Prior to 1863, the land revenue administration of the district rested not on any clear legal basis, as in the other parts of the Central Province and country. The early settlements and collection of land revenue were based only on ancient usage. On the formation of Central Provinces in 1861, the early settlement of land revenue i.e., the first proprietary rights settlement of thirty years, was regulated by executive instructions finally embodied in the Central Provinces Settlement Code of 1863. It also consisted of proclamations or application of rule and as new problems arose, the Settlement Code was supplemented. The collection was neither precise, systematic nor complete.

In the earlier days no problem or difficulty or inconvenience was felt in practice. The people hardly realized the possibility of their having any


3. Ibid., P. 404.
rights as against their rulers. But the diffusion of legal ideas and progress in civic life made it necessary that the rights and duties of the Government and the land holders and others should be clarified and, therefore, the necessity of statutory law in this behalf was soon felt. The first step in this direction was taken in 1864 when the Bengal Rent Act (X of 1859) was extended to the Central Provinces, of which the Sagar district was a part, with a view to providing a procedure for dealing with cases relating to tenant right. This Act uniformly recognised as melik-naskhoja to the following classes of cultivators, (i) village headmen and others who had founded villages and cleared waste but had turned into a secondary position, (ii) lessees of villages whose connection with the estate was so close and permanent as to demand recognition, (iii) persons of families who had been assigned separate lands for maintenance, (iv) persons of a malguzar family divided off and holding land rent-free or at quit-rent in lieu of a general share, (v) former malgu-

zars who had been ousted but had retained the lands of their old share in recognition of their former characters and (vi) holders of resumed revenue-free grants.

But the provisions of this Act were not suited to the conditions and circumstances of the times because between Sagar, (a part of Central Province) and Bengal Province there were important differences as far as the administration of land revenue was concerned. By this time, Sagar was relatively less explored and vast tracts lay still virgin. Economically, due to the initial European trade and commerce, Bengal was more advanced than Sagar. The coming of the English had its impact on the Agro-socio-economic life of Bengal much earlier. Moreover, Bengal did not suffer the onslaught of the Marathas and Pindaries which practically sucked out the life of Sagar district.

Apart from the difference of circumstances, this Act did not make any reference to the fact or circumstance of tenancy as affording a ground for protecting the tenants by giving him the right of occupancy. Moreover, there were certain doubts also regarding the
protection of tenants against ejection and enhancement which were realized by the Government. Accordingly, in 1865, the Settlement Commissioner called the attention to this subject and wished to point out the real difference between a person entitled to be called 'proprietor of his holding and one who would be merely an occupancy tenant under the Act'. The result was that the order well known as circular 6(1865) was issued and this solved the difficulty by ruling that tenants in six classes specified should be protected by being recorded as unconditional i.e. absolute occupancy right. The grant of this unconditional or absolute occupancy right was sanctioned to the following categories of tenants:

I. Whose possession had carried with it a hereditary character.

II. Who had expended such capital on their fields as to give them some special title to occupancy right.

III. Who were relations of present or former proprietors, and whose occupancy-right might be considered to some extent as a substitute for a share in the proprietory-right.

IV. Who had held their fields since the village was founded, or since those fields were reclaimed from the jungle.


6. Ibid., P. 483.
V. Who had held their fields from a date antecedent to the proprietor's connection with the village as its landlord.

VI. Whose claim to occupancy-right rested on bare possession of twenty-five years or upwards.

As regards the burden of proving the facts of possession, Chambell, the Chief Commissioner, maintained that their right should be assumed and the burden of disproving it should lie with the malguzar. In the result, the tenant rights were protected. J.B. Fuller, made out the following abstract, which shows the extent to which plot proprietors and tenant-rights were conceded under the orders:

<table>
<thead>
<tr>
<th>District</th>
<th>Percentage of total number of Ryets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Made malik-makboojas</td>
</tr>
<tr>
<td>Sagar</td>
<td>8</td>
</tr>
</tbody>
</table>

This measure was however, a mere makeshift, and the necessity of a separate law for regulating the relations and duties was still experienced intensely.


Therefore, in due course of time, the Central Provinces Land Revenue Bill and Tenancy Bill were brought before the Governor-General's Legislative Council, the former to provide for the assessment and collection of land revenue and for the maintenance of the machinery required for those purposes while the latter was to complete the scheme of revenue administration by regulating the relations of the landlord and his tenants.

In 1861, the first Land Revenue Act (XVIII of 1881) was passed by the Supreme Legislative Council, in order to meet the want of a definite system of revenue law, as the background was based only on a number of circulars, orders and rulings. This fact was admitted emphatically even at the time, when the Revenue Bill was introduced in this way that, "throughout a considerable portion of the country, there is little or no law regarding the settlement and the collection of revenue beyond what may be considered to be established by ancient usage. In some parts it is doubtful how far any written law applies, and elsewhere the only law is either the 'spirit' of certain old regulations of the Bengal Code, or half-
forgotten rules which owe their binding force to the Indian Councils Act. Therefore, this Act, among others, provided a legal basis to the earlier settlements. In order to secure a reasonable finality to the decision in matters determined by the previous settlements, it provided that all claims to proprietary right in land, which were expressly decided to be invalid or inferior to the claims of others in whose favour an award was made, were now barred, and no civil suit was allowed to reopen the question. Where the award was to a widow, it was to be taken that the widow had no greater right than she should have, under her own personal law, if the award had been in favour of her husband, and she had thereon succeeded him by inheritance. A person whose claim was not expressly decided, may resort to Civil Court, and prove his claim on certain grounds defined in the Act. In fact, the Chief Commissioner was empowered to put such matters on a proper and equitable footing. Moreover, it paved the way for future settlements. It regulated the assessment and collection of land revenue, preparation and

maintenance of record of rights, village management and such other matters which were of some importance.

The Tenancy Bill, which was brought forward in the Imperial Council in 1880, was passed in 1883 and came into force from 1st January, 1884. It was named as the Tenancy Act of 1885. The objects were clearly brought out by Sir C.P. Ilbert, who was then Law Member, Government of India, and who while moving the bill, observed: "... And as to the principles of legislation it is clear that we must not allow what was intended to be a boon to the immediate revenue payers to be a curse to those from whom the revenue is ultimately derived. In giving the proprietary right to one class the Government neither intended nor had a right to injure the status of another and much larger class, and if it is found that the change which we have introduced has injured their status, we are not only justified in devising but bound to devise, measures for remedying that evil. Our object, then should be to protect the tenant, so far as it is

practicable, to protect him by legislation, and the only question is what form that protection should take.

With the aforesaid object in view, the Tenancy Act of 1883, for the first time defined the rights and liabilities of the then existing classes of tenants and provided measures against rack-renting and arbitrary ejection. It provided practical safeguards against any injustice to the ryots consequent to the creation of a right of property in the malgajj. That safeguard consisted in putting the tenure of all classes of tenants on a somewhat exceptional or novel foundation.

The tenancy Act of 1883 was finally replaced by a new Act of 1898, which remained in force during the period with which the present work is concerned. The Land Revenue Act of 1881 (Act XVIII of 1881), as amended in 1889 and 1896, remained in force till 1917 when an entirely new Act, known as the Central Provinces Land Revenue Act (II of 1917) was passed and brought into force on the 1st September, 1917.


13. Ibid., P. 338.
The Central Provinces Land Revenue Act of 1917 incorporated the relevant features of some earlier Acts and went beyond where necessary, to give a Revenue Law which may be inconsonance with the circumstances of the time.

Though a reference has already been made in Chapter I regarding the Regulation and Non Regulation systems, it would seem relevant to detail the difference, at this place. These two different systems were followed according to the custom, habits and mode of living of the people. First, the more settled and developed parts were governed under a more regular and elaborate system of laws and procedure and became known as the Regulation Provinces. Secondly, those parts of the country where the executive officers were allowed freedom to administer areas under their control by more simple rules and procedure conforming to the spirit of the Regulations made by the Executive Council, were known as Non-Regulation Provinces. In such Non-Regulation districts all executive and judicial functions were concentrated in the executive head of the district, who was styled as the Deputy Commissioner.

The new Act also recognised and confirm under section 9, the existence of the Deputy Commissioner. He was regarded as the head of the District administration in all departments. This position of the Deputy Commissioner was also defined by the Government in 1877-78. He was to be the Chief controlling authority in the revenue administration as well as in the criminal administration of the district. He was made responsible for the police administration in the district. Section 4 of the Police Act provides that, "the administration of the police throughout the local jurisdiction of the Magistrate of the District shall, under the general control and direction of such Magistrate, be vested in a District Superintendent of Police". Moreover, in the district, every branch or department, be it concerned with Forests or Public works or Public Health or Police or Jail, was to be supervised by him, particularly in regard to matters affecting the welfare of the people. His duties were so numerous and so various as to bewildor the outsider. The Deputy Commissioner was also the Marriage Registrar, and managed the estates in the district which were under the Court of wards. It was observed that he was not to be just a subordinate of a Central bureau, who would take his orders from his chief, and represent the political parties or the permanent officialism of the capital. He was expected to make himself acquainted with every phase of the social life.

16. Quoted in District Administration in India, Asia Publishing House, Bombay, 1964, P. 32.
of the people, and with each natural aspect of the district. He was also supposed to be a lawyer, an accountant, a surveyor and a ready writer of State papers. Captain G.F. S. Browne was the first Deputy Commissioner of the district after its formation. A list of Deputy Commissioners during the period covered by my study is given at the end. (Appendix II)

The law acknowledged Assistant Commissioners and extra Assistant Commissioners, (Under Section 5 & 6 of the Land Revenue Act of 1881) who were subordinate to the Deputy Commissioner. As regards the Act of 1881, only two classes of Revenue Officers were referred to and were given the necessary powers by the Act, they were the Deputy Commissioner and the Tehsildar. If it was desired to entrust power to deal with any class of cases to an Assistant Commissioner, it was necessary to do so either by giving him the power of Deputy Commissioner or by authorising the Deputy Commissioner to delegate his powers to him. But under the new Act of 1917, there were three classes of officers on whom powers were conferred by law. These were: (1) the

17. Verma Hiralal; Sagar Saroj, Narsinghpur 1922, P.4.
Deputy Commissioner and by this designation the Act meant strictly the Deputy Commissioner of the district, (ii) the Sub Divisional Officers, that is to say, any Assistant Commissioner placed in charge of a sub-division in accordance with the powers delegated to him under section 12 by notification No. 190 dated the 1st September, 1917, and (iii) the Tehsildar. Settlement Officers Assistant Settlement Officers, Superintendents and Assistant Superintendents of Land Records were also declared as Revenue Officers, thus giving them greater facilities for the disposal of their duties. (Under section 3).

Though the Sub-Divisional System which was prevalent in most of the provinces was introduced in the Sagar District in 1904 when the district was divided into two Sub-Divisions, one comprising the Tehsils of Sagar and Khurai and the other consisting of Rehli and 18 Banda Tehsils. Under this system, Assistant Commissioners were placed in charge of one or more Tehsils and given powers of a Sub-Divisional Magistrate in criminal matters, with certain exceptions under the various revenue laws. This arrangement: besides relieving the

Deputy Commissioner of much of unnecessary work, also provided a useful training ground for those officers who were subsequently to hold independent charge of a district.

But under the new Act, under section 6(3) every Tehsil was deemed to be a Sub Division. Therefore, it became possible for the Deputy Commissioner to give the powers of a Sub Divisional Officer to an Assistant Commissioner of the First Class even in those districts in which the full Sub Divisional System has not been introduced. The order placing an Assistant Commissioner of the First Class in charge of a Sub Division was very specific and formal. For executive purposes Assistant Commissioners were divided into Class I and Class II but not in the Act. This merely refers to the fact that the officer had or had not qualified by passing an examination of a sufficiently higher standard, in Revenue Law. Under Sections 116, 128, 132, 134 of the Act of 1881, ordinarily, Class I Assistant Commissioners. But in the Act of 1917, as such they had little


or no power except that the Deputy Commissioner, by order under schedule II, conferred on these officers any of the powers of a Sub-Divisional Officers.

The powers of the Sub-Divisional Officers were set out in schedule II of the Act. Its powers were also extended to a Sub-Divisional Magistrate under the Code of Criminal Procedure, 1898 along with such extension went the authority to supervise the Revenue and Police Officials. If one were to consider the functions of the Sub-Divisional Officers, it would seem that the executive power of the state really expresses itself at this level. Whereas the Deputy Commissioner was regarded as the eyes and ears of the District administration, the Sub-Divisional Officer indeed may be considered the hands and feet of the revenue administration in the District.

Assistant Commissioners of Class II had with few exceptions, only power to investigate and report for orders either of the Deputy Commissioner himself or of the Sub-Divisional Officer under whom they may be placed. In fact, an Assistant Commissioner might be invested with all or any of the powers of a Deputy Commissioner.
in the district to which he was attached. The Act also provides the details about the powers of distributing business and transferring it from one office to another. The powers to be exercised by the Deputy Commissioner, ex officio, were specified, but other officers may be invested with these powers, so that under the Act, every officer had powers, (a) which belonged to him as such, (b) with which he might be invested.

Next in the scale of the revenue administration stood the Tehsildar. Looking after the administration of a Tahsil, Tehsildar exercised Civil, Criminal, and Revenue powers and was assisted in his work by a Naib Tehsildar. The Tehsildar was also the Sub-Registrar (Registration) for his charge. At the time of the thirty years' Settlement, Sagar District was divided into four Tahsils, i.e., Sagar, Khurai, Rehli and Banda. The Tehsildar was the Chief Executive authority of the Tahsil. The powers of the Tehsildar were specified in the Act itself, but in few cases, of which the most important was the power to appoint Kotwars or village watchmen under section 196, the power was given by rules. Besides being responsible for the collection of land
revenue and the distribution and repayment of Land Improvement and Agricultural Loans, their chief duty was to investigate and report matters for orders, as well as to carry out orders in matters of revenue law and administration and keep the Tehsil accounts up to date.

Naib Tehsildars were given the specific powers under the Act and until they received powers or unless powers were given to them by any of the rules, they were only to investigate and report the cases for orders of the Tehsildars.

Section 5 (6) of the Act specified that all Revenue officers in the district were subordinate to the Deputy Commissioner. The only general exception to this rule was provided by notification No. 5 dated 1st September, 1917. The exception to this rule was the district under settlement, in which the settlement officer and the Assistant Settlement officer were independent of the ordinary district staff and the Superintendent and Assistant Superintendent of Land Records were made subordinate to the Settlement Officer and not to the Deputy Commissioner.
Chapter IV of the Act brought together the provisions relating to appeals, revision and review and certain important Changes. It provided and confirmed the provision of first appeal which lay from the subordinate grades to the Deputy Commissioners and from him to the Commissioner, but such Second Appeals were limited and except on a question of Law, no appeal lay if the original order had not been varied or reversed. Third appeal was also provided to the Provincial Government on points of Law only. The procedure to be followed in dealing with appeals had been laid down more clearly in the new Act. General powers of calling for, and if necessary, revising, any order were vested in the superior authorities, apart from appeal.

Chapter III of the Act of 1917, laid down the procedure to be followed by the Revenue officers, and substituted sections 15 to 21 of the Act of 1881. Previously no specific provisions were provided regarding the powers of Revenue officers to secure the attendance of witnesses and parties and to enforce their orders, and such powers were conferred by rules under sections 18 and 19, giving Revenue officers certain powers of the civil Courts. These rules were replaced by the specific
provisions of law. Sections 16 and 32 of the Act of 1917 specified the place for holding inquiries, it laid down the procedure for conducting cases, and prescribed the mode of executing orders. It gave the guidelines to Revenue Officers for the disposal of cases judicially. Moreover, it made clear conceptions regarding law and procedure. The result was that many of the officers learned to conduct the business of their Courts in strict accordance with the law and were able to achieve some improvement in quality as well as in quantity.

An important fact now realised was that the land record is the foundation of any proper revenue administration in the district, and those whose field of service lies in the district discover this for themselves again and again. In the words of S.S. Khera, "they may also discover that, like the original Cinderella, land records is a very lovely creature, she only needs getting acquainted with." Another fact to be realised was that the maintenance of Land Records was a continuous concern of the district administration.

In Sagar as in other parts of Saugar -Nerbudda districts, Patwañi staff was in existence. In Sagar

district the land records and their maintenance made up to date was entrusted to the village patwari. But the patwari's circles were of very uneven size, and were not compact, the villages which constituted them were often scattered over a considerable extent of the district. The patwaris were practically beyond the control of either the Government or the malguzar. Moreover, the system of maintenance of village records by patwaris through malguzars was also proving unsatisfactory.

The above state of things, indicated that the office of the patwaris needed to be organised properly because it was believed in quarters concerned, "Organize your patwaris, and your records will organize themselves." Therefore, by a reform under the Land Revenue Act of 1881, the patwaris were gradually brought under the control of the Government. During the Settlement of 1911-1916, the limits of the existing circles were altered so as to render each more compact, and to reduce the area of all large circles to an easily manageable and equal size.


This necessitated in some cases considerable changes but in making the reform, care was taken to adhere to existing arrangements except where absolutely necessary in the interests of efficiency, and not to disturb them merely in order to obtain uniformity.

All sums which were paid to the patwaris in cash were made payable into the Treasury. Hence they were redissbursed to the patwaris in such proportions as served to remedy very gross inequalities of remuneration. In fact instead of the cash payments of each circle being exclusively appropriated to the patwari of that circle, they were thrown into a district fund, which was in some cases augmented by a grant from provincial revenues. The Settlement of 1911-16 reduced the number of circles from 385 to 312 and with saving thus effected, provision of grade pay was made instead of a fixed circle 25 pay. It gave the patwari some incentive to work for and helped to enforce discipline. A further step was provided under sections 42 to 44 of the Central Provinces Land Revenue Act of 1917, as regards the organisation of Land record Staff and the formation of the patwari Halkabandi. In order to supervise the work of the patwaris the Deputy Commissioner was empowered to form

26. Ibid., p. 65.
The Commissioner was empowered to appoint Revenue Inspectors. Subsequently, these powers were delegated to the Deputy Commissioner. The Revenue Inspector circles were formed, and each Revenue Inspector was placed in charge of a number of patwari circles. The duties of Revenue Inspector comprised superintendence, guidance, maintenance, and correction of the records. Under the first head the duty of assuming the proper residence of the patwaris, their attention to rules, and of keeping up a register showing how the different records are progressed with, and the dates of completion. The inspector was also required to teach patwaris surveying, map changing, and area calculation. He was required to see that the maps were correct and that where maps became out of date, new tracings were made, showing the new boundaries and omitting the obsolete altered ones. He had also to see to the supply of survey appliances, and to test the measuring chains.

Section 45 of the Act specified that the records of Rights should consist of Khewat or Statement of persons possessing proprietary rights in the mahal, including inferior proprietors of lessees or mortgagees in possession, specifying the nature and extent of the interest.
of each, 'Khasra' or field book, in which the names of all persons cultivating or occupying land, the right in which it was held and the rent, if any, payable should be entered; 'Jamabandi,' or list of persons cultivating or occupying land in the village; 'field map' in which every plot bore a number, the old settlement number, where there was no change, and that number, with a subordinate number, when it was a case of sub-division, where there was union of two plots, both numbers were given with a hyphen between and the 'wajib-ul-erz i.e. village administration papers, in which the customs were recorded.

Admitting the fact that the up-to-date maintenance of the records was a continuing task, provision was made in section 46 for the correction of entries in the Record of Rights under certain circumstances. In fact, the state of records frequently reflect the state in which the village community lives in harmony or in conflict.

Land Records, apart from their up-todate maintenance came under general revision from time to time. One of the things that takes a new administrator in a district by surprise is the number of cases he has to deal with
even in normal times, involving the maintenance, correc-
tion and revision of land records. Floods change bounda-
ries, often radically. Rivers change their course, and
thereby provide one of the most frequent sources of
dispute. There are encroachments, some of them surrep-
tiliously made and a gradually extended and it is this
type of encroachment which is often more difficult to
deal with than a sudden trespass. Cultivated areas are
abandoned. Forest lands are cleared. Plots of land are
often thrown out of cultivation by the passing through
them of a canal system or a railway line. These events
apart from the disputes over land entries in the village
records are most common occurrence and a constant occupation
of any district administration.

Sections 47 to 51 which dealt with the preparation
of the annual papers and the maintenance of the mutation
registers, took care of some of the above mentioned con-
tingencies. Regarding mutation cases, two important changes
were introduced in the law. Under section 49. If the
Tahsildar was satisfied that a particular person was in
possession, he was empowered to pass final orders but
under section 49 (2) if, as it sometimes happened the
evidence was not sufficient to prove the possession, the Deputy Commissioner or the Sub-Divisional Officer was empowered to decide as to who was best entitled to the property and put him in possession, though such orders were not a bar to a Civil Suit. The rules framed under section 50 prescribed fees payable for mutation and were recoverable from the person who filed the application for change in the form of court fees for the necessary amount. These fees were not refundable, even if the application was rejected. But if the mutation was allowed in favour of any other person, the fees, in that case, were recoverable from him in cash. Section 53 provided that proprietors and tenants of villages were bound to clear half the line between the village and Government forest and empower the Deputy Commissioner to recover the cost, if the order was not complied with within 30 days from the date of communication thereof. Section 55 empowered a Revenue Officer to settle boundary disputes. Though a civil suit to establish the right, title or interest in the land in dispute was permitted, yet the suit could not alter the boundary line fixed by the Revenue Officer, unless he revised his decision to bring it in accordance with
the judgement of the civil court. Section 218 provided the right to minerals, mines and quarries and emunctuated more clearly than did the Act of 1881, the rights and powers of the Government and of its assignees. Section 219 empowered the Deputy Commissioner to eject any person encroaching upon Government land or land which was set apart by an entry in the wajib-ul-arz for communal purposes. In short, all possible provisions were made in a and introduced by the new Act of 1917 for dealing with all probable problems and even tradition. Moreover, it was realized that the responsibility for managing the land and land records lay with the same agency as did of land revenue, the Dupty Commissioner, the Sub Divisional Officer and the Tehsilder.

The new Act recognized the tradition that had grown up by which the Chief Settlement Officer had come to be known as the Settlement Officer and the Settlement Officers as Assistant Settlement Officers.

In connection with the preparation of the wajib-ul-arz, the Settlement Officer was empowered to make certain important inquiries, under section 71 he was now additionally required to record arrangement and decide disputes among shareholders regarding the system of
management of the village. This section made an attempt to provide for the better settlement of the complicated and difficult civil suits that arose out of the distribution of village profits. Under Section 80 all entries in the Record of Rights were described as the conclusive proof of evidence, unless within one year from the date on which the assessment was offered to the proprietor a civil suit was brought to have the entry cancelled or corrected.

Another important power conferred on the Settlement Officer, and also on the Deputy Commissioner during the currency of the settlement, found in section 75 by which any agreement entered into before the fourth day of November 1881 or any order recorded at settlement or any decree of a civil suit, requiring that the person in possession of any land should not be himself responsible for the payment of the whole or any part of the land revenue, could be revised and question could be considered on equitable grounds. Section 86 provided that the proprietors be bound to pay the land revenue together with the land revenue assessed on any malik-makbajs holding for the period of the settlement. It meant that the proprietor of the mahal was responsible for the revenue.

of a malik-makbuza holding, which escheats to the Government. This section also included a most important provision, by which the revenue liability of a piece of land could be revised, if during the term of settlement any land in a mahaal, was diverted to a different purpose from that to which it was appropriated when the settlement was made. It called for the reassessment of revenue if a piece of land was diverted to non-agricultural purposes, and thus underwent an appreciation of value.

As regards the mode of the collection of land revenue, under section 2(1) of the Act the agricultural year was defined as the year commencing on the first day of June or on such dates as the provincial Government, in the case of any special local area, by the notification appoint. In Sagar district, the first day of June was the day "appointed" for the purpose. Under section 56(1) all land to whatever purpose applied and wherever situated was made liable to the payment of revenue to the Government and later on to the crown, except such land which had been wholly exempted from such liability by special grant or contract or by the provisions of any enactment for the time being in force. Such revenue was
termed as 'land revenue.'

Section 122(1) made it clear that the assessed land revenue was a first charge on the estates, mahals or lands. Section 123 provided that all land revenue under the Act was to be paid through Sadar Lemberdar, Lemberdar or Patel as the case may be.

In Sagar district, as elsewhere, land revenue for the year was payable not in a lump sum but in Kista or instalments. Section 124(1) empowered the Provincial Government to fix the number and amount of instalments and the times, places and manner of payment. Accordingly by notification number 7 of 1 September 1917 land revenue was made payable in two instalments, i.e., on 15 January and 1 June of each year.

When any sum due under a settlement or a sub-settlement, was not paid according to the orders issued under the authority the Land Revenue Act, it amounted to an arrear under section 125 and all the persons with whom such settlement or sub-settlement was made, their representatives and assignees thereupon became jointly and severally liable for it and were deemed to be defaulter within the meaning of this Act. Moreover, a 'statement of account', authenticated by the signature of the local Tahsildar was made the conclusive evidence about the
existence of any arrear payable direct to the Government and of its amount and of the persons, who, in respect thereof are defaulter. Section 128 prescribed the process for recovery of arrears in detail. The exact procedure to be followed, especially in the case of sale of property, was more clearly defined but the most important change were introduced in sections 151 and 157. Section 151 ceded the right of pre-emption to any recorded co-sharer or to a superior or an inferior proprietor when a village was sold, whether for arrears of land revenue under the Act or in execution of a decree of a civil Court. Section 157 allowed the recovery of arrears of land revenue through the Deputy Commissioner instead of by suit. It was the discretion of the Deputy Commissioner to give this aid but strictly in accordance with the principle of natural justice, i.e. by giving an opportunity to the defaulter to show cause why such assistance should not be given, etc.

As regards imperfect partition the most important change was introduced by section 169 which dealt with the method of deciding questions of the title. Under the Act of 1881, a revenue officer had only two courses open
to him; he might refer the applicant to a civil court and strike off the case or he might exercise the powers of the civil court himself and decide the question, an appeal lying from his decision to the civil appellate courts. Under the new act the first course was still open to him but instead of the second course he was given two alternatives; he might require any party in the case, whether he were the applicant or not, to institute within six months a suit in the civil court for the determination of the question, and if such party failed to comply with the requisition, the question was decided against him. Under section 166 a downward limit was placed on the area and the land revenue of a putti to be formed by any imperfect partition and under section 165 the Deputy Commissioner was empowered, for sufficient reasons to be recorded in writing, to refuse to make any partition at all. Section 178 provided that the Deputy Commissioner was to refuse the partition of any land over which Communal rights exist, if such refusal was necessary in the interests of the village. The object of this section was to protect the rights of the
tenants over waste land under the wajib-ulcarz.

In this act, attention was given to village administration also. The lambardars were dealt with in sections 187 to 189, which defined their office. A lambardar was appointed for each putti or mehral, while in mehrals where there were more than one lambardar, a separate lambardar was to be appointed to represent the whole proprietary body in its relations with the Government. Under Section 188 (2) the lambardar was acknowledged as the agent of all the co-sharers in the mehral or putti for which he was appointed, and his actions in connection with the management of the village were made binding upon them. If they were dissatisfied with the performance of the lambardar, they had the power of applying for his removal under section 189. The remuneration under section 192 was placed on a slightly different basis from that on which it stood under the previous Act. Sub section (2) of Section 192 made it clear that if a lambardar was not akhaddam, the Deputy Commissioner was empowered to fix what proportion of the remuneration he received from co-sharers whom he
represented as lambardar, should be made over to mukaddam.

The lambardar was the only person entitled by law to collect revenue directly and he was liable for the payment in the first instance. Lambardars and Muquaddams or Patels duties were also prescribed or specified by law. Clearly, looking to the duties it appears, they were however, mentioned in the Act, but actually their duties were not only in connection with their right to remuneration and their liability to render service in the village but also with reference to their public duty.

Another important change was introduced by section 201 which empowered the Deputy Commissioner to enforce every rule or custom entered in the wajib-ul-ars without any reference to higher authority. Any fine recovered was to be utilized either to meet the cost of measures necessary to prevent loss or injury or compensating any person who had suffered loss. Section 202 deal with the power to regulate the forest growth on the waste land of the villages. Specific provision had also been
made for the imposition of a penalty for breach of any rules made under the section. Section 303 which regulated the rights in house-sites in villages, was divided into two parts; Sub Sections 1 to 4 dealt with ordinary agricultural villages and laid down the general rule that every agriculturist, agricultural artisan or labourer or village watchman was entitled to a house-site of reasonable dimension free of rent, but that on ceasing to be such, lost such right. He was given the right of transferring the materials of the house but the site itself remained with the proprietor. Persons not entitled to house sites free of rent were required to make their own arrangements with the proprietor of the masal, who was empowered to allot sites in the village abadi. Any dispute regarding allotment might be decided by a Revenue Officer not below the rank of Tehsildar. Sub section (5) (6) and (7) dealt with the villages in which there was an old and well established non-agricultural community and it was only intended that the provisions of this section should be applied to cases where such a community had ancient rights. When proprietary rights were granted to malgajers, it was not sufficiently recognised that in
many villages abadis then existed old, well-built and valuable houses belonging to non agriculturista. Some of whose families were of longer standing in the village than the men in whose favour proprietary rights had been granted. Such houses had been held free of all restrictions for many years, and it was never contemplated that the grant of proprietary rights should deprive these people of the rights that had grown up by custom. In the beginning this question was not dealt with in the wajib-ul-arz, but at the later round of settlement, a clause was inserted lying down clearly the rights, subsisting between the proprietary and non-agricultural inhabitants of the village.

In short an attempt was also made under the Act to decentralize revenue administration under the superintendence, guidance and direction of the Deputy Commissioners. A system of check and balance was created and responsibilities distributed. Procedure was laid down for revenue officers which helped them with valuable directions and guidelines. The public gained by a prompt and judicious disposal of cases. It specified the work of the each functionary of revenue administration, i.e. the Deputy Commissioner, Sub-Divisional...
Officer, Assistant Commissioner and Tehsildar. It encouraged discipline among the functionaries. Great importance was attached to the maintenance of records. Provisions were made for the proper organisation of patwari circles, their appointments, remuneration and the maintenance of their records. It came to be realised that land record maintenance was a continuous concern of the district administration. Therefore, the patwari staff became a source of service both to the people and to the Government and fulfilled its duty with the maintenance of an accurate record of holdings, rent, and rental payments. Attention was also paid to the management of village life and village officials who were at the bottom of the revenue administration. Though the Act did not treat any of the village officials as Revenue officers because they had no powers which required to be regulated by law. But they were an asset to the revenue administration that is why they were mentioned in the Act.

We must notice certain shortcomings also which came to light during the time the Act remained in force. First, land did not pass in to the hands of its real owner - The tiller. It still remained in the possession of those few proprietors who were not aware of the exact area and location of a particular field of
their own. Secondly, though patwaris were made custo-
dians of land records, they were offered a salary not
commensurate to their responsibilities. They were put
on a pay scale of Rs.10.11.12.13 which was niggardly
even in those days. Thirdly, the Revenue officers
were heavily burdened with work. Lastly the Act did
little to change the position of malguzars who presided
over the rural society as tyrannically as their
medieval counterparts which force the common men
to wonder if it was true that man was "born free
but every where he was in chains."

27. Corbett G.L. : Report on the Revision of the
Land Revenue Settlement of the
Baugur District, 1911-16, Nagpur,
1918, P. 65.