CHAPTER V.—The Growth of Rights.

Original settling of colonists.

206. During the first quarter of this century almost the whole of the Sirsá district was an uncultivated prairie with very few permanent villages. The pastoral Musalmán tribes who were almost its only inhabitants drove their herds of cattle hither and thither in search of grass and water and had no fixed dwelling-place. There were no boundaries and no defined rights. Some families of herdsmen had certain ponds and grazing-grounds which they were in the habit of visiting in turn, and so long as a family was strong the other pastoral families in the neighbourhood probably left it in possession of its favourite haunts; but such possession was not left long undisturbed, and no family could point to any particular tract as having been long in its exclusive occupation. Sometimes, when grass was scarce, a family would roam long distances in search of pasture and settle down for a time in some place far from their former haunt until grass or water again failed them, or until they were driven from their encampment by some stronger family who coveted it. There was very little cultivation, and as the extent of virgin land was so great, it was seldom that the same field was cultivated for any length of time by the same family; and in the disturbed state of the country the cultivator could not be sure that he would be able to reap the harvest he had sown. But when the approach of British influence began to put a stop to the frequent raids and forays, the agricultural Hindu population of the older villages north and south of the Debateable Land began to press forward and colonise the prairie; and as they had been accustomed to an agricultural rather than a pastoral life, they usually fixed upon some spot and founded a village in which they settled as permanent residents, supporting themselves by cultivating the neighbouring lands and by maintaining herds of cattle, which however (unlike the pastoral Musalmán families) they did not ordinarily drive far from their fixed residence. The colonists wished to have the support of their Rulers in maintaining their position against the marauding tribes, and the Rulers of the neighbouring States were anxious to extend their influence and gain possession of as much as possible of the No-man's Land; so that it was usual for the intending colonist to go to his Ruler and obtain from him a grant authorising him to settle in a particular spot on condition of paying a certain share of the produce of his cultivation, and on the understanding that the Ruler would do his best to protect him in his occupation. The colonist would then gather together a body of his relatives and dependents and proceed to the neighbourhood indicated and there found a village in the prairie. Usually the site chosen was close to some natural hollow in the ground where the rain-water gathered and which could easily be made into a permanent pond; and the new village was generally founded with some ceremony. The colonists consulted their Bráhman as to a lucky day for the rite and on that day assembled on the site selected, and there the Bráhman kindled a sacrificial fire (*hom*) with the wood of the *jand* tree and burned in it clarified butter, sesamum, barley, and perfumes (*dhúp* and

bálchhari); and after feasting some Bráhmans, the leader *(mukhya)* of the colonists planted a stake *(mori)* of *karíl (kair)* wood in the ground, and the other colonists each planted his own stake of *karíl* round this, before beginning to build his house. The colonists who were present at this ceremony and assisted in the actual founding of the village were called stake-planters *(mori-gad)* and considered to be the original settlers. Their huts with walls of interwoven twigs or unbaked bricks and thatch of straw or grass were easily made, and the new village was ordinarily protected by a hedge and ditch with a single entrance guarded by a gate of thorns. One of their first cares was to provide for a supply of water by enlarging the neighbouring hollow so as to make it a permanent pond, and the earth excavated was made into bricks and dried in the sun to be used for building and enlarging their houses. The cattle were driven out to graze in the day-time and brought into the village at nightfall. The neighbouring fields were rudely tilled, and sometimes a small tower *(burj)* was erected for the protection of the crops. The original settlers often underwent great hardships from scarcity of water and food, and from the depredations of their lawless neighbours who considered the presence of the colonists an encroachment on their customary grazing-grounds; and they or their descendants still point to those hardships as entitling them to greater privileges than the more recent settlers, who came to the village after it was well established and had comparatively little difficulty in obtaining from the original colonists a supply of water and food and the necessary protection for their cattle and crops.

Names of villages.

207. As many of the villages have been founded within the recollection of men still living, it is possible to learn with unusual certainty the mode in which the villages were named. Many of them, especially in the Sotar valley, received their names from neighbouring mounds *(theh)* which marked the sites of former villages. Such mounds were conspicuous objects in the prairie, and their names had been handed down by tradition even when all recollection of their former inhabitants had died out. Such, for instance, are Otu, Hární and Narel, names the derivation and meaning of which are forgotten. Other villages were named after the leader of the colonists. Sometimes the village was simply called by his name, as Hasta, Alam Sháh, and sometimes a word or affix was added, *e.g.*, *ká, ke, wálá, wálí, ána, wáná*, meaning simply "of" or "belonging to," or *pur, nagar, ábád, basti, bás, wás, khera*, meaning "town," "village" or "dwelling place," or *garh, kot, burj*, meaning "fort," or *sar* (pond) or *patti, chak*, words generally applied to a smaller village than usual and rather having reference to the village area than to the site, or *dona* meaning island. Sometimes the founder would call the village after his ancestor or son or other relative; for instance, the Manager of the Skinner Estate has lately named one of his villages Ethelábád after his daughter Ethel. Some villages were called after the name of the Ruler or some relative of his, *e.g.*, Karmgarh from Karm Singh, the Rája of Patiála, or Ellenábád from Ellen, the name of Mrs. Oliver. The village is often known by the name of the tribe or clan who form the chief portion

of the inhabitants, as Sikhwála, Kasáiyánwála, Kumhárwála, Jatwálí, Sohuwála, Bhangu, Jhorar, Sukherewála, Thiráj. Only in a few cases is it known by the name of the former residence of the colonists. Often a village got its name from some conspicuous feature of the surrounding landscape, *e.g.*, Ratta Tibba or red hillock, Patli Dábar or shallow marsh, Ganjia or bald hillock, Dhaulpáliya or white banks, Kallar Khera or barren, Kankarwálá or stony, Roránwála or stony, Qabrwála from an old tomb, Masítán from a ruined mosque, Math from an old domed building, Chhatriyánwála from an old tomb, Qilaí, Kot, Kotli, Burján, Chauburja from old forts, Khwája Khera from the proximity of the tomb of Khwája Sáhib, Awa and Pajáwa from old brick-kilns, Kandwálá from a wall, Khola Muhammad from a deserted house. Similarly Khuiyyán was so called from the number of kachcha wells, Khárіyán because the water was salt, Khubban and Chilkaní Dháb from the clayey soil of their ponds, Pachkosi and Satkosi because five and seven *kos* distant from Abohar, Joriya Khera from its pair of ponds. A great many villages took their names from the ponds or hollows, which were known by various names to the pastoral tribes who frequented them. Such names were often derived from the grasses which were most abundant in the neighbourhood, *e.g.*, Kakkhánwálí, Dabwála, Panniwálí, Kheowálí, or the ponds where *kakkh*, *dab*, *panni* or *khavi* grasses abounded, or Khippánwálí where wild hemp (*khip*) was found. Many ponds had their names from the conspicuous trees or bushes in the neighbourhood, as Jandwála, Kairánwálí, Siraswála, Pharwánwála, Farwáin, Kíkarwála, Tútwála, Píplí, Rohíranwálí, Táhlíwála, Beriwála, Arniwála, Banwála; or Jaure Jand, the place with a pair of *jand* trees, Tirmála with three *mál* or *van* trees, Panjmála with five *mál* trees. Others were named from the animals which abounded in the neighbourhood, as Náharánwálí from the wolves, Tarkánwáli from the hyenas, Nílánwálí from the nílgáe, Sappánwálí from the snakes, Káwánwálí from the crows, Súránwáli from the wild pig, Gídaránwálí from the jackals. Others again were named from the religious devotees who lived for some time on their banks, as Jogíwala, Gosáyana, Pír Khera, Haibuwána (from a faqir Haibu Sháh), or from some unusual object found in the neighbourhood or some striking event connected with the place, as Kurangánwálí where there were many bones of cattle owing to an outbreak of cattle-plague, Landewálí where a man found his tail-less horse, Ghoriwálí where the Nawáb of Raniá's mares used to graze, Kásan Khera, where some brass vessels were found, Chormár Khera where a thief was killed, Ráníwálí where a woman named Ráni was robbed, Shikárpur where Mr. Oliver used to go to hunt, Bahak and Jhok where the Bodlas had long-established encampments, Dhingtána which is said to have been established by violence, Diwán Khera where a mad faqír once lived, Kanjarwála where there was an encampment of Kanjars, Súrbadh where a large number of wild pig were killed, Títú Khera where a sweeper named Títu died of cholera, Bará Tírath because it has become a place of pilgrimage, Dutáránwálí where lived a faqír who played on a two-stringed lute, Baidwála where lived a physician. Many names were mere fancy names, as Sukhchain (happiness and comfort), Fatahgarh (the fort of victory); Naráyan Khera, Rámpura, Bhagwánpura, Bishnpura

belonged apparently to no one and every one and was frequented chiefly by herds of cattle, their owners and attendants, including footmen and horsemen, besides footpads and highwaymen. Where the country had been more or less occupied by colonists settled as agriculturists in permanent villages, they had no clearly defined boundaries. The permission granted to them through their leader by the Chief under whose authority they had founded their village had not allotted to them any defined area of land, but simply given them authority to settle at some fixed point in the prairie and cultivate the surrounding land. Even in the Sotar valley which had been for some time under direct British rule, the land was not demarcated into townships, and probably the only plots of land whose boundaries had been defined were the small plots of from 50 to 200 acres, allotted to disbanded troopers who were intended to found a sort of military colony on the frontier. The unit of administration was not a defined block of land, but the collection of houses forming a permanent village or the collection of persons forming a pastoral or agricultural community. In 1837 Major Thoresby was required to define the boundaries of the different townships in preparation for the Revenue Survey, and in narrating the difficulties he encountered in this task in the Sotar valley and its neighbourhood, which had been under British rule for 19 years, he describes the villages as surrounded by large tracts of waste land, equal to the maintenance of several large agricultural villages, as having detached fields at the distance of several or many miles from the utmost boundary that could be proposed, among other estates, near a pond or hollow or for some other cause favourably situated, and their inhabitants as holding uninhabited tracts of land which they used in the prosecution of agricultural or pastoral, and perhaps in some instances marauding pursuits. The villages founded their claims to such lands on possession for a certain number of years, on an alleged promise made by the assessing officer when their assessment was fixed that they would be allowed to use these lands, or on the ground that they had been previously attached to the village and had been taken into account by the villagers when they agreed to the assessment. In defining boundaries he assigned to each village the land in its immediate neighbourhood, and where the extent of uninhabited country was large enough to allow of it, he marked off uninhabited estates to be allotted to new colonists, that there might be a prospect of getting rid at some future period of the nuisance of extensive jungly tracts. Land was at that time plentiful and of little value, and there seem to have been few disputes about the boundaries. Where any dispute did arise, it was generally settled by arbitrators chosen from among the headmen of neighbouring villages; and the boundary thus more or less arbitrarily fixed was marked out on the ground by rude pillars of mud and roughly mapped. The Revenue Survey in 1840-41 measured and mapped those boundaries scientifically, and they have since been maintained. Thereafter the unit of administration was no longer the collection of persons inhabiting a village, but the township with its clearly defined area, and thus the second stage in the definition of rights in land was reached; the land was all divided into strictly demarcated blocks, and with insignificant exceptions the inhabit-

ants of one block were not allowed to exercise rights over any other block unless it had been specifically allotted to them. The pastoral families who had been accustomed to roam over large tracts of country and the agriculturists who had cultivated anywhere in the neighbourhood of the homestead were no longer allowed to do so except within the boundaries of their allotment, or with the permission of those to whom another block of land had been allotted. Every inhabited village was given its township (*mauza*) or demarcated block of land, in which its inhabitants alone were allowed to exercise rights, and the uninhabited estates were granted from time to time under separate leases either to the inhabitants of neighbouring villages or to new colonists. The boundaries then for the first time laid down have, with the exception of a corner here and there, been maintained until now, so that the boundaries of townships (*mauza*) as shown in the maps of the present Settlement gonerally coincide with those given in the maps of the Revenue Survey of 1840-41. In the Regular Settlement of 1852-63, however, a number of the blocks then demarcated were found to be too large for administrative purposes, and were divided into several townships with clearly defined boundaries, on principles similar to those followed by Major Thoresby; except that in such cases the lease of the uninhabited blocks was usually given to the lessees of the inhabited village on condition of founding new villages in those blocks; so that now in several parts of the district, as at Malaut, Bubshahr, Chautála and Sitoganno, may be found a circle of three or four contiguous estates held by the same sets of individuals. In 1841, however, an area of some 300 square miles about Abohar was left still undemarcated, as it had no permanent inhabitants and almost no cultivation, and it was not until 1857 that this part of the district was all finally demarcated and allotted. The allotments there are mostly about 4,000 acres in area, and the straight lines and right angles show how arbitrarily the boundaries were in most cases fixed. The same principles were followed however in the demarcation of the Abohar prairie in 1853-57, as had been followed by Major Thoresby in the Sotar valley in 1837-38. Within reasonable limits the cultivated lands were assigned to the villages where the cultivators lived, and their rights were thereafter confined to the block of land assigned to their village, while the uninhabited blocks were considered to be unburdened by rights and were assigned to new colonists, without whose permission no outsider could thereafter cultivate or pasture his cattle within the boundaries of the allotment. The highlying portion of Pargana Bahak was practically uninhabited up to the Regular Settlement in 1859, and was then demarcated into strips running at right angles to the Satlaj and its old bank the Danda; each strip was divided into small blocks which were allotted on separate leases to the inhabitants of the villages on the river. Thus by 1860 the whole of the present Sirsá district had been marked off into townships *(mauza)* by clearly defined and accurately mapped boundaries, and these townships have been maintained with their boundaries as thus demarcated as the units of revenue administration, except that we have in the present Settlement in eight cases combined two small contiguous or neighbouring townships held by the same set of individuals into one, thus reducing

the total number by eight. The 3,004 square miles of land within the boundaries of the Sirsá district is now divided into 650 townships *(mauza)*, the average area of which is therefore nearly 3,000 acres; but they vary greatly in size, *e.g.*, Chak Muhammad Usmán, one of the smallest, has an area of only 27 acres, while Chautála, one of the largest, has an area of 19,125 acres. The boundaries are so well defined by masonry pillars *(tokha)* at the points where three boundaries meet, and by mud pillars *(gad)* at the corners, that in the present Settlement there were very few disputes between neighbouring villages as to their mutual boundary, and where a dispute did arise it concerned only a few acres and was easily decided by reference to the former map, or by the help of arbitrators, or by the Settlement Officer on evidence of possession, the acquiescence of the disputants in the decision being easily obtained owing to the comparatively small value of the land in dispute.

Right of the State under Native Rule.

210. This demarcation of the land into townships, which was commenced in 1837 and completed for all the inhabited portion of the district in 1841, was a most important step in the definition of rights in the land; but for a considerable period thereafter the rights of the individuals within the township remained undefined, and even the rights of Government on the one side and the cultivators on the other were for a time somewhat vague. Previously when the only inhabitants of the prairie were roaming pastoral families they had paid little to any Ruler, and the only revenue derived from the tract by any Chief claiming jurisdiction over it had reached him in the shape of plunder secured by an armed foray. The Bhattí Nawáb of Rániá is said to have nominally exacted from the cultivators in the Sotar valley a fourth of the gross produce of the cultivated land, but really he took what he could get. When the Rája of Bíkáner or Pattiála sent forward his subjects to colonise the prairie, he ignored the rights of the pastoral inhabitants and assumed authority to grant permission to the colonists to settle in any place not already occupied, requiring from them in return for protection and in acknowledgment of the Ruler's authority a certain proportion of the produce of their land, which was usually taken in kind. Pattiála, Nábha and the other Sikh Chiefs seem ordinarily to have exacted from the cultivators one-seventh of the gross produce, but the grants held from those Chiefs by the Sukheras of Abohar show that they sometimes granted land free for the first two years to new colonists, and sometimes took only a tenth of the gross produce free of all extra charges for the first ten years of cultivation, afterwards raising the Ruler's share to one-seventh. In a general grant or proclamation issued in 1825 under the authority of the Pattiála Chief, in which are named villages all over the great Dry Tract, the colonists are urged to settle without fear, to increase their cultivation and so improve the revenues of the State, and the share of the ruling power is declared to be one-seventh of the gross produce from the headmen *(panch)* of the villages and one-sixth from the ordinary cultivators for the first ten years, and after that term one-sixth from the headmen and one-fifth from the cultivators, to be levied in the kharíf

harvest by appraisement of the standing crop, and in the rábí harvest by actual division of the grain. The Rája of Bíkáner however seems often to have levied his dues in cash and not in kind. The colonists who settled under his protection paid nothing for the first five years and then paid Rs. 2 per "plough" of ten or twelve acres. In the tract on the Satlaj ruled by the Nawábs of Bháwalpur and Mamdot the state of things was somewhat different, as the Bodlas and Wattus who led the colonisation from across the river were more independent than the Sikh and Bágrí colonists of the Dry Tract. In both those States the actual cultivators paid rent in kind, one-third share of the gross produce of land flooded by the river and one-fourth share of the produce of land irrigated by wells. In the country under Bháwalpur this rent was divided into 16 shares, of which 10 went to the Nawáb and 6 to the Wattus; and in the country under Mamdot also it was divided into 16 shares, of which 9 went to the Nawáb, 3 to the Bodlas, and the remainder to the chiefs of Jhumba and Arnauli who held shares in the tract. Besides these dues, the rulers claimed various other privileges, such as one rupee for each maker of *sajji* in the Dry Tract, or the right of taking green fodder at the rate of one *marla* for every *ghumáo* sown with the help of the river floods or one *kanál* on every well. There were also distinctions made in favour of the leaders of each group of colonists as in the general proclamation of Pattiála above quoted; but these were comparatively insignificant, and broadly speaking each new colonist who broke up the land of the prairie or the river-side had to give to the Ruler of the time the customary share of the produce of his cultivation or the customary fee per plough. Thus the Ruler's income from the tract varied with the extent of cultivation, and fluctuated from year to year with the nature of the harvest and the number of the cultivators.

Right of the State under early British rule.

211. When the Sotar valley and the adjacent high land came under the administration of British officers, they seem to have at once introduced a system of cash assessments with short leases. Probably these assessments were founded on some sort of estimate of the previous income of the native rulers, but they were generally so high that they could not be realised in full except in unusually good years, and the actual income from the land-revenue each year fluctuated greatly, and depended on the nature of the harvest. Villages were constantly in arrears, and the officers of Government seem to have in practice decided every year how much they could get out of the village, and if the demand was not paid in time, the whole of the grain belonging to the village was attached and no portion of it was released until the full value of it had been paid in cash or good security for a future payment had been given. Sometimes the grain was sold on the account of Government at once, as the owners were unable to redeem it and could procure no assistance. In 1837 Major Thoresby pointed out that it was out of the question to reduce the assessment to so low a rate that it could be paid punctually without reference to season, and suggested that a rule should be laid down authorizing the

remission of a fraction of the demand according to the extent of failure of each harvest. The Board of Revenue in its instructions for assessment had directed its officers to calculate their assessments so as to leave 20 per cent. of the net profit to the proprietors; but in practice it was found impossible to frame an estimate of the net profit and to say who were the proprietors, so that the chief guide the assessing officers had was the previous actual realisations. In 1837, when the Dry Tract came under British rule and was summarily settled by Major Thoresby, he found that the system of paying dues of all sorts in kind had universally prevailed and formed the basis of the colonists' obligations to the ruling power and of all their own mutual agreements and arrangements. For the first year he realised the dues of Government in kind, but proceeded immediately to fix the assessment of each village in cash and granted leases at fixed sums for three years. In assessing he had the land under cultivation measured or estimated in presence of the peasants, and made an estimate of the average gross produce which he valued at the selling prices of the day; he then took a share of this proportionate to the share of the gross produce which had hitherto been taken by the ruling power, and announced his cash assessment so calculated as the land-revenue of the village for the next three years. He had no accounts to guide him, and his estimates must have been rough guesses only, but the principle adopted was to substitute for the collections made in kind by the former Native Rulers, which varied with the area under cultivation and the nature of the harvest, a fixed cash assessment calculated on their average receipts, to be paid annually without reference to the harvest. When the Wattu pargana on the Satlaj was annexed soon after, cash assessments calculated on the same principle were similarly substituted for the former collections in kind. The assessments of the Wattu pargana were afterwards revised and as a rule reduced, but those of the villages of the Dry Tract, though announced by Major Thoresby for a term of three years only, were mostly allowed to continue in force until the first Regular Settlement, which commenced in 1852. Thus throughout the district, in place of the system of making collections of revenue by taking a share of the actual produce or appraising the crop as it stood, a system of cash assessments was introduced and the maximum demand of Government was fixed for certain periods. The assessment was calculated with little reference to the net profits of cultivation and was intended to be simply an approximation to the previous average realisations of the State from the land. The actual realisations and indeed the actual demand of the State were still however very vague and indefinite, for on the average of the 20 years preceding 1852, a quarter of the nominal demand was remitted annually, and in some years the remissions amounted to more than half the nominal demand. The demand was practically a maximum one realisable only in good years, and the actual realisations were made according to a rough estimate formed without measurement by an officer of Government (the *tahsíldár* or *peshkár*) as to the extent and outturn of the standing crop and the ability of the village to pay. In short, the practical effect of the Settlement engagement was only to limit the demand of Government in years of good harvest, and the actual realisations in ordinary years or in years

of failure of crop were quite uncertain and depended on rough calculations made by a Government official.

Rights of the individual cultivators as between themselves.

212. The land had thus been demarcated into townships, and the maximum demand of the State from each township in the shape of land-revenue had been limited, but within the township the rights of the individual cultivators were still quite undefined. The colonists, on first settling in the uncultivated prairie, had each broken up the piece of land that took his fancy; and as land was plentiful, when any colonist wished to extend his cultivation he broke up more of the prairie-land within his township without consulting any one. When the demand of the State was realised in kind, each cultivator paid the customary share of his actual produce directly to the State; and when the demand of the State was fixed in cash, it was in most villages the rule to spread the total land-revenue, cesses and common village expenses for the year by an equal rate over all the land of the township cultivated during the year. This rate was constantly changing with the amount of the land-revenue demand of the year, which though nominally fixed was practically very fluctuating, with the amount of the common village expenses, and with the area under cultivation. There were no maps, and the fields had not been measured by any Government official, so that the system of calculating the area cultivated and the all-round rate for the year was very rough. In many villages the peasants had measuring chains or ropes of their own with which they measured the land annually, each tract of country having its own standard of measurement. For instance, the colonists of the Darba pargana had a chain of 72 cubits (*háth*) equal to 44 yards, and their local unit of area was the *bígha*, a square with a side the length of this chain. The village accountant (*patwárí*) was usually a shop-keeper of the village with little knowledge of mensuration, and his business was chiefly to draw up annually a list of the cultivators with the total area cultivated by each for the year, and to calculate out the all-round rate and work out the amount due on the holding of each cultivator. In some villages there were special village officers elected by the peasants themselves, called *lathwá*, distinct from the patwárí and the regular headmen, whose duty it was to measure the land and superintend the distribution of the revenue demand and village expenses over the holdings of the cultivators. This method of distributing (*báchh*) the burdens of the village community was known as the "brotherhood" method (*bhaiyáchára*) and seems to have prevailed in a large number of villages (*e.g.*, 26 of the 44 villages in the Darba pargana paid their dues in this way), and under such a system all the profits and losses of the village management were equally shared by all the cultivators without distinction in proportion to their actual cultivation. The common expenses of the village, which were ordinarily small in proportion to the land-revenue and cesses due to Government, were determined by the general body of cultivators. Each cultivator cultivated as much land as he chose, and appropriated to his own use the whole of the produce, being bound only to pay his proportionate share of the Government dues and the common village expenses. The cultivators

were almost all on an equal footing, but some little distinction was made between the ordinary cultivators and the leaders of the original body of colonists. These latter were called "headmen" (*mukhya* or *panch*) and it was generally to them that the original grant had been made by the ruling power. Sometimes the headmen were designated by the gift of a turban placed on their heads by the Ruler, or by being allowed to present the customary offering on receiving permission to found a village; and sometimes a regular deed of grant was made out in which they were mentioned by name as the grantees. They were distinguished from the rest of the cultivators sometimes by being allowed to hold a portion of land such as two "ploughs" free of revenue, and sometimes by being required to pay to Government a smaller share of the produce of their cultivation than the others. On the introduction of British rule, the leases granted to the village communities were made out in the names of these headmen, that is, in the names of those who had been mentioned in the deeds of grant given by the Native Rulers, or of those who at the time of transfer were found to take the lead in the control and management of the affairs of the village. The privilege of holding lands free, or of paying a low share of the produce was taken away from them, but they were given instead an allowance of 5 or 7 per cent. on the fixed cash assessment, which was at first deducted from the Government demand and shared equally by the headmen (now generally called *muqaddam* or *lambardár*). These headmen were the representatives of the village community in its transactions with Government; they signed engagements for the whole body, and collected the land-revenue and other dues and paid them into the Treasury; they were primarily responsible for the administration of the village, and were the first to be called on for information regarding its affairs when required by the officers of Government. In short they were the headmen of the village, the leaders of the community. But ordinarily in "brotherhood" villages these headmen had little power apart from the rest of the cultivators. All cultivated new land without asking their consent, all sent their cattle to graze in the uncultivated pasture-land, and all had a voice in the settlement of the village accounts and the amount to be realized for common village expenses; and except the 5 or 7 per cent. allowed by Government, the headmen realised nothing from the cultivators except what was necessary to meet the burdens imposed on the village. In some of the villages, however, as cultivation developed and interests began to conflict with one another, distinctions gradually came to be drawn. The cultivators who belonged to the menial classes (*kamín*) accustomed to perform traditional services to the peasant classes were considered to occupy a subordinate position similar to that held by men of their class in older villages. The original settlers who formed the first body of the colonists and had lived in the village ever since its foundation (*mori-gad*) were admitted to have rights superior to those of later arrivals. And the headmen who had all along taken the lead in braving the hardships of the desert, and who had always been the first persons made responsible for anything wanted by the State from the village community, were allowed to appropriate certain

perquisites which had a tendency to develope. Thus in some villages the headmen were allowed to charge a fee from new colonists when they were granted permission to settle in the village and break up land; or again when an old settler left the village and gave up his cultivated land, as was constantly happening in the early days of colonisation, the headmen were allowed to take possession of it, and either cultivate it themselves, or make it over to some other cultivator who paid them a fee on getting possession; or sometimes the subscription levied for the common expenses was allowed to be a little above the sum actually expended, and the headmen were allowed to share among themselves whatever little profit there was. In other villages, however, the position of the headmen was from the first much stronger than this. They had obtained the grant of a village site as individuals, not as the leaders of a body of colonists, and had gathered together a body of cultivators distinctly on the understanding that the grant was theirs only; they had levied fixed rates of rent on all cultivation, generally so calculated as to leave some profit after defraying all the burdens of the village, and this profit had been shared by the headmen only, who also bore all the losses and all the common expenses of the village. The cultivators in such villages had nothing to do with the profits and losses of the village administration, or the determination of the common village expenses; they only had to pay the customary rent on their cultivation to the headmen, and leave them to share the profits or to bear the losses of the village as a whole in its transactions with the State and with its neighbours. This system of distributing the village burdens (*báchh*) was called the "rent-system" (*boledárí*) in contradistinction to the "brotherhood" system (*bhaiyáchára*). It was especially prevalent in the new townships, many of which were granted by British officers distinctly to individuals, who gathered tenants together to help them to found new villages and cultivate their grants. The system of taking a fixed rent (*bola*) usually higher than the demand of the State was also in force almost everywhere in the case of those tenants who living in one township cultivated lands within the boundaries of another township (*páhí kásht*). The profits of cultivation and of village management were however very small and precarious. Land was plentiful and it took some time to attach the colonists to the soil. Cultivators were constantly coming and going, and even headmen of villages often threw up their position with its rights and responsibilities and disappeared from the scene. This was especially the case with the pastoral Musalmán tribes, who found some difficulty in giving up their wandering life and settling down to agriculture in a fixed spot, and with the Bágrís, who are less attached to their fields than are the Sikh Jats. Headmen were only too glad to get as much land cultivated as they could, for this spread the village burdens over a larger number and rendered them proportionately lighter, so no one ever thought of ejecting a cultivator so long as he paid his share of the dues levied from the village. Land could be had almost anywhere for the asking, so that it had no transferable value, and sales of land were unknown. The right to cultivate a field was handed down by a father to all his sons in equal shares, and the right of headmanship went generally in

the elder branch, though sometimes a minor son was set aside for the time or altogether in favour of an adult agnate relative.

The principles of the first Regular Settlement.

213. This was the state of things found to exist by Mr. Thomason, the Lieutenant-Governor of the North-Western Provinces, when he made his memorable tour through the district in 1851-52; and the orders he passed were as follows:—"I have been much struck with the apparent uncertainty attaching to rights of land in this Territory. Although land appears to be of small value and so abundant that it might be supposed little the object of desire, there have been numerous petitions presented to me claiming the possession of certain lands or the exercise of certain rights of which the petitioners are debarred. This is a hopeful symptom. It shows that we have material to work upon, and it indicates the direction our efforts should take. Here, as elsewhere, men will not undertake to improve land to which they hold no certain and definite title. The first step must be to assure every man of his right. Till this is done we have no ground to complain of apathy or want of energy on the part of the people. The means for effecting this are amply at hand. A professional Revenue Survey of the whole Territory was made 12 years ago, but the Settlement has not yet been made. I requested to be favoured with a memorandum of the number of settled and unsettled villages, but this could not be furnished at the time. There is great reason to fear that even in the settled villages rights are imperfectly defined. This is a subject deserving the closest attention of the Sudder Board of Revenue and of all connected with the district. The work must be set about earnestly, systematically and regularly. The operation is no new or untried one. The jama must of course be very light. The quantity of revenue to be realised is of very little consequence. The great object is the moral improvement of the people. Advertence has already been had to the precarious produce from the Sotar lands. In such settlements as have been made there has been considerable diversity in the treatment of these lands. Sometimes they have been nominally assessed at the maximum which can be realised in a good year, and heavy balances have been remitted in successive years; elsewhere they have been altogether excluded from assessment and held *khám*. Both proceedings were alike at variance with our established principles of revenue administration. Here, as elsewhere, the jama should be fixed at the fair average produce of the lands, such as the people might hope to be able to pay with ordinary prudence in a run of years. In very bad seasons the Sotar lands should be held *khám*, and the balance left for possible recovery in future years. If there is no balance and an unusually good season occurs, the people should be left without stint and grudge to the enjoyment of what their good fortune has given them. On this principle I would wish a 20 years' settlement of the Sotar as well as of the Rohi lands to be made."

The limitation of the right of the State.

214. The Regular Settlement of 1852-64 was carried out in accordance with these orders and under the authority of Rogulation IX of 1833. The demand of the State from each township, instead of being a nominal maximum demand realised fully only in exceptionally

good years, was fixed at a fair average assessment, the balances of bad years being recovered in good years, and where there was no balance the surplus produce being left to the people. The moderation of the demand thus fixed, as compared with the previous assessments, is shown by the fact that, while previously on the average a fourth of the demand was annually remitted, the remissions after the completion of the Regular Settlement averaged annually only 1½ per cent. of the demand. The principle on which this assessment was made was that the demand of the State should equal half the net profits of cultivation, but there were few data available on which to base such calculations, and the Settlement Officer of the Darba pargana stated that his assessment approached to two-thirds of what the land was able to pay, leaving one-third as profits to the peasants. In the villages last settled Mr. Oliver made sure of his assessments being half-net-profit assessments by first fixing the rents to be paid by the actual cultivators and then taking half of this as the demand of the State. The practical result all through the District was that the right of the State was at last really defined, and each township knew that its assessment as announced would be realised annually up to 1875-76, and that no further demand for revenue would be made on it by the State until that date, except perhaps in the shape of an enhancement of the cesses, so that any profits of cultivation that might accrue in the interval would be left to the members of the community holding the township.

The definition of the rights of individual cultivators.

215. It was a more difficult matter to define the different rights in the land of the township and in the profits of its cultivation of the different members of the community. The Settlement officials seem to have been hampered by ideas about property in land drawn from other states of society, and to have assumed that the absolute right to each plot of land must vest in some individual or body of individuals, subject possibly to subordinate rights of other persons which they considered as limiting the absolute rights of the proprietors of the land. The first step towards framing a record of rights in the land was to measure and map each field and record the name of its actual cultivator. The boundaries of the townships as demarcated at the Revenue Survey of 1840-41 were first marked out anew on the ground and mapped, and each cultivated field in the township was measured with the chain and roughly sketched into the map of the boundary, the uncultivated land being divided for the purpose of measurement into arbitrary blocks, which were measured and sketched in the same rough way. The standard of measurement adopted was the Sháhjahánpuri bígha (= $\frac{5}{8}$ of an acre). The maps were not drawn to scale, but were merely rude sketches showing approximately the areas and relative positions of the various fields within the township; and the measurements were by no means accurate, the areas returned being often 10 per cent. or more above the true area. But this was the first time that the fields had been mapped (the Revenue Survey had given only the boundaries of the townships and the total areas under cultivation and uncultivated respectively), and the measurements were at least much more accurate than the previous rough measurements made by the peasants for the

purpose of distributing their annual burdens; so that this was a distinct step towards the definition of rights. A list of the cultivated fields was then drawn up with the names of the actual cultivators in possession. All who claimed any rights in the land of the township were summoned to appear before the Settlement Officer and state their claims. The peasants themselves had only vague ideas as to what rights in the land were, and had to be prompted by questions. Evidently, according to their experience, the responsibilities attached to the possession of the land had been more prominent than the rights, and they showed no great anxiety to claim rights to the exclusion of their fellows. More than one gave as the only distinction between the headmen and the other cultivators that, while the ordinary cultivators generally left the village in bad times, the headmen remained and met the demand of the State as best they could. The headmen and the patwárí and other leading villagers were asked who had exercised the right of breaking up the prairie and of cultivating the fields abandoned by cultivators, how the land revenue had been paid, how the common village expenses had been determined, whether anything had been levied above the demand of the State, and who had shared the profits and losses of the township as a whole. Such questions elicited the facts I have given above in describing the village-communities which distributed their burdens on the "brotherhood" system and the "rent-system" respectively *(bhaiyáchára* and *boledárí)*. One of the most important points to be decided was that concerning the right of bringing the prairie under cultivation, and after some discussion special orders were passed by the Government declaring that the ordinary cultivators would thenceforth have no right to break up new land without permission of those declared proprietors, with whom alone the right of allotting or breaking up the uncultivated prairie was thereafter to rest. A stipulation was however made to the effect that in allotting prairie-land for cultivation the proprietors were to give a preference to old residents over new-comers and to resident cultivators over outsiders. The fields abandoned by cultivators were also declared to be at the absolute disposal of the proprietors, who could arrange for their cultivation in any way they chose; and every sort of profit from the uncultivated land of the township was declared to belong exclusively to the proprietors. But the chief difficulty was to determine who were to be considered to be the proprietors. In the villages managed on the "rent-system" this was comparatively easy, as in them the headmen, according to the custom of the village, shared all the profits and bore all the losses of the village as a whole, realising fixed rents from the cultivators; in such villages these headmen, in whose names the previous leases had been made out, were declared to have the proprietary right in all the land of the township, and the other cultivators were declared to hold under them as tenants. In villages hitherto managed on the "brotherhood" system almost all the cultivators laid claim to the proprietary right, principally on the grounds that they had broken up the prairie without asking any one's leave, and that they had all paid on their cultivation at equal rates. In many of the large Ját villages of old standing in the country nearer Delhi held on a similar tenure the Settlement Officers had held each cultivator to be proprietor of the plots

of land he cultivated, and to have a share in the proprietary right of the uncultivated land proportionate to his separate cultivation, and this is the origin of the Bhaiyáchára tenure so common in that neighbourhood; but the Sirsá Settlement Officers do not seem to have been familiar with that form of proprietary right, and to have understood only a tenure which should give certain individuals fixed shares in the whole land of the township. The clearest cases were those in which uninhabited townships had been allotted to individuals by British officers; in such cases it was assumed, and perhaps rightly, that the intention had been to grant proprietary rights in equal shares to all the individuals named in the grant or lease. By analogy it was held in the case of the "brotherhood" villages founded under Native Rulers that the men in whose names, as the leaders of the community, the original permission to settle had been made out were entitled to the proprietary right, and that the other cultivators were merely their tenants. The practical result was that in almost every case the headmen or leaders mentioned in the original grant or the succeeding leases or their descendants were declared to be the proprietors, and that they were held to own the whole land of the township jointly in equal shares. The mode of decision was most arbitrary. For instance in one village Súratiya, it was found that there were 36 men who seemed to be on a pretty equal footing and in some respects superior to the other cultivators, so the whole land of the township was declared to belong to these 36 men in 36 equal shares; or, again, in Abohár it did not seem fair to give equal shares to all who were thought entitled to the proprietary right, and they were declared to own the whole land of the township jointly in shares proportionate to the amounts of land revenue they had each paid in the previous year, that is, to the extent of land each happened to have cultivated in that year. It is noticeable that the effect of this action was to confer the proprietary rights of each village on men as individuals, not on tribes or families; and indeed the colonisation was effected by individual colonists, not by organic groups. It is true that in many cases almost the whole body of colonists in a village consisted of men of the same tribe, sometimes of men of the same clan, or of different clans but related by marriage, and that often several members of the same family established themselves in the same village; but they established themselves not as a family group but as individuals, and shared the proprietary right and the advantages of the colonisation equally, man by man, and not in the unequal shares in which they would, by the custom of their tribe, have shared ancestral land in their native village. Indeed in many cases the leaders of a village community belonged to altogether different tribes or religions, and yet established themselves together in the same township and shared the proprietary right in it on an equal footing.

The division of the cultivators into proprietors and tenants.

216. This limitation of the proprietary right to the headmen or leaders of the community was fair enough in the townships granted as uninhabited blocks of land by British officers to individual grantees to be colonised by them, and perhaps in those townships in which the "rent-system" (*bolédárí*) had prevailed and the headmen only had shared in the profits and losses of the township

as a whole; but it was hardly fair in the old villages managed on the "brotherhood" system (*bhaiyáchára*) in which those headmen had often been only the representatives of the whole body of cultivators, who were practically equal to them and often closely related to them. The real state of things has been pithily described in the following verses:—

Ralke de sabbhe bhái — All the brothers came together.
Súní unhán bár basáí — They settled the desert prairie
Ik de sir te pag banáí. — And put the turban on one man's head.

Oh bangaya lambardár — He became headman.
Hákim usnú hukm sunáyá — The Ruler issued orders to him only.—

Lambardár ímán kharáya — The headman lost his good faith

Sakká us dá ná pyo jáya — And gave nothing even to his
Usdá bhí kuchh nahín banáyá. — Brother born of his father and mother.

Koí ná rahgayá het pyár. — No love or affection remained.

Or again.

Ralke sabnán pind vasáyá — All together peopled the village,

Bhirá bhái te cháchá táya — Brothers, cousins and uncles.
Ik dá unhán nám likháya — They had one man's name recorded.

Jaddon kanún ju usnu hatth áya — When he got hold of the law

Sabnán nún us kaddh vikháya — He turned them all out,
Usne ápp dá hukm cháláya — And made his own orders to be obeyed;

Hor kisí nún kuchh ná jáne — Thinks nothing of anybody else,
Le chalsán tainnu tháne — (saying) "I will take you off to the police station."

In many of these "brotherhood" villages the cultivators claimed a share in the proprietary right, but as a rule their claims were rejected, and only those headmen whose names had been mentioned in previous leases, or the descendants of such men, were declared to be the proprietors of the whole village. In numerous cases these proprietors admitted the right of certain of their fellows to share in the proprietary right, and the Settlement Officer in such cases accepted their statement and recorded the shares accordingly; but the transaction was considered more of the nature of a gift than as a matter of right, and in many such cases the share given by a headman to his relative was quite arbitrary and had little reference to the degree of relationship in which they stood to each other. The numerous claimants whose claims were refused were told that they might appeal or take the dispute into the Civil Court, but the cases in which they thus prosecuted their claim were very few. Probably they hardly understood what was meant by proprietary rights in the land (*biswa*), and the orders passed had little

immediate practical effect on their position; besides, the Civil Courts would have had no clear law or rule to guide them in deciding such claims, and probably their action would have been little less arbitrary than that of the Settlement Officer. The result was that in almost all the villages of the district a few individuals were selected from among the general body of cultivators and declared to be the proprietors *(biswaddr)* of all the land of the township, holding it jointly in certain defined shares, generally equal but sometimes arbitrarily fixed by the Settlement Officer on his own motion or at the instance of the headmen; and that the general body of cultivators were declared to occupy a position greatly inferior to that of the proprietors, and were classed as tenants or ordinary cultivators *(dsámí.)*

The grant of rights of occupancy to the tenants.

217. Previous to the Regular Settlement some distinction had been observed between those cultivators who had settled with the founders of the village *(morigad)* and those who had come later and thus escaped the hardships endured by the first colonists; and again between cultivators residing in the village and those who belonged to another village, but for some reason had taken up land in the township for cultivation. A list was accordingly drawn up of all the cultivators showing for each whether he lived in the village or elsewhere, and for how many years he had cultivated land in the township. For the purpose of distinguishing between the classes, an arbitrary period of ten years was taken, and all cultivators who had held land in the township for ten years or more were classed as "old tenants" *(dsámí qadím)*, while those who had held for less than ten years were called "new tenants" *(dsámí jadíd)*. Both classes were declared to have a right of occupancy in the land they were then cultivating so long as they paid their just dues, and the only difference made between the two classes was that the "old tenants" had the option of subletting their lands while the "new tenants" had not. Their right of occupancy was declared hereditary with the important proviso that the heir must settle in the village or lose his right to the land. The Settlement Officer at first declared these occupancy rights to be inalienable, but the Lieutenant-Governor directed that this clause should be omitted from the record, so that the practice of sale of rights of occupancy might then grow up or not as the convenience and interests of all parties concerned might, in the progress of general improvement, be found to recommend. In the parts of the district last settled Mr. Oliver appears to have confined the right of occupancy to those tenants who were related to the proprietors or belonged to the same class, and had settled along with them and aided in the founding of the village. A few tenants who had settled in the village very recently, or occupied a distinctly inferior position, or who did not live in the village, were declared to be tenants-at-will holding from year to year. The names "old tenant" and "new tenant" were afterwards superseded by the term "hereditary tenant" *(maurúsí)*, and the tenants-at-will were then called "non-hereditary" *(ghair-maurúsí)*. The result of this procedure was that, roughly speaking, all land brought under cultivation before 1852 was declared to be held by the cultivator

with right of occupancy and was so recorded in the record of the Regular Settlement (1852-64). According to that Settlement the area then under cultivation was 700,289 acres, and of this area only 49,121 acres, or 7 per cent., were held by 3,658 tenants-at-will; 186,108 acres, or 27 per cent., were cultivated by the 5,226 men who were declared proprietors; and 465,060 acres, or 66 per cent., were held by 21,684 cultivators who were declared to be tenants with rights of occupancy.

The determination of the rents of the tenants.

218. The Settlement Officer also arbitrarily fixed the rents to be paid by the cultivators who were declared to be tenants to the men who were declared to be proprietors. In the villages which had distributed their burdens on the "brotherhood" (*bhaiyáchára*) principle the headmen now declared proprietors had had no profits on the cultivation of their fellows, except the small percentage which they received as headmen's allowance, generally amounting to 5 per cent. on the State's demand, and what they could save out of the fund collected for common village expenses (*malba*). The Settlement Officer limited the amount to be collected for common expenses to 5 per cent. on the land revenue, and continued the allowance of 5 per cent. to the headmen, and in order to mark the position of the proprietors and give them some profit on the cultivation of those now declared their tenants he allowed them a small percentage, sometimes five or seven or ten per cent. on the land revenue, called the proprietor's due (*málikána* or *biswadári*). In the villages of the Dry Tracts the assessment was generally distributed by an all-round rate of so many annas per bígha on the land found cultivated at Settlement, whether held by proprietors or tenants; each cultivator, whatever his status, paid the amount of revenue which fell on his holding according to this distribution, with one per cent. for the road fund, one per cent. for the school fund, five per cent. for the headmen, five per cent. for common expenses and from five to ten per cent. as proprietor's due; all this was collected into one fund from which the headmen paid the assessment, road cess, school cess and common village expenses, retaining their allowance of five per cent., and whatever remained was divided among the proprietors in proportion to their shares in the whole village, or if there was any deficiency it was made up by the proprietors in proportion to their shares. In villages which had been managed on the "cash-rent" system (*boledári*) the Settlement Officer fixed the proprietor's due at a higher percentage on the assessment, sometimes 30 or 33 per cent., often 50 or 100 per cent.; in such cases the road and school cesses, the headmen's allowance and the common village expenses were generally declared to be payable not by the cultivators, but by the proprietors out of their proprietary dues. In many villages, especially among those held by the Sikh Jats on the "brotherhood" system, the men declared proprietors, although they would not give a share in the whole estate (*biswa*) to their fellows, voluntarily remitted the proprietor's due (*málikána*) to the whole body of cultivators or to those who were most closely related to them, or whom they considered to have some claim to such consideration; such tenants, although they were debarred from any share in the profits of the estate as a whole, paid no more than the proprietors on

their actual cultivation. In most of the villages on the Ghaggar and Satlaj, and in a number of villages in the Dry Tracts, especially those cultivated by Musalmáns, the headmen had been in the habit of taking the dues of the State and their own allowances from the cultivators in kind, and in such cases this custom remained in force; the proprietors took from the tenants the customary share in kind, and after paying the State's demand and the various cesses in cash, divided the surplus or made up the deficiency according to their respective shares in the whole estate.

The right of pasture in the prairie.

219. The Settlement Officer also enquired into the customs which prevailed regarding subsidiary matters connected with the conflicting rights of individuals and the village administration generally, and passed orders which in some cases simply maintained existing customs and in others prescribed rules for future guidance; the general tenor of them being that everything belonged in proprietary right to the men whom he had declared proprietors, and that all rights enjoyed by other members of the community were limitations of the absolute proprietary right. The matters dealt with were very various, such as the rights to trees, wells, and ponds, customs regarding the village hedge, the cleaning of the lanes and houses, the maintenance of the village roads, and the duties and remuneration of the village officers. One of the most important was that concerning the right of grazing on the uncultivated land of the township, which was still in many cases very extensive. In a considerable number of villages which had only a small area of pasture-land left uncultivated, the cultivators resident in the village were allowed the privilege of grazing their cattle without hindrance on the uncultivated land in return for their being made liable to pay a share proportionate to the extent of their cultivation of any fine imposed on the village as a whole, for instance under the Track Law; but non-cultivators or non-residents were declared to have no right to grazing except on payment of grazing-fees. In most villages however all persons, whether proprietors or tenants, were declared liable to pay grazing-fees *(bhúnga* or *káh-charái* or *áng-shumári)* on any cattle they might send to graze in the common pasture-land; usually plough-bullocks and calves were exempted, as well as one cow or one milch-buffalo per plough, and the commonest rates for other animals were as follows:—

Milch buffalo	... 8 annas.	Sheep or goat	... 1 anna.
Cow	... 4 „	Horse or donkey	... 2 annas.
Camel	... 8 „		

The income from these grazing-dues was declared to belong to the proprietors, who would share it in proportion to their shares in the whole estate. In some villages the proprietors exempted the whole body of cultivators from payment of these dues and allowed them to send cattle to graze free in the common pasture-land.

The record of the Regular Settlement.

220. The papers recording the different stages of this enquiry, which commenced in 1852 and lasted till 1864, were placed together in a file called the" "Record of Enquiry into Proprietary Right."

In some cases this was bound up with the Settlement Record, and in others was placed separately in the village bundle, and the Record of Enquiry for most of the villages in the district still exists in the District Record Office and gives interesting evidence of the primitive condition of the district and the vagueness of rights in land at a very recent period. The results were embodied in the Settlement Record proper, drawn up under Regulation IX of 1833. The most important papers in this Record were (1) the Settlement Officer's reasons for assessment; (2) the list of the men declared proprietors with the share of each in the whole estate *(naqsha khewat)*; (3) the list of cultivators *(muntakhib ásámíwár)* showing for each the number in the map and the area of each field he held, with the revenue, cesses and dues payable by each, and his status as proprietor, old tenant, new tenant, or tenant-at-will; (4) the tender of engagement for the assessment *(darkhwást málguzárí)* given in by the proprietors through the headmen; (5) the village administration-paper *(wájib-ul-arz* or *iqrár-náma)* reciting the conditions on which the Settlement was made and the customs and rules regulating the relations of the members of the village-community towards Government and towards each other.

The effect of the Regular Settlement.

221. The Regular Settlement thus concluded was a vast stride towards the definition of rights in land, hitherto so vague and uncertain. It placed a limit on the demand of the State from each township, which had till then fluctuated greatly from year to year with the nature of the harvest and been practically very uncertain. It confirmed almost every cultivator in the possession of the land he then cultivated, at a fixed rent generally well below the average profits of cultivation. It selected a few of the cultivators in each township and made them proprietors in fixed shares of all the land in the township, giving them the right to levy certain dues from the other cultivators over and above the State's demand, and confining to them the right of disposing of the uncultivated land and of land abandoned by its cultivators. It deprived the great body of the cultivators, now called tenants, of the right they had hitherto enjoyed of extending their cultivation without asking any one's permission and of grazing their cattle free in the prairie-land of the township, and degraded many other rights they had hitherto exercised by making them only limitations of the absolute right of the proprietors of the whole township. It emphasized distinctions which had hitherto been vague, and created distinctions hitherto practically unknown. It left a larger share of the profits from the land to the peasants, but confined that share to a small number of the whole body. It drew clear boundaries where there had been none before and crystallized rights which had till then been in a very fluid state. Some of the arrangements then made have undergone no change. Hardly a single tenant has been ejected from the land in which he was then declared to have a right of occupancy, or has been compelled to pay, on the land he then held, a rate of rent higher than was then determined. In many villages the proprietors did not exercise the rights which were then conferred on them; but where they have exercised them, it has generally been in accordance with the conditions then prescribed. Several different systems of land

tenure might have been evolved with equal propriety from the state of things prior to the Regular Settlement, but the system worked out by the British officers of the time irrevocably fixed the foundation on which all future developments of rights in land must be built up.

Transfers of proprietary right.

222. Previous to the Regular Settlement sales and mortgages of land were almost unknown; indeed there were hardly any rights of any transferable value, and when townships were sold by auction for arrears of revenue, the price realised was only nominal. Thus in the four years, 1849—53, 56,126 acres were sold at an average price of two annas an acre or little over a year's assessment. The Settlement Officer proposed to make it a condition of the Settlement that no proprietor should be allowed to sell his proprietary right without the consent of all the co-sharers, but the Lieutenant-Governor ordered the omission of this clause as its effect might sometimes be to stop the power of sale altogether. Although the definition of rights made at the Regular Settlement had greatly increased their value and created a title which might be sold for a price, land was still so plentiful and the share of the profits of cultivation left to the proprietors was still so small that it was some time before sales of the proprietary right became at all common. Indeed for a considerable time after the Settlement the burden of proprietary right with its responsibilities for payment of the revenue in bad seasons was more evident than its advantages, and in a very large number of cases some of the individuals to whom proprietary rights had been granted left the village to settle elsewhere, abandoning their rights to any one who chose to take them up with their responsibilities. In many cases the proprietors were glad to get some outsider to share the burdens with them in exchange for a share in the proprietary rights in the whole township, and there were numerous cases in which the men declared proprietors at Settlement applied to have relatives, or even persons belonging to a different tribe or religion, recorded as holding a share in the proprietary right. It was not long however before the extension of cultivation and rise of prices, which were not accompanied by any increase of the State's demand began to have an effect on the value of the proprietary right, and transactions which had formerly been of the nature of a gift assumed the nature of a sale. In some cases a proprietor would sell a share to his relatives at a low price as a favour; in others an individual who had assumed greater responsibilities than he was able to fulfil was glad to take a money price for a share in his proprietary right which carried with it a share of the burdens. But perhaps the most numerous class of cases were those in which the unthrifty Musalmáns, who found it difficult to change their precarious pastoral life for a settled agricultural life with fixed burdens, parted with shares in their proprietary rights, as they became valuable, to their more thrifty Sikh or Hindu neighbours, who were already accustomed to an agricultural life and found less difficulty in adapting themselves to a somewhat rigid system. These transfers seldom conveyed the whole right of the transferror to another: more often he retained a share and transferred only part of his rights to others; so that the number of proprietors gradually increased from this cause, as well as owing to the natural increase of the population

from the normal excess of births over deaths in a healthy country. There was no general custom of primogeniture to regulate succession, and when a proprietor died his sons succeeded to his rights in equal shares. While the number of proprietors thus increased, the number of village headmen remained stationary, for the office of headman did descend by primogeniture to one son only and could not be shared with another. At first in many villages, owing to the tendency of the Settlement Officer to confine the proprietary right to the headmen and their descendants and nominees, almost all the proprietors (*biswadár*) were headmen (*lambardár*), but towards the end of the Settlement operations Mr. Oliver reduced the number of headmen greatly in many villages by choosing out one or two of the proprietors and declaring only them entitled to the position and emoluments of headmanship. Thus in 1880, at the commencement of the present Settlement, there were only 935 headmen to the 650 villages; but the body of proprietors, which at the Regular Settlement comprised only 5,226 persons, had increased from the causes above described to 7,690, or an average of 12 to each township, the average area owned by a proprietor being 250 acres, of which 139 were cultivated, and the average area cultivated by a proprietor himself being 32 acres. The following statement gives the figures for each Assessment Circle :—

Assessment Circle.	Number of Proprietors.			Average area owned by a Proprietor (in acres.)		Average Area Cultivated by a Proprietor (in Acres.)
	No. of Villages.	Total No	Average per village.	Total Area.	Cultivated area.	
Bágar ...	57	603	11	288	221	46
Náli ...	109	2,179	20	157	90	25
Rohí ...	364	4,194	11	294	156	36
Utár ...	58	231	4	501	236	39
Hitár ...	62	483	8	125	61	11
Total ...	650	7,690	12	250	139	32

Of the whole body of proprietors 3,196 are Musalmáns, 2,722 Sikh Jat, and 1,741 Hindus of various tribes. A statement showing the number of villages owned by men of each religion and tribe has been given in discussing their relative social position.

The Partition of the Land.

223. The tendency of the early Settlement Officers to consider the whole of the land of a township as held jointly by the proprietors has already been noted. Thus Major Thoresby reported in 1838 that all the 318 townships in the four parganas Sirsá, Ránia, Gudáh and Malaut which then formed the district were of the Zamíndárí tenure, *i.e.* the whole land of the township was owned jointly by the whole body of proprietors in certain shares. According to the Settlement Record of the Regular Settlement, of the 654 townships into which the district was then divided, 550 were owned jointly by the whole body of proprietors

(*zamíndárí*), 96 were divided into blocks the proprietary right in which was held by different proprietors (*pattidárí*) and only 8 were owned by proprietors each owning only his own separate holding with a corresponding right in the common land (*bhaiyáchára*). In some cases it was declared in the Settlement Record that the proprietors would not have the land of the village divided, but generally the condition recorded was that if they wished to have the land divided they would have it done by mutual agreement, by arbitration, or by order of the Court. Practically it was held that any proprietor might claim to have a portion of the township, representing that share in the whole which had been awarded to him at Settlement, separated off from the rest and made over to him in exclusive proprietary right, and by degrees it became common for the co-proprietors in a township to apply for partition of its lands, that each sharer might have exclusive possession of the land representing his share. These partition cases were generally carried out by arbitration and on the basis of the measurements made at the Regular Settlement; the whole land of the township, with the exception generally of the village-site, the pond and a few hundred acres of pasture-land, which were kept common to all the proprietors, was parcelled out into blocks the area of which was proportioned to the recorded shares of the proprietors, each of whom was placed in separate possession of his block and had no further claim to the blocks assigned to his fellows. In some cases the process went a step farther, and at a second partition one of these blocks (*pattí*) would be subdivided among the sharers in the proprietary right to it. In such cases, even after partition, the proprietors continued to pay the State's demand in the shares assigned to them at Settlement. Thus by 1880, 322 of the 658 townships had been divided into blocks held in severalty by separate proprietors or groups of proprietors (*pattídárí*); 10 were returned as held by groups of proprietors, the share of each of whom was determined by the area of his separate holding (*bhaiyáchárá*); but still 326 townships were held jointly by the whole body of proprietors (*zamíndárí.*)

Abandonment of rights of occupancy.

224. I have already noted that almost the whole of the land found cultivated at the Regular Settlement by men to whom proprietary rights were not granted was declared to be held by its cultivators with an hereditary right of occupancy at a rent fixed by the Settlement Officer. The area so recorded in the Record of the Regular Settlement was 4,65,060 acres held by 21,684 tenants. The Settlement Officer had wished to forbid the sale of their right of occupancy by these tenants, but Government ordered that no such general interdiction should be established so that the practice of sale of rights of occupancy might grow up if the progress of improvement made it desirable. Although the rents fixed were often very light, the value of such a right in a limited holding was at first very small, and it is only during the last few years that rights of occupancy have been sold or mortgaged in any numbers by the tenants. A condition had been made regarding such tenants that they would be liable to eviction on their neglecting to pay a balance proved against them in the summary Court, but practically none

of the tenants who were granted a right of occupancy at Settlement were at any time evicted for neglecting to pay arrears of rent. So long as a tenant remained in the village he had little difficulty in paying the rent fixed, and when he was unable to pay the rent he voluntarily left the village and his holding and went elsewhere in search of more profitable land. It was declared at the Regular Settlement that the rents then fixed by the Settlement Officer were not final and absolute, but only a general standard liable to fluctuation from causes applicable to the particular case or by compact between the proprietors and cultivators; but practically no change was made during the currency of the Settlement in the rents fixed by the Settlement Officer on the land held with a right of occupancy. Almost no suits for the enhancement of such rents were instituted, and up to the end of the period of Settlement the tenants who remained in possession of the land held by them at the Regular Settlement continued to pay on that land the rate of rent fixed by the Settlement Officer. But the population was still in a state of flux, and cultivators often wandered from village to village in search of a place to settle comfortably. In bad seasons especially it was very common for cultivators to leave their lands in the hands of the proprietors and wander off with their families and moveable property to some other village. The Settlement Officer made allowance for this habit when he made it a condition of inheritance of rights of occupancy that the heir should reside in the village, and in many villages a condition was inserted in the Settlement Record to the effect that any tenant who left his land uncultivated and did not return to the village for a whole year, *i. e.*, for two harvests, should lose his right of occupancy. During the early years of the Settlement whenever a tenant absented himself from the village for a year or two, the patwárí acting on this clause without reporting the case for orders, entered the tenant's land in his annual record of rights as held by the proprietors; and even if the tenant came back after some years he recorded him as a tenant-at-will, often of the same land in which he had at Settlement been given a right of occupancy. In some villages again, after two or three bad years a considerable body of tenants gave in petitions to the effect that their lands had become impoverished and that they could no longer pay the rents fixed, and therefore relinquished the land. In all such cases the abandoned land was left at the disposal of the proprietors who were responsible for the assessment on the township as a whole, and according to the condition recorded at Settlement, they were at liberty to cultivate it themselves or make it over to some new tenant without rights of occupancy at any rent agreed on. The extent to which these causes had operated during the currency of the Settlement is shown by the fact that while 4,65,060 acres were entered in the Settlement Record drawn up between 1852 and 1864 as held with rights of occupancy by 21,684 tenants, we found in 1880 that only 3,43,284 acres were then held with rights of occupancy by 22,097 tenants, so that about 1,20,000 acres formerly held by tenants with rights of occupancy had either been allowed to fall out of cultivation or had passed into the hands of the proprietors or of tenants recorded as having no right of occupancy.

225. One of the most important changes introduced at the Regular Settlement was the confining of the right to break up new land in the prairie, which had hitherto in most villages been exercised by all the cultivators indiscriminately, to the few individuals who were declared to be the proprietors of the whole township. It was explicitly declared that thenceforward no cultivator might bring new land into cultivation except with the consent of the proprietors, who might fix any rent they thought proper, and the only privilege in this respect granted to the tenants was that tenants with a right of occupancy resident in the village should be given a preference over outsiders in the assignment of new land for cultivation. At the Regular Settlement nearly two-thirds of the area of the district was still uncultivated ; and the spread of cultivation after Settlement was great and rapid. In the ten years following the close of Settlement operations about 2,00,000 acres were brought under cultivation, and altogether during the currency of the Settlement about 3,50,000 acres of new prairie-land were broken up. At first there was practically little change in the condition of things previously existing. The proprietors having only a limited assessment to pay to the State were glad to see the uncultivated land of the township brought under the plough even at a very light rent, as this meant an addition to their profits, and they imposed no restriction on the breaking up of the waste by the tenants. Indeed in many villages having a large uncultivated area this state of things lasted up to the Revision of Settlement, and the tenants were practically left to cultivate as much new land as they chose. But in most villages, as the area of uncultivated land became smaller and the value of land increased, the proprietors gradually put in force the power given them at Settlement of forbidding the tenants to cultivate more land without special permission, and asserted their exclusive right to the disposal of the uncultivated land. In the early years of the Settlement it was usual to apply to new land the same rate of rent as the Settlement Officer had fixed for the land held with rights of occupancy, and in some villages this continued to be the practice until the Revision of Settlement ; in others a somewhat different rate, fixed at so much per bígha without any complication of cesses or proprietary dues, was applied by agreement between the proprietors and tenants, or the rent on such new land was by agreement taken in kind instead of in cash ; but in almost all cases it was at first a low rate, little above the rate of rent fixed at Settlement on old land, and it was only towards the end of the period of Settlement that much higher rates came to be generally taken. A clear distinction was kept up between land cultivated at the Regular Settlement, in which occupancy rights had been granted, and land broken up after Settlement from the prairie over which the proprietors had then been granted exclusive rights. It was very common for a tenant to extend his cultivation gradually by ploughing up more and more every year of the prairie land adjoining his field, until he was brought up by meeting the cultivation of another tenant. The old field-boundary was obliterated in the process, and it generally became impossible to determine the exact boundary of the tenant's cultivation as it existed at the Regular

Rights in land brought under cultivation after Settlement.

Settlement ; but the patwári, in drawing up his annual record of cultivation, always recorded the area of land entered in the Settlement Record as cultivated with the distinguishing title of " old cultivation" (*khewat*), and any excess he entered as "new cultivation" (*nautor*). This distinction was kept up for all land whether held by proprietors or tenants, but where the cultivator was holding with a right of occupancy he was often recorded as holding the old cultivation with a right of occupancy (*maurúsi*) and the new cultivation without any such right (*ghair-maurúsi*) ; and generally while the rent was calculated on the old cultivation at the rate fixed by the Settlement Officer, it was calculated on the new cultivation at a different and often much higher rate fixed by the proprietors themselves. Thus, although in the field there was no definite boundary distinguishing between the land broken up before Settlement and that broken up after, the distinction was clearly maintained in the annual record of rights and in actual practice ; and while at the Regular Settlement only 49,121 acres, or 7 per cent. of the total cultivated area, were held by tenants without rights of occupancy, we found in 1880 that no less than 435,708 acres, or 41 per cent. of the total cultivated area were held by tenants without rights of occupancy. The number of such tenants had increased from 3,658 to 22,150, but many of these were men having rights of occupancy in other lands in the township, which they or their fathers had held at the Regular Settlement.

Importance of the tenant class in Sirsa.

226. The figures may be brought together here :—

Area cultivated by.	At the Regular Settlement, 1852-64.		In 1880.	
	Acres.	Number of cultivators.	Acres.	Number of cultivators.
Proprietors ...	186,108	5,226	287,824	8,359
Tenants with rights of occupancy ...	465,060	21,684	343,284	22,097
Tenants without rights of occupancy ...	49,121	3,658	435,708	22,150
Total ...	700,289		1,066,816	

Thus of the total cultivated area of the district 41 per cent. was held by tenants without any recorded right of occupancy, 32 per cent. by tenants recorded as having occupancy rights, and only 27 per cent. by the proprietors themselves ; and the tenants were about five times the proprietors in number. Some of the proprietors and tenants who held land in different villages or under different titles in the same village have probably been counted twice over, and the number of each class here returned is probably somewhat higher than the actual number of persons. The figures of the census of 1881 show a still greater prepon-

derance of tenants. According to them, of the 52,801 males above the age of 15 who were returned as engaged wholly in agriculture, 6,038, or only 11 per cent., were proprietors, 43,780, or 83 per cent., were tenants, 1,381 were joint cultivators, 783 agricultural labourers, and 819 engaged in tending cattle. Thus in Sirsá the tenants are seven times as numerous as the proprietors. In no other district in the Panjáb are the tenants as a body such an important part of the agricultural community. In the whole Province the proprietors of land outnumber the tenants in the proportion of three to two, and the district which comes nearest to Sirsá in this respect is Montgomery, in which the tenants are only three times as numerous as the proprietors. Seeing that in point of numbers, in proportion of area cultivated, and in social standing, the tenants are so important a part of the Sirsá peasantry, the relation between proprietor and tenant is by far the most important question dealt with in the Revision of Settlement, and calls for full consideration and discussion.

The effect of the Panjáb Tenancy Act, 1868.

227. In 1868 the question of tenant-right had so far developed in the north of the Panjáb, where it had in the course of Settlement Operations been the subject of much discussion and debate, that a special Act was passed to determine the relations between proprietors and tenants throughout the Panjáb (Act XXVIII of 1868, the Panjáb Tenancy Act). This Act was really a compromise between the two extreme parties, one of which advocated the rights of the proprietors and the other the rights of the tenants, and was intended to allay the disputes and dispel the doubts which had arisen owing chiefly to the action of the Settlement Officers in the north of the Province. The relations between proprietor and tenant in the Sirsá district were essentially different from those which had given rise to the dispute, but the question of tenant-right in Sirsá had been decided in 1852 and during the Regular Settlement which followed, and was not brought prominently forward during the discussion. The Panjáb Tenancy Act was made applicable to the whole Panjáb, and therefore extended to the Sirsá district; and thus a law developed out of totally different conditions came into force in Sirsá, and thereafter regulated the relations between proprietor and tenant, the origin of which has been described above. At first it made no great difference in the state of things. Section 6 of the Act protected all tenants, who at the previous Settlement had been recorded as having a right of occupancy in the land, and section 2 declared binding the agreements made between proprietors and tenants at the Regular Settlement. Under these sections the numerous tenants, to whom rights of occupancy had been confirmed in so large an area of land, were for the time practically as secure in possession of that land as they had previously been; and, as a matter of fact, hardly a single tenant was evicted under the Act from land in which he had been given a right of occupancy at Settlement, or had the rent fixed at Settlement for such land enhanced during its currency. The Act had some effect in prescribing the procedure by which a tenant without rights of occupancy could be evicted at the will of the proprietor. It had indeed been declared at Settlement that non-hereditary tenants held their land at the will of the

proprietor, and could be evicted by him at the end of the agricultural year (in Jeth = May-June), and would be liable to pay the rent fixed at the beginning of the year by the proprietors or their headmen, but no procedure for eviction had been described, and practically up to 1870 no tenant had been evicted from any land held by him so long as he paid on it the customary rent. The most important effect of the Tenancy Act was that it put a stop to the growth of occupancy rights, except by special agreement between the proprietor and the tenant. It explicitly declared that a right of occupancy could not be acquired by mere lapse of time, thus forming a marked contrast to the law in force in the North-West Provinces, (to which Sirsá formerly belonged,) according to which continuous possession of land for twelve years gave the tenant a right of occupancy. The clauses of section 5 of the Act gave a right of occupancy in almost no land that was not covered by section 6. Perhaps the old cultivators in villages formerly held on the "brotherhood" tenure (*bhaiyáchára*) might be held to have involuntarily parted with proprietary rights in the land, and so to come under clause 2 of section 5; but as that clause would give them a right of occupancy only in the land they had continuously occupied from the time of such parting, that is, from the Regular Settlement, and as they already stood recorded as having a right of occupancy in such land, this clause did not confer a right of occupancy in any land not already covered by the entries in the Settlement Record. As almost all the tenants in the district paid some proprietary due (*málikána* or *biswadári*) according to the award of the Settlement Officer, they were not protected by clause 1 of section 5. According to clause 3 of that section, all tenants, who could prove that in 1868, when the Tenancy Act was passed, they were the representatives of men who settled as cultivators in the village along with the founders, would be entitled to occupancy rights in all land cultivated by them in 1868. They already, as a rule, had occupancy rights in the land cultivated by them at the Regular Settlement (1852-64), and this clause would effect only the land broken up by such tenants between the Regular Settlement and 1868; it did not affect land which might be brought under cultivation by them after 1868. Moreover, such tenants were comparatively few. The clause protected only tenants who were in 1868 representatives of men who settled as cultivators in the village along with the founders, *i.e.*, of the "stake-planters" (*morí-gad*) who had been present at the original founding of the village, but in many cases no such ceremony had been performed, and it was often difficult to say who was the founder of the village, and what was meant by settling with the founder, where, as was often the case, the village was not established all at once, but tenants had been gathered in by degrees. And as afterwards decided by the Chief Court, the clause was so worded that it protected only the *representatives* of the original colonists, and not the original colonists themselves where they were alive in 1868. Of the 635 villages inhabited in 1881, 30 were founded after 1860, 204 after 1850, and 304 after 1840, so that in very many cases the original colonists were still alive in 1868, and in such cases clause 3 of section 5 had no effect. The practical result of the Tenancy Act of 1868 was to confirm

the tenants in possession of the land in which they had been given rights of occupancy at the Regular Settlement, to strengthen the position of the proprietors as regarded the uncultivated land and the land broken up by the tenants after the Settlement, and to prevent the growth of occupancy rights in such land, except by express agreement between the proprietor and the tenant.

The struggle between the proprietors and tenants.

228. Here were all the materials for a struggle between the two classes. In the early years of the Settlement land was so plentiful and tenants were so apt to throw up their land and wander away elsewhere that the proprietors were generally content with very low rents, and were often anxious to induce their old tenants to stay or new tenants to establish themselves in the village. But as cultivation extended, population increased and prices rose, there sprang up a competition for land which the proprietors soon found they could take advantage of by raising their rents, and they gradually began to assert the rights granted them at Settlement by demanding higher rents for land which had been brought under cultivation after the Settlement. This was done by degrees only, and chiefly in villages which had previously been managed on the "rent system" (*bolelári*), and the tenants, as a rule, acquiesced in the increase of rent. Indeed, even more recently, the number of disputes which arose between proprietors and tenants regarding the rate of rent alone were comparatively few. More often it was because of a quarrel regarding some other matter, such as a right of way in the village, or the liability for some common village burden, that the proprietor endeavoured to bring a refractory tenant to subjection by evicting him from all the land he had brought under cultivation since Settlement. Sometimes a proprietor would systematically evict his tenants, not with the intention of making them leave the village or their land, but only to show them that they were at his mercy and to establish a complete control over them. In other cases an enterprising Sikh had bought a village or a divided share from a Bágrí owner, and the Sikh desiring to surround himself with men of his own country, would proceed to evict all the Bágrí colonists who had associated with the previous proprietors. No doubt the struggle between proprietor and tenant would have arisen in any case; but the Tenancy Act of 1868 helped the proprietors greatly by laying down the procedure to be followed in cases of eviction, and by making it difficult for the tenants to establish a right of occupancy in any other way than those described in the Act; and the approach of the Revision of Settlement brought the struggle to a head, for the proprietors remembered the wholesale grant of occupancy rights at the Regular Settlement to almost all the tenants in the land they then cultivated, feared that a similar course might be adopted at the revision of Settlement, and determined to be beforehand by evicting their tenants-at-will and thus establishing beyond doubt their true status. The term of Settlement expired in 1875-76, and it was soon known that a Revision of the Settlement was contemplated by Government, and in that year and the following years a large number of notices of ejectment under section 23 of the Tenancy Act of 1868 were served on the tenants at the instance of the proprietors. What the proprie-

tors feared the tenants hoped. They had but vague ideas of their rights in the land and hoped that the revision of Settlement might give them occupancy rights in the land they held, just as the Regular Settlement had done. In the neighbouring Native States of Pattiála and Bíkáner, from which many of the peasants had come, while there was little limit to the amount which a cultivator might be called on to pay, no one thought of ejecting him from the land he cultivated so long as he paid the dues on it. The general feeling of the country-side, among the better class of proprietors as well as among the tenants as a body, was that so long as a tenant paid the customary rent on his land and performed his share of the burdens on the village as a whole, he should not be ejected from the land he cultivated, especially if he or his father had broken it up from the prairie. The tenants accordingly contested by Civil suit under section 25 of the Tenancy Act many of the notices of ejectment served on them, as is shown by the following statement:—

Year.	Number of notices of ejectment served.	Area of land regarding which notices were issued.	Number of notices of ejectment contested by Civil suit.
		Acres.	
1870	43	...	...
1871	59	...	...
1872	92	...	...
1873	288	...	...
1874	369	..	...
1875	394	6,380	254
1876	540	9,928	319
1877	417	9,797	275
1878	366	7,209	215
1879	1,031	18,295	589
1880	1,296	12,922	780
1881	1,882	9,566	1,072
1882	922	9,148	245
1883	676		

In the five years ending 1882 5,497 notices of ejectment were served regarding 57,140 acres of land, and of these 2,901, or more than half, were contested by Civil suit. The number of notices served in those five years equals nearly one-fourth of the total number of tenants-at-will in the district, and the land to which those notices related is more than an eighth of the total area held without rights of occupancy. And if it be added that in addition to these ejectment suits a large number of other Civil suits (for instance 569 in 1880-81 and 656 in 1881-82) were instituted between landlord and tenant, most of them to determine whether the tenant had a right of occupancy or not, it will be seen how general the struggle was and to what lengths it went. These numerous ejectments and disputes greatly unsettled the tenants throughout

the district, here an unusually important part of the population, and embittered their relations with their landlords. The bad feeling thus engendered led to many quarrels and perhaps a few crimes, but it is another instance showing how easy it is to rule these people that notwithstanding all these bitter disputes all over the district there was hardly a case of anything like serious agrarian outrage, such as murder, arson or mutilation. One case, in which an ejected tenant murdered in revenge three men and a woman of the proprietor's family, is almost a solitary instance. The hardship to the tenants was not so great as at first sight would appear, for many proprietors were content to have established their right to eject and so reduced the tenants to subjection; and very often the tenant, after the ejectment proceedings had been concluded in the proprietor's favour, was allowed to remain in possession of the land at a higher rent, or at a rent in kind instead of in cash, or was given other land in place of that from which he had been ejected. Still there were numerous cases in which the tenants felt themselves harshly treated. They had settled as colonists in the desert prairie along with the founders of the village or soon after it was first founded; they had broken up new land, had helped to dig the pond and make the well, and had endured all the hardships of first colonisation which are unusually great in this tract owing to the distance of water from the surface and its brackishness, the great heat, the want of trees and the scanty and uncertain rainfall, and now found themselves liable to ejectment at the will of a man originally little different from themselves, who had suffered no greater hardships than they, who had expended little capital, but had at the Regular Settlement been given rights in land which had increased in value almost as much through their exertions as his own. But let the tenants speak for themselves. One of the class describes the state of things in rude verse as follows:—

Alláh mere bár basáí
Chár khúnt thon khalkat dí
Lambardárán kol bahái
Nál pyár de bhúen kadhái
Hon ján de dín ímán khuhái
Sámídár te arjí lái
Hákim us dí bhuen khuhái
Is kanún dí khabar na kái
Jihra kítá hon Sarkár
Bedakhlí karní nahín darkár

My God peopled the prairie. People came from all sides. The headmen got them to settle, and coaxed them to break up land. Now they have broken their promises and brought claims against the tenant, and the Ruler has taken away his land. We had no idea of this law which Sarkár has now put in force.

Ejectment is not right.

Lambardár núm pind likháya
Sámiyán bájh na kisí vasáya
Jitthe sámí pair na páyá
Oh pind uste gayá gawáyá
Sámiyán bájh na bandá bhár
Bedakhlí karní nahín darkár

The villagers had the headman's name recorded. No one founded a village without tenants. Where the tenant did not set foot, the headman lost the township; the burden could not have been borne without tenants.

Ejectment is not right.

Jihriyán sámíyán raldí áiyán
Unhán kítiyán bahut kamáíyán
Búte máre te bhúín banáíyán
Muddh kaddhe te vattán páíyán
Tán lambardárán ghair kardíyán
Hákim oh bhí chá khuháiyán
Niáun ná kítá koí Sarkár
Bedakhli karní nahín darkár

The tenants that came together performed great labours, cleared away the bushes and cultivated the land, took out the roots, and made field boundaries. Yet the headmen made them tenants-at-will, and the Ruler took away even that right. Sarkár has done no justice.
Ejectment is not right.

Ikko lambardár vasáwe
Sámí na kái kol baháwe
Chhapra kate te khuha láwe
Bhúín kaddhe te kothe páwe
Tán usdá andája áwe
Púrí dewe kár begár
Bedakhlí karní nahín darkár

If the headman alone found the village, settling no tenant beside him, dig the pond and make the well, break up the land, and build the houses, then he may have some claim, if he alone perform the village burdens.
Ejectment is not right.

Sámíyán dendiyán kár begár
Váddhá khándá lambardár
Bedakhli utte hoiyá taiyár
Bedakhli kardí khud Sarkár
Dukhán nál basdí bár
Kaure pání karan khuár
Is kamm dí koi kare bichár
Bedakhlí karní nahín darkár

The tenants perform the village burdens and the headman devours the profits and is ever ready to eject. Sarkár itself takes away the land. The peasants peopled the prairie under hardship, and the brackish water distresses them. Let any one think of this.
Ejectment is not right.

The tenants' view of the proceedings of the Regular Settlement is thus stated:—

Alevar Sáhib kítí tarsí
Páolá bharke khulá charsí
Doáne viggha sab koí bharsí
Chhad na jási vichche marsí
Is kanun te basí bár
Bedakhlí karní nahín darkár.

Mr. Oliver acted mercifully when he ordered "Whoever pays four annas a cow may graze anywhere. Every one will pay two annas a bígha. No one will leave his land—he will die on it." This is the law under which the prairie was peopled.
Ejectment is not right.

And the tenants' hopes are thus expressed:—

Alláh merá mulk vasáwe
Hákim changgá hukm sunáwe
Bhúí kisí thon na khuháwe
Jo kuchh lage woh diwáwe
Sab koí gharich raj ke kháwe
Nál khushí de kardá kár
Bedakhlí karní nahín darkár

May my God people the country. May the Ruler announce a good order, and take away land from no one, only make the tenant pay a fair rent. So that every one may eat his fill at home doing his work contentedly.
Ejectment is not right.

Another tenant describes the state of things in somewhat similar language as follows:—

Kabza kásht kisídá na khohe Sarkár
Pind vasáya sámiyán lambardárán nál
Hále den kadím te jo ákhyá Sarkár
Nále dende eh rahe jo Sarkár begár
Khára páni píke jhalí ranj hazár
Kálán kahtán vich oh baith rahe vich bár
Itní ranj uthákc hon hoe láchár
Kabza kásht kisídá na khohe Sarkár.

Let not Sarkár deprive the cultivator of his land. The tenants peopled the village along with the headmen. They pay from old time the rent fixed by Sarkár and have besides performed the village burdens; have drunk brackish water and endured a thousand ills, have lived on in the desert through famines and scarcities. After enduring so much hardship they are now wretched. Let not Sarkár deprive the cultivator of his land.

Raiyat malika sháh dí hoí bahut hairán
Khusgayá hak ásámiyán hoiya zulm tamám
Wákif ná kanun de áhe eh anján
Agge kisí na badsháh aisá kítá kám
Is ablke vich sá eh rivdj pachhán
Jo koí váhe zamín kabza usdá ján
Hála hissa devanda oh rahe madám
Lakkar sotá ghás bhí jo sarkárí kám
Dende sámiddr san várovár tamám
Manjí jálí devande te sarkár goddm
Eh raiyat sarkárdí haigí khás ghulám
Itní ranj uthákc hon kití hairán
Kabza kásht khohná haigá barú ziyán.

The Queen's subjects are much distressed. The tenant has been deprived of his rights, great injustice has been done. Alas these ignorant people were not aware of the law. Hitherto no king has acted so. In this neighbourhood this was the rule that whoever broke up land should hold it, regularly paying rent in cash or in kind. The tenants gave, each in his turn, wood and grass and whatever was required, sleeping-cots, bedding and supplies. These are Sarkár's subjects and serfs. After enduring such hardship they are now distressed. It is indeed great injustice to take away land from the tenant.

229. The large number of ejectment proceedings had attracted the notice of the Government of India, and a special report was called for on the working of the Tenancy Act of 1868 in the Sirsa district. Accordingly in October 1880, I submitted a report setting forth the above facts and urging that some step should be taken to protect the tenants from arbitrary ejectment. I pointed out that the tenants had formed

Special legislation refused.

a reasonable expectation that they would be protected in the occupation of such land as they broke up from the prairie, and that the better class of proprietors allowed that they were justly entitled to such protection; that at the Regular Settlement the proprietors had been somewhat arbitrarily granted rights in land, which owing to good government, good management and the joint efforts of the whole body of cultivators had became very valuable, and that it would be no injustice to require them to grant rights of occupancy at a full rent to the tenants to whom they owed so much; that what the tenants hoped for was not so much low rents as security of tenure; that it was only fair to maintain them in possession of the land they had brought under cultivation, and good policy to attach them to the soil and make them more independent by giving them an assured interest in the land. For these reasons I urged that the Legislature should be moved to pass a special Act for the Sirsa district, granting rights of occupancy to all tenants who had broken up land and held it continuously for more than ten years, provided they agreed to pay on it a rent equal to three times the land-revenue assessed on the land. In forwarding this report the Settlement Commissioner (Colonel Wace) reviewed the policy of the Regular Settlement and pointed out how reasonable was the expectation of the tenants, founded on the past history of the district, that they would be protected in the occupation of their land as they had been then, and how entire a reversal of policy was caused by the Tenancy Act of 1868 which, had it dealt with the Sirsa district alone, would probably have maintained in some form that strong protection over the actual cultivators of the soil which had promoted the colonisation and cultivation of the driest and most difficult portions of the district and secured to the lowest grades of the agricultural population that protection from caprice and injustice at the hands of their leaders which, no less in their old homes than in their new, they had always received from the ruling power. He dwelt on the hardship caused to the tenants by these wholesale ejectments and their probable effect in reducing the general prosperity. But he thought that such a measure as I had proposed would appear to both proprietors and tenants to be a second reversal of policy, and the tenants would feel that they had gained a victory over the law, while the proprietors would feel that they had relied on it and that it had failed them. He agreed that special legislation was called for, but proposed that the special Act to be passed should make all ejectments and enhancements of rent subject to the approval of the Deputy Commissioner, who should have the power to refuse to allow an ejectment or to require the proprietor to pay beforehand whatever compensation for disturbance he thought fair. Such a measure he thought would be sufficient to protect the tenants from arbitrary treatment and to maintain among them the same standard of security and prosperity which they had enjoyed for the last thirty years, without giving rise in the minds of the proprietors to the same feelings of disappointment as would be roused by a large creation of new occupancy rights expressly so described; it would assure to the ruling power that due control of the mutual relations of the several agricultural classes to which they were traditionally accustomed, and the propriety of which they would none of them deny,

while at the same time it would not expressly create new occupancy rights, or establish, either in the present or in the future, any opposition of interest between the two classes of proprietor and tenant. The Financial Commissioner (Mr. Lyall) pointed out that there was nothing very remarkable in the relative position of proprietor and tenant in the Sirsa district and that the history of tenant and proprietary right in other parts of the Panjáb had been much the same as in Sirsa, except that the development of rights had taken place longer ago. In the case of recently founded villages in other districts also, it had chiefly depended on the turn of mind of the first Settlement Officer whether all the cultivators were held to be equally proprietors or whether the actual grantees and their near relations only were made the village landlords, and the other old cultivators their hereditary tenants paying a nominal rent or no rent at all. He thought however that in Sirsa the expectation of the tenants, and especially of the recent immigrants, that they would be secured in the possession of the land they had broken up from the prairie, was a reasonable expectation, and that, as ejectments had hardly been known before 1870, it would not be unfair to the proprietors to give all tenants a presumptive right of occupancy in waste land broken up by them between the year of Settlement and 1870 and since held continuously, such presumptive right to be rebuttable only if the proprietor could prove in a regular suit that the tenant broke up the land under agreement to hold as tenant-at-will or for a term only; and he recommended that an Act to this effect should be passed for Sirsa. The Lieut.-Governor (Sir R. Egerton) could not admit that necessity for special legislation in the interest of the Sirsa peasants had been established. He considered that the expectation of the tenants, interrupted as it was by the Act of 1868, could never have been very certain, and that as the attestation of rights was then (October 1881) approaching completion and many Civil suits had been decided, the hopes of the tenants must have died out. To pass a special Act for Sirsa would be to introduce a great inequality of treatment not only between Sirsa and other districts, but in Sirsa itself between those whose disputes had already been decided by the Civil Court and others. He thought that probably the greatest phase of excitement had passed and that to introduce a special law would give rise to great discontent. He pointed to the strong position the tenants occupied and the profits they had made, and to the ease with which land was cultivated and the readiness with which it was abandoned. For these reasons he determined not to apply to the Legislature for a special Act for the Sirsa district; and the relative status of proprietor and tenant was left to be regulated by the Panjáb Tenancy Act of 1868, as in the rest of the Province.

Rent in kind.

230. As already stated, the rates of rent fixed by the Settlement Officer at the Regular Settlement continued to be paid on such land as was then held by the tenants to whom occupancy rights were given, and during the currency of the Settlement the rents of such lands were nowhere enhanced or changed from cash into kind. Except on the Ghaggar and Satlaj they had been almost everywhere fixed in cash, and in 1880-81 the results of our detailed enquiry regarding the rent of

every field showed that of the 350,000 acres held by tenants with right of occupancy only 23,000 acres, or about 7 per cent., paid rent in kind; and of this 12,000 acres were in the Ghaggar valley and 2,000 acres in the Satlaj riverain. As regards the land broken up after Settlement however, the proprietors and tenants were left to fix the rent by mutual agreement, and grain rents became more common; and our enquiries showed that in 1880-81 the areas paying rent in kind, including both tenants with right of occupancy and tenants-at-will, were as follows:—

Assessment Circle.	Area in acres paying rent in kind.	Percentage on total area held by tenants.
Bágar	184	...
Náli	32,295	22
Rohí	59,952	13
Utár	16,948	43
Hitár	17,069	94
Total of district ...	126,448	16

Thus about one-sixth of the whole area held by tenants was found to be paying rent in kind. Almost the whole of the land in the Satlaj valley (Hitár) pays grain rents; and of the Ghaggar valley it may also be said that most of the low land within reach of the floods of the Ghaggar pays rent in kind, while the high land dependent on the local rainfall only generally pays rent in cash. In the Dry Circles, except in the Utár, cash rents greatly predominate. In some villages, especially near the Ghaggar, rabí crops pay in kind and kharif crops in cash. It is curious to note how general is the custom to take rents in kind from Musalmán tenants and in cash from Hindus. The tenants of the lands on the rivers where rent in kind is most common are chiefly Musalmáns, but the same rule is followed in the Dry Tracts, and sometimes in the same village the Hindus pay in cash and the Musalmáns in kind. Where the produce is very variable from year to year, as it is on the rivers, or where the tenant is very unthrifty, as is the case with the Musalmáns as a class, rent in kind is more easy to pay and to realise than a fixed cash rent, and both tenant and proprietor find grain rents the most suitable. In the Dry Tracts the produce is very precarious, but the actual outturn does not vary so much as on the richer lands of the river valleys, and the thrifty Hindu tenants prefer to have a fixed cash rent, so that they may, after paying to the proprietor the sum agreed on beforehand, be left to do what they like with the whole produce of their fields. Rent in kind entails much more trouble and interference than cash rent. The proprietor must make arrangements to watch the process of reaping the crop, so that the tenant may not take away any of it before division, and the tenant must so arrange his harvesting operations that the landlord may have

this opportunity, and must defer removing his grain until the proprietor and he have divided it. One of the chief objections to paying rent by actual division of the crop *(batái* or *vandái)* is that it prevents the tenant and his family from living on the crop while it is ripening, as otherwise they generally do. The proprietor will not allow them to pluck ears of grain and carry them off to make the family's daily meal, but requires them to leave all the grain in the field until he has received his full share. This objection applies more strongly to the kharíf crop which ripens by degrees than to the rabí crop which ripens more quickly field by field. Thus a proprietor taking rent in kind has more power over his tenant; and partly for this reason, partly because it is generally found more profitable on an average of years than a fixed cash rent, the proprietors are generally anxious to extend the system. For the same reasons the thrifty Hindu peasant prefers to pay his rent in cash, while the Musalmán, knowing that he cannot save in good years to provide for bad, is more ready to pay his rent by giving a share of his actual crop, whether good or bad.

When the rent is paid in kind, it is customary before dividing the grain between the proprietor and the tenant to make certain deductions for the payment of the village menials and others who perform customary services to the cultivating community. I have already given some account of these in describing village life. The allowances given for collecting grain for the landlord, for shaving, for music, for cooking, for lighting the peasant's pipe, and for religious services, cannot fairly be considered a part of the cost of production. If the landlord and tenant choose to pay for such services in this way, the allowances must be held to form part of their share of the produce; and the maximum deductions which can fairly be held to be part of the cost of production may be taken as follows:—

Village Servant.	Work performed.	Allowance per cent. of whole produce.
Blacksmith ...	Iron-work ...	2·5
Carpenter ...	Wood-work ...	2·5
Potter ...	Earthenware and carrying grain ...	2·5
Sweeper ...	Winnowing grain ...	2·5
Trader ...	Weighing grain ...	2·5
Cobbler ...	Leather-work ...	1·25
	Total ...	13.75

But as in many villages some or all of these allowances are paid, not out of the common heap, but out of the tenant's share, and as often the full amount is not given to these menials, 10 per cent. of the gross produce is a sufficient allowance for such deductions, and it may be said that where rent is taken in kind nine-tenths of the whole produce is ordinarily divided between the landlord and the tenant. The mode of

division and other customs relating to the system are described in the Administration-Paper of each village. For instance, in some villages it is laid down that the tenant is bound to protect the crops and to cut and thresh them when ripe, and that, although any beggar passing at harvest-time may be allowed to glean a little, the tenant's wife bringing food to the reapers must not take away any grain. Sometimes the tenant is bound to bring the landlord's share of the grain only, or of both grain and straw to his house in the village. Ordinarily the process of division is somewhat as follows. When the grain is threshed and winnowed it is put in a heap on the threshing-floor, and to prevent tampering, little lumps of clay are stuck on it here and there and stamped with a wooden seal kept in the custody of the proprietor or his representative. When all are ready to receive their share, they assemble at the threshing-floor, and the weigher *(dharwái)* proceeds to measure the grain. If the proprietor's share is one-third, he weighs out the grain into three equal heaps, leaving a small heap from which he weighs out their allowances to the village menials, anything over being divided between the heaps of the proprietor and tenant. The proprietor then takes one heap and the tenant the other two. There is a curious survival which is found all over the district. Besides his own share, which is called "the Ruler's share" *(hissa hákimí)* the proprietor almost always gets an additional allowance which is called "expenses" (*kharcha*), and is commonly from 1 ser to 2½ sers per maund calculated on the whole produce, or up to 3 sers per maund calculated on the proprietor's share. This is evidently a survival of the time when the ruling power took its revenue in kind, and the share now taken by the proprietor was really "the Ruler's share," while the proprietor or headman got only the small allowance now taken under the name of "expenses." The custom is kept up partly for the convenience it offers in raising or lowering the rate of rent. For instance, where a proprietor taking rent at one-fourth and one ser per maund as expenses, wishes to raise the rent, he does not make it one-third all at once, but makes it perhaps one-fourth and two sers per maund, and so makes a gradual and almost imperceptible rise. The practical result of this custom is that the extra allowance makes up to the proprietor his share of what goes to the village menials from the common heap, so that notwithstanding the payment of their allowances, the proprietor gets his full share of the whole produce. The share varies from one-half to one-seventh of the gross produce, and the areas paying at each rate were found to be as follows in 1881 :—

Share of grain taken by proprietor.	Area in acres paying rent in kind.
One-seventh	3,176
One-sixth	20,346
One-fifth	38,559
One-fourth	38,885
One-third	24,373
Two-fifths	989
One-half	120
Total ...	1,26,448

The very low rates of one-seventh, one-sixth, and one-fifth are almost wholly confined to the lately-colonised Dry Tract of tahsil Fázilká. The rate of one-fourth is found chiefly on the uplands and on the lands in the Satlaj valley irrigated from wells. One-third is the usual rate on the lands flooded by the Ghaggar and Satlaj; and the high rates of two-fifths and one-half are very uncommon and are confined to easily cultivated rich lands on the rivers. The proprietor sometimes takes only his share of the grain, but usually takes a share of the straw also, generally the same share as he takes of the grain, but sometimes a smaller share, *e. g.*, a fourth of the grain and a fifth of the straw. If the crop have produced no grain, he always takes a share of whatever fodder there may be. Sometimes instead of taking the actual fodder he takes a small cash payment; and sometimes, but very rarely, his share of the grain is valued and he is paid his share in cash by the tenant who then keeps the whole produce. In the Satlaj valley the proprietor who takes his rent in kind is entitled to green wheat *(khawíd)* or jawár *(chari)* as fodder from the tenants' fields at the rate of one *kanál* (about an eighth of an acre) on every well or one *marla* in every *ghumáo* (about one pole per acre). This was formerly the Ruler's right, and now goes to those whom we have made proprietors holding at a cash assessment.

Cash rents.

231. The cash rents fixed at the Regular Settlement for occupancy tenants, which were paid by them without enhancement up to the present Settlement, were almost universally calculated on the revenue-rates assumed by the Settlement Officer, and were made up of the land-revenue and cesses charged on the land held by the tenant, sometimes without any addition but generally with the addition of a proprietor's due *(málikána)* of 5, 7, 30, 50 or even 100 per cent. on the land-revenue. According to the returns made at the measurements of 1880-81, of the whole area of 7,90,803 acres held by tenants, 6,64, 355 acres or 84 per cent. paid rent in cash; and of this area 85,356 acres were returned as paying land-revenue and cesses without any proprietor's due, and 80,846 acres as paying land-revenue and cesses with a proprietor's due of from 5 to 30 per cent. I afterwards found however that a much larger area ought to have been included in the latter class, for in a large number of villages, especially in the Fázilká Rohí, where the cash rent was at first understood to have been fixed without reference to the land-revenue and therefore simply returned as "under five annas per acre," it had really been fixed by the Settlement Officer at double the assessment-rate. In almost the whole of the Dry Tracts the assessment-rate of the Regular Settlement was from 1½ to 3 annas per acre; and where the rents were double the rate, it was not more than 2 annas per acre, so that almost the whole of the rents fixed with reference to the revenue were under 5 annas per acre. Including them, the cash rents paid in 1880-81 were found to be as follows:—

Rent per acre.	Area in acres.
Under 5 annas	4,46,513
From 5 to 6½ annas	1,40,448
From 6½ to 8 annas	61,652
Above 8 annas	15,742
Total paying cash rents ...	6,64,355

The 4,46,513 acres paying under five annas per acre included almost the whole of the 3,29,267 acres held by tenants with right of occupancy paying in cash, and the rent-rates above five annas had all been fixed by the proprietors and tenants between themselves without any special reference to the rate of incidence of the land-revenue. In almost every case the rent was fixed at some simple rate per bígha *(bígorí* or *bígherí)* such as 3 annas or 4 annas per bígha, and only 1,308 acres were returned as paying a cash-rent fixed in a lump sum. Cash rents generally are known as *hála, mál, mámla, hásil, manáfa* or *lagán.* These cash rents are payable every year, whatever the produce be, and even in a year of total failure of crop the proprietor often realises almost the whole of his rent. When the crop fails for more than one harvest the rents often fall into arrears, but they are seldom wiped out, and are generally paid in full by the tenant on the return of good harvests. Very often the tenant, before wandering off in search of work and food in bad seasons, pays up his rent out of his former savings, or he makes a point of paying it on his return from the proceeds of his labour. As the tenant-poet says:—

Lok jo bhukhe tase marde
Ropar játe mihnat karde
Utthon leáke hále bharde
Nit hamesha rahnde darde.

The people who are dying of hunger and thirst go and work at Rúpar (on the Canal-works) bring their savings from there and pay their rent, but are always in a state of anxiety.

This system of average cash rents payable for good and bad years alike is founded on our revenue system of fixed average assessments; and the extent to which it has, in a district whose produce is so precarious, supplanted the former system of taking rents in kind, which would seem in itself so much more suitable to the circumstances of the tract, is another instance of the readiness with which the peasantry, usually thought so conservative, can adapt their habits to a new set of conditions. A large area, chiefly consisting of land broken up from the prairie after the Regular Settlement, was thus in 1880-81 paying cash rents more than double the assessment-rates, and the net profit of the proprietors was large, and increasing both with the increase of cultivation and with the rise of rents. Indeed the realisations of the proprietors from their tenants on cultivation and on grazing in the uncultivated land

were in many villages much more than double the land-revenue assessment, so that the net profits of the proprietors, after deducting the demand of the State, were in many cases very large.

Sales and mortgages. Rise in the value of rights in land.

232. The definition of the rights in land by the Regular Settlement and the Tenancy Act and a series of decisions of the Civil Courts founded thereon, and the increase in the net profits of cultivation, led to a gradual and rapid rise in the money value of proprietary rights. The right of occupancy as a tenant was at first of no transferable value and many tenants abandoned their lands in the early days of the Settlement. Even towards the end of the Settlement land was still so plentiful that there was no great demand among tenants for the purchase of rights of occupancy, and instances in which such rights were sold or mortgaged were very rare. But sales and mortgages of proprietary rights had become common. In the four years 1849-53 56,126 acres were sold at an average price of two annas per acre or little over a year's assessment; the Deputy Commissioner of 1870-71 was assured that land sold at six annas per acre; the Deputy Commissioner of 1875-76 estimated the average selling-price at Rs. 2-12. According to the statement submitted with the Annual Revenue Report the sales of land were as follows for the fourteen years ending 1880:—

	Number of cases.	Area of land sold (in acres).	Yearly Assessment.	Purchase money.	Average price per acre.	Average number of years purchase of assessment.	Percentage of total	
			Rs.	Rs.	Rs.		Area.	Assessment.
Total ...	468	1,76,762	15,551	1,57,102	0-14	10	9	8
Average per annum	33	12,626	1,111	11,222	0-14	10	0·7	0·6

The average price per acre for the first eight years of this period, *i. e.*, up to 1874, was only nine annas, while the average price for the following six years was Rs. 3 per acre. The people generally asserted that land had greatly increased in value during the previous twenty years, and an examination of individual cases left no doubt that it had done so in a very marked degree. The number of sales and the area sold were decreasing. The average number of sales in the six years ending 1880 was only 30 and the average area annually sold 4,635 acres or a four-hundredth part of the area of the district; and the price paid averaged 23 years purchase of the revenue assessed on the land sold. The detail of sales to agriculturists and non-agriculturists for those six years was as follows:—

	Number of sales.	Area sold.	Assessment.	Price.	Average price per acre.
			Rs.	Rs.	Rs.
To agriculturists ...	105	13,046	1,173	28,987	2-9
To non-agriculturists	73	14,765	1,975	43,283	4-10

Thus while the area sold to the two classes was about the same, the land sold to non-agriculturists was more highly assessed and commanded almost double the price of that sold to agriculturists. Some of the larger sales to non-agriculturists were made by non-agriculturists, villages taken on speculation being sold on speculation; for instance, about 1878 the proprietary right in the village of Jhorar near Sirsá, which had been bought in open market some years before by a Pathán, was sold by him for nearly Rs. 16,000 to a firm of merchants. There has been a good deal of such land-speculation as is often to be seen in new countries. In the early years of colonisation men came forward and took up blocks of land, not with the intention of settling on them themselves but simply in order to make money; and at first the proprietary rights in such blocks changed hands a good deal at a low price. A little land-jobbing of this sort still goes on, but as population increases and rights in land become better defined and more valuable, such cases are becoming comparatively rare. Many of the sales to agriculturists are sales made at low prices to relatives of the seller, not so much to get money as in order to admit the relatives to a share in the village. The following statement gives for each assessment circle the average per annum for some years previous to 1880:—

Sales of Land (average per annum.)

Assessment Circle.	Total number of villages.	Number of villages in which sales took place.	Number of Sales	Area of land sold (in acres.)	Assessment.	Price.	Price per acre.	Number of years purchase of assessment.	Percentage of total area.
					Rs.	Rs.	Rs. As.		
Sagar ...	57	6	1 0	393	31	304	0 12	9	·2
Náli ...	109	4·8	16·0	2,158	235	15,396	7 2	66	·6
Rohi ...	364	6·3	12 7	2,685	151	4,285	1 10	28	·2
Utar ...	58	1·5	2 4	990	54	2,107	2 2	39	·3
Hitar ...	62	1·2	2·1	158	58	781	4 14	14	·2
Total ...	650	14·4	34·2	6,381	629	22,872	3 9	36	·3

In some of the richer villages on the Ghaggar land sold at as much as Rs. 40 or Rs. 50 per acre or over a hundred years' assessment. Since the Regular Settlement 4,455 acres of land had been taken up by Government for public purposes, the total amount of compensation paid being Rs. 3,377 or 12 annas per acre. Of this 3,533 acres, chiefly in the Rohí, were taken up for roads before 1871 at an average price per acre of nine annas and in 1874-75 37 acres were acquired in the Náli for canal-cuts at an average price per acre of Rs. 8 besides compensation at the same rate for the buildings, trees, &c., on the land.

Mortgages have not yet become numerous. During the 14 years ending 1880 there were only 189 cases of mortgage reported, while in the same period 51 mortgages were redeemed, leaving only 138 mortgages more than at the beginning of the period. The average area annually mortgaged was 7,056 acres and the average area annually redeemed from 1874 to 1880 was 5,369 acres. The average amount of mortgage money per acre up to 1874 was 15 annas and

since then Re. 1-5; and the mortgage money averaged 11 years' assessment of the land mortgaged. The following statement shows the detail of lands mortgaged to agriculturists and non-agriculturists during the six years ending 1880:—

	Mortgages.					Redemptions.			Excess of Mortgages.	
	No. of cases	Area mortgaged (acres.)	Assessment	Mortgage money.	Average per acre	No. of cases.	Area (acres.)	Assessment.	Area (acres.)	Assessment.
			Rs.	Rs.	Rs. As			Rs.		Rs
Agriculturists	46	7,457	987	7,899	1 1	34	6,545	773	912	214
Non-agriculturists ...	81	48,676	5,484	66,107	1 6	27	25,669	2,458	23,007	3,026

Mortgages are increasing in number and importance as land gets more valuable; during the eight years up to 1874 the average area mortgaged per annum was 5,331 acres, and during the following six years up to 1880 it was 9,355 acres. It is becoming somewhat common for peasants in hard times to mortgage their lands to their neighbours and wander elsewhere to seek a livelihood, and to come back and redeem their land on the return of good seasons. In a few cases, chiefly among the older Sikh villages, the occupancy rights in the land are mortgaged by the tenant, but ordinarily it is proprietary rights that are mortgaged. The following statement shows the average per annum for each assessment circle:—

Average per annum.

Assessment Circle.	Average number of villages in which mortgages take place annually.	No. of mortgages.	Area mortgaged (acres)	Assessment.	Total mortgage money.	Mortgage money per acre.	Mortgage money per rupee of assessment.	Percentage of total area.
				Rs.	Rs.	Rs As.	Rs.	
Nagar ...	0·6	0 6	446	42	349	0 13	8	0·2
Nali ...	4·7	11·0	4,561	969	9,174	2 0	9	1·9
Rohi ...	5·8	13·6	2,297	134	2,029	0 14	15	0·2
Utar ...	0·7	0·9	328	11	362	1 0	32	0 3
Bitar ...	1·0	1·6	464	148	667	1 7	4	0·7
Total ...	13 8	27·7	8,096	1,324	12,551	1 9	10	0 5

From these statistics and from the accounts given by the people it is evident that the value of land has increased greatly since the Regular Settlement. Land which 30 years ago could not find any respectable farmer to take it for nothing, and land which 20 years ago sold at two annas an acre, and 10 years ago at less than a rupee, now brings Rs. 2 or Rs. 3 per acre. An interesting instance of the increased value of land and of the confidence of the people in the moderation of Government came to notice at the beginning of Settlement operations. The village of Jandwála in Chak Utár, which in 1850 was altogether uncultivated and which had no particular advantages of soil or situation, was sold

in 1879 to a number of Sikh Jat families chiefly from the Native States of Nábha and Faridkot for Rs. 8,800, which gave a price of Rs. 5 per acre or 166 times the then assessment. Not only was it then unknown how much the assessment would be raised at the revision then pending, but the rights purchased were the rights of farmers only and it had not then been decided whether the farmers should be made full proprietors or not. I explained the state of things to the purchasers, but they were confident that Government would treat them in both respects with justice and moderation, and completed their purchase.

The all-round price of land per acre (uncultivated land included) was estimated by me in 1880 as follows:—

Assessment Circle.	Price per acre.
	Rs. A. P.
Bágar	0 12 0
Nálí	8 0 0
Rohí	2 0 0
Utár	2 0 0
Hitár	5 0 0

but there was every indication that the value of land would continue to rise rapidly.

The sales and mortgages had nowhere, except perhaps in the Nálí and to a less extent in the Hitár, been so numerous as to indicate that the peasants generally were in difficulties or the revenue demand unduly high. In those two tracts however the assessments had become unequal and some exceptional villages had a comparatively large area under mortgage. Here, as in the districts farther east, the land is gradually passing out of the hands of the improvident Musalmán peasants by sale and mortgage into those of the thrifty Hindus. The money-lending classes have not however as yet obtained such a hold on the land of the peasants in this way as they have in the older and more thickly peopled districts of the Delhi Territory, and the class which are making most progress in the acquisition of land are perhaps the Sikh Jats, who are still pushing southwards from the Málwa, so that whenever an impecunious Musalmán proprietor is in difficulties, there is a Sikh ready to offer him money for his rights in the land. As the Sikh Jats are our best peasantry, this progress is satisfactory on the whole, though unpleasant to the Musalmáns who find themselves being gradually pushed out by the more thrifty and industrious Sikhs.

Gradual definition of rights.

233. Not only were rights in land more clearly defined by the Regular Settlement and the Tenancy Act, but rights of all sorts were gradually becoming more and more definite under the action of the Legislature and of the Civil Courts. As an instance of the process I

may give an account of the development of rights in trees. Formerly the State considered itself to have the first right to trees and forest produce, and this is still the law in many parts of the Hills, but in the Plains the State has as a rule relinquished this right to those whom it has made proprietors of the soil. In the Sirsá district trees were very scarce, and it was evident that any measure which would encourage the extension of arboriculture and preserve the few trees already planted would be of great benefit to the countryside. Accordingly a condition restricting the indiscriminate felling of trees was entered in the village administration paper of the Regular Settlement. In some villages of the Darba pargana which first came under Settlement the restriction is stated as follows:—"The trees round ponds and in the culturable waste and near the village are common property of the proprietors and no one will be allowed to cut them. Any tree that falls of itself may be used by the proprietors." This prohibition against the cutting down of trees was, under the peculiar circumstances of the district, specially approved by the Lieutenant-Governor of the North-Western Provinces in sanctioning the Settlement of the pargana, and a similar condition was inserted in the administration-papers of parganas afterwards settled, *e. g.*, "No proprietor or tenant has the right to cut trees without the permission of Government"; or "No one shall cut a green shade-giving tree without the permission of Government." Up to 1863, it was usual to punish infractions of this condition on the Criminal side under section 188 of the Penal Code, and the cases were very numerous, but in that year the Judicial Commissioner on revision decided that the clause, no doubt justified by the circumstances of the district, was of the nature of a contract entered into by the landowners with Government, and that infractions of it could not be punished in the Criminal Courts. The Commissioner in forwarding this order wrote that the transgressors of the recorded terms of the administration-paper could only be punished by fine on the Rovenue side. The procedure thus indicated was followed unitl 1873, when the Deputy Commissioner again referred the question, noting that the new Revenue law (Act XXXIII of 1871) did not admit of miscellaneous fines, and pointing out that Government could take no action to enforce the condition of the administration-paper though it is exceedingly desirable in a district like Sirsá to prohibit the indiscriminate felling of trees. The Commissioner and Financial Commissioner agreed that the condition could not be enforced on the Civil, Criminal or Revenue side, and that the Deputy Commissioner must be left to use his general influence to try and secure as far as possible the observance of the rule under consideration. In January 1874 on his tour through the district the Lieutenant-Governor, who does not seem to have been aware of this correspondence, ordered the rule against the cutting down of trees to be strictly adhered to as regards all trees on roadsides, wells, ponds, village-sites and common land, but ruled that in their fields proprietors might cut down trees as they chose. Since the promulgation of these orders many good trees have been cut down, especially by the Musalmán population of the Ghaggar valley, and the opening of the Railway has already led to the sale of a large number of trees for fuel. The history of this clause illustrates the way in which the power of the Deputy Commissioner, who

may be taken as representing the general community, to prohibit acts which all agree are prejudicial to the general good, is gradually restricted until he is left with no legal power to punish, to use his "general influence" to prevent individuals from injuring themselves and the community in their short-sighted self-interest. Many other matters formerly vaguely laid down in the administration-paper of the Settlement Record have now been defined by Acts and Rules of general application, such as the Panjáb Laws Act and the Rules under it, the Police Act, the Tenancy Act, the Land Revenue Act and the Rules under it; and in other ways the rights of the individual have been defined by such Acts as the Contract Act, the Evidence Act, the Registration Act and the Codes of Criminal and Civil Procedure. The people are no longer left to the caprice of their individual Ruler, and it is no longer possible for a Deputy Commissioner to do the arbitrary acts that he formerly felt at liberty to do. For instance, a township had been granted to a new colonist on condition that he would build a village of so many houses, and the Deputy Commissioner on visiting the village to see what progress had been made found a row of wretched grass huts; he gave the villagers five minutes to remove their goods and chattels and then set fire to the huts and burnt down the whole village, telling the colonists they must make more substantial houses in fulfilment of the conditions of their grant. Such summary procedure could hardly be adopted now. Rights of all kinds have been much more strictly defined, and for the patriarchal rule of the Deputy Commissioner has been substituted the Reign of Law, strictly administered by Civil, Criminal and Revenue Courts in accordance with elaborate Codes and Acts of the Legislature. It may be doubted whether any great advance has been made in real liberty, whether the people do not feel the burden of a rigid inexorable system of law and procedure heavier to bear than the somewhat arbitrary orders of a sympathetic Ruler, who may at times have been led by ignorance, prejudice or haste to do an unjust action, but whose conduct was on the whole consistent with justice, equity and good conscience, and who felt himself untrammelled by elaborate rules and at liberty to adapt his policy to the ever-changing circumstances of a primitive but progressive society. The gradual curtailment of the patriarchal power of the Ruler by the extension of the reign of law must have made rights of person and of property much more secure, but more law does not always mean greater justice, and a worsted suitor still sometimes protests against the decision of the Law Courts by carrying about a lighted torch to proclaim that there is darkness in the land. I have shown how strongly the tenant-class feel that they have been unjustly treated by the definition and limitation of proprietary rights in the land and by the Tenancy Act: and other instances might be given in which elaborate laws have been put in force at too early a stage in the development of the primitive society of this tract, and injustice and hardship have thus been caused to the weaker and more ignorant classes.

State of rights before the revision of Settlement commenced.

234. Thus in the end of 1879 when Settlement operations began, rights in land had greatly increased in value owing to the spread of cultivation and the rise in prices and in rents without a corres-

ponding increase in the State's demand. In a number of villages the shares in proprietary right conferred on individual cultivators at the Regular Settlement had been transferred to others or the land had been divided in proportion to those shares; but in many villages the land was still held jointly by the original proprietors or their heirs. A hard-fought struggle was being waged between the proprietors and the tenants regarding the right to hold land broken up from the prairie since the Regular Settlement, and owing to the definition of rights which had been made at Settlement and the comparative care and thoroughness with which the patwáris had kept up the annual record of rights and had distinguished between land held with the right of occupancy conferred at the Regular Settlement and land brought under cultivation since—owing also to the aid afforded by the Tenancy Act of 1868, the proprietors had generally the better of the struggle and were gradually bringing the tenants into subjection by establishing their power to eject them from land broken up since Settlement. Still the tenants had not given in, for they hoped for aid from the Settlement Officer, and expected the Revision of Settlement to give them occupancy rights as had been done by the Regular Settlement. Indeed in view of the approaching revision, rights of all kinds were still somewhat uncertain. The people remembered how arbitrary had been the decisions of the first Settlement Officers in the original investigation and creation of rights in the land, and many had a vague idea that a similar power would be again exercised. Some seemed to consider the Revision of Settlement as a sort of Year of Jubilee, when every one should have his own again, and they should return every man unto his possession. Not only did many of those men who had been passed over in the determination of proprietary rights at the Regular Settlement and had learned too late the value of what they had lost, apply to me as Settlement Officer for a share in those rights, but most of those who had been deprived of their land as a punishment for misconduct in the troubled time of the Mutiny asked to have their land now given back to them, and not a few whose claims had been investigated and rejected by the Civil Courts and even by the Chief Court of the Province applied to have their claims re-investigated by the Settlement Officer who, they understood, had power to do justice to everyone. This vague expectation that the coming Revision of Settlement meant a general readjustment of rights from the foundation must have had some effect in keeping down the transfer value of land by lessening the security of title; but the continued high price of proprietary rights shows that upon the whole landholders felt that their titles were fairly secure and would continue to be maintained by Government.

Principles of the Revision of Settlement.

235. In 1879 the Sirsá district was placed under Re-settlement under section 11 of the Panjáb Land Revenue Act XXXIII of 1871, and I was placed in charge as Settlement Officer with instructions to re-assess the land-revenue and revise the record of rights. It was a time of financial pressure owing chiefly to the Afghan War, and Government had enjoined all officers to be as economical as possible. Accord

ingly after a short visit to the district I suggested that instead of making a complete Re-settlement in the ordinary way at a twenty years' lease with an increase of assessment of Rs. 60,000 (as then estimated), it would be possible to make a summary re-assessment of the district in six months at a cost of Rs. 10,000, and take an increase of Rs. 40,000 for ten years without any revision of the record of rights. I pointed out that the district was fast being developed, and that probably rights in land were in a state of change, and it might do harm to stereotype the present condition of such rights. Moreover canal-irrigation was about to be introduced, and ten years hence the district would be able to bear a much higher assessment, and it would be some advantage to introduce the increased assessment by degrees by taking a smaller increase for ten years only. However this suggestion was not adopted, and I was directed to make a complete Revision of Settlement in the usual manner. I was instructed to assess each village as nearly as possible at half the net profits of cultivation, leaving the other half, after the deduction of cesses and common expenses, to the proprietors, New maps and surveys were to be made, and the record of rights drawn up at the Regular Settlement was to be amended so as to accord with the new measurements, but (in the words of the Act) not so as to alter any statement as to the share or holding or status of any person, except by making entries in accordance with facts which had occurred since the date of the completion of the record of the Regular Settlement, or by making such alterations of the record as were agreed to by all the parties interested therein or were supported by a judicial decision. Thus we could not interfere with the record of rights except to a very limited extent, and we had no power to alter the decisions passed at the Regular Settlement. The officers conducting that Settlement had arbitrarily given proprietary rights to this man and occupancy rights to that, and had arbitrarily fixed the rate of rent and the conditions of occupancy. Their decisions had to be accepted as the foundation of the system of land tenure for all time to come, and could not be revised except so far as was necessary to bring them up to date. My chief subordinates and myself were given judicial powers and made Civil Courts for the trial of all disputes between proprietor and tenant as well as certain other classes of land cases, but we were bound by the Panjáb Tenancy Act and by other Acts just as other Civil Courts were, and the hopes of the tenants and of others considering themselves unjustly deprived of rights in land that the Settlement Officer would have arbitrary power to restore them to their rights were doomed to disappointment.

The Settlement Survey.

236. The procedure of the Re-settlement was regulated by the Rules promulgated in 1879 under the Land Revenue Act, 1871, and the record of rights was revised in accordance with those rules. The first step was to remeasure the land. A scientific Land Revenue Survey of the district had been made by the Survey Department in 1876-79, and this gave us maps showing the boundaries of each township and the topographical features of the country, including the boundaries of cultivation and of prairie-land, and supplied us with scientifically accurate statistics of the

total area of each township and of its cultivation. The village patwáris, under my orders and under the supervision of the Settlement establishment, mapped the boundaries of each township and surveyed and mapped every field and every block of uncultivated land. Their maps were drawn to scale and showed every field boundary and every topographical feature in its proper place, and besides being carefully checked on the field were compared with the scientifically accurate map of the Revenue Survey, and any discrepancies were again checked on the spot and corrected. The boundaries of the townships fixed at the Regular Settlement had been maintained by the people, and the position of each boundary pillar was shown approximately on the maps then prepared (though those had not been drawn to scale), so that there was no great difficulty in ascertaining the township-boundaries. In some of the sandiest and some of the least advanced parts of the district the boundary pillars, which were usually made simply of mud, had disappeared, so that it could not be said exactly where the boundary had been, but the old maps showed approximately what had been the boundary, and land in such places was of so little value that the proprietors of the neighbouring townships in such cases had no difficulty in coming to an agreement as to what was to be considered the boundary, and in accordance with that agreement the boundary pillars were set up and the boundary mapped to scale; so that in future, even if it be effaced, it will be possible to lay it down exactly from the Revenue Survey or Settlement map. That the field-maps made by the patwáris are much more correct than those of the Regular Settlement is shown by the comparison of total areas of townships with those given by the scientific Revenue Survey. The areas given by the patwáris' survey of the Regular Settlement were shown to have been wrong in many townships by 7 or 8 per cent., and to have given the area of the whole district nearly 4 per cent. above the true area, while the patwáris' survey of the present Settlement gives the total area of the district within one per thousand of that given by the scientific Survey. Of the 650 townships in the district the areas of 450 are within 1 per cent. of those given by the scientific Survey; in 600 townships the difference is within 2 per cent. and there are only 17 cases in which the difference is greater than 3 per cent. And the increase of accuracy in the survey of the field-boundaries was still greater. In many places the field-boundary had been effaced so that it was impossible to see any mark on the ground showing which was the boundary between two fields, and often the proprietors or cultivators of neighbouring fields could not point out with accuracy which was their common boundary. In such cases where the former map showed where the boundary ought to be, that was marked out on the ground and mapped; otherwise the neighbouring proprietors were made to fix their common boundary on the ground, and as in such places the land was generally of little value, there was seldom any difficulty in getting them to agree; and the field-boundary thus fixed was mapped to scale, so that in future cases of doubt it can be laid down accurately on the ground from the map. Thus throughout the district the boundaries of townships and of individual fields have been measured and mapped with

much greater accuracy than at the Regular Settlement, and this increase of accuracy is in itself a very great step towards the further definition of rights in land.

The record of rights.

237. The next step was to ascertain the rights in each individual field. The record of the Regular Settlement showed to whom the proprietary rights in the land of the village had been granted, and who had been given occupancy rights in the fields then cultivated; and the patwárís' annual record showed the changes which had taken place since, owing to the death of proprietors or tenants, transfer of rights, partition of land, abandonment of old fields and breaking up of new prairie. Had these annual records been complete and up to date there would have been no need for a revision of the record by a special Settlement establishment. But the maps had become obsolete, and in many villages the patwárís had failed to keep up with all the changes and transfers which had taken place since Settlement. Still the patwárís' record was sufficiently accurate and complete to be taken with the record of the Regular Settlement as the foundation of the new record of rights. For the better preparation and arrangement of the record a pedigree-table (*shajra nasab* or *kursínáma*) of all the proprietors was drawn up for each village, showing their relationship to each other and other general matters of interest, such as when the village was founded and how the proprietary rights had been acquired, transferred or divided. The record of proprietary right (*khewat*) was arranged in the order indicated by the pedigree-table, the eldest branch of the family being taken first and then the younger branches in order. The patwárís' record showed the names and status of all the tenants holding land in the village, and this was attested by the Settlement munsarim by enquiry from the villagers, and any mistake corrected and the record brought up to date. Where any entry relating to proprietary or occupancy right was disputed, the entry in the former Settlement record or the entry which had been made under proper authority in the patwárís' annual record was maintained, and the person disputing it referred to the Civil Court. This list of tenants showing the cultivating possession of land (*khatauní*) was combined with the list of proprietors (*khewat*), each tenant being entered as having a separate holding under that of each proprietor whose land he cultivated; and the patwárí, when he commenced to measure the fields of the village, took with him this attested list of holdings, and as each field was measured he entered its number, area, kind of soil and other particulars not only in his field register (*khasra*), but also in his list of holdings (*khewat khatauní*) under the holding of the proprietor who owned it and of the tenant who cultivated it. He was accompanied by the proprietors and tenants or their representatives, and it was their duty and interest to see that the patwárí mapped the boundaries of the field and calculated its area correctly and entered it in the proper holding. As the work went on each proprietor and tenant was given a rough copy of the entries made regarding his holding, that he might have an opportunity of satisfying himself that his rights were properly recorded, and the supervising officials at the same time that they checked the measurements in the

field also checked the entries in the list of holdings. The field or unit of measurement was taken as a block comprising the whole of the land in one place owned by the same set of proprietors and cultivated by the same tenant or set of tenants, but large blocks of uncultivated prairie-land had to be divided into several plots for purposes of survey. That the record might be as simple as possible we endeavoured to keep the survey plots or fields few in number, and did not measure a tenant's field in two parts merely because of a difference of soil or because of a division of the land made by him simply for convenience of cultivation. The total number of survey fields is 1,35,171 in the following detail :—

Tahsíl.	Total area in acres.	No. of survey fields.	Average area in acres
Sirsá	6,35.158	42,319	15
Dabwálí...	5,22.765	44.932	12
Fázilká	7,65,515	47,920	16
TOTAL ...	19,23,438	1,35,171	14

The large average in the Sirsá and Fázilká tahsíls is due chiefly to their having greater tracts of uncultivated land than the Dabwálí tahsíl, such tracts being generally measured in survey blocks of 200 or 300 acres each where that was practicable. If the cultivated area alone were taken, it would probably be found that the average area of a survey field, *i.e.*, of a continuous block of land owned by one set of owners and cultivated by one tenant is about ten acres; but it varies very much according to the nature of the cultivation. In the rice-lands of the Ghaggar and on lands irrigated by wells there are many such fields less than an acre, and on the sandy uplands many are above 50 acres in extent. Where the cultivation is *intensive*, and requires great labour and care to bring the crop to maturity, as is the case with rice and well-crops, the fields to be manageable by the individual tenants must be small; and where the cultivation is *extensive*, as on the uplands and especially in light sandy soil, one man can plough and sow a large area at a time and the fields are correspondingly large.

The list of holdings.

238. In the field register (*khasra*) the fields were entered in order as they came on the map, each field having a number on the map corresponding to its number in the register. In the list of holdings (*khewat khatauní*) the fields were grouped together into holdings, the fields cultivated by a tenant in different parts of the village under the same set of proprietors being brought together into one tenancy-holding (*khatauní*) under the proprietary holding (*khewat*) of those proprietors. Where a tenant cultivated land belonging to different proprietors in the same village, his fields had to be grouped in two or more holdings each placed under the proprietary holding of the persons to whom the land belonged in proprietary right. In some villages, especially in those in which the assessment continued to be paid by an all-round rate on cultivation, we found

that the tenants had extended their cultivation in the prairie without regard to the proprietary right in the land, and where the land had been divided between the proprietors we sometimes found that the boundary-line of proprietary right according to the partition cut right across a tenant's field. In such a case we had to measure the field as two and enter the two parts as separate survey fields in two different holdings (*khatauní*) one under one proprietor and the other under the other. Indeed so careless had the people been about thei: boundaries that in some villages we found one proprietor had extended his cultivation into the land which had at a former partition been assigned to another proprietor, and in such a case, where the record of the partition showed clearly that he had transgressed his boundary, we had to measure off the excess and enter him in a separate tenancy-holding as cultivating so much with the status of a tenant under the proprietor of the land. Similarly, wherever one proprietor was found cultivating land belonging to another proprietor of the village, he was entered as a tenant with regard to that land under the holding (*khewat*) of his fellow proprietor. These facts all tended to increase the number of tenancy-holdings, yet the total number in the whole district is only 54,585 in the following detail :—

Tahsil.	No. of villages.	Total area.	No. of fields.	No. of holdings.	No. of fields to a holding.
Sirsá	199	635,154	42,319	20,821	2
Dabwálí ..	157	522,765	44 932	17,793	2½
Fázilká ...	294	765,515	47,920	15,971	3
Total ...	650	1,923,438	135,171	54,585	2½

When it is considered that many of the holdings entered as occupied by the proprietors themselves contain a large number of survey blocks of uncultivated land, it will be seen that a very large number of tenants' holdings consist each of a single field, *i.e.*, that the cultivation of a tenant is often all in one place and in land belonging to the same set of owners. It is only in comparatively few cases that one finds a tenant or proprietor cultivating a number of separate blocks of land in different parts of the village area. This is no doubt partly due to the sameness of the soil and to the recent development of many of the villages, which made it possible and convenient for the tenant who wished to extend his cultivation, simply to plough out farther into the prairie adjoining his field instead of taking up a new block of land in a distant part of the township.

The size of holdings.

239. The size of a tenant's holding varies with the nature of the soil and the stage of development of the village. The following statistics are approximately correct :—

Assessment Circle,	Total No. of tenants.	Area held by tenants (acres.)	Average area of a tenant's holding (acres)
Bágar	4,260	1,14,762	27
Náli	8,938	1,47,454	17
Rohi	26,446	4,70,842	18
Utár	1,887	39,639	21
Hitár	1,953	18,106	10
Total	43,484	7,90,803	18

The true average of a tenant's holding is probably a little higher than this, for some tenants holding under different proprietors have been counted twice over. The large area in the Bágar is due to the sandy nature of the soil which is easily cultivated and produces little, and the small area on the Ghaggar and Satlaj is due to the more fertile soil and intensive cultivation. Of the whole district it may be said that while on the average a proprietor owns 250 acres of land and himself cultivates 32 acres, a tenant on the average cultivates little more than 18 acres.

The attestation of the record.

240. When the whole of the land of the district had thus been measured and mapped, and the preliminary record drawn up had been checked by the Settlement officials by calculation of the areas and by comparison with the total areas of the scientific Revenue Survey, it was carefully attested (*tasdíq*) before the people interested. The measurements had been made and the record drawn up field by field in the presence of those interested in the survey work of the day; and now the complete record was attested before the whole body of proprietors and tenants assembled in the village. Each entry in the record was read out and explained to them, and any error pointed out or objection made was enquired into and the record corrected accordingly, cases of dispute being referred for decision to a superior officer. The peasants thus had their attention called to their rights regarding every plot of land, and were given every opportunity of knowing how their rights had been recorded and of making any objection they thought proper. In cases of dispute we were bound by the former record or by the fact of possession, and any person who in such a case denied the correctness of the former record or desired to eject the party in possession was referred to a Civil suit in the ordinary way. We brought the former record up to date by recording facts which had occurred since the previous record, we made changes where all the parties interested agreed to them, and we defined rights where the former record was silent. Besides the proprietary right or occupancy right to land, all sorts of rights and customs were enquired into, attested and recorded; such as rights in wells, ponds and water-courses, grazing-rights in the prairie, rights to make saltpetre and *sajji*, customs regarding alluvion and diluvion, inheritance, marriage, adoption and so on. In short a complete enquiry was made regarding all rights and customs

(not already defined by law) regulating the relations of the people to the State and to each other; care was taken that every one interested should know how the right or custom was recorded, and a complete record was drawn up showing the results of the enquiry; and as, under section 16 of the Land Revenue Act of 1871, the entries in that record will be presumed to be true in all future judicial proceedings, the progress made in defining rights of all kinds has been very great.

Partition of the land among proprietors.

241. There was little difficulty in deciding who were to be recorded as the proprietors of the land in each village. The number of persons to whom proprietary rights in the land had been granted at the Regular Settlement was small, and transfers of proprietary right which had since taken place had been carefully recorded at the time. In a few cases a proprietor took advantage of the cheap and simple procedure of attestation before the Settlement Officer, to gift or sell at a favourable rate a share in his proprietary right to a brother or other relative who was equitably entitled to such a share but had been omitted from the list of proprietors at the Regular Settlement. Such cases were however very few; rights in land had become too valuable to be parted with except for a consideration, and self-interest often proved too strong for family affection and a sense of justice; so that as a rule proprietary rights remained in the hands of those to whom they had been given at the Regular Settlement or of their heirs, except where they had been sold for a price. Where land had been divided by partition proceedings in proportion to the shares owned in the joint holding of the proprietors, the basis of the division had generally been the map and list of fields and holdings of the Regular Settlement; and as in many villages the measurements had been very incorrect, we found in not a few cases that the partition had been wrongly done, so that the land held by some of the sharers under the partition was in reality larger in area than it had been intended to be, and larger than the shares of those persons would entitle them to receive. In a very few such cases the proprietors holding land in excess agreed to give it up to their fellows; but generally they refused to do so, and where the partition papers showed that the boundary then laid down between the holdings coincided with present possession, we had no power to rectify the former error, and the sharers who had owing to errors of measurement been given less land than their share entitled them to receive, had to rest satisfied with what they had. It seemed hard to many of them that they should not have their shares made up according to the new measurements, but the percentage of error was seldom very large, and it was undesirable, even if it were legal, to reopen cases of partition decided years before. The Settlement operations gave a great impetus to partitions, which were already becoming very numerous. As the value of land increased and rights became more valuable and more complicated, each individual proprietor became more desirous to exercise his rights independently and to hold his share of the land with as absolute power as possible. When a quarrel had arisen on any subject between joint-owners, they found it difficult to agree about the management of the common land, and applied for partition. Or when a man found

that his neighbour having a larger family or more means at his disposal was extending his hold over more land than his share entitled him to, he found it to his interest to apply for partition and demarcation of his portion of the land. The attestation of rights at Settlement brought some quarrels to a head and helped to make some joint-owners wish to separate, at the same time defining their rights more clearly, and calling attention to them; and the re-survey of the land gave a better basis for partition and made it easier to carry it out. The large Settlement staff made it possible to complete partition cases with less trouble and expense to the people than formerly, and the average cost of partition proceedings was only Rs. 20 per case, three-fourths of this being the cost of the stamped paper on which the partition-deed had to be written out. Accordingly a very large number of heavy partition-cases were instituted during the measurement stage. Most of them were allowed to stand over until the measurements had been completed, in order that we might have the correct areas to work on, and were carried out at the same time as the attestation of the rights in the village. Applications for partition continued to come in, and we found the partition-work so heavy as to interrupt our Settlement work seriously. Accordingly in July 1881 it was decided to delay carrying out any partitions after that date until the Settlement record of the village had been finally faired. This was in many cases better for the parties, as it gave them time to allay the disputes engendered between joint-owners in the heat of attestation. The few applications made after that date were received and registered, but no action was taken on them, and at the close of Settlement they were handed over to the Deputy Commissioner for disposal. During Settlement operations we carried out no fewer than 386 partitions, many of them being partitions of whole townships, hitherto held joint, or of large portions of townships previously subdivided. We must have during two years divided proprietary holdings aggregating 3,00,000 acres, situated in about half of the townships in the district. Partition cases are of the greatest importance, and it is necessary that they should be decided with great care and in accordance with local custom. It will, therefore, not be out of place to give some account of the principles which were evolved in the course of these numerous cases.

The mode of partition.

242. One of the first requisites is to have correct areas of the fields, and a trustworthy record of present possession and present rights. These were made available by the survey and attestation of Settlement. The local knowledge of the patwári is very useful in such cases, and I made a point of having partitions carried out if possible by the patwári himself under close supervision. When an application for partition was made, notice was given to all the members of the village community and any preliminary objections made were heard and decided, objections to the entries in the record of rights being referred to the Civil Court. The mode in which the partition was to be made was then discussed with the parties, any dispute being referred to me for decision. When the principles had been determined, a proceeding embodying them was drawn up, and persons were appointed to carry them out.

In some cases the parties themselves with the help of the patwári divided the land in accordance with the principles agreed on, and then all that the Settlement Court had to do was to see that the patwári had recorded the partition as the parties intended, and to sanction their proceedings. But in the great majority of cases the actual partition was carried out by arbitrators. The parties were required each to nominate an arbitrator (*panch*) and to agree upon an umpire (*sar panch*); in the few cases in which they could not agree, I appointed arbitrators or umpire for them. The men appointed were almost always among the most intelligent and respectable of the headmen in the neighbourhood, and no difficulty was experienced in getting such men to act. They always took great pains to carry out the partition properly, and acted with intelligence and fairness, and although I always offered to make the parties remunerate them for their trouble, they generally declined to take any remuneration. When their award had been filed, the parties were allowed to file objections, which I decided. In such cases I was content to satisfy myself that no obvious favouritism had been shown or injustice done; matters of detail I left to the arbitrators, whose local and practical knowledge made them better judges of such matters than a Government official could be. In some cases, party feeling ran so high that no arbitrators could be got to act, or the proceedings lingered on interminably, and it became necessary to direct the Superintendent of Settlement to go to the spot and carry out the partition by order as best he could. These partition proceedings are much more important and affect rights in land far more than a large number of ordinary Civil suits, and require to be carried out on the land itself. Although in a number of cases, especially among the Bháneke Musalmáns and the Ráins of the Ghaggar and in a few Sikh Jat villages, there was a great deal of disputing as to the fields to be allotted to each sharer, comparatively few cases were appealed to the Commissioner, who generally upheld my order.

Principles of partition.

243. When we came to decide the mode in which the partition had to be carried out, we sometimes found that the joint-owners had already made a rough sort of partition of the land among themselves. Each had the fields cultivated by himself (*khúdkásht*) exclusively in his possession, sometimes paying a rent for them to the common fund, sometimes paying only the land-revenue and cesses due on them. Sometimes a tenant was considered to hold his land under one owner only (*mátaht*), to whom singly he paid rent; and sometimes one of the joint-owners held almost exclusive possession of a piece of uncultivated land. Such informal partitions were maintained as far as possible in making the regular partition. Where it could be done, the land was so divided that each proprietor should have his land in a continuous block (*chak bat*), and sometimes the proprietors would exchange fields so as to allow of this being arranged; but more often they preferred each to retain possession of the land he cultivated, and where, as was generally the case, such fields were scattered over the land of the township, it became necessary in the partition to allot to each proprietor several detached blocks of land (*khet bat*). This

was also necessary where the quality of the soil varied greatly in different parts of the township, so that each proprietor should have a proportionate share of the good and bad land; especially on the Ghaggar and Satlaj, where it was necessary to give each proprietor a share of the flooded or irrigated land, of the clay soil and of the light loam. One of the first things to be decided in making a partition was what portion of the common land was to be excluded from the partition and still held joint (*shámlát*). As a rule, the village-site and the uncultivated land round it, the roads, cemeteries, cremation-grounds, the ponds near the village with the land set apart to collect rainwater for them, and an area of uncultivated prairie as a grazing-ground, were kept common to the whole village (*shámlát dih*). It was only in one or two cases that the parties asked for partition of the village-site and the land and ponds near it, and that the application was granted. It is very necessary for the officer granting the partition to think of the interest of the village community as a whole and to protect the ill-defined rights of the non-proprietors, whether cultivators or non-cultivators. If the land set apart to collect rainwater for the village-pond is divided among the individual proprietors, and they are allowed to break it up, great injury is done to the whole community by diminishing its supply of drinking-water; and it is only in exceptional cases that such land should be permitted to be divided. Again all the inhabitants of the village, and especially the cultivating tenants, have certain rights of pasture, of collecting fuel and firewood, &c., in the uncultivated prairie, and if the whole of it is divided off and put into the exclusive possession of the several proprietors, they are likely to break up or enclose the land and deprive the non-proprietors of their rights. Generally the proprietors themselves ask to have a portion of the land kept common as a grazing-ground, but it is sometimes necessary to insist on their keeping 200 or 300 acres of land common for the purpose. When it had been decided what lands were to be excluded from partition, the lands to be divided were generally ranged in four classes with regard to actual possession—(1) land cultivated by the proprietors themselves or by their immediate dependents; (2) land cultivated by tenants with right of occupancy; (3) land cultivated by tenants without right of occupancy holding under the whole body of proprietors; (4) uncultivated land. (Where the quality of the soil differed, the land was also classed according to quality). One of the most important objects to be aimed at was to maintain possession as far as possible, and for this purpose to allot to each proprietor in proprietary right the land which he himself cultivated, or which was cultivated by tenants holding from him separately (*mátaht*). Where there was a sufficient area of uncultivated land of a quality approaching that of the land under cultivation, the shares of the proprietors were first made up from that, and what remained was divided between them in proportion to their shares, the land held by non-occupancy tenants was similarly divided, and so again was the land held by occupancy tenants. Where the area of uncultivated land was not sufficient for this purpose, the land held without rights of occupancy was reckoned as equivalent to uncultivated land, but the land

held by tenants with occupancy rights was always reckoned as encumbered and divided between the proprietors in proportion to their shares, care being taken to allot whole holdings as far as possible and not to divide a tenant's holding between two proprietors without necessity. In the older villages we sometimes found that a family of proprietors which had increased in number faster than its fellows had cultivated more land than its share entitled it to, and in such cases the question arose whether at partition it should be compelled to give up possession of the land held by it in excess of its share. We found that it had been the custom in such cases to allow the family to remain in possession of such excess land, but with the status of occupancy tenant holding under the proprietor to whom the land had to be allotted in proprietary right to make up his share; and as with regard to the arbitrary mode in which proprietary rights had been granted at the Regular Settlement, this seemed equitable, we generally acted upon this principle, and allowed the proprietor to whom such land was allotted in proprietary right to exact rent from his co-proprietor now holding under him as from other tenants with right of occupancy, but not to eject him from the land. In some cases however it seemed equitable to make this distinction only in favour of land which had been cultivated at the Regular Settlement (*khewat*), and not to allow it to land broken up since (*nautor*); and probably in future partitions it will be found equitable to treat all land broken up by a proprietor after the present Settlement as held by him without any such permanent right of occupancy as against his co-proprietors. The same consideration applies to land broken up by a tenant which afterwards comes into the cultivating possession of an individual proprietor. In partition cases care must be taken to reserve necessary rights of way, and rights of watering cattle at the different ponds in distant fields. In a few exceptional villages, especially among the older villages on the Ghaggar, instead of recording the whole land of the township as owned jointly in certain shares by the whole body of proprietors (*zamíndárí*), the Settlement Officer at the Regular Settlement had recorded the land cultivated by each individual proprietor as owned by him individually, while all the rest of the land, whether cultivated by tenants or uncultivated, was entered as held jointly in certain shares (imperfect *pattídárí*); in such cases we had to leave out of account the land already owned separately, and divide only the land held in common in proportion to the recorded shares. Partition of the land greatly improves the position of the proprietor, who can then deal with the land allotted to him and with its tenants as he himself pleases without consulting his co-proprietors, and can appropriate to himself all its produce and profits. Partition is thus sometimes immediately followed by a great increase of cultivation, and unfortunately sometimes by an increase in the number of notices of ejectment served on tenants. On the other hand, partition of the land of a township among the proprietors is almost always injurious to the tenants and non-cultivating inhabitants of the village, just because it strengthens the position of the individual proprietor against them, and enables him more easily to take measures for ejectment, enhancement of rent, or enclosure of the land and appropriation of all its produce. In defining the rights

of the proprietors in this way, we are apt to overlook the ill-defined but old-established rights of the non-proprietors, and thus to do them an injustice, and to injure the village-community as a whole for the benefit of the small fraction of them who have been granted proprietary rights.

The distribution of the assessment.

244. The extent to which proprietary rights have been separated and defined is perhaps best seen from the modes in which the proprietors have divided among themselves the burdens attaching to proprietary rights in the land, the chief of which is the liability to pay the land-revenue. When I announced the new assessment of a village to the assembled proprietors, I enquired what had been the previous mode of distributing the revenue, and how the proprietors wished to distribute the new assessment over their holdings. As a rule, unless circumstances had changed, the former mode of distribution *(tafrík)* was maintained; where the proprietors wished for any change, I helped them to make the necessary calculations, and aided them to come to a satisfactory decision. Where they agreed among themselves as to the mode of distribution, I explained to them how it would work, and where it seemed satisfactory the assessment was distributed over the holdings accordingly. Where there was a dispute, I discussed the question with the proprietors, and decided it as seemed fairest to all parties. The matter is of great importance, because on it depends how much revenue each proprietor will pay on his land for the period of Settlement, and it is often very complicated owing to the difficulty of making proper allowance for the different qualities of the soils. But the peasants, with a little help and guidance, decide these complicated matters among themselves in a wonderful way, and no decision passed by me fixing the method of distributing the assessment was appealed to higher authority. Where the whole township was still held jointly by the whole body of proprietors, each was made responsible for a share of the revenue proportionate to his share in the township. Where the land had been divided between the proprietors in proportion to their shares, as a rule the proprietors continued to pay the assessment of the whole township each in proportion to his share; but in a number of cases, especially in the Rohí of tahsíl Fázilká, we found that the measurements on which previous partitions had been made had been so inaccurate that the areas were considerably different from what they had been intended to be, so that they were not proportionate to the shares. In such cases, if the difference was not more than 2 or 3 per cent., I held that it was too small to be taken into account, and possibly due to error of measurement in the new survey, and continued the distribution of the assessment according to shares. Where the difference was too large to be left out of account, the distribution on shares was abandoned, and the assessment was distributed on the land. In the Dry Tracts the land did not differ sufficiently in value to make it worth while to have separate rates, and the assessment was generally distributed by an all-round rate on all the cultivated and culturable land, except that held in common by all the proprietors.

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

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

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

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

The progress of partitions.

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

Assessment Circle.	Total No. of townships.	No. of townships held jointly by their proprietors (zamíndárí)		
		At the Regular Settlement, 1852-64.	Before the Revision, 1880.	After the Revision, 1883.
Bágar	57	54	37	26
Náli	109	78	46	44
Rohí	364	315	163	163
Útár	58	55	42	37
Hisár	62	48	38	32
Total of the district ...	650	550	396	279

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

Extension of cultivation by tenants.

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

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

Continuance of the struggle between the proprietors and tenants.

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

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

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

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

Questions regarding land formerly held with right of occupancy.

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

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

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

Questions regarding land broken up after Settlement.

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

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

Grant of occupancy rights at attestation.

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

were classed under section 2 or 8 of the Act. A large number of proprietors took advantage of the simple Settlement procedure to grant new occupancy rights to their tenants. It required no stamped or registered deed; all that was necessary was for the parties to attest their agreement orally before the Settlement Superintendent and their assembled neighbours, and when the agreement was recorded and embodied in the faired Settlement record it was presumed to be true and the tenant's title was as secure as if he had been granted the right by a stamped and registered deed. Not a few proprietors admitted that their tenants were equitably entitled to rights of occupancy in all the land they cultivated; some of them granted rights of occupancy as a free gift to all their tenants; some excepted from the grant tenants with whom they did not get on well or who had only very lately come to the village; others gave occupancy rights only to those tenants who were nearly related to them or of their own clan. In a great many cases the tenants purchased the right of occupancy from the proprietor, sometimes declaring the amount of the purchase-money before the Superintendent and sometimes concealing it. It was chiefly in the great Dry Tract, where the villages had been most recently founded and land was still plentiful, that this grant of occupancy rights took place. In that tract the price paid by a tenant to his landlord for occupancy rights in land already held by the tenant as tenant-at-will varied from 8 annas to Rs. 3 per *bigha*, and was generally Re. 1 per *bigha* or Re. 1-10 per acre. In some cases, instead of taking a money price, the proprietor made the tenant agree to a higher rent as a price for the right of occupancy. Altogether the Superintendents estimated that occupancy rights were granted by the proprietors in this way at attestation in about 10 per cent. of the land previously held by tenants without right of occupancy. In other ways the area held with occupancy rights increased at attestation; for instance, as above stated, a number of tenants were held by Civil suit to have occupancy rights in land previously entered as held by them without rights of occupancy; and in many partition cases owners whose fields were assigned in the partition to other owners were entered as having occupancy rights under their fellows. On the other hand, in the sandy tract south of the Ghaggar, where much of the poor soil has become exhausted, a considerable number of tenants relinquished their rights of occupancy, and we found that many tenants had been absent from the village for years, leaving their land in the hands of the proprietors; in such cases we cut out the name of the tenant and entered the land as held by the proprietors or by the new tenants to whom they had given it. In a number of Musalmán villages near the Satlaj, especially those of the Bodlas and Wattus, the tenants were so much in the power of the proprietors and so little attached to the soil that they would not have occupancy rights in the land and insisted on relinquishing them. The result of all these changes made at attestation is shown by the following comparison between the state of things in 1880 at the beginning of Settlement operations, and in 1892 when attestation had been completed and the new records faired, but before the orders in the case of the Farm villages had been carried out.

Assessment Circle.	Area in acres held by tenants with right of occupancy.		Increase or decrease.
	In 1880.	In 1882.	
Bágar ...	92,792	89,395	−3,397
Náli ...	59,130	63,339	+4,209
Rohí ...	1,91,178	2,58,799	+67,621
Utár ...	4,618	7,802	+3,184
Hitár ...	3,210	2,177	−1,033
Total of the district	3.50,928	4,21,512	+70,584
Tahsíl Sirsá ...	1,73,211	1,82,744	+9,533
Tahsíl Dabwálí	1,29,837	1,54,481	+24,644
Tahsíl Fázilká...	47,880	84,287	+36,407

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

Area (in acres) cultivated by	At the Regular Settlement, 1853-64.		In 1880.		In 1882.	
			Cultivated and fallow.		Cultivated area only.	
	Acres	Percentage	Acres	Percentage	Acres	Percentage
Proprietors	1,86,108	27	2,87,824	27	3,10,942	29
Tenants with rights of occupancy	4,65,060	66	3,43,264	32	4,01,747	38
Tenants without rights of occupancy	49,121	7	4,35,708	41	3,46,259	33
Total ...	7,00,289	100	10,66,816	100	10,58,948	100

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

Determination of the rents of tenants with rights of occupancy.

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

Settlement had arbitrarily fixed the rents of all occupancy tenants, and where they were payable in cash had in almost every case fixed the rent at the revenue assessed on the land with so much for cesses and so much for proprietors' due, expressed as a percentage on the revenue assessed; so that in such cases all I had to do was to calculate the new rate of revenue assessed on the land and maintain the old percentages. Where the rent was paid in kind, no interference was necessary, and the tenant continued to pay the same share of the produce as before. Where the rent was paid in cash, I calculated and announced the revenue-rate, generally by putting a fair proportion of the assessment on the uncultivated land held by the proprietors and distributing the rest by an all-round rate on cultivation; but where the soils varied greatly in quality, as for instance in the Sotar valley, I fixed different rates for them after consulting the proprietors and tenants. In some villages in which the proprietors had distributed the assessment over their proprietary holdings by an all-round rate over all the culturable land whether cultivated or not, this gave a revenue-rate for the occupancy tenants higher than the revenue-rate for the proprietors; but this I held to be only fair, for the tenants had no share in the uncultivated land held by the proprietors, and it was the mode in which the tenant's rents had been calculated at the Regular Settlement. The assessment-rate thus calculated was announced, fractions of a pie per bígha being generally disregarded, and I proceeded to calculate the percentage of cesses and proprietors' due payable by the tenants according to the decision of the Settlement Officer at the Regular Settlement. Where the tenants paid rent at double the revenue-rate (*dúní báchh*) or in other words paid a proprietor's due (*málikána*) of 100 per cent., they paid none of the cesses on the land, which were due from the proprietor and defrayed by him out of this profit, and in some villages they were by the terms of the administration-paper exempted from paying even the common expenses of the village, such as the pay of the village watchman: in short they paid the proprietor double the assessment charged on their land, and were liable to no other charges; where this was the rule the old custom was maintained. Rent at double the revenue-rate is paid most commonly in the more recently founded villages in the Dry Tract of the Dabwálí and Fázilká tahsíls. In a large number of villages in the Sirsa tahsíl the Settlement Officer had fixed the proprietor's due at 50 per cent., and in such cases the tenant paid the road, school, postal and patwárí cesses and half the local rate, in all $12\frac{1}{16}$ per cent. on the revenue; I lumped these all together with the proprietor's due and calculated the whole as ten annas per rupee of revenue; *i.e.*, the tenant's rent was calculated on his land at so much land-revenue at the assessment-rate per *bígha*, and so much cesses and proprietor's due at ten annas per rupee of revenue; he pays this rent to the proprietor, who then remains responsible for the land-revenue and all cesses on the land and retains the balance as his proprietary profit. A similar calculation was made in other villages where the proprietor's due had been fixed at the Regular Settlement at other rates; in some villages some tenants paid at one rate, and some at another, and in all cases the old rate was maintained. The most prevalent rates are as follows:—

Rate per cent. of Proprietors' due.	Rate on the revenue of proprietors' due and cesses payable by occupancy tenants.			
	Per cent.	Per Rupee.		
		Rs.	As.	P.
100	100	1	0	0
50	$62\frac{1}{2}$	0	10	0
30	$42\frac{1}{2}$	0	6	10
10	$32\frac{1}{2}$	0	5	2
7	$29\frac{1}{2}$	0	4	8
5	$27\frac{1}{2}$	0	4	4
None	$22\frac{1}{2}$	0	3	6

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

Tahsil.	Total No. of villages.	No. of villages in which there are no occupancy tenants paying cash rents.	No. of villages in which the proprietors' due bears to the revenue a percentage of							
			100	50	30	10	7	5	Other rates.	Nil.
Sirsa	199	35	13	73	6	0	0	34	10	29
Dabwali	157	0	70	1	0	18	10	5	0	53
Fazilka	294	97	183	7	0	0	0	0	6	1
Total of the district ...	650	132	265	81	6	18	10	39	16	83

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

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

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

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

The Farmed villages-grant of the leases.

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

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

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

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

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

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

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

Former reports on the farms.

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

Grant of occupancy rights to the tenants.

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

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

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

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

Grant of proprietary rights to the lessees.

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

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

The orders carried out.

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

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

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

The effects of the orders.

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

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

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

The Sukhlambari grants.

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

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

Rights of the grantees against Government and among themselves.

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

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

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

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

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

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

Rights of the grantees against other proprietors.

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

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

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

Arrangements regarding the land of absentee grantees.

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

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

Rights in land affected by alluvion and diluvion.

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

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

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

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

Record of local customs.

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

Rights of pasture.

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

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

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

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

Rights to fuel, minerals, &c.

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

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

Rights in trees.

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

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

Irrigation-rights.

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

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

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

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

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

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

Rights to drinking-water.

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

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

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

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

Rights in the village-site.

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

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

In many villages the proprietors are entitled to a sort of octroi-duty (*dharat*) on all exports and imports, generally at the rate of one *paisa* per rupee or Re. 1-9 per cent. on the value of the articles, but sometimes ½ of an anna per rupee or 2 ½ per cent. The produce of the township consumed within the village pays no rate, but if an outsider sells or purchases in the village, he has to pay this tax. It is generally farmed to a trader (*dharwái*) who keeps half the realisations for his trouble in weighing the goods (*tulái*) and credits the proprietors with the other half in his account of the common village expenses. In a number of villages no such charge is levied, although a condition to that effect was entered in the old administration paper and at the request of the proprietors has been repeated now. Where no such custom has really existed, the proprietors should not be allowed to impose this tax on trade now, and where it does exist, they should be encouraged to spend the income on common expenses of the village.

Common expenses and common burdens of the village.

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

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

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

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

Roads and land acquired for public purposes.

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

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

Village officials.

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

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

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

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

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

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

Tendency towards separation of rights.

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

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

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

Tendency towards separation of classes.

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

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

CHAPTER VI.—The Assessment.

Previous assessments.

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

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