CHAPTER II

ROLE OF THE DISTRICT OFFICER AS A COLLECTOR

(Section A)
ROLE OF THE DISTRICT OFFICER AS A COLLECTOR

The district administration is basically revenue administration. The basic task of it is to determine the relations between the land and the people. It has to realise the revenue from the land for the viability of the state system and the legitimacy and stability of the government.

The collector is in direct charge of land revenue and its collection. These are the functions which give him the designation by which he is more commonly known, the Collector. He alone cannot meet all the revenue objectives. In discharge of these functions he has a territorial set-up which contains revenue officials of different ranks as well as staff. His work as Collector has remained varied from province to province on the basis of system of collection of land revenue and local circumstances. Ramsay Macdonald has rightly pointed out that 'he is the eye of the government and its tongue. He has to keep his finger on the pulse of district, and nothing of any importance is supposed to happen without his knowledge. A sparrow ought not to be fall without the incident coming to his ears'. But the revenue administration is a complex structure in the district. It is impossible to understand the district administration without knowing something of land systems, in other words, system which governs the rights of the
Government to land revenue and the rights of various classes of people to the land. Therefore, for the sake of convenience we may take up first land revenue elements of the revenue administration.

**LAND REVENUE:**

It is the revenue levied upon the surface of the land. Theoretically speaking, it is levied upon the produce of the land. In ancient India the village headman, the gramani, is mentioned in the Rig Ved. He was the king's agent and sometimes he was the king of the village because a village itself constituted the whole kingdom. It was his business to ascertain the amounts of land revenue to be paid by the cultivators. It was his business to collect it, and it was collected in kind. The farmer in return enjoyed the king's protection from enemies, both external and internal, and sometimes the king's patronage. This system prevailed in the pre-Mughal times. In that period out of the total land produce 1/6 was the king's share as land revenue. Sometimes share of king was 1/3 to 1/2 in the periods of Alauddin Khalji and Muhammad-bin-Tughlaq.

In these periods of land revenue systems we find two important features. The first, is the dependence of the revenue upon the actual produce of the land. The king's share
varied directly with the harvest of each particular season. The second, is direct relationship of the king with the particular share of the produce which was payable to him. There were no instances of intermediaries, land holders, zamindars, talukdars with the exception of the Firoz Tughlaq period.

A revolutionary step in the direction of land revenue was first taken in the period of Mughals which was characterised pre-eminently by the reign of Akbar. He ruled over India from 1556 to 1605. He introduced ZABTI SYSTEM (revenue system based on the measurement and assessment of land and produce) with the help of his famous minister Raja Todar Mal. This system is also known as DAHASALA SYSTEM (under this system the average produce of different crops as well as the average price prevailing over the last ten years were calculated and state's share was fixed at the one-third) or "Todar Mal Settlement".

Akbar's period was the landmark in the evolution of modern system of land revenue. In his time Mughal power and authority spread in a fairly uniform way and covered area up to an extent which was never again achieved until the attainment of Independence. Akbar's reign produced major changes in the form of assessment of land revenue and its payment in cash instead of in kind. New arrangement proposed first break with the older concept of a fixed percentage of a variable
harvest. Moreover, the revenue was assessed and fixed for the term of ten years. Out of the land produce one-third was the king's share as land revenue. Indeed it was a counterpart of an assessment on a cash basis to fix it up for a period of years; for otherwise there would be little difference from the original state of the revenue which varied with the harvest. The system of cash assessment fixed was accompanied by the extensive establishment of a fairly unified system of account-keeping and land records. This was the main cause contributed to the general uniformity in matters of land revenue through the country even today.

After the Akbar's reign Mughal empire began to decline speedily. This weakness led the practice of forming out tracts or regions of land in return for cash payment. In such a frenzy situation local governors of the Mughal empire started to assume autonomy and in some cases declared their independence of the centre. Likewise, local chieftains got encouragement to separate openly themselves from the centre. Undoubtedly, above mentioned events provided the circumstances of a weakened relationship between the king acting directly or through his own functionaries on the one hand and the actual tiller of the land, the farmer, on the other hand. In such a frustrated situation a system of intermediaries grew up. These intermediaries helped to some extent in making things easier. Slowly these intermediaries developed into zamindars.
Another landmark in the development of land system was the British period. It is not easy to summarize land system prevailed during the British period because of the various ramifications and complexities involved in most of the systems. An eminent revenue authority, Holt Mackenzie, famous in connection with the settlement of the North-West Province (now U.P.), asserted that he had been studying land tenures all his life without understanding them. However, an attempt will be made to present a simplified account of the main system under which land was held by various classes of people and revenue was realised by government.

Immediately after the Battle of Buxur in 1764 the English Company formally took over the governance of Bengal. From now onwards company's trading assign was replaced by the flag of government. In this way Charter of 1813 and 1833 by the British Crown played an important role by taking away from the company its trading activity entirely. From then Company was to act as the British Crown's agent to govern and not to trade.

With the extension of Company's jurisdiction over more and more territory, the problems to be handled effectively also increased. Company's desire to extend its dominion beyond Calcutta, Bombay and Madras invited wars with their French rivals and enemies, and war with those who opposed the
extension of British dominion in the country. These wars demanded money and resources to meet the challenge. Besides, the territories over which they extended their dominion needed to be consolidated, and this was too during the time when communications in any modern sense hardly existed. They did it in a number of ways. So in case of taxes they levied the easiest of all taxes, the tax on land. They did it because no one could take away the land, could not hide it and there was less scope of cheating. The company appointed Collectors to collect these taxes. The Collector was forbidden to engage in trade either for the company or for himself. Company followed somewhat the practices which had spread during the more disruptive years of the declining Mughal regime.

This hide and seek game was ended by the Act of 1858 when Queen Victoria took over the direct administration of the government of India through her own ministers and privy Council in London.

Land system in nature ranges from the most simple to the most complex one. For instance, the Jhum cultivation in Assam is a very simple system because land revenue is determined with the help of to the instruments used for cultivation and is not based on the area of the land. While in case of Orissa, there are found hundreds of land systems which
admit of no easy classification. Thus, for the sake of convenience it is useful to deal with the traditional systems of land because they have not been completely changed even now and have influenced the structure of administration.

**Land Systems in pre-independent India:**

Before attainment of Independence, in a broader perspective there were two systems of land, the Zamindari and Raiyatwari, but in order to know actual position of land it is useful to differentiate three systems. They were Zamindari system, Raiyatwari system and Village system of land tenure. The basic difference in these systems was regarding the mode of payment of land revenue.

**Zamindari System:**

The Regulation I of 1793 created the 'Permanent Settlement' or Zamindari System in Bengal, Bihar, parts of Orissa, parts of Madras by 1802 and a few places else where. This system came into existance when on behalf of the East India Company, Lord Cornwallis entered into permanent settlement with landlords with a view to increase the revenue of the company.

Under this system, the zamindars were declared full proprietors of large area of land. In return, the work of
collecting rent from the farmers was entrusted to them. So, the zamindars were to function as intermediaries between the cultivators and the State. Thus middleman held the settlement. The zamindar paid land revenue to the Government as fixed by the Permanent Settlement. He led out his land to cultivators and realised rent from them. Under the settlement cultivators were small peasants where the zamindars were big proprietors. There was no direct relationship between the Government and its officials on the one hand and the actual cultivators on the other.

As far as introduction of zamindari system was concerned, the declining Mughal authority was mainly responsible for it. Company's efforts to bypass established zamindari system of Mughal was severely failed. "The Mughal empire had followed the practice of assigning jagirs which went with office and were for life time; but later these jagirs were renewed from generation to generation and as the jagirdars conducted the revenue administration in the area and acquired right to unoccupied and waste land in his jagir and could also oust cultivators who would not pay their due, he become in due course of time distinguishable from a landlord. Thus the later-time officials assumed the character of landlords.... As Mughal authority declined all these persons became more and more independent and began to manage lands under them in their own right; they would let out land and oust tenants; and sometimes
even sell their rights. In due course from whatever source drawn all these persons came to be looked upon as Zamindars. Lord Cornwallis sincerely thought that this system would, by ensuring security of tenure, encourage zamindars to increase cultivation, manage their lands better and that they would also live well and spend in luxuries thus contributing to the increase in customs etc.¹ Further, Lord Cornwallis proposed that it would be excellent not to qualify policy by making the settlement temporary. But was severely criticised by Sir John Shore for making against it permanent.

The survey was not conducted for the assessment of estates. It was merely based either on enquiry to know the value of the estate or based on quantity of produce or on the rents which were paid by the zamindars. The share of the Government in total rent collected by the zamindars was kept at 10/11th, the balance going to the zamindars as remuneration.

The Regulation I of 1793 and Act VIII of 1885 had made various provisions for the protection of tenants and zamindars. As tenants could not be ejected except for failure to pay rent. But zamindary system created a unique agrarian structure in the countryside which conferred the right of sharing the produce of land without participating personally in the productive process. The zamindari system was based on exploitation as it conferred unlimited rights on the zamindars to extract

¹. Shukla, J.D.; State and District Administration in India, IIPA, New Delhi, 1976, pp.7-8.
as much rent as they wished. In the opinion of Bhawani Sen, near about 25 per cent of the produce was taken away by the zamindars on the name of rent. Up to the time of independence, the actual cultivator was left with no surplus to invest in better implements, improved seeds or fertilizers. The cultivator was not given any incentive to increase agricultural production and productivity. Apart from this, the "records of rights in land were not maintained in most areas governed by zamindari. This made it difficult to mortgage and sell land. As a result, credit institutions were slow to develop in zamindari areas. Public investments in agriculture were generally less in these areas". Besides, the excessive rents and illegal exactions, the zamindars forced cultivators to do begar and offer various gifts or nazrana etc. to meet their expenses.

**Raiyatwari System:**

Under this system Raiyat was the farmer or cultivator. He was the proprietor of the land which he cultivated. The responsibility of paying land revenue to the government was of the cultivator himself. There was no intermediary between him and the State. There was no distinction between rent

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and revenue. The raiyat had enjoyed full rights regarding sale, transfer and leasing of land and could not be evicted from the land as long as he paid the land revenue. These rights were not available to cultivators under the zamindari system. The raiyatwari system prevailed in Bombay, Madras, Assam and also in parts of the Panjab. Under this system, each field or holding was separately assessed for revenue. There was a Khetwar settlement and every holder was responsible for the revenue of his holding and for nobody else's. In this system, protection of tenants had not been considered a very serious problem because bulk of the cultivators were owners.

Sir Thomas Munro may be considered the father of 'Raiyatwari' system. He advocated the "surveying of the district, making a khetwar assessment and dealing with the individual village land holders. This new system was based on a new discovery, a Raiyatwari village, it was based on a new theory of proprietorship that every occupier was the proprietor. This theory was brought out with full force in minute of Sir Charles Metcalfe in 1930. In making a settlement for any unsettled lands, the first step was to ascertain the amount which the acknowledged right of government would yield"3. This could be possible through the survey and measurement of every field. The minute information was

necessary for Raiyatwar Settlement without which correct assessment was not possible.

On the basis of above analysis Raiyatwari system looked satisfactory, but it also developed various snags. Under this system, the moneylenders and mahajans granted loans to cultivators by mortgaging their lands. Soon substantial portions of land slipped out of cultivators' hold and became the property of moneylenders and mahajans. The latter started giving land for cultivation on lease and soon a new zamindar class started developing. "At the beginning of the era of Independence at least one-fifth of the total area under cultivation even in Raiyatawari tracts had passed under open tenancy while an unknown, though substantial, proportion of area was worked under forms of crops sharing, in essence no different from tenancy" 4.

Village System:

It was also called Mahalwari System. This system was introduced by William Bentinck in Agra and Oudh. Later on, Panjab and Madhya Pradesh were also taken into village system. Under this system, the whole village was treated as one unit as far as payment of land revenue was concerned. Accordingly,

Village Headman was responsible for collecting and depositing the land revenue in the treasury of government. The Congress Land Reforms Committee asserted that under this system ownership of land was collective. This Headman was also known as Lumbardar. At the time of settlement the proprietary right of land was given to actual cultivator of the village. The period of settlement and fixation of land revenue were different in different village areas.

The Malguzari system of Madhya Pradesh was merely a variation of this system. During the Marathatha period malguzars were farmers of revenue. They were mistaken for proprietors by the earlier settlement officers. The settlement was made with them but soon the mistake was founded. The actual cultivators were protected. So, the actual system was not very different from that of U.P. This system was also known as Mahalwari system. Under this system entire village was the unit of assessment. The waste belonged to the village. The landlord body was jointly and severely responsible for payment of revenue. Thus, the several co-sharers had their own plots which they cultivated on their own. However, common expenses of the village were shared. The Lumberdar, (one of the member of the proprietary body) had to manage the tenants, collect the rent, pay the revenue and thus receive commission and share the profit with the co-sharers.
The Regulation VII of 1822 and Regulation IX of 1833 were responsible for the foundation of Village System. The Holt Makenzie, Secretary to the Board of Revenue in U.P., 1819, put forward the base for these regulations. "The earlier attempts to find a proprietor in the sense of Bengal zamindar were given up, though in some places settlement were made with the landlords. But main settlement was made with the village body and landlord would get only a fixed cash allowance or a percentage on the revenue. Sir Charles Metcalfe in 1930 proposed advantages of the village system over the raiyatwari system. He said in such settlements the Mocuddums or Headman come forward to conclude the settlement as the representatives of the village communities. He believed that it was not an uncommon practice to consider those who signed the engagement as exclusively responsible in their own persons, for the payment of revenue. In his opinion although undoubtedly responsible as part owners of the village lands, and additionally responsible as collectors of the revenue and managers of village, in which capacities they usually received a percentage on the revenue, which allowance was termed Mocuddumee, they were not exclusively responsible, nor as land owners more responsible than the other landowners of the village which they represented.

An important figure in the revenue arrangement of a village under this system was the Lumbardar. He was the
The Malguzar system of M.P. had been considered a combination of the features of the Bengal Zamindari system and U.P. Village system. The Bengal feature was the original conversion of the Malguzar into a proprietor and the U.P. feature was that the unit of assessment was not the estate but a village or mahal. The assessment was made after survey and the preparation of records of rights. At the settlement rents were fixed which were not generally liable to enhancement. Thus, the effects of the mistaken conferment of proprietary rights of Malguzars had been counteracted and the absolute occupancy tenants were as good as occupants in a Raiyatwari Village. The tenants in Madhya Pradesh were for a long time much better protected than U.P.

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Experience of the Land System:

Above mentioned three systems—Zamindari, Raiyatwari and Mahalwari—have prevailed more or less in all the states of India. In all the systems deeply affected were the farmers either by the Government directly or by the zamindars/mahajans indirectly. Here, therefore, it would be relevant to give a brief account of the experience of land systems which have affected Indian administration to a great extent. "The zamindari system of Bengal did not established any direct relationship of government with the actual cultivators. Whatever disputes the cultivators might have had with the zamindars were matters of civil courts; the result was that no proper revenue system reaching up to the village could be built up in Bengal as was built elsewhere and the collector, consequently the Government lost touch with the people which revenue relations alone could establish. In Bengal and Bihar till recently there were no Patwaries, no Kanungoes and Tahsildars; out of five levels in district authority as found elsewhere, three were missing. There were consequently no village records and no detailed village statistics and periodical returns which in other provinces were mentioned by the Collector and through him the Government was informed of what was happening to the rural society. The collector in Bengal was not required to know anything about the interior of his district. The officials did not come in touch with the rural people directly as in other provinces."
The Zamindari system led to centralization. The revenue was deposited at the district headquarters and the registration work was also done there. In a raiyatwari village this would not have been possible and work had to be distributed at various levels. The powerful influence of the Zamindars also hindered some Government programmes. Government Police found it difficult to function when opposed by zamindars and the jurisdiction of the civil courts was also usurped for some time by zamindars who held their courts though these were illegal. Government by settling with influential people converted in many cases feudal chiefs into revenue paying zamindars. The Raiyatwari system presents a different picture. This system required a complete and extensive survey, the recording of the rights of every cultivator and the maintenance and correction of these records of rights. Government authority, therefore, reached down to the village. The system made revenue administration detailed and gave five levels to the district administration instead of two as in Bengal. The people came directly in touch with government and its officials, their contacts being frequent and intimate. This contact, however, was not always pleasant to the raiyats. The system required the employment of a large number of subordinate staff who were not immune from bribery and corruption which sometimes led to oppression. It was this consideration which made Sir Charles Metcalfe to prefer the Village system over Raiyatwari system. But the Raiyatwari system also ensured political stability for the bulk of the
people were secure in their rights to land and their rights and liabilities were defined. The Village system of land tenure remained midway between the Zamindari and the Raiyatwari systems as far as the contact of government with the people was concerned. Under this system five stages were established in district authority and also a detailed system of land records. But government did not deal with every cultivator; its relations were only with the proprietary body and that also through the Lumbardar. Nevertheless the village statistics were collected and records corrected and the district officials, therefore, were in possession of a good deal of knowledge of the rural areas. The district administration in India was thus created by the land system. It was the need of the revenue administration which established the office of the Collector and to him were attached other functions as the need arose; in fact land revenue gave the start for other administrative activities. These other administrative activities were first entrusted to land revenue officials and thus the land revenue system and the outlook of the land revenue officials influenced other departmental activities. Even the police system was influenced by revenue systems 6. However, the different revenue systems put pressure over the organisation of the judiciary. Most of the cases were between the zamindars and the tenants in relation to private property. These cases referred to the civil courts. Thus, it enjoyed extensive jurisdiction. Further, in many revenue matters the

jurisdiction of these courts were restricted and ultimately revenue authorities exercised ample powers in regard to land matters and disputes between zamindars and tenants.

It is clear from the above mentioned analysis that government found the way to solve the problems of farmers by passing Zamindari Abolition Act.

**Important Land Reforms:**

As mentioned above that the Zamindari system was based on exploitation. It created a parasitic class of zamindars. In Riyatwari and Mahalwari systems, the tenants were also exploited in number of ways. In order to know the correct position of land revenue it would be relevant to examine recent land reforms which is an important step for an insight into the main objectives of the Constitution, such as, to achieve social and economic justice and, to increase the productivity of the land. The government of India has defined the following objectives of land reforms—"to remove such impediments to increase in agricultural production as arise from the agrarian structure inherited from the past; and to eliminate all forms of exploitation and social injustice within the agrarian system, to provide security for the tiller of soil and assure equality of status and opportunity to all sections of the rural population".

In order to fulfil the intended purposes any legislation in this regard must have specific purpose, direction and sanction. Earlier Acts passed by the British government for securing tenants against illegal levies of zamindars remained ineffective. The zamindars were made responsible to grant a receipt of amount paid to him by tenants and made its entry into the Siana (a public record maintained by Patwari). But zamindars did nothing. Further, it was not uncommon for rent to be collected in excess of the prescribed one on the occasion of the marriage of the zamindar's son or daughter. In order to control rent, legislations such as the Oudh Rent Act and Agra Tenancy Act 1939 were enacted. But to abolish intermediaries altogether, the final decision was taken by the government after independence in several states.

Abolition of Zamindari:

It was greatly felt that the main cause of stagnation in the economy was the Zamindari system. The chief instrument of exploitation was zamindar, patronised and promoted by the alien government. The Land Reforms Committee constituted in 1949 under the chairmanship of J.C. Kumarappa had recommended that zamindari system should be abolished and land should be given to tiller, leasing of land should be prohibited, occupancy rights should be conferred on those who have cultivated the land, the zamindar can hold land for personal cultivation upto a limit, rights should be given to tenants to purchase land at fair price to be fixed by the land Tribunals and protection
should be provided to the tenants against exorbitant rents and illegal exactions etc.

The land is a State subject. So up to 1951 many States passed legislations for the abolition of zamindari and acquisition of areas. Towards the end of First Five Year Plan, approximately, 173 million acres of land was acquired from the intermediaries and near about two crore tenants were brought into direct relationship with the State.

The general pattern adopted for the abolition of zamindari:

1. "Common land such as waste lands, forests, abadi sites which belonged to the intermediaries were vested in State Government for purposes of management and development.

2. Home-farm and lands under personal cultivation of the intermediaries were left with them and lessees of home-farm land continued as tenants of them. However, in some states like U.P., M.P., and Delhi, tenants of home-farm lands were also brought into direct relation with the State and the rights of intermediaries over their tenancy lands were abolished.

3. In most of the States tenants-in-chief holding land directly from intermediaries were brought into direct
contact with the State with some exceptions such as Bombay, Hyderabad and Mysore" 8.

The intermediaries were given compensation for the land acquired from them. The rates of compensation were mostly computed on the basis of 'net income' or 'net assets' in a graded way with higher multiplies for smaller incomes and lower multiplies for higher incomes.9 The States also paid Rehabilitation Grant to the smaller zamindars in addition to compensation. The compensation was paid either in cash or bond or both.

When the legislative work regarding abolition of zamindari was over and the work of implementation started, new difficulties were noticed. The zamindars were not ready to give up their rights and privileges and moved to courts. As was expected, the legal battle between the Zamindars and the State governments took an unduly long time. When zamindars ultimately lost the battle they turned to other delaying tactics by refusing to handover land records and other related documents. Apart from these tactics, the zamindars picked up many weak points of legislations such as land for personal cultivation. They could even hire tenants for this purpose.

In order to correct the loopholes government re-defined the

8. Govt. of India, Planning Commission, Second Five Year Plan, pp.181-82.
term personal cultivation in Second Five Year Plan, in this way that it would include risk of cultivation, personal supervision and labour. At last, the zamindars had surrendered their ruling powers to the new democratic authority and were satisfied with the compensation left to them. On the whole the transformation from the feudal and autocratic system to a democratic social order was peaceful and orderly.

Tenancy Reforms:

The tenants were of the three types: (1) Occupancy tenants, they got permanent rights on land which they cultivated. They enjoyed profits which came out because of land improvement. They could not be taken away from the land until they paid rent on time. (2) Tenants at will, they had not given security of tenure and could be taken away from the land whenever the landlord so desired. (3) Sub-tenants, their position was not very much different from the tenants at will. Existence of these tenants depended upon the will of landlords and they were treated rudely by the landlords. So, it was needed to protect these people from the paws of landlords by enactment of law. In order to regulate the limits of rents which were 80 percent in Panjab, 40 to 60 percent in Bombay, the government passed an Act in 1947. The First Five Year Plan stated that maximum rent should be fixed at one-fourth or on one-fifth of the total produce. However,
the legislation's fixed maximum limit was often violated because of the strong socio-economic and political hold of the land-owners in the countryside. Infact, the tenants were not aware of the legal provisions but more importantly they were economically and socially weaker as compared to the landlords. Moreover, tenants were feared that in case of confrontation with landlords, they might be thrown out of the land. Towards 1960, more or less, all the States have passed the legislations to protect tenants from ejectment and grant them permanent rights in land. Due to this legislation a serious problem of 'Voluntary Surrender' was faced. The landlords compelled their tenants to surrender the tenancies on their own accord. In the following way, landlords tried well to deceive government because in case of voluntary surrenders of rights no law could protect the tenants. Hence, landlords did not hesitate in putting threat and pressure on the tenants to gave up the land. Due to economic and social backwardness, most of the tenants gave up their rights of land. In order to prevent these practices the Fourth Five Year Plan recommended that "Voluntary Surrenders' should be regulated by the State in such a way that land owners are prohibited from taking possession of surrendered land which could be given over to the other eligible tenants selected by the government".

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10 Govt. of India, Planning Commission, Fourth Five Year Plan, p.177.
By this provision, government has taken all surrenders under its own possession. Despite above mentioned provisions, some States have not adopted any legislation for conferment of ownership right. In case of other States laws passed remained below the expectations. In order to overcome these loop holes, the Sixth Five Year Plan recommended that "States which did not have legislative provisions for conferment of ownership rights on all tenants except for specified exempted categories (serving defence personnel, minors, disabled etc.) should introduce appropriate legislative measures to do so within a period of one year i.e. by 1981-82". Thus, by these provisions government has provided rights to tenants to acquire ownership of land which they have cultivated. The liberal attitude was adopted by government that purchase price of land could be paid in number of instalments and over a certain period of time.

**Imposition of Ceiling on Land Holdings:**

The ceiling on land had brought many important changes in the land system. A ceiling on land holding means statutory absolute limit on the amount of land which an individual may hold. In order to ensure increased agricultural production, to provide land for landless agricultural labourers and for other public purposes as best to subserve the common goods, a more equitable distribution of land was essential. Therefore,

the Second Five Year Plan has recommended imposition of ceiling on land holdings. This plan has exempted followings classes of farms from ceiling:

1. "tea, coffee and rubber plantations;"
2. orchards where they constitute reasonably compact areas;
3. specialised farms engaged in cattle breeding, dairying, wool raising etc.,
4. sugarcane farms operated by sugar factories;
5. efficiently managed farms which consist of compact blocks on which heavy investments or permanent structural improvements have been made and whose break up is likely to lead to a fall in production."\(^\text{12}\)

On the basis of above classification the State Governments have passed laws for ceiling on land holdings. But in case of North-Eastern States like Nagaland, Mizoram, Meghalaya and Arunachal Pradesh, a ceiling was not imposed on land holdings because there land has been managed by the community. In determining level of ceiling some States have accepted family as one Unit while others have accepted individual owner as a Unit. In Uttar Pradesh second alternate i.e. individual owner as a Unit, was adopted. Henceforth, by mass level transfers of land the aims of the legislation for ceilings were not pursued and implemented effectively by the State Governments. These factors defeated the very purpose of distributing ceiling surplus land to the landless agricultural labourers and other public.

\(^{12}\) Second Five Year Plan, op.cit., p.194.
purposes. In order to bring uniformity in different policies of land ceilings adopted by the States, a conferences of Chief Ministers proposed a new policy on land ceilings in 1972. Followings were the important features of the new policy:

1. "Lowering of ceiling to 18 acres of wet land and 54 acres of unirrigated land;
2. The change over to family rather than the individual as the unit for determining land holding—lowered ceiling for a family of five;
3. Fewer exemptions from ceiling;
4. Retrospective application of the law for declaring benami transactions null and void;
5. In order to insulate the measure from challenge in courts of law, jurisdiction of civil courts has been barred; most of these laws have been included in the Ninth Schedule of the Constitution, which place them beyond any challenge in courts of law on grounds of infringement of fundamental rights."

After taking into consideration the policy of land ceiling brought out in the conference of Chief Ministers, most of States either amended their existing laws or have framed new laws on land ceilings. It was realised that social inequalities and exploitation could not be eliminated unless and until land is taken away from the hands of the landlords.

and handed over to the toiling masses. The main aim behind the land ceiling was to prevent excessive ownership of land. It was expected that distribution of land to landless labourers would eradicate poverty up to a great extent.

In course of time, the sub-division of distributed land among heirs on the death of the owner of the land gave rise to a big problems of low production, disputes over land, difficulty of land management etc. After passing each generation the land sub-divided further and further and after some generations only tiny plots were left with the descendants of large landowner. So, the person had one tiny plot at one place, another tiny plot at a second place, third tiny plot at yet another place, and so on. This led fragmented holdings. It was not possible for a man to cultivate in such a tiny plots at the same time. As a result, land was wasted. The disputes over boundaries and complaints about theft of crops, grazing of animals etc. were also often heard. Instead of adopting modern techniques of cultivation farmer used age-old methods for production. As a result, they remained poor. In order to solve problems of sub-division and fragmentation of land, a system of consolidation of land holding was adopted.

**Consolidation of Land Holdings:**

The consolidation of land holding means one consolidated holding to the farmer equal to the total of the land in different
scattered plots under one possession. It was a very useful method to solve the problem of fragmentation. In the beginning consolidation was started on a voluntary basis but later it was made compulsory. Programme of land consolidation had faced many practical problems due to following factors:

(1) "Since quality of soil differs from land to land, it became difficult to allot land of the same quality and productivity to the farmer as was held by him previously. Allotment of consolidated land of equal area as the fragmented holdings did not meant that land of the same productive value has been allotted. This consideration has posed a lot of serious problems and it has became necessary to devise a number of methods of valuation (mostly based on market value or rental value) to bring different classes of land on a comparable basis; (2) The farmer was generally attached to his land emotionally and sentimentally. Therefore, he was not willing to cooperate with Consolidation Officer; (3) In many areas reliable and up-to-date land records were not available. Consequently disputes came up in fixing the ownership of land; (4) Many states have lacked adequate and trained staff to carry out the programme of consolidation" \(^\text{14}\)

Now more or less all the States of India have completed work consolidation of land holdings. During Sixth Five Year Plan total consolidated area was 5.6 million hectares. Upto

completion of Seventh Five Year Plan"total consolidation area was 51.8 million hectares, which was only 1/3rd of the total cropped area in the country. Through the enactment, most of the State Governments have made certain minimum limits beyond that subdivision and fragmentation of land is not possible. This particular minimum limit is known as Standard Area. Despite various provisions, during the time of land consolidation a common problem noticed was that rich and the influential often managed to get fertile and well situated land while the poor and uninfluential got inferior land. A major weakness of the programme was that consolidation was done without taking effective steps to ensure security of tenure to tenants, particularly sharecroppers. Consequently, consolidation of holdings has led to large scale ejectment of tenants.

Shortcomings of the Land Reforms:

An account of above mentioned land reforms make it clear that legislation passed relating to abolition of zamindari, imposition of ceiling on land holding and consolidation of land holding were faulty to provide justice to the tenants and to achieve objectives of socialistic pattern of society. Under the Zamindari Abolition Act a provision was made that zamindar could get possession of land for personal cultivation. They assumed large area of land for cultivation which defeated the very object of legislation. Now they became absentee land-

lords rather than well known landlords. In order to exempt itself from the ceiling limit the zamindars had indulged in large-scale transfer of land to their family members. This effort of zamindar has reduced effectiveness of the ceiling laws to a great extent. It was noticed in most of the States like U.P. and West Bengal, the tenancies were oral and informal. The tenants who cultivated substantial part of land were not in position to prove that they were the actual tiller of soil because their names did not appear in land records. Generally, zamindars compelled their tenants to voluntary surrender the land which was cultivated by them. In order to meet this purpose, zamindars have threatened and beaten up the tenants. Action to prevent such practice was taken very lately by Fourth Five Year Plan that voluntary surrender of land would be done only in favour of the Government.

The basic aims of the laws passed to bring land reforms and to re-structure the entire property relations in countryside had remained ineffective because of the lack of political will and ineffectiveness of administration. It was also noticed that the Governments were also not interested in implementing the legislations enacted and simply adopted socialist look. The effective implementation of any legislation could be possible through hard political decision and effective political support, direction and control. The demand of political will was great in a predominantly agrarian country
like India. During the course of reforms it was also noticed that whenever administrators tried to implement the land reforms strictly they were immediately transferred elsewhere by the political bosses. This factor has demoralised the spirit of dynamic administrators. Moreover, most of the administrators themselves were the landowners. Apart from administrators of higher ranks, the patwaris were also petty landowners and they have not co-operated wholeheartedly with the law implementing agencies. Moreover, corrupt politicians and administrators joined hands to grab land declared surplus and meant to be distributed among landless farmers. "The nexus between the politicians, administrators and large landowners have brought the 'rich peasant power' into the limelight. This rich peasant power dominated State Governments, regional and local administration and served as the principal instrument of land grabbing and as a strong impediment in the implementation of land reforms" 16

The above analysis makes it clear that land reforms have serious shortcomings. For the speedy and successful implementation of land reforms, peasants should be conscious of their rights, this requires a certain degree of politicization of peasants. In order to restructure agrarian system welcoming steps have been taken by the Government to implement

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employment oriented programmes for the landless and poor people of the rural areas.

**Responsibilities of the District Collector:**

The land reforms like zamindari abolition, tenancy reform, ceiling on land holdings and consolidation of land holdings have imposed additional burden on the District Collector. Political pressures, in the process of realisation of taxes and dues are occasionally brought to bear upon his office. However, the District Collector is assisted in discharge of his heavy revenue work by an Additional District Magistrate or revenue officers, as the case may be, the main brunt of responsibility has to be borne by him. He is also called upon to dispose of a specified number of revenue cases, besides inspecting Tehsils and Sub-Divisional offices. Moreover, in some of the States the task of rent collection is being gradually made over to the Village Panchayats, the ultimate responsibility still rests with the District Collector.

The "district administration in India does not undertake the management of land but assumes the responsibility for its administration. It maintains accounts for all types of land and their transfers and classifies the land in private custody with a view to assess the revenue due from it. In all land acquisition, and land alienation and transfers, the revenue administration has a fundamental or prominent role to play. It is the principal authority in the
determination of ownership and possession of land and more so, for the execution of decrees passed in this regard by courts of civil jurisdiction. It has statutory power to settle the interminable boundary disputes and also evict every encroachment.

In a predominantly agrarian country like India, the district administration is the actual government in action for the overwhelming majority of the people. The mainstay of Indian life is the village and it is in the village, the country's superstition, ignorance, oppressive traditions and above all, the caste system are deeply rooted. The characteristics of caste which make it a localised social group, are more pronounced and its feuds are more intense in the village. The connection between the land and caste is nowhere so ostensible and observable as in the village. The bitter boundary disputes arising from the possession of land and the every day encroachments which quite often lead to major law and order problems, are largely provoked by caste affinities and loyalties. The power of caste is determined by the extent of possession of land by its members and dominance or dependency of a social group inhabiting a village is indicated by the nature of their attachment to the land.¹⁷

Undoubtedly, the abolition of Zamindari has placed new responsibilities on the shoulder of District Collector. Instead of dealing with a few intermediaries responsible for the payment of land revenue he has now to deal with hundreds or thousands of cultivators in connection with land revenue, canal dues, taccavi loans and many other such things. A huge staff ranging from Karmacharis to Circle Officers has to be engaged and supervised and their conditions and other things have to be looked well by the District Collector.
CHAPTER II

ROLE OF THE DISTRICT OFFICER
AS A COLLECTOR

(Section- B)
B. REVENUE COLLECTION MACHINERY OF THE DISTRICT

Collection of land revenue at the district level is under the direct charge of the Collector. During the British period collection of land revenue was one of the most important function of the Collector. This was mainly so because land revenue was at that time one of the most important source of revenue for the government. The process required the determination of demand for revenue and its collection through the revenue machinery. The determination of demand in turn required a proper maintenance of land records and a proper assessment of the yield. The land records have to be kept up-to-date. All mutations on account of the death or transfer have to be immediately recorded. All partitions should not only be recorded but also shown on the village map.

In course of time, the importance of land revenue has declined because it now forms a very small part of the total revenue of the State. This has to a certain extent lessened the importance of the revenue collection by the Collector. However, the importance of land records has not reduced at all. Land records are important for determining the rights of the land holders and tenants in the land. They form the basis for the land reform measures which the government has taken up from time to time. These records are also required
to enable the farmer to obtain financial assistance from banks.

In order to discharge these functions Collector is assisted by a set of revenue officials. The area of district is divided territorially into sub-divisions, tahsils, kanungo circles and patwari circles. The hierarchical set-up of the revenue department is given below:

Table No. 1.1 - **DISTRICT REVENUE SET-UP**

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>(COLLECTOR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUB-DIVISION</td>
<td>LAND RECORDS</td>
</tr>
<tr>
<td>(S.D.O)</td>
<td>SUPERINTENDENT LAND RECORDS</td>
</tr>
<tr>
<td>TAHSIL</td>
<td>ASST. SUPTD. (L.R.)</td>
</tr>
<tr>
<td>(TAHSILDAR &amp; NAEB-TAHSILDAR)</td>
<td></td>
</tr>
<tr>
<td>KANUNGO CIRCLE</td>
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<tr>
<td>(KANUNGO)</td>
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<tr>
<td>PATWARI CIRCLE</td>
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<tr>
<td>(PATWARI)</td>
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<tr>
<td>VILLAGE</td>
<td></td>
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<tr>
<td>(PATEL, CHOKIDAR)</td>
<td></td>
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</tbody>
</table>

Source: By the courtesy of ACRA, Mr. Abdul Ghafoor, Collectorate, Aligarh.
The above table shows separately the,

i) The Revenue branch and

ii) The land record branch

At the top level, the Collector is the main functionary of these two branches of revenue.

I- **Collector**:

The principal function of a district Collector and his staff is to collect land revenue. He must justify his ancient title. He is responsible for the proper maintenance of accounts of the collection of the land revenue. Collector's responsibility is also to collect government dues other than land revenue.

He supervises a very large number of land records staff in his district in order to ensure proper maintenance, check and correction of land records. He tours and applies spot check and inspection to the land records in villages. He assesses the work of the Patwaris and checks the quality and extent of the supervisory control exercised by the Tahsildars and the Sub-Divisional Officers. He regularly sits in Collectorate and receives various reports on land records from the land records staff like Kanungoes, Tahsildars, S.D.Os and from other special agencies of the land records department. After taking into account these informations he issues general
or particular orders to maintain and improve the efficiency of district administration. This effort is necessary for the protection of rights of the people. In a predominantly agrarian country like India the role of the Collector is important to issue right kind of orders for effectively implementing government policies and preserving democratic status of the country. It is his responsibility to consolidate various village statistics of the district and submit large number of periodical return to the higher authorities. With the help of his spot inspection, result of reports and periodical returns he becomes able to know fluctuations in agricultural prosperity in the rural areas of the district and taking and suggesting, if necessary, remedial action in time. The Collector will take note of variations in rental demand, in the state of collections, in cultivated areas, and condition to tenants. If there is a progressive decline in the cultivated area or there is an abatement of any valuable crop, he must think out the reasons and apply the remedies. He would also take note of any development by which commercial classes are ousting the agricultural classes from land. Record concerning the sales and mortgages of land and surrender of fields will provide him a pointer in this connection. He may find that double crop area is decreasing or he may find that for some reason or the other total available land is not cultivated; he must investigate into these matters. Sometimes he will notice that a commercial crop is supplanting a food crop:
perhaps this would be because of the higher prices obtainable for commercial crops; but this is dangerous development, he would examine the position and suggest a remedy. He also makes his comments in the various Pargana and Circle books. But apart from this general ordinary check, he would have to pay special attention to agricultural calamities when he visits the district. Some of these are drought, floods, spread of weeds, soil erosion, serious epidemic cattle diseases and many other calamities. In such a situation agricultural loans will be distributed by the Collector and his relief work will have to be taken up on a very extensive scale, camps may have to be opened, food and clothing provided and general health arrangements to be looked after. Seeds will be distributed, cattle and agricultural implements may have to be supplied, land revenue and rents would be remitted or suspended. The district Collector and his revenue staff are the first to take upon themselves welfare activities. If cattle die in large numbers, rainfall fails, cholera, plague and small-pox take heavy tolls of human life, the Collector always takes remedial measures which are in the nature of welfare activity. More than that the people always expect the Collector to do so and they would look to him for relief not only in time of public calamities but also in time of local troubles and even in personal difficulties. He collects revenue and may, therefore, be called a tax Collector, this activity does
not make the Collector in public mind something to be
dreaded about; land revenue is paid as a matter of habit
now and is considered a just and certain demand. To rural
India the Collector has always meant predominantly an
officer who would solve their difficulties, an officer to
whom they could always go for action and help" 1.

The Collector is the highest authority in controlling
entire revenue staff of the district. He appoints and
terminates various village level officials like Collection
Amins and Patwaris in Pargana Jaunsar Bawar, District
Dehradun and Patwaris in Hill Pattis. He transfers Patwaris
from one circle to another circle within the district while
the transfer of Amins rests with the Tahsildar. Likewise
appointment and dismissal of Village Headman and Village
Accountant rests with Collector but for the sake of conve­
nience these powers have been delegated to the Sub-Divisional
Officers and Tahsildars. Despite this Collector yet retains
appellate authority in these matters. He not only makes
large number of appointments of revenue staff in Collectorate
but also appoints clerks and peons in various Tahsils and in
Sub-Divisions. He has power to punish, promote and transfer
them and write their confidential rolls yearly. Moreover,
disciplinary control of S.D.Os and Tahsildars and their charac­
ter rolls rests with collector. He transfers Tahsildars from
one Tahsil to another in his district. Collector inspects

1. Shukla, J.D., State and District Administration in India,
IIPA, New Delhi, 1976, pp.131-133.
every Sub-Divisional Office and Tahsils. Besides performing his own statutory and administrative duties, he has to ensure that huge revenue establishment working effectively and efficiently. He regularly supervises and inspects their work. Further, he allots work among various gazetted officers.

It is expected that government interest and property could be better looked after by the district Collector. It is his responsibility to avoid encroachments on government lands. He must maintain minor irrigation works in good repair. Special attention should be given by him to revenue free grants in view to take necessary action in case of lapse. It is well known quotation that there are one hundred and one ways by which government interests in land and revenue could be safeguarded. Apart from this, because of this unique privilege Collector stands between government and public and both trust him.

The Collector is concerned with two types of cases—mutation and correction cases and the other land revenue suits— the Collector's functions usually in this sphere are appellate, though some land revenue suits are heard by him as a Court of original jurisdiction. All appeals against Collector's decision heard by the Divisional Commissioner Board of Revenue or Financial Commissioner.
Dr. S.R. Maheshwari has listed the following revenue functions of the District Collector:

1. "Collection of land revenue.
2. Collection of Canal dues.
3. Collection of other government dues.
4. Distribution of taqavi loans.
5. Recovery of taqavi dues.
7. Distribution of distress taqavi.
8. All matters relating to land records.
9. Control over land records establishment.
10. Collecting and furnishing multifarious agrarian statistics regarding rainfall, crops etc.
11. Land acquisition work.
12. Supervision of treasury and sub-treasuries.
14. Payment of Zamindari Abolition Compensation and Rehabilitation Grant.
15. Assessment and realisation of agricultural income-tax.
16. As ex-officio Deputy Director of Consolidation of Holdings, nearing appeal against the order of the lower authorities.
17. Taking relief measures in case of scarcity conditions caused by natural calamities like fire, draught, flood, water logging, excessive rains etc.
19. Management of the government estates" ².

² Maheshwari, Shiram; Indian Administration, Orient Longman, Limited, New Delhi, 1968, pp.460-461.
Above mentioned long list of functions of Collector has made it clear that his functions are more undefined than defined. It is very difficult if not impossible to clearly delineate his duties and functions. The Madras District Revenue Administration Enquiry Committee in 1985 analysed the work load of the Collector and concluded:

"Speaking generally a Collector at the present day, for fulfilling his role adequately has to be prepared to accept his daily routine hours work far beyond those usually recognised as official hours. Almost every Collector has more than a fair day's work and he finds no difference between a working day and a holiday" 3.

II— **Sub-Divisional Officer:**

For the purpose of revenue administration State government under the Land Revenue Acts or the Land Revenue Codes devided district into various territorial units. The territorial unit between the taluk and the district is the Sub-Division in U.P. and revenue division in Tamil Nadu and Kerala. It often consists of a few tahsils or taluks. "The officer in charge of revenue Sub-division is Sub-Divisional Officer(SDO) or Sub-Divisional Magistrate (SDM) in U.P. or Revenue Divisional Officer (RDO) in Madras who is generally a Deputy Collector." 4 So, he is called by different names in different

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States. SDM is either recruited by the State Public Service Commission or promoted from the cadre of Tahsildar. Like the district Collector, the SDM is a generalist area administrator. Again, like him he speaks with the voice of the government in his own Sub-Division.

In Uttar Pradesh, the SDOs are resident at the headquarters of the district and are considered directly on the staff of the Collector. They are incharge of many of the functions of the Collector in a Sub-Division; but the Collector allots to them miscellaneous duties as well. In addition, they are also put incharge of various sections of the Collector's Office. An SDO as such has no office of his own. He has a Reader and a couple of clerks to assist him in his judicial work. He has also couple of orderlies. But that is all. He sits in a room allotted to him in the Collector's Office and depends on the Collectorate staff for clerical work.

The SDM exercises supervision over the Tahsildar, Naib Tahsildar and other functionaries in his Sub-Division. He hears appeals against the revenue cases decided by the Tahsildars and Naib Tahsildars. His duties and functions in his Sub-Division are more or less same as those of a Tahsildar in his Tahsil. " The SDM is not directly responsible for the collection of land revenue which is the duty of the Tahsildar. But his duties towards the maintenance of land
records, the work of the land records staff and in matter of watching the agricultural prosperity of his Sub-Division are the same as those of the Tahsildar in his Tahsil. He must tour in villages and check up all the records kept by the Patwaries and ensure that they are correctly written up and are up-to-date. Apart from checking the work of the Patwaries, he would also see to the quality of the supervision exercised in this regard by the Tahsildars and the Naib Tahsildars. He is responsible for the efficient performance of their duties by the land record staff. He would inspect the revenue branches of the Tahsildar's office including the office of the Registrar Kanungo as, in fact, he inspects all the branches of the Tahsildar's office. He would inspect the Record Room and ensure that all rules have been observed. His duties with regard to the agricultural prosperity in his area are many as well as important, hence he must acquaint himself with the village statistics, conditions of tenants and crops and infact must keep himself informed of the conditions of agricultural and rural life so that he may take necessary action or report to the Collector. When there is damage to the crops or general famine the relief measures are necessary. He will have heavy work for he will inspect on the spot the condition of crops, check up the statements of relief and will also distribute taqavi loans" 5.

On the basis of above mentioned information it is true that he is a touring officer gathering information, transmitting it to his district chief, contacting people, supervising subordinate officials, and finally looking after the execution of governmental activities in his Sub-Division. SDK is "primarily ... an inspecting, testing, and supervising officer, hearing appeals and trying cases. He moves about the villages and ascertains the villagers' grievances and wants and gains experience". However, the Sub-Divisional Officer as long as he heads a Revenue Division or Sub-Division should inspire and motivate the Tahsildars to play their part with imagination and zeal in the fulfilment of the task of the government. Thus, S.D.O is a valuable field aide to the district Collector. He is an integral part of the district administration. A serious drawback with the SDOs is that they generally prefer to live at the district headquarters rather than within their Sub-Division. In such situation they cannot be very effective in their work because even for minor item of work public has to come at the district headquarter after chasing long distance and wasting time and money. If he lives in his Sub-Division he will face difficulty in getting policy matter in time which is more important.

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III Tahsildar and Naib-Tahsildar:

For the sake of convenience & for proper administration Sub-Division of the district is further divided into a number of territorial units known as Tahsils. It is called Tahsil in U.P. and Taluk in Tamil Nadu. The officer in charge of it is Tahsildar and for the part of the Tahsil a Naib-Tahsildar. He is known as Mamlatdar in Bombay. So far as his appointment is concerned no one is appointed directly as Tahsildar (except in Bombay) because he is promoted from the rank of Naib-Tahsildar and a few other similar posts, a Supervisor Kanungo has a good chance to become a Tahsildar if he is able, but first he becomes a Naib-Tahsildar. Naib-Tahsildars are recruited partly through the State Public Service Commission and partly are promoted from the Supervisor Kanungs.

Tahsildar is "the principal official in the district administration responsible for actual revenue collection. It has the closest and widest contact with the rural population. His performance is also judged by his efficiency as a Collector of revenue". There is a long list of duties imposed upon Tahsildar. Out of those his principal duties can be looked well under the following heads:

7 Maheshwari, Shriram. Indian Administration, op.cit., pp.468.
1(a) "to collect land revenue, canal revenue, taqavi, cesses and other Government dues and perform other duties connected therewith in accordance with such rules as the Government may from time to time prescribe;

(b) to see that the land revenue Jamabandis and Jamabandi of asamis of Gaon Sabha, are prepared correctly and in time;

(c) to see that action regarding assessment, re-imposition or revision of land revenue wherever necessary is expeditiously initiated;

(d) to see that wherever required by law, timely action for filing suits or initiating proceeding on behalf of a Gaon Sabha or State Government (which includes Collector) is taken;

2. to keep in safe custody all Government money and property which may be placed in his charge;

3. to supervise and test the land records work in his Tahsil in accordance with the rules in the Land Records Manual;

4. to see that the rules in the Land Records Manual prescribing the duties of Supervisor Kanungos and lekhpals are properly carried out;
5. to collect supplies for troops marching through the Tahsil;

6. to report to the Sub-divisional Officer:
   (a) all cases of alluvion and diluvion which have to be reported under the rules;
   (b) all cases in which revenue-free grants, pensions, assignments, etc. are extinguished and lapsed to Government;
   (c) all cases in which the condition on which a revenue-free grant, compensation or assignment etc., was made has been broken;
   (d) all seasonal calamities affecting the crops, and any outbreak of epidemic sickness or unusual mortality among either men or cattle;
   (e) all cases affecting seriously the fertility of soil;
   (f) all escheats through failure of heirs;

7. to keep the District Officer and the Sub-divisional Officer in touch with all important, social, economic and political movements in the Tahsil;

8. to act generally as an Executive Officer of Government under the direction of the District Officer and the Sub-divisional Officer in all matters connected
with the land revenue and general administration of the Tahsil with particular reference to agrarian situation, law and order and crimes;

9. to supervise the working of the Land Management Committees in the Tahsil;

10. to carry out any other duty assigned by Collector or Higher Officials or State Government".

In spite of above mentioned duties, Tahsildars are required to move freely about their Tahsils. It is needed to acquire the personal knowledge of every portion of their charge for the efficient performance of their duties. Besides, spending time in local enquiries at other seasons of the year, every Tahsildar is required to be on tour beyond a radius of four miles from the Tahsil headquarters. His tour must be from 45 to 60 days in the cold weather as may be fixed from time to time. Moreover, every Tahsildar shall submit to the District Officer monthly, from November to March, a tour diary showing the villages he has visited and giving a brief account of his local inspections.

**Naib-Tahsildar:**

The role of Naib-Tahsildar is important during the absence of the Tahsildar from his headquarter. In such situation he will be incharge of the Tahsil office and treasury.

In Tahisls where no Naib-Tahsildar is posted, the Revenue Accountant will hold such charge in the absence of Tahsildar.

It is the most important duty of the District Officer to ensure that the work between the Tahsildar and Naib-tahsildar is so distributed that the latter get a proper share in the executive work of the Tahsil without detriment to the control of the Tahsildar.

The duties imposed upon the Naib-Tahsildar are many and varied. These principal duties can be studied under the following heads:

1. "to hold charge of the Registrar Quanungo's office and the land records of the Tahsil. He will superintend and inspect the work of the Registrar Quanungo and be responsible that his registers are maintained in accordance with the rules and that the periodical returns are duly furnished. He will give particular attention to the mutations in Khataunis and Khewats.

2. to test the work of the Lekhpals & Supervisor Kanungs at the Tahsil and in the field. He will arrange with the Tahsildar to go on tour for the purpose of testing Lekhpal records.

3. to receive the reports of the Lekhpals and Supervisor
Quanungos and to report through the Tahsildar on any point connected with land records which requires the orders of the Sub-Divisional Officer.

4. to see that the defects pointed out by the inspecting officers at their inspection of the Registrar Quanungo’s office are promptly removed.

5. to supervise the work of Amins and be responsible that the registers and receipt books are properly kept up. For this purpose he will test and compare the Amins’ accounts and check their proceeding while on tour.

6. to measure the rainfall of rainguage under his charge, maintain the register and report on the prescribed dates all falls of rain to the District Officer through the Tahsildar.

7. to perform such other duties as may be prescribed by or under any other rules or orders of the State Govt., or as the Tahsildar with the general or special sanction of the District Officer, may entrust to him.

8. to prepare narratives in cases in which the Government is a party.

9. to carry out any other duty assigned by Collector or higher official or State Government" 9.

In order to make Tahsildar and Naib-Tahsildar more effective in their work their status must be raised and "they should be provided with transport and adequate supporting staff to make them worthwhile. Further to propose reform, the collection of land revenue which is proportionately not very large, should either be discontinued or entrusted entirely to the village panchayat or primary cooperative society. The collection of land revenue is a means by which possession and ownership of land are annually re-asserted or re-ensured and it is therefore, the basic responsibility of the revenue administration and not of the village panchayat or primary cooperative. Entrusting the realisation of the land revenue to another agency is tantamount to abdication of its basic responsibility by the revenue administration and will lead to frequent encroachments of the land belonging to the weaker by the stronger and interminable litigation and village feuds." 10

Tahsildar is invested with the powers of a second class executive magistrate but he hardly has an occasion to exercise them due to the overwhelming prevalence of the supervening authorities. Besides, he is not normally equipped with modern management knowledge. Thus, his initiative is inadequate to welcome innovations in the area of his office.

IV Kanungo:

For the purpose of revenue administration, next lower unit down to Tahsil is known as 'Pargana in Uttar Pradesh, Circle in Maharashtra and Firka in Tamil Nadu. This unit is placed under the charge of Supervisor Kanungo in U.P., Circle Inspector in Maharashtra and the Revenue Inspector in Tamil Nadu. The post of Kanungo has been created to inspect many, complex and important duties of the Patwaris, so that these are efficiently, honestly and properly performed. There are three types of Kanungoes in U.P.- Supervisor Kanungo, Registrar Kanungo and Sadar Kanungo. Each type of Kanungo has little different work to perform which can be looked well under the following heads:

A- Supervisor Kanungo:

He is also known as Circle Inspector in Bombay and Revenue Inspector in Madras. The power of his appointment & removal or reduction in rank rests with Collector. He can be transferred within the Sub-Division by the S.D.O. but from one Tahsil to another within the district by the Collector. Likewise, he is transferred from one district to another within the division by the Commissioner. The power for his promotion to the post of Naib Tahsildar or Sadar Kanungo rests with Board of Revenue. A Supervisor Kanungo usually resides in his Circle. He is expected to shoulder

11. Maheshwari, Shriram: Indian Administration, op.cit., 469.
more responsibilities apart from being equipped with local knowledge. He is better known as field Kanungo. The duties of a Kanungo may be summarised as follows:

Kanungo has to ensure that the Village Accountants in their Circles carry out all orders by observing rules e.g. discharge duties punctuality and promptly, write up their registers correctly and keep them up-to-date; they keep their map, registers and survey instruments and write up their diaries etc. He keeps watch over the Village maps in order to ensure that all union and division of fields have been shown in the map. He also looks the preservation of boundary, verifies and tests the Patwaries records in order to correct any entry that may be found wrong. Besides, he looks the quality of the work of the Patwari. He may also find from spot verification that certain farmer might have died for some time and yet his name continues. He would ask the Village Accountant why a report was not made for mutation or correction. He may find that some one other than the recorded farmer may be in possession of a field and may be cultivating it. Likewise, he may find encroachments on Government lands which have not been recorded by the Village Accountant. The verification and submission of Village Statistics and detection of agricultural deterioration are other important works of Supervisor Kanungo. It is his duty to indicate the reasons for these deteriorations on the basis
of which necessary action will be taken. He has a great knowledge of local areas. He tours regularly and meets the people. He is entrusted with many local enquiries. He is not required to undertake enquiries concerning crime or enquiries ordered by courts of law. But there may be persons creating local nuisance and there may be disputes about the use of water. Many such disputes are referred to the Supervisor Kanungo for settlement. Many times enquiries from other departments are also referred to him. Tahsildars, also, entrust him with many miscellaneous duties in case of fire, census, elections, public fairs, when the army is marching through his circle, on all these occasions he has some duty to perform and some assistance to render. Thus, the Supervisor Kanungo is a nutshell constitutes a very valuable link between the Village Accountant and the Tahsildar.

B- Registrar Kanungo:

The Collector is empowered to appoint and dismiss the Registrar Kanungo. The power to promote him for the post of Sadar Kanungo rests with Board of Revenue. He is either a promoted Patwari or an official from the staff of the Collectorate or Tahsil office. Generally each Tehsil have a Registrar Kanungo with one or more assistants.
It is the duty of Registrar Kanungo to receive records and registers from the Patwaries. Patwaries prepared these records annually. After receiving, "Registrar Kanungo will keep these registers and records at the Tahsil Record Room, then weeds out some of the records and transfers others to the District Record Room. His work is to see that every record and register is complete and is in order. Besides, Registrar Kanungo receives numerous periodical statistical statements from Patwaries and compile them for the Tahsil and sends those statements to the Collector's Office. Whenever any higher official like Collector or S.D.O. or Tahsildar visits to examine these books, he can gather valuable information regarding the area that may help in taking necessary actions. Registrar Kanungo keeps stock of various forms, registers and survey instruments which he distributes to the Patwaries. Whenever Patwaries and Supervisor Kanungo submit statements of loss and suggest remissions and suspensions of recovery of revenue because of agricultural calamities then it is the duty of Registrar Kanungo to consolidate these details for any part of the Tahsil concerned. He is a Registrar of changes in landed property. He also keeps mutation funds registers. He keeps the Patwaries' pay accounts. He also maintains certain registers in which important Government interests are entered. He maintains accounts of survey instruments and printed village maps. He maintains the list
of civil and military pensioners and gets it verified.12 Thus, it is another angle of Kanungo by which Patwaries' work may be looked out well.

C- Sadar Kanungo:

The appointment and dismissal or reduction in rank of Sadar Kanungo rests with Plevenue Board. Generally, he is promoted from the rank of Supervisor Kanungo. He is also promoted to the post of Tahsildar and to the post of Inspector and Instructors of Kanungoes by the Revenue Board. There is one Sadar Kanungo for each district. He gets help in his work by assistants as well as clerks. He is the Collector's executive and advisory officer in all matters of land records and the land records staff. He has to perform both office duties as well as field duties.

"He tours in Patwaries' circles, verifies and checks Patwaries records and also sees what the quality of supervision which the supervisor Kanungoes have exercised over the Patwaries' work. He is an experienced official and ably supplements the supervision of the S.D.0s and the Tahsildars over the Patwaries and supervisor Kanungoes. He also inspects the Patwaries and Kanungoes in their duties and checks their diaries. His inspections go to the Collector who passes necessary orders thereon. On the office side he keeps necessary records, character rolls, survey books of...

12. Shukla, J.D., State and District Administration in India, op.cit., p.76-77.
Patwaries, Supervisor Kanungoes and Registrar Kanungoes and puts up proposals regarding their promotions and transfers. He keeps account of their leaves. He, also, inspects Tahsil Registrar Kanungoes offices in the district. Moreover, the Registrar Kanungo consolidates statistical statements for the Tahsil while Sadar Kanungo consolidates these statements for the District. Further he is the keeper of the revenue record room at the district headquarters or in any case inspect it!  

The multifacet activities of Sadar Kanungo does not end here. He advises Collector on land records. Numerous references will come from the Tahsil relating land records and land records staff asking for orders and advice. Such references should be counted on by the Sadar Kanungo. Besides, many general orders will come from the Revenue Board. In the light of these references Sadar Kanungo drafts suitable orders and ensures necessary actions. Thus, we can say Kanungo holds key-post in revenue administration and his worthwhile assistance keeps administration on going. He is the real supervisor of the land records as well as their maintainer.  

V- **Patwari**:  

He is the revenue officer in the village normally in all the Hindi speaking States like U.P. The Patwari can in practice with the social power at his disposal, exerts considerable influence upon the district administration. The power for his appointment and dismissal belongs to the Collector. The little controlling power of Patwari is delegated to the S.D.O. As he can transfer him from one circle to another and can issue penalty of fine not exceeding 3 months pay for misconduct or neglect of duty. There are certain educational qualifications prescribed and when a person is appointed as Patwari he is trained in a Patwaries School. A group of villages are placed under the charge of Patwari. It is expected that Patwari will stay in his circle unless on good grounds he has been exempted by the Collector from residence.

The work placed under the charge of Patwari is so important, detailed and complicated that he is closely supervised by the Kanungo. He performs the basic function of maintenance of land records and helping collection of land revenue by the Village Patels, Amins etc. He has no revenue case work but has to assist the revenue officers by providing the necessary land records and other evidences. In the matters of land records he receives
theoretical and practical guidance from Superintendents of Records and Assistant Superintendents of Land Records. Moreover, Patwari keeps a diary in which he records daily happenings of any significance. He also keeps some survey instruments and undertakes measurement and demarcation work on a limited scale.

It is the primary duty of the Patwari to prepare land records or village records, to maintain them and to incorporate all corrections in them from time to time. The Government undertakes not only to define the rights of the people to land periodically at the time of settlement but also keeps up-to-date records of such rights so that no one is ignorant as to what these rights at a particular time are. That is the essence and that is the value of the land records or Patwari's papers or village records. For the sake of convenience Patwari's registers and papers may be divided into two heads - Village Records and Village Statistics.

There are large number of registers which the Patwari keeps with himself, few important out of that are -

1. "The Map of the Village is prepared at the settlement and shows every field, that is, survey number. The Patwari gets this as a trust from the settlement as he does the record of rights, and he keeps it
up-to-date by showing changes which happened on the spot in the formation of the fields.

2. **Khasra**: This is index to the map. For every field it gives certain details viz., the number of the field, the area of the field, the method of irrigation of all crops grown during the year etc. The khasra is prepared annually, entries regarding crops are made as a result of inspection locally known as 'Girdawari'. The Patwari visits every field when crops are standing for two or three times in a year. Thus, the khasra is written up and all changes regarding fields and boundaries are also noted.

3. **Khetauni**: This is a record of rights for the tenants. In khetauni the details are given tenantwise. First the name of the tenant will be given and then will follow the khasra numbers, that is, fields which he cultivates, their areas, and rents. By this system not only the tenants but also the revenue courts can know at once how many fields and how much area does a tenant cultivate and what is the rent due from him.

4. **Register of Mutations** of which more hereafter when dealing with subject of correction of records. Whenever any change is reported or comes to the notice
of the Patwari he enters it in the register of mutations. Then sends a list to the Tahsil. During their tours certain revenue officers who are called "Certifying Officer", who have powers to decide mutations, come to village, check the entries in the register of mutations and "certify" them. No mutation is certified except in the presence of the parties concerned. Thereafter necessary corrections are made in the record of rights. Thus, officers on tour decide these disputes locally.¹⁴

In importance the "Village Statistics come next only to the record of right; these the Patwari abstracts periodically from the village registers and submits to the Tahsil. These are called periodical returns and contain a wealth of information regarding village life and agricultural conditions; and on this ultimately are based the national statistics. The village statistics indicate rainfall, condition of the crop, from this the authorities are kept informed about the state of crops in the village and is a failure of crop threaten, they are forewarned so that necessary action may be taken."¹⁵ It helps government in knowing about culturable and non-culturable land. It also shows sources of irrigation by which revenue officials would know whether irrigation facilities have improved or deteriorated and may take remedial

¹⁵. Ibid. p.64.
action. Moreover, the Patwari prepares cattle census registers, and statements of epidemic disease, animal diseases and vaccination etc.

On the basis of above analysis we can say that every inch of land in India is measured and mapped out to a scale. Rights of the farmer to their land could be known and kept up-to-date. Now government can fix land revenue for every piece of land. This is a continuing process. It has been made clear that to whom farmer has to pay land revenue and what are his rights and liabilities to the land. With the help of sophisticated technology government provides prior information of weather to the farmer. Further, Patwari is the government representative in the village. His worthwhile information about agricultural condition helps a lot to the officials of Agriculture Department in the distribution of seeds and manures. On the basis of Patwari's identification of village people, agricultural loans could be distributed to the needy persons. He reports all diseases of crops so that agricultural officials may take remedial actions. He helps the Health Department by reporting epidemics and helping vaccinators and inoculators when they come to the village to perform their duties. He helps the Excise Department by reporting any unlawful cultivation or collection of any plants from which an indigenous drug can be produced. He carries out very valuable duties during
election and is the only person who can identify every voter in the village. If needed, he collects villagers so that they may listen to a departmental official over any matter. So, every official of the government required his help and information in discharging public duties.

VI— Patel and Chowkidar:

Every village has two more functionaries, Village Patel and Village Chowkidar. Patel helps in recovery of revenue on commission basis. Village chowkidar helps the Patel and helps revenue and other officers in performing their duties in the village. He also attends the thana at regular intervals and keeps the Police informed of the developments in the village.

Coercive processes in collection of land revenue:

Generally every cultivator pays land revenue which is realised from him. But there are persons who don't pay agriculture tax deliberately. In order to bring them under the course of law sometimes some coercive processes are necessary to collect land revenue. The collector is expected to keep supervision over the collection time to time. Besides, the success of the system depends upon the certainty of land revenue dues fixed on an annual basis and collected in a number of instalments over a year. The instalment
of payment should be fixed according to the number of main crops raised in a year, the time when they are harvested and relative value determining the income of the cultivators. Generally two instalments in a year are fixed, one at the time of Kharif and second at the time of Rabi crop. When any farmer fails to pay instalment, is called a defaulter. In such case revenue officer will not go to civil court but will put into motion the machinery of coercive processes. These important measures are given below:

2. Arrest and detention of defaulter.
3. Distress and sale of his movable property.
4. Distress and sale of his immovable property.
5. Attachment of his share with respect of which the arrear is due, its sale and transfer.
6. Annulment of settlement" ¹⁶

It is not essential to proceed these measures in the same manner as encoded above. It wholly depends upon revenue officer to adopt measures which he deems fit according to the circumstances. There are certain conditions, for instance, when movables are attached agricultural implements have to be exempted. Though, out of the above mentioned processes certain are issued by the Tahsildar, others by the S.D.O.

and some others only by the Collector. Generally, the attachment and transfer of share and annulment of settlement requires the sanction of government. Now, collection of agriculture tax has become so smooth and easy that hardly any coercive process is used.

After going through the above discussion we can say that main structure as well as methods of the administration in the district are much the same as they were before independence. This, despite the great changes brought about by the major land reforms which have over large areas of the country made fundamental changes in land tenures and holdings. Among these major changes the abolition of the zamindari and consolidation of land holdings have changed the face of the land over large areas. Despite all these changes the Collector of the district with his staff continues to be the principal agency of the government in field administration for revenue, proper maintenance of the land records and the land management.