisfaction of arrears, it is sold clear of all incumbrances; but this is subject to some exceptions. They chiefly relate to saving the *other* proprietary or under-proprietary titles, when either the upper or under title is put up for sale[7].

Whenever land is sold, the Acts all recognise that the former owner shall remain on his own holding (or sír) as occupancy tenant of it.

The differences in detail of the provisions in each province must be ascertained, if there is practical need, by consulting the proper Act. I do not consider it necessary to do more than describe the general conditions and purposes, which are the same in all.

§ 23.—*These provisions are applicable to recovery of other Government demands.*

It may be important to public officers generally to be aware of these provisions, as public revenue is very generally recoverable

[4] Section 168. It is only the land itself that is held hypothecated, so that when incumbrances are created on it, they are so in full knowledge of the Government's prior lien. This is of course not so in the case of other lands.

[5] Revenue Act, sections 108-35. But taluqdárs and female proprietors are not liable to arrest and imprisonment.

[6] Revenue Act, Chapter V. There are some differences to be noted.

[7] The Act appears to omit the first process of the other Acts—the issue of the "dastak" or warrant; and logically so, for the dastak is a demand for payment, not a compulsory process, except so far as the levy of its cost acts as a compulsion. Section 95 provides for the preliminary process practically, by saying that the process of imprisonment may be carried out by the issue of a warrant, *conditional* that if the money *is not paid*, then the arrest and imprisonment are to take effect.

under them;—for example, the Forest Act (VII of 1878) provides[8] that money payable under the Act, or rules made pursuant to it, or on account of the price of any forest produce, or expenses incurred in the execution of the Act, may be recovered "as if it were an arrear of land revenue."

§ 24.—*Recovery of arrears under a sub-settlement.*

When the inferior proprietor is responsible under a sub-settlement with Government for the revenue, the Oudh and Central Provinces Acts[9] regard the revenue as recoverable just in the same way as it is under a settlement. The lambardárs pay up the revenue of the sharers whom they represent in the first instance, and consequently need to be armed with powers of recovering revenue payments from the individuals on whose behalf they have paid. In the provinces where cases of double tenure are rare (North-Western Provinces and the Panjáb), the superior proprietor recovers from the inferior by a suit. In the Central Provinces and Oudh, where whole villages show the double tenure, and where some more ready arrangement for recovery of money due under sub-settlement, or due from an inferior proprietor not holding a sub-settlement, is necessary, special provisions are contained in the Acts. Not only may any lambardár (or sub-lambardár), or any one to whom an arrear is due

[8] And apart from these specific provisions, the *Panjáb* Land Revenue Act states generally that the Deputy Commissioner may exercise all or any of the powers provided for the recovery of land revenue, for the recovery of *any other revenue* due from any person to Government. The only question then is, whether the particular sum sought to be recovered can be called "revenue due to Government." None of the other Acts contain such a general provision. It is, indeed, hardly necessary, as Acts dealing with special subjects always contain such a provision where it is necessary.

[9] Oudh Act (XVII, 1876), section 103 *et seq.*; Central Provinces Act, section 91 *et seq.* The Central Provinces Act regards arrears under a sub-settlement on the same terms as it does money due on a settlement, and there are the same facilities for recovering it (sections 115-16.) The same thing practically results from the Oudh Act, which by section 158 gives power to the proprietor to apply to the Deputy Commissioner to realise the arrear under a sub-settlement by the ordinary revenue procedure.

under a sub-settlement, apply to the District Officer to recover the arrear as if it were an arrear of Government revenue, but if a suit is brought, the Central Provinces Act (section 115) facilitates the suit, by not allowing any ordinary debt to be "set-off" against the revenue claim, nor any payment alleged to have been paid on account, which is paid before the revenue instalments in question fall due.

(*F.*) Rent cases.

§ 25.—*Constitution of Courts.*

By the Acts of the North-Western Provinces and Oudh, the hearing of suits and applications for rent, for ejectment of tenants, for enhancement of rent, and for other matters connected with tenants, is entrusted to Revenue-officers sitting as Revenue Courts. The "Tenancy" Act of the Panjáb (XXVIII of 1868), on the other hand, makes the Civil Courts hear these cases, but refers to the Revenue-officers certain matters not being regular *suits* in Court, though connected with rent arrangements.

The Central Provinces Bill has provisions regarding the Courts closely resembling those of the Panjáb Act, but the Judge of the Civil Court hearing rent suits must have had Revenue experience before he can be appointed to the duty.

Each Act provides for its own procedure and its rules of appeal [10].

The following extract from the North-Western Provinces Rent Act (Chapter V)—(*a*) as regards suits, (*b*) as regards miscellaneous applications—will sufficiently indicate the matters which the Revenue Courts hear. The other Acts have, of course, their own specific provisions on the subject, but this lately drafted and complete law of 1881 will serve as a specimen, and will sufficiently indicate to the student what, as a matter of practice, the cases are, which

[10] North-Western Provinces Act (XII of 1881), Chapters VI–VIII; Oudh Act (XIX of 1868), Chapters VII–IX; Panjáb Act (XXVIII of 1868), Chapter VII; Central Provinces Act (not yet passed), Chapter VI of the Bill.

I am referring to. It will be remembered, however, that the Panjáb and Central Provinces divide the jurisdiction, as just now stated.

The *suits* cognisable by Revenue Courts only are—

(*a*) suits for arrears of rent, or, where rent is payable in kind, for the money-equivalent of rent, on account of land or on account of any rights of pasturage, forest-rights, fisheries, or the like;

(*b*) suits to eject a tenant for any act or omission detrimental to the land in his occupation or inconsistent with the purpose for which the land was let;

(*c*) suits to cancel a lease for the breach of any condition binding on the tenant, and which, by law, custom, or special agreement, involves the forfeiture of the lease;

(*cc*) suits for compensation for, or to prohibit, any act, omission, or breach mentioned in clause (*b*) or clause (*c*);

(*d*) suits for the recovery of any over-payment of rent, or for compensation under section 48 or 49;

(*e*) suits for compensation for withholding receipt for rent paid;

(*f*) suits for contesting the exercise of the powers of distress conferred on landholders and others by this Act, or anything purporting to be done in the exercise of the said power, or for compensation for wrongful acts or omissions of a distrainer;

(*g*) suits by lambardárs for arrears of Government revenue payable through them by the co-sharers whom they represent, and for village-expenses and other dues for which the co-sharers may be responsible to the lambardár;

(*h*) suits by recorded co-sharers for their recorded share of the profits of a mahál, or any part thereof, after payment of the Government revenue and village expenses, or for a settlement of accounts;

(*i*) suits by muá'fidárs, or assignees of the Government revenue, for arrears of revenue due to them as such;

(*k*) suits by taluqdárs and other superior proprietors for arrears of revenue due to them as such;

(*l*) suits by recorded co-sharers to recover from a recorded co-sharer who defaults arrears of revenue paid by them on his account.

The *applications* cognisable by Revenue Courts only are the following:—

(*a*) application to determine the nature and class of a tenant's tenure, under section 10;

(*b*) application by a landholder, or his agent, to compel a patwári to produce his accounts relating to land;

(*c*) application to resume rent-free grants under section 30, or to assess to rent land previously held rent-free;

(*d*) application from a landholder to eject a tenant under section 35, or to have a notice of ejectment issued and served under section 38 ;

(*e*) applications made by a tenant, under section 39 ;

(*f*) application from a landholder, under section 40, for assistance to eject a tenant ;

(*g*) application from a tenant or landholder to determine the value of any standing crop, or ungathered products of the earth, belonging to the tenant and being on the land at the time of his ejectment, under section 42 ;

(*h*) application by a landholder to determine rent payable for land used by a tenant for the purpose of tending or gathering in the crop, under section 42 ;

(*i*) application by a landholder or tenant for assistance in the division or appraisement of a standing crop, under section 43 ;

(*j*) application by a landholder or tenant to determine compensation for improvements of land ;

(*k*) application by a tenant for leave to deposit rent ;

(*l*) application for enhancement or determination of rent ;

(*m*) application for compensation for wrongful dispossession ;

(*n*) application for the recovery of the occupancy of any land of which a tenant has been wrongfully dispossessed ;

(*o*) application for abatement of rent ;

(*p*) application for leases or counterparts, and for the determination of the rates of rent at which such leases or counterparts are to be delivered ;

(*q*) application, under section 7, to have the holding of an ex-proprietary tenant divided off ;

(*r*) application, under section 22A, to survey land ;

(*s*) application, under section 33A, to have a notice of relinquishment declared invalid ;

(*t*) application to take out of deposit any amount deposited, under section 55A.

NOTE A.

Extra Regulation (or "Scheduled") Districts in the North-Western Provinces.

The scheduled districts calling for a brief special account are—(1) Kumáon, (2) Jaunsar-Báwar, (3) the Tarái District, (4) South Mirzapur.

South Mirzapur.

The southern portion of Mirzapur requires a very short notice, so I may take it first.

The notifications declaring this a scheduled district were issued by the Government of India, No. 636, dated 30th May 1879; and the Local Government, No. 63A., dated 14th July 1879.

The Civil Procedure Code is in force, but there is a special organisation of Courts, the Commissioner being the Court of final appeal.

In revenue cases there is power to refer (exercisable by the Local Government) to the Board of Revenue, when the Commissioner reverses the decision of the Collector.

The revenue rules are special. The settlement is made for ten years.

The system of village settlement is not in force, for here the villages were, like those in the Central Provinces, mere groups of cultivators under management of a village headman. In this sparsely cultivated tract, the Settlement Officers, however, rarely, or never, found the village headman, or "sipurd-dár," in such a position that they could reasonably call him "proprietor" of the village, and make him responsible for the revenue.

In a few villages indeed (in the mahâls or estates of Gonda, Bajia, and Hira-chak) the sipurd-dár was recognised as the "zamíndár" or proprietor, so these are zamíndárí villages, and as regards them the ordinary revenue law is in force. But in the other

villages the proprietary right is held to vest in Government, and the actual holder of land is deemed the permanent "occupant," with a heritable, but not transferable, right in—

(*a*) his house, premises, or site in the village;
(*b*) his fields which are or can be permanently cultivated;
(*c*) any grove or garden which he planted by permission of the Collector or officer in local charge. Trees in such groves may be sold or mortgaged.

The right of occupancy mentioned under (*b*), *viz.*, that recognised in permanently cultivated land, is acquired after three years' holding. Every occupant receives a patta, or written document showing the terms of holding, and the patta contains a clause allowing the tenant to break up a certain area of available waste. He maintains his right so long as he makes regular payment of rent. If he was already on the land at settlement, the rent is the settlement rate of assessment; if he entered afterwards, it is what he has agreed to pay.

Other lands not occupied on these terms are held as simple tenancies-at-will from the State.

The whole village is managed by a headman, or sipurd-dár. The office was recognised at settlement in some cases as hereditary, but not always; and it is not transferable.

The sipurd-dár collects the rents, being allowed a deduction for the rent of the "sír," or land of which he is the occupant, and from 20 to 30 per cent. on the collection, as a remuneration for his risk and trouble.

He can locate cultivators on the waste, but he is bound to respect the amount of waste that is granted in each occupant's "patta;" nor can he eject occupants, as he can the tenants on lands not held by occupants.

The rents are recoverable by "dastak" or writ of demand, or by distraint of property; and if this fail, the Collector may order sale of the property.

In the last resort a defaulting occupant may be ejected from his holding.

A Government "sazáwal" supervises the sipurd-dárs in the "zamíndárí" estates. Where the sipurd-dár is recognised as proprietor of the village, the sazáwal becomes the tahsildár.

Kumáon and Garhwál.

§ 1.—*The Administration.*

The criminal law and procedure does not differ from what it is elsewhere, but the "Rules for the Administration of Justice" issued under section 6 of the Scheduled Districts Act, determine the powers of Courts and Magistrates, the Commissioner being the *Court of Session*, the Senior Assistant being the *Magistrate of the District*.

The Civil Courts are also governed, as regards procedure, by the Rules[1]. But there is little regarding the substantive law that is exceptional.

Parts of the Revenue Act relating to the settlements and to the recovery of arrears of revenue are in force, but not the Rent Act. There are Revenue Courts—"Summary and Regular"—just the same as in the Tarái.

A number of other Acts have been extended to and are declared in force in the District, by notification.

The Senior Assistant is the Collector, and the Junior and Extra Assistants are the Assistant Collectors[2]. The tahsíldárs have powers as elsewhere.

§ 2.—*The Settlements.*

The present settlement was begun in 1863. Dealing with a country consisting of mountains and deep valleys, the procedure of survey was different from what it would be in a plain district.

The cultivation of a permanent character is confined to the valleys where some alluvial soil has accumulated, and to such of the

[1] But the portions of the Civil Procedure Code not touching the Rules are in force (Notification, North-West Provinces, No. 566A., 5th December 1876).

[2] Rules, Chapter III, 1.

hill sides as have good enough soil to make it worth while to terrace them. There is also some casual cultivation (ijrán),—that is, land that is broken up and cultivated only for a time; when the soil is exhausted, the plot is abandoned. The survey maps, therefore, show the villages, and not the intervening waste[3]. There was no general demarcation of village boundaries (for this was unnecessary under such circumstances), but boundaries were determined (1) when disputed, (2) when adjoining Government forest, or (3) when the area was adjusted by cutting off an excessive amount of waste. In this operation there was nothing previously on record to help the Settlement Officer. At the early settlements there had been no measurement. In 1823 a "guess measurement" had been made, and a *description* of the boundaries recorded, and at the next settlement of 1846, also, no measurement had been made, but a "fard phánt," a sort of list of sharers, tenants and rents, was made out showing holdings: that was all.

Only at the last settlement (now current) was a survey made. The measurements of the khasra survey were recorded in "vísis" of 4,800 square yards (10 square yards less than an acre).

§ 3.—*Right to Waste Land.*

Allusion must here be made to the waste, as included in village boundaries[4]. It would appear that in many cases the jungle or grazing land was, in Mr. Traill's early settlements, included in the nominal boundaries of villages: that is, it is known by the same name; but it does not follow that it belongs, in any proprietary sense, to the village.

General Sir H. Ramsay quotes with approval[5] a passage from

[3] Board's Review of the Kumáon Settlement Report.

[4] Some misunderstanding may arise in the original Report from the fact that in some of the statements "waste" is used to mean simply *fallow* land. I speak here of *waste* or *jungle* land.

[5] Settlement Report, page 24. The reader who remembers how the original organisation of small Hindu States dealt with the waste, and how those ancient institutions survive in the hills, will be disposed to think that this extract is evidently, in theory at any rate, correct. Private right did not arise except on the ground of clearing and possessing the soil; and there are no communities or grantees to claim the entire lordship over an entire area of land, waste or tilled.

Mr. Batten's Garhwál Report, in which he says—"I take this opportunity of asserting that the right of Government to use forest and waste lands not included in the assessable area of the estate, remains utterly unaffected by the inclusion of certain tracts within the boundaries of mauzas." No one has a right, merely on the ground of such inclusion, to demand payment for grazing or wood-cutting from other villages. Nor does such inclusion of itself interfere with the Government right to offer clearing leases in such waste. Mr. Batten thought, however, that the inhabitants of the village should[6] have the first refusal of such leases, and that grants should not be made so as to bring them up too close to the village (*i.e.*, that a space for grazing and wood-cutting should be left).

General Ramsay's own account slightly differs from this. While admitting the Government right[7], he says that the villages have a prescriptive right to grass, grazing, timber, and firewood, and even to grazing dues from outsiders who feed their cattle in the grazing lands within the village boundaries. All that the landowners can claim outside their cultivation, is a fair amount of culturable waste, with a sufficient amount of waste for grazing and wood-cutting.

In paragraph 48, again, he says that the people "owned their jungle in a way" before we came; and so when we recognised their proprietary right in the cultivated land, the people acquired a "*certain right to the use of the forest* [8]."

§ 4.—*Revenue assessment.*

The revenue assessment was made on a principle which it is not

[6] Clearly as a matter of convenience and policy.

[7] Report, section 40.

[8] I make no comment on this; I simply note the statements as they are, leaving it to be gathered by a true interpretation of the facts, what the real claim of the villagers on the waste amounts to. It is, however, certain that under the old Hindu constitution of society, while no landholder claimed a heritable right in any soil beyond his own holding, rights of user, or what were practically such, existed, to grazing and wood-cutting in the neighbouring waste.

easy to understand; it was arrived at by calculations made on the basis of certain rates for average land, and modifying the results by consideration of the abundance or absence of population, which made cultivation easier or more difficult. It is not necessary for the purposes of this book that the process should be detailed.

§ 5.—*Rights in land.*

The record of rights, again, was a matter of some difficulty.

Under the Gorkhá Government the Rája was, as usual, regarded as the general landowner, and he made grants of land, and not unfrequently put grantees on already occupied lands, nominally that they might realise the State share, though in practice they took much more and behaved as if they were landlords in our sense of the term. Villages were given to astrologers, cooks, barbers, and physicians; and the people in possession, whatever they once were, soon came to be looked on as the tenants of the new grantees[9].

The headman of a village was the "pradhán," and over several villages was a "thokdár" or "siyána," who managed police matters and collected the revenue.

At first the British authorities took their revenue in the same way, but later Mr. Traill (the then Commissioner) made a settlement which is described as "mauzawár," or by villages; and this was understood to give the proprietary right to those who appeared in the superior position, either from being grantees of the Gorkhás or as original occupants who had not been interfered with by such grants. The people, as might be expected, had a customary distinction of rights of their own; and names distinguishing what we may call proprietorship and tenancy, are locally known. As the country grew in wealth, these distinctions were acted on and revived by the more advanced; and when Mr. Batten made a twenty years' settlement in 1846, he found the people very ready to claim the superior position on their own account; he, however, left every

[9] Board of Revenue's Review of the Settlement Report, para. 22.

one to get a decree of the Revenue Court defining the position he was to occupy in one class or another. When the present settlement began, every one wished to be recorded proprietor[10].

The actual state of landed tenures in Kumáon is, as might be expected, much more approximate to the old Hindu custom; there are no village landlords. It is not surprising that in 1846 Mr. Batten, influenced by the system under which he had been trained, made use of terms which belong only to the North-Western Provinces villages and are stereotyped in the "Directions;" but the present Commissioner[1] confirms the fact (which might have been otherwise expected) that there is no such thing really as a "zamíndárí" tenure, *i.e.*, where one individual or a common body is landlord of the whole estate.

All cultivators are really equally proprietors of their holdings; but there were cases where a grantee had been, as above remarked, constituted proprietor over the heads of the original cultivators; there were other cases, also, where an energetic pradhán or a "thokdár" had succeeded in acquiring a sort of superiority over the cultivators: in some cases, he would have had a real superiority, having been the leader and the first to commence the work of clearing and cultivation. In such cases these persons *were recorded as the owners*, and the original cultivators (who would otherwise have been proprietors) then, as in so many other settlements, fell into the position of "khaikárs," or permanent tenants, with privileges, however, little inferior to those of owners.

§ 6.—*Landlord and tenant.*

The right in land is called "thhát," and the proprietors "thhátwán:" the term "zamíndár" has no meaning, except its literal one—"any one connected with land[2]."

[10] Report, para. 25, page 14.

[1] *Id.*, page 15.

[2] Atkinson's Kumáon Gazetteer, § 33. Mr. Atkinson also says that the paramount property in the soil was vested in the State, and that the landholder's right, though heritable and transferable, has never been held to be indefeasible. Under an arbitrary Government no right is *indefeasible*; but the occupier of lands was *practically* an owner and was never ejected.

The superior or landlord right recognised, as just now described, in favour of the Gorkha grantees and others, does not affect a very large proportion of the villages. In many—I believe in the large majority of cases—the small proprietors cultivating their own lands have retained their position as owners. Where the existence of the superior title caused the cultivators to be recorded as "khâikár," the chief, if not the only, difference was this—the latter does not possess the right of transfer and has to pay a fixed sum as "málikána" to the proprietor; this "málikána" being the result of converting various cesses and perquisites levied under the former system into a fixed cash payment[3].

The khâikár (tenants) also have headmen (in their "stratum" of right) called "gharpradhán;" and when the landlord is non-resident, the "gharpradháns" manage the village[4].

The khâikárs thus form a class of "occupancy-tenants" on a natural tenure, and no others are known. No Rent Act has ever been in force; hence there is no artificial or legal tenant-right based on holding for a period of years.

Labourers called in to help are "sirtháns," who are only tenants-at-will: it may happen that a khâikár of one village will cultivate land in another village as a "sirthán."

Lands assigned to temples are spoken of as "gúnth."

The headmen are remunerated much as elsewhere, having a certain privileged "sír" holding, and a percentage of 5 per cent. for collecting the revenue.

§ 7.—*Official organisation.*

The local sub-division of Kumáon for revenue purposes is into tahsíls and parganas; the latter being again sub-divided into a number of "pattis."

The superior headmen or thokdárs, or siyánas, have now been allowed a small cash percentage[5], but they used to get certain

[3] Settlement Report, § 28.
[4] *Id.*, § 26.
[5] *Id.*, § 39.

perquisites, and perhaps a bit of land, fees being paid them on the occasion of a marriage in the village. They had also as a perquisite one leg of every goat killed by the village headmen.

The Gorkhás used to employ an official over a pargana called a "daftri," who was like our qánúngo, and had to supervise the headmen in his pargana.

The office of "qánúngo" has now been revived by the name, and there are now some five of these officials who superintend the patwáris.

The patwári of Kumáon differs greatly from the official called by the same name in the Regulation Districts. In Kumáon he is a provincial agent charged with multifarious duties, over a considerable area of country, and independent of the villages, being responsible to Government, who appointed him[6]. He has to measure land, execute Revenue Court decrees, repair district roads, find supplies for travellers, and keep the District Officer informed of what goes on.

There is no chaukidár system, and no regular police (except at the stations of Naini Tál, &c.). The "rural police" (though not organised under the Police Department) are the "pradháns" of villages, who are bound to apprehend criminals in serious cases and to report crime to the patwári. The head "thokdárs" keep a certain watch over the pradháns, and the small jealousies and local annuities that exist prevent too much collusion, and causes it soon to be known if this duty is neglected, and the system practically works well[7].

The Revenue Act is so far in force that in case arrears of revenue have to be recovered, Chapter V is applicable.

Rent is recovered by "summary suit" under the "Rules."

No partition law is in force, and only imperfect partition, guided by the spirit of the ordinary law, is allowed.

[6] Whalley's "Extra Regulation Law," note 1, page 39; and Report, para 36.
[7] Report, § 37.

The Tarái.

The Tarái district (included in the Kumáon Commissionership) is a scheduled district under Act XIV of 1874. It had originally been under the Regulations, and they were found unsuited to it. The administration indeed fairly broke down, the police failed, and the settlement was found to be oppressive. An Act was passed in 1861 to remove the district from the jurisdiction of the ordinary Courts, without, however, affecting the substantive law[8].

This need not, however, be further alluded to, as the district is now provided for by a Regulation (IV of 1876) under the 33 Vic., Cap. 3, and notifications have been issued showing the other laws in force and the Acts extended.

The Penal Code and Criminal Procedure Code are in force, also the Contract Law, Stamp Law, Forest Act, &c.

The civil procedure and the limitation law is guided by the Regulation, and pleaders are not admitted in Court. The Revenue Court procedure is also under the Regulation, and the Rent Act does not apply. The Land Revenue Act has been extended to the settled tracts[9].

The settlement was revised many years ago under the same procedure as that of the rest of the province. Only a portion of the district, however, is cultivated, and the greater portion of it[10] is consequently owned by Government, the cultivators being tenants.

In the estates owned by sole or joint proprietors, suits for ejectment are scarcely known[1], but are provided for by the Regulation. Arrears of revenue in these estates can be recovered under the ordinary revenue law. Suits for land are heard as regular revenue suits, and rent and other claims (filed within twelve months) are heard as summary suits.

[8] Whalley's "Extra Regulation Law" (1870), page 149.

[9] Notification of 22nd September 1876, No. 1555, *Gazette of India*.

[10] Five out of the six parganas (Whalley, page 150).

[1] Wholley, p. 150.

There are tahsildárs, but on qánúngos, and the patwáris have large circles like those in Kumáon. They are Government servants.

The administration is carried on by a Superintendent aided by an Assistant Superintendent. A special appeal lies to the Commissioner of Kumáon[2].

In revenue suits there is a limited power of appeal to the Board of Revenue.

Jaunsar-Báwar.

The Jaunsar-Báwar pargana of the Dehra Dún district has never been under the Regulations. Although an Act of 1864 (since repealed and superseded by the Scheduled Districts Act) dealt with it, it merely recognised this extra regulation position, and did not create it.

Local customs are ascertained in this tract by a "dastúr-ul-'aml," or rule of custom, which was drawn up in 1851; it[3] was revised at a later settlement by Mr. Robertson, and signed in token of acknowledgment by the headmen. This "Code" could hardly be enforced as law, but it would be no doubt usefully referred to as an authoritative exposition of custom[4].

The revenue system is extremely simple. A headman called "siyána" is settled with for a fixed sum for a "khat," or group of lands. He prepares an annual "phánt-bandi," or revenue-roll, showing how every landholder is to pay his proportion of the whole.

The Superintendent has to check the action of the siyána, and see that the rent is fairly distributed, and that one is not favoured and another oppressed. This plan was, however, objected to in many quarters, and was only maintained (on sanctioning the settlement)

[2] Regulation IV of 1876, §§ 1-42.
[3] Whalley, page 197.
[4] The dastúr-ul-aml is printed at page 203 of Mr. Whalley's work.

on the ground that it would be inconvenient to revise what had been done. At a future settlement it will probably be altered.[5]

There was a rough survey and field measurement.

The chief difficulty was in connection with the "rights" claimed in the adjacent forests. The villagers only possessed their cultivated land, and could not even break up culturable waste without the permission of the district authorities[6]. But "they were allowed to use the forest in a general way," taking wood for their own use, but selling none.

There was, naturally, little practical restraint or control, till the forest rules began to be enforced, and then complaints were made. It was accordingly determined to make over certain forest tracts altogether to the villagers, and to define the Government forests, specifying what rights might be exercised in the Government forest. This is all laid down in the wájib-ul-arz of the khat or estate.

As regards local revenue officials, the organisation is very simple.

There are a number of patwáris who keep up "patwáris papers," as in other places, only in a more simple form.

The "siyánas," or headmen, are responsible for police, but there is no crime in the pargana.

As regards the law of Jaunsar-Báwar generally, the Scheduled Districts Act was applied to it by Notification (Home Department) No. 632, dated 30th May 1879. A notification of the same date (No. 633) extended the Civil Procedure Code. The Notification No. 634 gives a list of all the Acts in force, which includes all the chief general Acts on prominent subjects up to 1871[8].

The criminal law and procedure and the Forest law are as elsewhere in force.

[5] The present settlement was partly carried out by Mr. Cornwall and completed by Mr. Ross (1873-75). The settlement expires in 1884.

[6] Settlement Report, 1875, § 22.

[7] *Id.*, 1875, § 23.

[8] After 1874, of course, all Acts state whether they apply to scheduled districts or not: so the notifications declaring the law under the Act need only deal with Acts of a previous date.

NOTE B.

The Hazára Settlement (Panjáb).

§ 1.—*The law applicable.*

For the Hazára district, which is a scheduled district, a special set of Settlement Rules have been passed under the Panjáb Frontier Regulation issued under the 33 Vic., Cap. III.[9]

§ 2.—*Record of rights.*

As regards rights, a statement was made out for every village, showing the whole of the occupants and other persons interested in the land. This was made public and discussed, and then the Settlement Officer declared who of all these he considered "proprietors" and who "tenants;" A person aggrieved might petition the Settlement Officer and get his case heard as a regular judicial suit.

A special provision was made for dealing with cases where there was a double *proprietary* tenure.

I have alluded, in the section on Panjáb tenures, to a custom of periodical redistribution of shares or holdings of land. In Hazára this custom is called "waish." If this custom was ancient (*i.e.*, before the Sikh rule), and a sharer had lost land by its being taken for public purposes, or by diluvion, the Settlement Officer might award him (under certain conditions) a plot out of the shámilát, or common land of the village; but if he had already been paid compensation by the State for the land, he must return the money to the shámilát fund before getting the land.

Rights in village sites are also provided for, but the record is only to be *primâ facie* evidence.

Pre-emption customs were recorded and followed. So also inheritance customs, either of tribes or villages, were defined, subject to certain rights of appeal.

[9] See Panjáb Code (Legislative Department), page 208, and the amending Regulation of 1874 at page 240.

Succession in the case of jágírs or revenue assignments was also defined under sanction of the Government through the chief revenue authority (the Financial Commissioner).

Rules appear also for the appointment of village headmen of lambardárs. So also for patwáris, one of whom ordinarily is found for each village.

The instalments of revenue are apportioned one to each harvest, the dates of payments being fixed by the Settlement Officer, so as to fall about one month after the principal crops are harvested.

The cesses levied in addition to the land revenue are special: one per cent. is for schools (the location of which is to be determined at the time), and a small rent and revenue-free plot is to be allowed to the schoolmaster. One per cent. is also to be levied for the relief of disease among the population of Hazára.

§ 3.—*Object of the record: exceptional finality.*

Unless (as in the case of the record of rights in the village site, for example) it is otherwise expressly provided, all records of rights, customs, liabilities, and all rules drawn up by the Settlement Officer, are, when submitted to the Commissioner and confirmed by the Financial Commissioner, to be considered as "a final settlement of all matters treated of." These cannot even be revised at future settlement, unless they relate to office-bearers and their duties, to the amount and method of paying the Government revenue, to cesses, or to proprietary rents of any description.

No suit will lie to enforce a right or usage contrary to the settlement record, except in so far that a suit may be brought to show that the record of a holding does not represent the actual award at settlement (in which case the record may be amended).

This, it will be observed, is different from the law regarding ordinary settlement records. There is, however, a general exception in favour of persons who can prove (within three years of the date of final report) that they were not in the Panjáb during settlement, and did not know what was going on.

In short, the object was in Hazára to give no ground for continuing feuds and jealousies, or to long drawn-out lawsuits and appeals. Everything that could concern anybody, landlord or tenant, was to be carefully enquired into and recorded then and there. After a cautious examination and approval of the record, it was made final and all questions settled and hopes of change rendered futile. Such a course was essential in a district inhabited chiefly by primitive and quarrelsome mountaineers.

In other respects, *i.e.*, as regards recovery of arrears, mutation of names in the record, appointment of officials, &c., the ordinary Revenue Act is in force.

§ 4.—*Tenancy.*

Tenancy is also dealt with in a special Regulation[10]. Nothing in it affects decrees of Court under which a tenant holds, or an agreement in writing, or a record of settlement in certain cases (see section 2).

Occupancy rights are only given to persons who *naturally* have such rights, the terms being copied from section 5 of the Panjáb Tenancy Act of 1868.

But there is no other ground on which right can be claimed, neither an artificial period, nor the fact of any entry in a settlement record of former times; nor could entry at the present settlement have that effect, under the general clause, unless it was an "agreement" reduced to record.

Enhancement of rent is only allowed by decree of the Civil Court, and ejectment also. I do not, however, go into details. The whole, it is remembered, is controlled by the general clause at the beginning of the Regulation, as far as it applies.

§ 5.—*Forest lands.*

The whole question of waste and forest was settled, and a special Regulation under the 33 Vic., Cap. 3, No. II of 1879, was passed

[10] Regulation III of 1873. Panjáb Code (page 225) and amending Regulation cancelling section 9, clause 2, page 242.

(superseding some earlier ones) for the management of the forests. There are certain forests reserved as permanent forests and subject to very much the same prohibitions and protections as the general Forest Law of India contains. Other forest (village forest) is under protective regulation, but not managed directly by departmental officers. Waste land, not dealt with either as reserved or village forest, may be brought under cultivation without restriction. As the country is mostly mountainous, it is prescribed that forest or turfed land *must* be kept up in all places where there is danger from landslips, falling-stones, ravines, torrents, and the like. The principle has been that, practically, the Government so far owns the waste, that at least it has a right to take up any part of it for forest purposes, but it gives up the rest freely. Moreover, as the people were in former days allowed a very extensive user, and certainly were never prevented from treating the forest *as if* it were their own, they have been allowed a certain share in the value of trees felled in reserved forest estates partly to compensate them for exclusion from the tract. Government reciprocally has a right to a part of the value of trees cut in non-reserved tracts, because the Government always asserted a right to the trees, if not to the forest itself. The principle adopted was, not to raise any theory of ownership, which it would have been impossible to settle, but to enquire practically what the villages had enjoyed, and provide for that or for its fair equivalent. The rest then remained at the disposal of the State for the maintenance of public forests.

CHAPTER IV.

Land Revenue System of Ajmer.

§ 1.—*The early history of Ajmer.*

The province of Ajmer, together with the Merwára parganas, was ceded to the British Government in 1818. Ajmer was a settled country: but the parganas of Merwára were mostly a stretch of jungle-clad hills, in which a few rude settlers had cleared patches for cultivation, but hardly possessed anything like a system of government or of customary landholding.

Ajmer is specially interesting to us, because it is the one British district in Rájputána; and it still preserves for us the features of the Rájput organisation as it appeared when the Rájputs came as conquering armies, not as an entire people immigrating and settling on the land. Originally, the Rájput rule was in much greater force, and extended over a far larger area than it now occupies; but the great kingdoms of the Rathors of Kanauj, the Solan'khai in Guzarát, and the rest, were reduced by the Muhammadan power.[1] The chiefs were driven from the more open and fertile plains, and the existing Rájput States represent the remains of the dominion. These somewhat inaccessible districts to the north-east and south-west of the Aravalli hills, mark in fact the place of retreat of the tribes, and the site where they were able to hold their own to some extent,[2] in spite of many subsequent wars, both internecine and with foreign foes.

[1] The Rájput dynasty in Guzarát came to an end in the fourteenth century under Ala'-ud-dín Ghilzai.

[2] "We may describe Rájputána as the region within which the pure-blooded Rájput clans have maintained their independence under their own chieftains, and have kept together their primitive societies, ever since their principal dynasties in Northern India were cast down and swept away by the Musalmán irruptions." — Gazetteer of Rájputána, Vol. I., page 39.

Ajmer itself saw very various fortunes. In the fifteenth century it passed into the hands of the rulers of Málwa. During the first quarter of the sixteenth century, however, the Rájput power revived under Rána Sanga of Udaipur, but it again declined as the empire of Húmáyún and Akbar grew and consolidated. Ajmer became a "Súbah" or province of the empire, and the city itself was an imperial residence. But the Rájput customs were not obliterated or even interfered with; for, in those days, it was the policy to encourage the Rájputs: and the chiefs became simply feudatories of the Mughal power. As the Mughal empire waned, war and confusion again formed the order of the day: the Rájput chiefs attempted to combine for their independence, but in the midst of the general warfare, the Maráthás came on to the scene. In 1756 A.D. they got possession of Ajmer, and "thenceforward Rájputána became involved in the general disorganisation of India." "Even the Rájput chieftainships, the only ancient political groups left in India, were threatened with imminent obliteration. Their primitive constitution rendered them quite unfit to resist the professional armies of Maráthás and Patháns, and their tribal system was giving way, or at best transforming itself into a disjointed military feudalism." About this time some of the Ját leaders rose to power, and founded the Ját State of Bhartpur, which still survives among the Rájput chiefships.

In 1803 all Rájputána, except the north-west portion, was paying tribute to the Maráthás; but these plunderers never got such hold on the country as in any way to obliterate the old customs of landholding.

At last the British Government interfered, and, after a series of changes in policy, which it is not here necessary to allude to, the Rájput States entered into treaties with the British power. These were all executed by the end of 1818, in which year Ajmer became British territory, it being ceded by Sindhia. The Merwára parganas were ceded at the same time, but were so uncivilised and remote, that they had still to be reduced by force some few years afterwards.

§ 2.—*Peculiarity of the Rájput organisation.*

This very brief outline of the history of Ajmer is necessary to explain the general position of affairs, and how it is that Ajmer represents so exceptional and at the same time so interesting an illustration of peculiar landholding customs.

I have remarked that there was no tribal or general settlement of Rájputs. The Government, the dominant power, alone was Rájput. The bulk of the individual landowners are not Rájputs[3]; there, consequently, has been no growth of village communities; indeed these were quite unknown in Ajmer till introduced by our own North-West Settlement system.

I shall at once then proceed to describe what was the Rájput organisation of the country, as regards the ruling classes or chiefs, and as regards the tenures of the actual cultivators of the soil.

The first thing that strikes us is that there is not one ruler, but a series of chiefs, who, by the exigencies of the case, are graded in a quasi-feudal order, and are bound to obedience to the head chief or Mahárája, and to appear in the field when required with a certain force of foot soldiers or horse, as the case might be. Apart from this, the chiefs really regarded themselves as coparceners or sharers with their leader in the kingdom. The Mahárája is the head of the oldest or most powerful branch of the dominant clan; the chiefs are the heads of the other branches, or of subordinate clans. The system of sharing or dividing the conquered territory into feudatory estates does not extend beyond the main or upper grades of the organisation—the heads of the chief branches of the clan. We do not find any further shares or small allotments of land to leaders of troops and so forth, as we do in the organisation of the Sikh misls in the Cis-Sutlej States of the Panjáb. The Ajmer territory exhibits a division of the whole, first into the royal domain or khálsa land—the estate of the

[3] Rájputs now rarely hold land, except as bhúmiyás or as holders of istamrári estates.—Settlement Report, 1875, § 98.

Mahárája or leading chief—and then into a series of estates (taluqas) for the Thákurs, Ráos, or other chiefs subordinate to him.

In each of these estates, the right of the chief was almost independent; it was subject only to doing homage to the Mahárája, and paying a nazarána on succession, appearing with the proper military force when called on[4], and rendering extraordinary money aids when the necessities of common defence required it. There were also other feudal dues paid in some cases. The estate was liable to sequestration (*zabti*) (if the ruling Prince was able to enforce it) as an extreme penalty.

Inside the estates, the tenures of land must be described in separate paragraphs: we have some cases of grant as jágír lands, some special tenures, and then the ordinary customary landholding of the villagers. But first a few words must be said regarding the revenue.

§ 3.—*Land Revenue.*

The Rája in his estate, and the chiefs in theirs, took a share in the grain, and some other cesses and local taxes also, from the landholders. As between the chief and their suzerain no regular revenue was paid; a fee or "nazarána" was paid on succession, and aid was given as required. But when the Maráthás established their power, they made every chief pay a tribute called "tankhá" (or "mámla" or "aín" in Ajmer[5]), and this afterwards was paid by custom to the sovereign power, whoever it might be.

§ 4.—*Ordinary tenure of land.*

As regards the tenure of land within the Mahárája's or the chief's estate, the ordinary form of landholding was very simple: every one who wished to cultivate land permanently, must do so with

[4] Which is ascertained and laid down for each estate according to custom.—See Rájputána Gazetteer, Vol. I., page 59.

[5] Tankhá is the Maráthi form: it indicates a fixed assigned sum; "aín" is the form of the Arabic 'aín which has a similar meaning.

the aid of a well, a tank, an embankment or some work of irrigation; for the rainfall is too limited and uncertain to render permanent cultivation otherwise possible. Any one who chose could apply to the Rája's or chief's officials, and get permission to make the work, and he acquired a permanent right (biswádarí) to the tank and the land which was watered by it. Other cultivation being only temporary, and rendered possible by a favourable season as regards rainfall, no one acquired any right in the land; it was cultivated by permission for the time being, and then lapsed into the general estate of which it was part.

It was of course natural that landholders should settle together, and so to form villages that had a separate local name; but no biswadár had any claim to anything beyond his own holding. No one was responsible for his neighbour's revenue payment, nor did the body of landholders that happened to live together, and who submitted to a common headman, who looked after the chief's grain-collections, ever dream of claiming any "common" land, or any right to an area of waste within certain boundaries.

§ 5.—*Jágír Grants.*

In the khálsa lands charitable grants were made, and, in the chief's estates also. These are always found in Oriental countries in favour of religious institutions, persons of sanctity, charities, and so forth. In Ajmer they are called "jágír;" and here the term has not the meaning which it elsewhere bears. For military service is part of the regular system of the country, consequently grants would not be made on a condition that was the normal one; and jágír simply meant a royal or princely grant in full proprietary right, with a total remission of revenue, or a reduced revenue demand only.

When a jágír was given, the grantee became entitled to all the unoccupied land in the grant, and to such as he had himself provided the means of irrigation for; but lands already in the occupation of persons who had made wells, tanks, or embankments, continued to

be held by them, and the biswádarí right was not destroyed by the grant,[6] though the holder had to pay his revenue to the assignee.

In jágír estates, the grantee collected a grain share by estimate of the crop, and fixing of the weight which each payer had to give. Money assessment was, and still is, unknown.[7]

When the district came under British rule, the true position of the jágír estates was not at first understood, and in 1874 a committee reported on the whole subject. The status of the jágírdár, in relation to the land occupiers, was formally declared in a Settlement proceeding on 13th August 1872.

Out of a total of 150,838 acres, with a revenue of Rs. 91,000, 65,472 acres, with a revenue of Rs. 43,000, are held in jágír by shrines and religious institutions[8].

§ 6.—*Bhúm Estates.*

Another ancient tenure recognised in Rájputána was the "bhúm[9]." It consisted in an absolute estate in a given area of land, which might be coupled with the condition of maintaining good order, being answerable for crime, and so forth.

It seems most probable that the bhúm holding really represented the last remnant of the former estate of a Rájput chief whose family had been displaced, in the continual struggle for supremacy that was going on. The family retained, or were allowed, out of consideration, by the chiefs who gained the upper hand, to retain a certain "bhúm" holding, and this being of ancient date and hereditary, was looked upon with great respect. It was an 'allodial' holding, that is, free from feudal obligations. From time to time bhúmiyá holdings were created by grant. It was given, for example, as "mundkati," or compensation for bloodshed, to heal a feud, or as a reward for

[6] Ajmer Gazetteer, p. 23.
[7] Settlement Report, 1875, § 87.
[8] Gazetteer, p. 23.
[9] From bhúm, 'the soil.'

service in keeping watch and ward, &c.[10] Some owed their origin to grants to younger sons and brothers of chiefs.

These holdings still survive as revenue-free holdings not resumable by the State. Up till 1841 they paid a quit-rent. They are inalienable by the proprietor.[1] They descend, however, not only in the male line to lineal descendants, but without restriction. Even great chiefs like to hold bhúm estates; one Mahárája and several considerable Thákurs are "bhúmiyás," or holders of bhúm estates in Ajmer.

The bhúmiyás were bound to give aid in repressing dacoities and other crimes in their village, and to protect travellers. For some time they were held responsible to make restitution to persons who suffered from a robbery within their limits[2].

There are still 109 bhúm holdings in Ajmer, but 16 are held by chiefs who hold "istimrárí" estates. These are, consequently, in the hands of a single owner. The others are shared like other property, and there are now 2,041 shares in bhúm holdings.

§ 7.—*Effect of British settlement.*

It will now be interesting to explain how the settlement of the country under British rule has developed or changed the customs thus described. The first thing that strikes us is, that we have now two parallel revenue systems as it were—one applying to the khálsa land, the other being a system for the management of the chief's estates, which has quite a different form.

The khálsa estate, comprising about one-third of Ajmer (and the whole of Merwára), became the property of the British Government, and was therefore subject to British law, and has been settled on the North-West system, and proprietary rights which never existed

[10] Bhúm holdings in all cover an area of 21,800 acres, of which 14,800 are in khálsa villages, 5,000 in jágír villages, and 1,000 in istamrári estates.

[1] See Regulation II of 1877, section 36.

[2] Ajmer Gazetteer, page 25. This last arose out of the custom in Rájputana that the Ráj should compensate travellers. It is obvious, however, that many "bhúm" estates would be quite unable to make any such compensation, and the custom is consequently dying out.

before have been conferred. The same procedure could not, however, have been equitably followed in the chief's estates. These had therefore to be separately dealt with. The chief's rights were recognised by 'sanad' grants, and no interference with their internal affairs has been contemplated, nor has any settlement been made for the villages. Our Government has not in fact interfered to define the right of any one, except the taluqdár or estate-holder himself. I shall first describe how matters developed in the khálsa land.

§ 8.—*Early management of the khálsa.*

At first the British officers managed the khálsa domain exactly on the lines of the original custom. The early administrators were in fact the stewards of a great estate. They built tanks and made embankments; they founded hamlets and gave out leases to settle and improve the lands. In 1849, however, a settlement of the land-revenue on the North-West system was ordered. A sketch of the history of the settlements will be given further on: here it is only necessary to say that the result was that the contiguous groups of biswadárs were formed into villages; and that the waste, hitherto at the disposal of the estate, was allotted out and divided among these "villages." The hamlets founded by Colonel Dixon were also made into villages, the neighbouring waste being given up to them. Thus, a very important change was effected. The group of cultivators, some of whom possessed the biswadári right, others of whom were mere temporary lessees, now became a "proprietary body;" they were styled in official revenue language "bhaiáchárá" villages; the waste within the area of each became the "shámilát" or common property of the village body.

This course was afterwards much regretted[3]. As soon as forest science was sufficiently appreciated to enable people to recognise

[3] As a matter of general principle, it is always undesirable that State rights should be readily given away, instead of keeping them carefully to be utilised as occasion requires. I have no doubt that the existence of many *rights of user* (or what we must practically admit as such) in the waste, had its influence in commending to the authorities the idea of partitioning the waste. It is often unfortunately overlooked,

that the clothing of Ajmer hills with tree vegetation was essential to the welfare of the country, to the supply of water in its tanks, to regulate both the surface and the subsoil drainage, and not improbably to affect the humidity of the atmosphere, it was desired to form forest estates, to be placed under conservative management. But by that time the work of 1850 had borne its fruits. The land, once the undoubted property of the State and available to form forest reserves which might have been the wealth of the country, had, in deference to a system, been given away, and it was necessary, therefore, in 1874, to make a Regulation under the 33 Vic., Cap. 3, for forming forest estates, recovering for that purpose the available waste, and allowing rights in it as compensation for the process of re-annexation[4].

Fortunately, this plan of constituting State forests has answered well. The benefits are so great that the people are beginning to appreciate them. It is certain that it was only by such a step as that taken in 1874, that the water-supply in the tanks can be preserved, and that supplies of fodder, against times of famine, can be secured.

§ 9.—*The present tenures.*

The Land Revenue Regulation[5] now orders the rights which exist under the village system. The old biswadárs have become proprietors, and now, if a settler desires to come in and clear the waste, he has to obtain the permission of the village-owners, who are the owners of the waste as their common land.

Partition of the common land is also allowed as of any other jointly-held lands: a *minimum* is, however, fixed, below which division is not allowed to go. Some special arrangements connected

that a most extensive user of the land by one set of people does not necessarily imply that the people had, or ought to have, a proprietary right in the soil. This I have explained fully in my "*Manual of Jurisprudence.*"

[4] The terms under which Government can now take up what has become village land, for forest purposes, may be seen in section 6 of Ajmer Regulation VI of 1874.

[5] See Regulation II of 1877, section 7, &c.

with the levy of the revenue had modified the strict action of the North-West system; and no doubt care has been taken to mould the settlement arrangements as much as possible to suit the actual condition of the villages.

§ 10.—*State rights reserved.*

Under the new system, moreover, the State reserves to itself some considerable rights. Besides its usual right of revenue, it remains proprietor of tanks it has constructed, and owns the land (available in the bed of the tank at certain seasons for cultivation), and the land on the slopes of embankments. It reserves also all mineral rights, and may quarry for stone, gravel, &c.

§ 11.—*Other land tenures in the khálsa.*

The biswadári right has thus considerably altered from what it originally was. The "jágír" tenure and the bhúm tenure retain their ancient features, as already described. Bhúm holdings are dealt with in the Regulation (sections 31-36); sanads are granted for them, and the sanad-holder and his successors in interest are alone the proprietors. A rule of succession is also laid down. There can be, as I said, no alienation of a bhúm estate, except in favour of a person who is a co-sharer holding under the same sanad.

No jágir is recognised which has not been granted, confirmed, or recognised by a sanad issued by proper authority[6]. In this sanad conditions may be entered making the rules contained in the Land and Revenue Regulation, regarding alienation, succession, or maintenance prescribed for istimrári estates, or bhúm estates (as the case may be), or any other special rules on these subjects that shall be in force as regards the estate, binding; and the jágírdár must accept these rules or resign the estate. There are some bhúm holdings inside jágír estates.

[6] Regulation II of 1877, section 37, &c.

§ 12.—*Subordinate tenures in khálsa villages.*

Under the original system of landholding implied by the biswadári right, there was but little room for the growth of subordinate tenures. "A non-proprietary cultivating class," says Mr. LaTouche, "hardly exists in either district." Where tenants exist, they generally pay the same rates of produce as the proprietors themselves paid before the regular settlement[7].

But though there may be but little opportunity for the growth of tenant-right, there are cases in which a right has to be provided for, which cannot now be conveniently described otherwise than as an occupancy right.

In the days of rapine, raid, and internal war, which make up the history of the Rájput State, it was inevitable that land should have changed hands; one tribe got the upper hand and had little hesitation in displacing others: not only so, but the repeated occurrence of famine has caused the landholders to get into debt. Hence it may often have happened that an old biswadár was turned out of his land, or was obliged to give it up owing to poverty, inability to pay the revenue, and so forth, but still managed to retain part of it as the "tenant" of the supervening owner. It is now impossible that the effects of such ancient wrong-doing can be reversed; so the "tenant" remains, but is privileged, and the Regulation specially protects him as an "ex-proprietary tenant[8]." Such a tenant is allowed a permanent tenure, at a rent which is to be five annas four pie per rupee less than the prevailing rate paid by tenants-at-will for lands with similar advantages in the neighbourhood. No agreement to pay higher rent is valid.

There may be other "occupancy tenants[9]," as they are mentioned in the Regulation. This is a wise provision. It virtually allows full latitude to actual facts. Any one can claim an 'occupancy

[7] Settlement Report, 1875, section 96.

[8] Regulation II of 1877, section 41, &c.

[9] For example, they may have taken part, though in an inferior position, in building the tank and cultivating the soil that gave origin to the owner's or biswadár's right.

right' and prove it by the custom of the village, by special agreement, and so forth. The Regulation admits the possibility of such a right without defining it, and merely attaches certain legal protective provisions to such a right when proved to exist.

The main security such tenants have is, that besides the right of occupancy (which cannot be defeated, except pursuant to a decree of court given on specific grounds or on failure to satisfy a decree for rent[10]); the rent is always fixed, or may be fixed on application, at settlement, or subsequently by the revenue officers.

It is unnecessary for me to describe the simple provisions of the Regulation regarding the division of crops between landlord and tenant, the practice for ejecting tenants when they are lawfully to be ejected, and regarding the relinquishment of holdings by the tenant. The Regulation itself may be consulted.

§ 13.—*Modern state of rights in Taluqas or Chiefs' Estates.*

Side by side with the khálsa villages, which we have just been considering, are the chiefs' estates, in which no such settlement system has been applied. The estate itself and the right in it has been defined, but its internal affairs are not interfered with. The chiefs' estates, called taluqas (the chiefs being taluqdárs), are secured to them by law.

The more important of the chiefs' estates or taluqas have been conferred in absolute proprietary right by virtue of sanads called "istimrári" grants. Hence the important taluqa and jágír estates are held as "istimrári estates."

The istimrári estates only pay revenue to Government in the form of a permanent and unenhanceable tribute. Till 1755, they had paid no revenue, but then the Maráthás imposed a tribute, and various other cesses also. The British Government abolished the cesses, but at first asserted a right to re-assess the tribute. This right was, however, formally waived in June 1873.

[10] Regulation II of 1877, sections 52—54. An "ex-proprietary" tenant cannot be ejected even on a decree without the sanction of the Commissioner.

The istimrári tenure is also associated with certain special rules legalised by the Land Revenue Regulation of 1877[1]. The estate is inalienable by any *permanent* transfer: mortgage beyond the life of the mortgagee is also invalid.

Succession is now by primogeniture only. Hence there is no *division* of these estates, a fact which has a very important influence. The "istimrárdár" enjoys also some special immunities and protection regarding criminal proceedings, and as regards money decrees of the civil court.

Nazarána is paid according to old custom to the Government on the occasion of a succession.

The istimrári estates are now some sixty-six in number, whereas the original fiefs were only eleven. But this will illustrate the importance of the principle of succession by primogeniture. I have in a previous chapter had occasion to remark, in speaking of the old Hindu Ráj, how in some families the principle of indivisibility was preserved, while in others the estates were divided till nothing but small estates, which practically formed zamíndári villages held by a number of selected owners, remained. In Ajmer, it seems the principle of indivisibility, that is, succession to the eldest heir alone, was not at first recognised. In former times the estate was divided among the succeeding sons and heirs, according to Hindu law, though the "pátwi," or heir to the dignity of the chief's seat, got a double share[2] in recognition of his position as chief. Then in course of time the eldest came to take the estate at large, and the other brothers got a village or two each, on what was called a "grás" tenure[3].

It is thus the result of the former divisibility of estates that the eleven original fiefs broke up into the present number; at least that

[1] Regulation II of 1877, sections 20–30.

[2] See Ajmer Gazetteer, page 22. It is interesting to notice that just the same thing may be observed in the estates of the Sikh jágírdárs and chiefs of the Cis-Sutlej States. If there are four sons, the estate will be divided into five lots, of which two go to the eldest.

[3] "Grás" means literally 'a mouthful,' and implies that the grantee gets a portion of the produce of the villages to which the grant extends for his maintenance.

is the chief cause, for during the stormy history of Rájput estates, a powerful branch of a family may have succeeded in effecting a separation of a portion of the estate for his own benefit, without any general principle of divisibility being recognised.

In short the existing number and size of the estates or taluqas has resulted from the dismemberment of larger estates; and in some cases, where division of the estates has been effected, the branch estate has remained separate but subordinate to the larger one[1]. Had the principle of division gone on, the estates would in time have become completely broken up into mere village-estates, just as we saw in the curious case of the Tílok Chandi Báis in Rai Bareli. But the custom of indivisibility gained ground, and it is now fixed by law. Younger sons now only get a cash maintenance, or a life-grant of villages, or something of that kind.

The istimrári estate-holders (as well as some of the larger jágírdárs) became, in the course of time, heavily encumbered, and in 1872 a Regulation was passed for their relief. Government advanced some seven lakhs of rupees, which was the aggregate amount of the debts, and these were paid off or compromised under the Regulation: the advance with interest is being gradually paid back to Government.

The present position of the chief's estate is, therefore, a somewhat modified one as compared with what it formerly was. In old days the chief's estate was held conditionally on military service; it

[1] The Commissioner, Mr. Leslie Saunders, writes to me as follows:—

"The lesser istimrárdárs are banded together in groups according to their descent, under the present chief representative of the original stock from which they have sprung; such holders of divisions of estates are sometimes called sub-taluqdárs. The lesser istimrárdár is, nevertheless, full proprietor of his estate, only he pays his revenue or tribute, not direct to Government, but through the chief with whom he is lineally connected. He sits behind the chief in darbár, and is bound to observe the ceremonial acknowledgments of social supremacy customary in native courts. This is, however, sometimes evaded. On failure of an heir, the estate of an inferior istimrárdár would ordinarily revert to the head of the line; and in two instances estates unable to pay their revenue have been made over permanently to the head of their clan."

was liable to sequestration for misconduct, at least in theory. In the first days it paid no revenue, but afterwards not only was a revenue levied, but the revenue was not fixed, but was liable to enhancement, at least virtually so, in the form of cesses and forced aids.

Our Government has conceded a fixed revenue, granted a permanent estate, rendered the estate indivisible and inalienable by permanent transfer, and has enforced no condition of military service.

§ 14.—*Subordinate Tenures in Istimrári Estates.*

There may be bhúmiya holdings and grants in jágír inside the chief's (istimrári) estate, just as there are on Government lands, but they are few in number[5]. As regards subordinate tenures, I have already remarked that Government has not introduced any settlement into the istimrári estates. Having fixed the extent and declared the nature of the tenure, no internal interference in the way of sub-settlements has been contemplated. Government was opposed to the policy of making records or requiring sub-settlements for the protection of the village landholders, and in this respect the istimrári villages are entirely differently situated from what they are in khálsa lands.

In the early days of British rule, Mr. Cavendish (1829) made a formal enquiry, and the istimrárdárs admitted that the permanent improver of land had a right which was virtually the same as the biswadári right recognised in the khálsa[6].

Consequently, though the chief is legally the sole owner, and the people are his tenants, those who would have been "biswadárs" in the khálsa, have a *practically* indefeasible right. As a matter of fact, disputes between a chief and his tenants rarely or never come before the authorities. The Land Revenue Regulation, giving effect to the full proprietary right in 'istimrári' estates, provides

[5] The bhúmiya holdings in istimrári estates only amount to about 1,000 acres.
[6] Settlement Report, 1875, §§ 85, 86.

(section 21) that all tenants on such estates shall be presumed to be tenants-at-will till the contrary is proved.

§ 15.—*History of the settlement of Khálsa villages.*

The territory of Ajmer has remained as ceded in 1818, with the exception of five villages given over by Sindhia in 1860[6]. Mr. Wilder was the first Superintendent. The Maráthás established an arbitrary system of taxation, but shortly before cession a land revenue had been fixed, which was, however, exclusive of the cesses. The chief's estates paid a fixed tribute, and an agreement was come to that any future increase should be in the form of separate cesses; the chief, no doubt, feeling that if a change of rulers occurred, they might succeed in getting off payment, which would be difficult if such cesses were once consolidated with the tribute.

Sindhia farmed the villages for the amount of the "aín" or fixed revenue, but extra cesses were levied under 44 different heads[7].

This system was, of course, abolished by the Superintendent, who returned to the earlier system of estimating in cash the value of one-half the grain produce of the village. The assessment, however, broke down, owing to famine and failure of crops; and after that a short settlement was made under Mr. Middleton.

In 1827 Mr. Cavendish succeeded to the district and revised the settlement. This officer was much more desirous of moderation in the revenue assessment; and he seems also to have conceived the idea that the groups of biswadárs, with their patel or headman, formed "communities" who might be regarded as owners of the area within the village limits[8].

[6] Gazetteer, p. 75.

[7] One such cess was the perquisite of Sindhia's wives; another, called "Bhent Bai Sáhiba," went to his sister: his daughter and "pír," or spiritual adviser, each received a certain cess (Gazetteer, p. 75).

[8] Settlement Report by J. D. La Touche, C.S, 1875, § 77, &c.

In 1835-36 Mr. Edmonstone proceeded to make a settlement for 10 years, still spoken of as the "decennial settlement," and reported on the 20th May 1836. This report did not endorse the idea of the village being proprietary. The tenure was compared to that described by Sir T. Munro (Governor of Madras) in Arcot. The holdings were separate, though cattle of the village grazed in common over all unenclosed lands, when the crops were off the ground.

The most important fact in the revenue history of Ajmer is the appointment of Major Dixon in 1842. This officer had previously been in charge of Merwára, where his success had been great. On the expiry of the 10 years' settlement, Major Dixon held the whole district "khám," as the Merwára parganas were held. Within six years, more than four and a half lakhs of rupees were wisely spent in tanks and embankments, and a much lower rate of collection was established; the assessment was reduced to two-fifths of the produce, and the "zabti" or cash rates levied on certain of the more valuable crops were lowered.

Mr. Thomason, when Lieutenant-Governor of the North-Western Provinces, visited Ajmer in 1846, and though he could not but admire the work of Major Dixon, he felt that such an administration was solely dependent on the skill and energy of one man; some system that could be worked by any ordinary officers was necessary. As Mr. Thomason was naturally in favour of the North-Western system, he concluded that the plan of village assessments was the only one that would answer as a permanent arrangement.

A settlement was accordingly carried out in 1849-50 on the "mauzawár" plan. It has been said that the settlement was mauzawár only in name[9]. This may be true as regards the collections, which were levied on the individual holdings, since it was not practically possible, in a country so liable to famine or failure of crops, really to make the whole village responsible for failure of some of its cultivators. But what is at least equally important, and

[9] Gazetteer, p. 86.

what made the settlement essentially mauzawár, was, that under orders received, Colonel Dixon divided out the land among the villages, giving the adjacent waste to each, and thus erected the old independent biswadárs and their patel into a proprietary body who *became the joint owners of the entire area, waste and cultivated,* in the village. The village boundaries on this plan were demarcated in 1849[10].

§ 16.—*Present form of administration.*

With Colonel Dixon's death ended an important era in Ajmer Revenue History. In 1858 the district of Ajmer was united with the Merwára parganas under one "Deputy Commissioner," who was subordinate to the "Agent to the Governor General and Commissioner." This lasted till 1871, when a separate Commissioner was appointed, and the Agent to the Governor General for Rájputána became *ex-officio* Chief Commissioner.

For Merwára there is an Assistant Commissioner at Beáwar. The district is divided into tahsíls under tahsíldárs on the usual North-West plan.

The province is organised generally, as a non-regulation province. Its laws will be found collected in the Ajmer Code, issued by the Legislative Department of the Government of India. It also is a Scheduled District under Act XIV of 1874[1].

§ 17.—*Recent Settlement proceedings.*

The history of the district since the settlement of 1850 must here be passed over. It is a record of struggle with difficulties owing to unfavourable seasons. At one time the rain fell in unseasonable

[10] Settlement Report, 1875, §§ 80, 81. The villages were now called bhaíachárá. As usual with these official changes, the people did not appreciate them. "Even now," says Mr. La Touche, "the change is hardly understood and is not appreciated by the people. Daily petitions were filed by men anxious to improve the waste land of a village, praying that Government will grant them leases in its capacity of landlord." Of course such petitions have to be referred to the "village proprietors" who now own the waste.

[1] *Gazette of India*, 20th October 1877, p. 605.

torrents, bursting embankments, breaching the banks, and causing floods which rotted the crops and swept away the soil. At another, drought lasted late into the season, cattle died and revenue could not be paid. But in spite of everything the condition of the country, under wise management, slowly improved[2]. In 1868-69 the district was visited by a famine of exceptional severity and duration[3].

After the famine, which destroyed a large number of the cattle, as well as a high percentage of the population, and produced a fearful state of indebtedness among the people, a revision of settlement was made.

The old custom was that biswadári holdings were not saleable, so that mortgages are the custom of the country. Even now, land is never sold in execution of a decree of court. After the famine, the last settlement operations disclosed the fact that the mortgage debts amounted to Rs. 11,55,437[4].

The report of the revised settlement is dated 1875. Of course the village settlement is maintained, but arrangements have been made which mitigate the difficulties of the theoretical joint responsibility[5].

[2] In 1860 Major Lloyd minutely inspected the district and made a complete and interesting report on its condition, which fully bears out what is stated above.

[3] See a good account of this in the Gazetteer, pp. 90, 91.

[4] Gazetteer, p. 95.

[5] On this subject Mr. LaTouche writes as follows (Gazetteer, p. 93):—

"The village system of the North-Western Provinces is not self-acting beyond a certain point, and a mouzawár settlement cannot succeed in Ajmer-Merwára. By the term 'mouzawár' is meant a settlement where the assessment is based on the average of good and bad seasons, and where the principle of joint responsibility is enforced in the collection of the revenue. The seasons present too great vicissitudes to allow of an equal annual demand being assessed, but this difficulty has been partly surmounted in the recent revision by the assessment of water revenue * * * separately from the land revenue on the unirrigated aspect. The assessment on the dry aspect includes the full assessment of well land, but in each village where the tanks fail to fill, the water revenue will be remitted each year. The principle of joint responsibility has not been formally abolished, for cases may arise (though the cultivated area cannot be largely increased in any village) in which it would be just to enforce it. One of the main objects of the recent settlement, however, has been to reduce it to a minimum.

In the present settlement each biswadár or khewatdár has his own revenue payment recorded, so that in reality the defaulting holding can at once be traced, and the joint responsibility remains in the background, to be had recourse to only if circumstances make it right and proper.

§ 18.—*Assessment of revenue.*

As all permanent cultivation is dependent on tanks, or on natural tanks formed at the head of a ravine by the aid of embankments, the classification of soils for the purpose of assessment has chiefly reference to the tank and its capabilities. The tank has a double importance. It is the source of irrigation, and besides that, as the water dries up, the bottom becomes culturable. Land so cultivated is called "ábi" land.

We find accordingly the following classes of tank lands:—

(1) The tank supplies water for both spring (rabi') and autumn (kharíf) harvests: here the tank always contains water, and so there is no ábi cultivation on it.

"All well-known and recognised divisions of a village have been allowed to choose a headman, and each cultivator has been permitted the option of deciding through which of the headmen he will pay his revenue. The total amount payable through each 'patel' has been added up, and a list of each headman's constituents given to the headmen, and filed with the settlement record. Thus, in a village paying Rs. 1,000 there may be five patels, two responsible for Rs. 250 each, one for Rs. 200, one for Rs. 225, and one for Rs. 75. Under the old system the tahsíldár demanded the revenue from those among the headmen whom he considered the most substantial in the village. Now, he can tell exactly how much he should collect from each patel: and if the representative of any *thok* or *patti* cannot be made to pay, very valid reasons indeed should be adduced before the representative of the other divisions of the village are called on to make good the deficiency. * * * * * No real *thoks* and *pattis* exist in Ajmer-Merwára, and for a number of more or less arbitrary sub-divisions of land has been substituted an agglomeration of holdings bound together by the fact that the owners have selected one of the headmen, sanctioned for the village, as the representative through whom they will pay their revenue."

This illustrates the remark I above made about "bhaiáchárá." The Ajmer villages are not naturally bound together by common descent, and cannot therefore exhibit any real divisions or sub-divisions according to the main and minor branches of the family, so that there can be no natural lien, whereby one patti is answerable for the default of the other.

(2) The tank gives water enough for one or two waterings for the rabi' harvest, and the land at the bottom of the tank becomes culturable late in the season.

(3) The tank only gives water enough to start the rabi' sowings, and the land consequently emerges early in the season.

(4) Tanks which, when the rainfall has been so favourable that not much water is required from them to irrigate kharíf crops, have water enough to start the rabi' sowings (after which the soil of the tank itself can be sown).

(5) Tanks which only have scanty water for kharíf irrigation; none over for rabi' sowings: the soil at the bottom is here not thoroughly moistened, but still a rabi' crop can be sown on it.

The assessment on these tank-bottoms and land irrigated by the tank, is divided into a charge for water and a charge for soil. The latter is the highest baráni rate, or rate for land that is not irrigated. This of course is low, and the greater part of the assessment is a charge for water.

It was a question how the water assessment should be levied: for the inferior tanks it was decided to include the water revenue in the rate entered in the khewat, and the holder engaged to pay the whole. It is, however, for the revenue authorities to determine whether the whole amount can be levied in any given year.

This plan is not adopted in the case of the larger tanks, which include a great part of Ajmer and the first class tanks in Beáwar and Todgarh. Here the water rate has been excluded from the sum shown against each holding in the khewat.

The lump sum of water assessment is added to the total village soil assessment. "The lump sum is to be made good from the fields actually irrigated in each year, unless its incidence on the irrigated area exceeds a certain maximum or falls below a certain fixed minimum. Thus, in the case of the Diwára tank, there are 244 acres measured as 'tálábi.' The water revenue of the village was assessed at Rs. 1,068, being at a rate of Rs. 4-6 per acre, as the irrigated area appeared to represent the full capacity of the

tank in its present state, and the rate and the resulting assessment seemed fair and reasonable. It was provided in the engagement that this sum, Rs. 1,068, should be yearly made good by the irrigated fields, except when its incidence on the irrigated area exceeded Rs. 5, when the actually irrigated area should be assessed at Rs. 5 and the balance remitted. It was provided further, that when the incidence of the assessed water revenue fell below Rs. 3-12 (as it would if a larger area were irrigated by economy of water or some other improvement), the actually irrigated area should be assessed at Rs. 3-12, and the excess credited to Government[6]."

§ 19.—*Merwára.*

The parganas of Merwára were never held by Rájput chiefs, nor do they exhibit any traces of special landholding customs. They are jungle countries, peopled only by settlers who cleared the land and cultivated it. After the country was reduced to order by the British arms, it has been governed in a simple patriarchal fashion. The villages were held "khám," and Colonel Dixon's system was to take a small proportion (one-third) of ordinary crops, the grain then being converted into a money assessment, by valuation at current rates. Land newly broken up was allowed a progressive assessment beginning with one-sixth for the first year, one-fifth for the next, one-fourth for the third, &c., &c., till the one-third rate would be attained.

Persons were encouraged to make wells, tanks, and embankments, by a remission of assessment.

Lands under valuable crops, as cotton, maize, sugar, and opium, paid at "zabti" or money rates per acre.

At the settlement of 1850, the village settlement was introduced, and farmers were settled with for each village.

§ 20.—*Revenue Procedure.*

The revenue procedure does not call for any explanation. Part VI of the Regulation contains the details of it. It is notice-

[6] Settlement Report, 1875, §§ 260—265.

able, however, that when matters are submitted to arbitration, an appeal lies against the decision.

The process for realising arrears of land revenue is not dissimilar to that under any ordinary Upper Indian Revenue Act; arrest, imprisonment, attachment and sale of movable property, attachment of the estate, transfer to a solvent 'shareholder,' and sequestration of the estates for a period—these are the processes as elsewhere. If all these fail, *other* immovable property may, under special sanction, be sold, but *not the land itself* on which the arrear has accrued.

Headmen who have paid up in the first instance may realise the revenue from the co-sharers by a suit, in which they may join as many of the sharers as are indebted for the same instalment. There is no power of distraint without a suit.

BOOK IV.

THE RAIYATWARI SYSTEM.

CHAPTER I.

THE BOMBAY SYSTEM.

SECTION I.—INTRODUCTORY.

§ 1.—*Special reasons for describing the system.*

IT was my original intention to confine this Manual to the provinces directly under the orders of the Government of India, and this would have precluded my giving any account of the Revenue systems of Bombay and Madras. But inasmuch as these provinces represent two different developments of the great rival to the Bengal system—if I may so call it—"the Raiyatwárí" system, the total omission of them would leave the student with so very incomplete a notion of the revenue administration of India, that I feel it impossible altogether to drop the subject, the more so as I do not see any prospect of local Manuals, written with the same general object as the present, being prepared.

For introducing some account of the Bombay system, I have indeed another reason. Berár, one of the provinces with which I am directly concerned, was settled on the Bombay system, and its revenue business, already conducted on the general model, will in all probability before long be guided definitively by the Bombay Revenue Code (Act V of 1879).

§ 2.—*Influence of the system on other provinces.*

Nor is the raiyatwárí system one that has no connection with the systems of other provinces. It certainly was not without its influence on the subsequent developments of the Bengal system. When the Regulation VII of 1822, which is the foundation of the North and Central India systems, was drawn up, the Minutes of

Sir T. Munro, in favour of dealing with the individual cultivator, without any middleman proprietor over him, had excited a strong interest. It is impossible to doubt that they had their influence on the views of revenue legislators, whose minds were at the time, I may almost say, in a state of recoil from the tension, which, in the previous years, had been all in the direction of a settlement with great landlords. The North-West system which deals with an *ideal* landlord,—the communal-body of the village—is in effect, though not in intention, still less in set terms, a sort of 'happy mean' between the settlement with a middleman, and a dealing with the individual cultivator direct.

The suitableness of every revenue system depends on the past history of the country to which it is to be applied. If for ages it has been the custom to regard the village as a sort of corporation, it may prove difficult, or at least unadvisable, to change to a raiyatwárí system. If the villages have never been accustomed to a joint responsibility, it is practically impossible to introduce the lump assessment.

In the discussions that took place many years ago as to the relative merits of the village and the individual holding system this was rather lost sight of. It is not possible profitably to discuss the merits of systems in the abstract. The Collector, whose official life has been passed in a district where one or more representative headmen manage the village affairs, feels that it would be impossible for him to deal with many thousands of individual holdings; the Collector who has succeeded to a Native rule under which individual assessments were always practised, feels no such difficulty. It is therefore to little profit, that an objection is assumed and counterbalancing advantages are set forth[1]; although,

[1] An elaborate comparison of the two systems will be found in a letter, dated 17th October 1840, by Messrs. Wingate and Goldsmid, printed as Appendix I to "Official correspondence on the system of Revenue Survey and Assessment in the Bombay Presidency," reprinted in Bombay in 1877. This volume contains the celebrated Joint Report, 1847, of the three Superintendents, Messrs. Wingate, Goldsmid, and Davidson, and it is to the reprint that I refer, when in the sequel I mention the "Joint Report."

no doubt, when theoretical objections are started against a system, the originators of that system are entitled to assume the objections, and show that they can be overcome.

§ 3.—*Early history of Bombay Settlements.*

In the Bombay districts, the method of revenue management to which the British Government succeeded was that of the Maráthás. Many of the Dakhan districts had been before that settled under Malik' Ambar[2], who had taken pains to preserve, wherever he found it, the joint-village organisation; and consequently his assessments were usually in the form of a "tankhá," or lump assessment on the whole village. But when the Maráthá power was firmly established, they usually abandoned the old tankhá for the "kamál" assessment[3], which dealt with each individual holding and was based on a classification of the soil. The Maráthá was too keen a financier to allow any middleman to intercept the profits, and it was only where his power was insecurely established, or in the days of his decline, that he called in a revenue-farmer to make good a certain lump sum to the State treasury.

In the early days of our rule, endeavours were made to continue the old management such as it was found, and from want of experience and defect of the machinery of control, frequent over-assessment and much mismanagement doubtless occurred. It was soon apparent that the Government must take a new point of departure. The Governor (Mr. Elphinstone) was desirous of introducing a system which would have in effect coincided with that of the North-Western Provinces. He would have bound together the

[2] Malik' Ambar was an Abyssinian who rose to power as minister under the later kings of the Nizám Shahi dynasty of Ahmadnagar at the end of the 16th or beginning of the 17th century. The kingdom had various limits, according to the power of the ruler; but during the long series of years that this able minister sustained the fortunes of the house, it included all the Aurangabad province and the west parts of Berár, and also a part of the Konkan on the sea coast.

See Elphinstone's History (5th edition), pages 553 and 758, and Grant Duff's History of the Maráthás, Volume I, page 95.

[3] See Report on the Settlement of Indapur talúka, Poona Collectorate, Selections, No. CLI, New Series, Bombay, 1877.

separate holders of land in each local group of fields which we call a "village," and made them a *joint* body of proprietors together liable for a lump sum assessed on the entire area of the estate. But this plan, as a general one for the whole of the Bombay districts, failed. Though there were still surviving in some parts of Bombay village communities[1] naturally of this order,—communities which the student, who has read the account of the North-Western Provinces tenures, is now familiar with—in other large tracts of country, the local groups were only united by the fact that they were neighbours, and that their affairs were managed by a headman whom they all acknowledged, and that they had also other hereditary officials, artisans and menials whose services belonged equally to the whole village. It was not found practicable to create or restore a joint responsibility for the revenue in these cases.

Then the question arose, what system should be adopted? On the one hand, it is probable that the influence of Sir T. Munro's Minutes in favour of the raiyatwárí system, which were then well known, operated a good deal in favour of a decision against Mr. Elphinstone's plan. There was also the impossibility of altering the constitution of the villages.

Facts are always stronger than theories, and the ultimate decision may be traced to the actual previous existence, in how-

[1] Though rarely. These are the Narwa and Bhágdári villages in the Kairá and Baroch Collectorates. It is no doubt true that the recognition by the people of a mirási tenure, *i.e.*, a tenure where some persons had a superior right in the land, while others were only "upris" and holders on a gatkuli tenure, pointed to an earlier form of proprietorship which had fallen into decay. But these terms do not necessarily imply the existence of a really joint village system. (*Cfer* the case described at page 438). In fact, in Bombay, it was difficult to avoid recognising what is so clearly indicated in other parts of Southern India, that villages are of two classes, one where there had been an original joint constitution, and another where there was a mere aggregate of individual cultivators, held together only by the institution of hereditary headmen and officers.

See Stack's Memorandum on Current Land-Revenue Settlements (Home Department, Calcutta, 1880), page 9.

ever imperfect a form, of a raiyatwárí settlement. The non-united type of village, found as it was over the whole of the plain country of the Dakhan[5], formed the preponderating type over the major part of the presidency; and when it is recollected that the Maráthá Government always recognised separate and individual rights, even when in bygone days a joint constitution might really have existed, it is almost obvious that a raiyatwárí settlement was the only one that suited the habits of the people and conformed to the traditions of the past[6]. It was not the necessity of dealing with thousands of individual cultivators (although that was urged by Mr. Elphinstone), but the want of a proper survey, a permanent demarcation of fields, and a settled principle of assessment, that presented obstacles to successful revenue management.

Section II.—The Survey System.

§ 1.—*The Joint Report.*

When therefore the period of tentative farming and similar arrangements for collecting the revenue came to an end, and a

[5] I am assured by one of the most experienced Revenue Officers in Bombay that the plain country of the Dakhan never had anything but non-united villages. The author of the general sketch prefixed to the Administration Report of 1872 speaks of the whole of the Dakhan as being occupied by villages in which two classes of persons were recognised, the "mirási" or hereditary proprietary class, and the "upri" or tenant or inferior class. These terms do not, however (as observed in a previous note) imply that the really joint village was ever prevalent. It may well be, that the "mirásdárs" are merely representatives of headmen's families which exacted a rent from all who did not come in with the first founders of the villages, but joined by permission at a later time. Whatever may be the true explanation, it seems quite clear that, for all practical purposes, the Dakhan districts may be described as in the text,—an actually general prevalence of joint-villages cannot be asserted.

[6] And when it is said that the "raiyatwárí" settlement was "introduced" into Bombay, it should be remembered that the phrase is not strictly correct. It was not introduced as a system, it had always existed from the Maráthá days. What was "introduced" was the improved method of survey assessment.

regular survey system was devised, it was to the method of properly determining the revenue unit of land, and to the rules by which it was to be surveyed and assessed, that attention was first directed.

The regular system of Bombay was inaugurated by the appearance of the "Joint Report" of the three Revenue Superintendents in 1847. The system itself had indeed been put into practice since 1836, but the several revenue surveys acted independently, and their operations were "somewhat diversified," so that it remained for the Government, on the basis of the Joint Report, to bring the practice into uniformity, and to insure the results of the surveys being turned to the best account and maintained in their original integrity in the future management of the districts.

§ 2.—*The importance of the "Field" or survey number.*

It has been already stated that one of the great features of the raiyatwárí method is, the facility it affords for the contraction and expansion of operations by the cultivator according to his means. He is bound by no lease. The amount of his assessment is indeed fixed for thirty years (or whatever other term may be ordered), but his title to the land goes from year to year: he may perpetuate it at his pleasure. So long as he pays the assessment, the title is practically indefeasible. But if he feels unable to work the land he holds, he may relinquish (under suitable conditions) any part of it; or if prosperous, he may take up more land, if land happens to be available. It is therefore impossible to deal with an entire "holding," which may thus vary from year to year. It is necessary to descend to a smaller unit,—the field or survey number—one or many of which may, according to circumstances, constitute a holding.

It will be well to state at the outset that the "field," under the system we are considering, is far from being an arbitrary thing. It is necessary of course to lay down, in ideal, an area which as far as possible it is desirable to attain; but existing and well known divisions into fields were always allowed due consideration, and under no circumstances were differences of tenure and marked natural distinctions

ignored, in order to attain an arbitrary standard. In waste lands, it was of course open to adopt a size for the survey number corresponding to the standard officially prescribed.

The idea of the Joint Report was to start from the area which a raiyat could cultivate with a pair of bullocks[7]; this would vary according as the cultivation was wet or dry, or as the soil was light or heavy, and generally with the climate and circumstances of the locality.

§ 3.—*Standard size of cultivated fields.*

It was found that in each class the following area was convenient as a standard :—

20 acres for light dry soil.
15 „ „ medium.
12 „ „ heavy.
4 „ „ rice land (irrigated).

Then, as a rule, every "number" should contain a number of acres, of which the foregoing table gave the *minimum*; double that was the *maximum*.

If, however, it should appear that an aggregate of the proper number of acres could not be obtained without including plots held under a different tenure, as where part was a revenue-free plot, and another held at a special quit-rent (found in Bombay and called "júdí"), then such separate tenures would not be comprised under one number, but were made into separate numbers, even though the minimum dimensions should not be attained.

In the same way, if possible, different kinds of cultivation—wet, dry, &c.—would be put under separate numbers.

Where one man's holding, or that of a body of sharers, formed a plot of an extent approaching the standard, it would of course be made into a separate number. If it exceeded the standard, it

7 "As farming cannot be prosecuted at all with a less number than this, when a raiyat has only a single bullock, he must enter into partnership with a neighbour, or obtain a second by some means or other, in order to be able to cultivate at all." (Joint Report, § 13.)