

Notification No. 14, dated the 9th. September 1931.

The annexed 25 Circulars under the Indore Land Revenue and Tenancy Act No. I of 1931 sanctioned under Huzur Shree Shankar Order No. 453 dated the 24th. August 1931 are published for information and guidance of all concerned.

R. M. KIBE,  
*Revenue Secretary.*

K. G. RESHIMWALE  
*Revenue Minister.*

---

CIRCULAR NO. I.

Instructions regarding the allotment of unoccupied land in *Pattedar* tenant right in *Khalsa* villages under Section 38 of the Indore Land-revenue & Tenancy Act.

(1) For the purpose of these instructions, unoccupied land means the waste\* land of a village. It includes *Parit Laoni*.

(2) Unoccupied land of any of the following descriptions shall not be allotted by an *Amin* :—

(a) Land forming part of the village boundary lands (*Kakad Parit*) ;

(b) Land included in recognised roads or paths or common lands (e.g. *Goya, Rasta, Sarak, Marghat* etc.) ;

ing the *bandh* or bed of a tank;

and mango groves;

(c) Land which, in the *Amin's* opinion, can not be cultivated.

(3) Unoccupied land, on which valuable timber trees are standing, should not be allotted until the question of the removal of such trees has been considered. If the trees are numerous, the *Subha* should either refuse to allot the land or should have any trees, which he thinks should not be incorporated in the holding, removed and sold before the land is allotted.

(4) Unoccupied land, with trees to the produce of which some person other than the proposed tenant has a right, should only be allotted if the proposed tenant agrees to purchase that person's right in the produce of the trees, at a price to be assessed by the *Amin*.

(5) Unoccupied land shall not be allotted by an *Amin*.

(a) to any person who is not a *bona fide* agriculturist as defined by rule made under Section 63 (2) (a) (*see* Circular No: II).

(b) to a European or American; to a *Vilayati*; to a member of a Criminal Tribe (except with the previous sanction of the *Subha* of the District who shall consult the Police Department before passing orders); or

(c) to any institution or corporate body.

(6) An *Amin* has no authority to allot unoccupied land in a *Khalsa* village except in *Pattedar* tenant right. He may not allot it in ordinary tenant right except under a specific order from Government. It is Government's intention that the whole body of permanent cultivators in *Khalsa* villages shall enjoy the *Pattedar* tenant status. It is only in special circumstances (*e.g.* when land is temporarily leased out) that an ordinary tenancy will be created in a *Khalsa* village; and for such creation the general or special orders of Government are required.

(7) A person, desirous of taking up land for cultivation in *Pattedar* tenant right, should submit a formal application to an *Amin* attached to the *Mahal* in which the land is situated. Each *Patwari* shall keep a supply of printed forms of application; and, when he learns that any person is willing to take up unoccupied land or land occupied without authority, he should give, free of charge, every assistance to the prospective applicant in filing up the form of application. The *Patwari* will enter up the area of each different class of soil and the rate given in the *Settlement misl* for that soil. The applicant will then be required to forward his application to an *Amin* attached to the *Mahal* in which the land is situated, either by bringing it to him in person or by sending it to him by post or otherwise.

(8) It will be one of the primary duties of an *Amin* to remain constantly on tour in his *Mahal* and to arrange in every village he visits for the disposal of the unoccupied culturable land and land occupied without authority. The receipt of applications will indicate to the *Amin* the villages in which the allotment of unoccupied land in tenant right is most urgent. It is obviously desirable that allotment cases should, wherever possible, be disposed of on the spot in the village in which the land is situated. (It is only when this is not possible that the procedure indicated in para 10 should be followed).

(9) On reaching a village the *Amin* will summon the *Patel*, *Patwari* and cultivators and enquire whether there is any unoccupied culturable



land suitable for allotment and whether there is any land occupied without authority. If there is only one suitable applicant for any such unoccupied culturable land or land occupied without authority, the *Amin* will, with the help of the *Patwari* take a formal application from the applicant in the prescribed form, verify the *Patwari's* classification of the soil and statement of the settlement rates for each soil and shall then assess the land and issue a *Patta* forthwith in the form appended to this Circular. Whenever there is more than one suitable applicant for such land, the *Amin* shall, as above, take a formal application from each applicant, class the soil and assess the land and shall then put it up to auction in the village. The right in the land shall ordinarily be given to the highest bidder among those who are not disqualified under paragraph 5 above. But the *Amin* may reject any offer for reasons to be recorded by him in writing.

(10) In cases in which applications for land are made to an *Amin* from villages which it is not possible for him to visit personally within a reasonable time, the following procedure should be followed:—

(a) Application will be prepared for the applicant by the *Patwari*, as explained in para 6 above. On receipt of the application with the *Patwari's* report the *Amin* will proceed to assess the land on the basis of the *Patwari's* figures and shall then issue a notice to the applicant and make proclamation in the village intimating that the land will be auctioned at a given time and place. The auction will then be held in the ordinary way.

(b) In the Rampura-Bhanpura District, where land is not in great demand, the *Amin* shall hold auctions only when the same plot of land is desired by more than one applicant. If there be only one applicant for any plot of land and if the *Amin* cannot visit the village personally, he will have the soils classed by the *Patwari* as above and shall forthwith assess the land and issue a *Patta* in favour of the applicant. In cases of unauthorised occupation, if there be no other applicant and the occupant be suitable and the land such that there is no objection to its allotment, the *Amin* may similarly proceed to issue a *Patta* to the unauthorised occupant. But, if other applicants can be found, the holding will be put up to auction.

(11) The varying powers of Revenue Officers in the matter of giving sanction to the allotment of land will be as shown below:—

(a) land having an area of 20 acres or less and for which Rs. 200 or less are offered . . . . . *Amin*.

4      *INDORE LAND REVENUE & TENANCY ACT.*      [Act No. I.

(b) land having an area of 50 acres or less and for which Rs. 500 or less are offered ..... *Subha.*

(c) land having an area of more than 50 acres or for which more than Rs. 500 are offered ..... *Commissioner.*

(12) The highest bidder in an auction whose bid is approved shall forthwith deposit one-fourth of the amount of his bid on the day the auction is finally closed and the remainder within 15 days from that date.

(13) If the remaining amount is not paid within 15 days from the date of auction, the auction shall be deemed to be cancelled, the one-fourth amount already paid shall be forfeited to Government and the land shall be either re-auctioned or given to the next highest bidder in the first auction whose bid is approved, if he is prepared to take it.

(14) No *Patta* shall be issued unless, and until, the auction purchaser has paid into the Treasury the full amount of the sanctioned bid.

(15) No Government servant will be allowed to bid at an auction unless he has been authorised to do so by the Head of the Department in which he is employed. But such departmental authorisation in no way diminishes the responsibility of the *Amin* for seeing that land is allotted to a *bona fide* agriculturist only.

---

\*Note:—"The *waste land* of a village is that area which neither is occupied by any holder of land nor forms a part of the village site."

---

Application for unoccupied land in *Pattedar* tenant right.

---

1. Name & father's name of the applicant.
2. Age.
3. Caste.
4. Occupation.
5. Address.

6. Name of the village and *Pergana* in which the land applied for is situated.
7. Detail of Survey Nos., area and assessment.
8. Name of any other *Khalsa* village in which the applicant holds land in *Pattedar* tenant right , with details of area and assessment of that land.

Dated .....

Signature of the applicant.

The above details have been verified by me and are correct.

*Patwari.*

---

**Patta.**

*Name of the Village* \_\_\_\_\_ *Mahal* \_\_\_\_\_ *District* \_\_\_\_\_

Name of tenant, father's name, }  
 caste and residence. }

<b>Khasra No.</b>	<b>Area.</b>	<b>Soil class.</b>	<b>Rate.</b>	<b>Rent.</b>	<b>First kist.</b>	<b>Second. kist.</b>	<b>Remarks.</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>

Pattedar tenant's rights are hereby conferred in the above mentioned area on the said \_\_\_\_\_ son \_\_\_\_\_ caste \_\_\_\_\_

*Dated the* \_\_\_\_\_ *193* .

*Signature of Amin.*

## CIRCULAR No. II.

Instructions regarding the allotment and transfer of agricultural land to *bona fide* agriculturists, under Sections 38, 45, 46, 48 or 118 (1) (c) of the Indore Land-revenue and Tenancy Act.

---

(1) In exercise of the powers conferred by clause (a) of sub-section (2) of Section 63 of the Indore Land-revenue and Tenancy Act, Government have been pleased to make the following rule defining a "*bona fide* agriculturist."

"A *bona fide* agriculturist means a person who possesses resources sufficient to enable him to perform the duties of a tenant, as laid down in section 32 of the Indore Land-revenue and Tenancy Act, in respect of the land to be allotted to him; and who promises, and may be reasonably expected, (a) to take a personal and active interest in the cultivation of the land; and (b) to comply with all the conditions of a tenancy, as prescribed by Chapter V of the Indore Land-revenue and Tenancy Act, and, particularly, the condition which prohibits sub-letting solely with a view to obtaining rent or merely so as to remain an intermediary between the person from whom he holds and the actual cultivator of the land."

(2) The first point to notice is that the question whether a person is a *bona fide* agriculturist arises only when agricultural land is being given out in *Pattedar* tenant right after the Act comes into force either by the allotment of unoccupied land under Section 38; or by a sale under sections 45, 46, or 48, or by a sale under Section 118 (1) (c). The question cannot arise in respect of land which is already lawfully held by any person when this Act comes into force, or which is now held by or may hereafter be allotted to, any person in other than *Pattedar* tenant right.

(3) The future working of the new Act will largely depend upon whether Revenue Officers enforce the provisions which restrict future grants of *Pattedar* tenant rights to *bona fide* agriculturist.

It is Government's view that, when *Pattedar* tenant's rights are allotted or transferred, they should only be given to persons who may reasonably be expected to take a personal and active interest in the cultivation of the land.

This will, in the first place, exclude lunatics, and minors, unless represented by a lawful guardian, and persons permanently physically disabled (*e.g.* by blindness) from giving adequate attention to the land.

*Secondly*, any one whose resources are insufficient will be excluded. Land should not be given in *Pattedar* tenant right to a man who has not the means to cultivate it or whose other land already taxes his capabilities to the full.

*Thirdly*, any person must be excluded if he does not undertake to comply with all the conditions of a tenancy as given in the Act, and particularly, those which restrict sub-letting.

(4) But, even assuming that an applicant or prospective transferee is physically, mentally and financially capable, and that he agrees to the conditions binding on a tenant, the Revenue Officer must still apply the final test. Can the applicant, or prospective transferee be reasonably expected to take a personal or active interest in the cultivation? An official or clerk, in active employ and liable to transfer; an official or clerk (even though not liable to transfer) or private employee, whose official or private employment fully occupies his time; a pleader, business man, money-lender or shop-keeper who is known to be fully employed in non-agricultural activities; a person residing at any great distance from the land under disposal; any person who is known to sub-let other agricultural land in his possession—these are all persons for whom, *prima facie*, it will be difficult, if not impossible, to take a personal and active interest in the cultivation of the land offered for allotment or sale. There is no absolute bar against any of these classes. But they, and others like them, will not be permitted to obtain land in future, unless they satisfy the responsible Revenue Officer that their real purpose is to interest themselves personally and actively in the cultivation of the land they wish to obtain and that they can be expected to fulfil that purpose.

(5) If a *Pattedar* tenant, who has obtained land as a *bona-fide* agriculturist subsequently contravenes section 48 (1), in sub-letting that land, he may be ousted by a special summary procedure under Section 49.

---

### CIRCULAR No. III.

Instructions regarding the allotment of house sites to *Pattedar* tenants in *Khalsa* villages under Section 42 of the Indore Land-revenue and Tenancy Act.

---

(1) Under Section 42 of the Land-revenue and Tenancy Act a *Pattedar* tenant has the right, free of charge, to a suitable house site of reasonable dimensions within the village site (*gaonthan*) of one village,



but not more than one, in which he holds land. Under Section 125 (2) (b) of the Act the allotment of house sites in *Khalsa* villages rests with the *Patel*.

(2) A *Pattedar* tenant, who is desirous of obtaining a house site in the *gaonthan* of a *Khalsa* village free of charge, shall apply to the *Patel* of the village, who will deal with it in consultation with the *gaonthi Panchayat* (where such a body has been constituted for the village).

(3) The *Patel* and *Gaonthi Panchayat* are authorised to dispose of applications for house sites only from those *Pattedar* tenants who have no house site in the village. They are not authorised to permit a *Pattedar* tenant to extend an existing house site which he may hold or to exchange it for another .

(4) As soon as a house site has been allotted to a *Pattedar* tenant under Para (3) the *Patel* shall intimate the fact to the *Patel* of any other neighbouring village or villages in which the *Pattedar* tenant may hold land; and this intimation shall act as a bar to the allotment of a house site free of charge to the same *Pattedar* tenant in such other village or villages.

In allotting sites in the *gaonthan* due regard will be paid to the social sentiments of the persons already residing in the village. The size of the plot allotted should vary according to the requirements of the applicant; but in no case should a site measuring more than 50' X 50' (2500 Sq.ft.) be allotted to a *Pattedar* tenant, except with the previous sanction in writing of an *Amin*.

(6) Open sites already assessed to revenue shall not be given for building purposes, except under the previous sanction in writing of the Commissioner.

(7) Cases of unauthorised building on sites within the *gaonthan* shall at once be reported by the *Patuvari* to an *Amin*.

(8) Houses constructed without permission or in contravention of these instructions, will be liable to be demolished under the order of an *Amin* provided that the *Amin* may if he does not consider it proper to order demolition of the house impose upon the person contravening these instructions a fine not exceeding Rs. 50.

(9) In places where there is a Village Panchayat the powers under this Circular will be exercised by the Village Panchayat.

---

CIRCULAR No. IV.

Instructions regarding the grant of sanction to the sale of *Pattedar* tenants' rights under Section 45 (1) of the Indore Land-revenue and Tenancy Act.

---

(1) A *Pattedar* tenant, desirous of transferring his rights in the whole or any part of his holding by sale, shall, first, submit an application to the *Amin* of the *Mahal* in which the holding is situated, with a certified copy of his *Khata* as entered in the latest village *Jamabandi*. The application and the copy of the *Khata* shall each bear a stamp of ten annas.

(2) The application must state the following particulars:—

(a) Full name and address of the applicant.

(b) Name of the village and *Parganah* in which the land to be sold is situated.

(c) Area of the whole holding.

(d) Detail of *Khasra* numbers, with area and assessment of the land to be sold.

(e) Arrears, if any, outstanding against the applicant on account of the holding.

(f) Whether possession of the land is with the applicant or with any other person; and what title in the land the person in possession enjoys.

(g) The name and occupation of the prospective purchaser.

(h) Amount of the consideration money agreed upon.

(3) On receipt of the application the *Amin* will have the particulars mentioned in it verified by the *Patwari* of the village and checked with the records of the *Jamabandi* clerk.

(4) The *Amin* shall fix a date and by issuing a notice in such manner as he deems proper call upon the parties and any other persons interested to appear before him and submit their objections, if any, to the sale; shall satisfy himself that the applicant is the recorded tenant of the land; and shall then submit the case with his recommendation to the *Subha* of the District.

(5) The *Amin* before submitting the case to the *Subha* shall verify whether the purchaser,

(a) is a *bona fide* agriculturist and has the means to cultivate the land;

(b) is taking the land for his agricultural purposes, and may reasonably be expected to take a personal and active interest in its cultivation;

(c) is not a minor or lunatic, not represented by a lawful guardian, or is not otherwise permanently disabled; is not a European or American; is not a Vilayati; or is not the member of a Criminal Tribe;

(d) has obtained permission to purchase from the Head of the Department in which he is employed, in case he is a Government servant;

(e) is not an institution or a corporate body;

(f) is prepared to pay any arrears of rent or revenue outstanding in respect of the land to be sold.

(6) On receipt of the case the *Subha* of the District must carefully consider the proposal. It will be essential for him to satisfy himself that the transfer will be to a *bona fide* agriculturist. But that is not the only point for his consideration. He must also satisfy himself that the sale is in the best interests of the transferring tenant and his family. It may be that the tenant is transferring his rights simply in order to defeat the claims of a legitimate heir with whom he has a quarrel; or the tenant may have no near heir and may wish to capitalize the value of the holding for his own benefit; or he may be subject to undue influence or may be parting with his land for inadequate consideration; or he may be selfishly neglecting his children's interests. In all these and any other circumstances in which the *Subha* thinks the transfer undesirable, he is authorised to refuse sanction. If, however, he considers the sale unobjectionable and finds that the transferee is a *bona fide* agriculturist, he should accord his sanction.

(7) Every sanction to a sale conveyed by the *Subha* shall be registered in the *Subhaiat* Office. A Register of actual transfers by sale will also be maintained in the *Mahal* Office. Forms for these registers are appended.

(8) It should be made clear to the parties by the *Subha*,

(a) that any sanction he may accord to the sale of a *Pattedar* tenant's rights in favour of particular transferee will not by itself make the transaction binding upon either party; and

(b) that, if the *Pattedar* tenant subsequently wishes to sell his rights to some other person, fresh sanction from the *Subha* will have to be obtained.

**Register of completed sales of Pattedar tenant's rights in holdings.**

S. No	Name of village.	Pattedar tenant's name & address.	Details of area sold.			Purchaser's name.	Amount of consideration money or sale Proceeds.	No. & date of Subha's order sanctioning sale.	File No. of the case & record No.	Remarks.
			Survey Nos.	Area.	Assessment.					
1	2	3	4	5	6	7	8	9	10	11

**Register of sanctions to proposed voluntary sales of Pattedar tenants' rights in holdings.**

S. No.	Name of Pergana.	Name of village in which the land to be sold is situated.	Full name & address of Pattedar tenant selling his right.	Area of the holding.	Details of area to be sold.			Purchaser's name, date & address.	Amount of consideration.	No. & date of order issued to the Amin sanctioning the sale.	File No. and year and record No. of the file.	Remarks.
					Survey No.	Area	Assessment					
1	2	3	4	5	6	7	8	9	10	11	12	13

## CIRCULAR No. V.

Instructions regarding the sale of a *Pattedar* tenant's rights by the *Subha* of the District, in execution of a Civil Court decree for money, under section 47 of the Indore Land-revenue and Tenancy Act.

(1) It should clearly be understood that Section 47 of the Act only refers to the execution of *decrees for money* passed by a competent Civil Court.

(2) An order for the *specific* sale of a *Pattedar* tenant's rights, passed by a Civil Court in satisfaction of a claim for money, is *ultra vires*. If such an order comes to the notice of a Revenue Officer or is transferred to the *Subha* of the District under Section 47, it should immediately be reported to the Chief Revenue Authority who will, after verifying the facts, move the High Court to revise the order of the Court passing the decree.

(3) Under Section 46 (1) (a) of the Indore Land-revenue and Tenancy Act, a decree for money, passed by a competent Civil Court, may be executed by the sale of a *Pattedar* tenant's holding, through the Agency of the *Subha* of the District, *only when the decree for money cannot otherwise* be satisfied. It is, therefore, incumbent on the Civil Court to exhaust every possible means of raising the decretal amount by the sale of other property, moveable or immovable, belonging to the judgment-debtor, before its decree is transferred to the *Subha* of the District for execution by the sale of the judgment-debtor's rights as a *Pattedar* tenant. When transferring the decree under Section 47, the Civil Court should detail the process issued against other property of the judgment-debtor for the information of the *Subha*.

(4) On the transfer of a decree to him for execution under section 47, the *Subha* shall first summon the parties before him and satisfy himself that the Civil Court has, in fact, prior to forwarding its decree to him for execution, exhausted every means of recovering the decretal amount by the sale of other property, moveable or immovable, belonging to the judgment-debtor.

If the *Subha* finds that other property is available, he will prepare a list of such property and shall return the decree with this list to the Civil Court concerned for further action.

If the *Subha* is satisfied that other property cannot be utilised in satisfaction of the decree, he shall proceed to execute it in accordance with the provisions of section 47 (2). When the sale price has been

realised, the *Subha* shall, first, satisfy any claims outstanding against the judgment-debtor on account of arrears of revenue, and shall then remit the balance to the Civil Court from whom he received the decree for execution.

(5) The sale of rights in land under section 47 must, of course in accordance with section 46 (2), be effected in favour of a *bona fide* agriculturist only.

(6) It may be observed here, for the information of Civil and Revenue Courts, that Civil Court orders for possession based on decrees for the specific performance of a contract (*e.g.* an order for possession based on an agreement by a *Pattedar* tenant to sell his rights in his holding *where such sale has been duly sanctioned by the Subha of the District under Section 45*); or an order for possession where a mortgage *valid under Section 50 (2) or (50) (3)* has been foreclosed; or an order for possession based on a decree for partition; will *not* be transferred to a Revenue Officer for execution; but will be executed in the ordinary way by the Civil Court which has passed the decree.

---

CIRCULAR No. VI.

Instructions regarding restrictions on sub-letting by *Pattedar* tenants and sub-tenants under Sections 48 (1) and 60 of the Indore Land-revenue and Tenancy Act.

---

(1) Sub-letting at one time was very rare among the cultivators of the Holkar State. It has now become common. Sub-letting is a natural and inevitable practice among cultivators, as it is needed to tide them over difficulties such as shortage of seed, sickness, loss of cattle and so forth. So far as sub-letting is an incident of genuine agricultural practice there is no objection to it whatsoever.

It may even be a necessary expedient for long periods as, for instance, where a widow or minor or disabled person is left without ability to cultivate and yet with no other means of support than his or her holding. Here the land is a necessity of livelihood to the person who holds it; and, even if it be continuously sub-let for a long period, the State will take no objection.

But there are other cases in which sub-letting is neither an incident of genuine agricultural practice nor a necessity of livelihood. It has become, in certain parts of the State, the practice of some persons to take

*to others, in order to gain the profit presented*  
 up land with the intention of sub-letting, by the difference between the rent the State demands and the rent which can be got from a sub-tenant. Thus a townsman, an official, a clerk, a shop-keeper, a lawyer, a businessman or a money-lender may wish to invest his capital in land and to enjoy the profits therefrom, without taking up the profession of agriculture even in a subsidiary way. Others again, who are genuine cultivators themselves, may be tempted by the profits offered by sub-letting to extend the practice further than is justified by their personal or agricultural necessities. Such sub-letting is in the view of the State, not legitimate. It hampers agricultural development. The sub-tenant, being a temporary occupant, has no inducement to improve the land. The State, therefore, cannot get the full value of its landlord rights. In fixing rents at Settlement for a long period, it was Government's intention to encourage *improved* agriculture by giving those engaged in it such a security of tenure and freedom from enhancement as might induce them to utilise some part of their profits in improvements. This object is defeated if a middleman interposes himself, denies the actual cultivator security of tenure and freedom from enhancement, and absorbs for his personal use those profits which Government intended should be put, in part, to some agricultural purpose.

(2) Under Section 48 (1) it is declared that "a *Pattedar* tenant "shall not sub-let solely with a view to obtaining rent or merely so as to "remain an intermediary between the person from whom he holds and "the actual cultivator of the land." Where any person (as for instance any of the classes specified in the preceding paragraph) holds land which he habitually sub-lets, merely enjoying the rents from the land sub-let, action should be taken under section 48 (2).

Even in the case of a *bona fide* agriculturist who is found to sub-let a part of his holding merely with a view to obtaining rent or so as to remain an intermediary between Government and his sub-tenant action should be taken under section 48 (2).

(3) When a *Pattedar* tenant's rights are sold under section 48 (2), he is dispossessed under the act; and, therefore, under section 61 (iii) his sub-tenant also may be dispossessed. Likewise, if a *Pattedar* tenant's rights are resumed under Section 48 (2), his sub-tenant may be dispossessed under Section 61 (iii). But the sub-tenant may be innocent of any breach of the revenue law. Government has, therefore, decided that, where a sub-tenant holds on a valid lease executed prior to the date on which the Act comes into force, action under section 48 (2) should be postponed until the expiry of this valid lease or until the expiry of 20 years from the date of the commencement of the lease, whichever period is less.

(4) There is provision in section 48 (2) for giving compensation to the sub-tenant who is dispossessed. This is necessary because the principal tenant may have taken a lump sum payment from the sub-tenant; and when both are dispossessed the latter would be unduly penalised. The power to give compensation enables the *Subha* to redress inequalities of this kind. When the sub-tenant merely holds on an annual payment, there will, unless special circumstances exist, be little occasion for any grant of compensation.

(5) Under section 61 a sub-tenant's rights may be cancelled if he leases out his holding or any part of it. This rule is of general application and should be enforced; but it is of particular importance in cases where a creditor takes a sub-lease of his debtor's land and then, in turn, grants to the debtor or to some third person what may be called a sub-sublease of the land. Where the debtor is both the principal tenant and also the sub-sublessee, it will only be necessary for the *Subha* to exclude from the village papers any reference either to the sub-lease or sub-sublease. Where the sub-sublessee is a third party, action should be taken under Section 61 to dispossess him and to restore possession of the land to the principal tenant.

---

CIRCULAR No. VII.

Rules regarding the operation of mortgages of *Pattedar* tenant right, valid under sub-section (2) or (3) of Section 50 of the Indore Land-revenue and Tenancy Act.

---

(1) In exercise of the powers conferred by clause (e) of sub-section (2) of section 63 of the Indore Land-revenue and Tenancy Act, Government have been pleased to make the following rules regulating the operation of properly executed mortgages of the rights of a *Pattedar* tenant, the validity of which is saved by sub-section (2) or (3) of section 50 .

(2) A mortgage, properly executed prior to the 21st August, 1928, is valid.

A mortgage, executed between the 21st. August 1928 and 25th. October 1929, both days included, or subsequent to the 1st. June 1930, is invalid.

(3) A mortgage properly executed between the 25th. October 1929 and the 2nd. June 1930 both days excluded is valid and will be governed



by rules sanctioned by the Government in Cabinet Resolution No. 1590 dated 24-10-1929.

(4) As regards mortgages properly executed prior to the 21st. August 1928 they will be governed by the ordinary law then in force relating to such mortgages.

---

CIRCULAR No. VIII.

Instructions regarding the surrender of their holdings by *Pattedar* tenants under Section 51 of the Indore Land-revenue and Tenancy Act.

---

(1) No *Pattedar* tenant may surrender his holding or any part of it unless, on or before the 31st. of March in any year, he gives, to the *Amin* of the *Mahal* in which the land is situated, a written notice of his intention to surrender from the commencement of the next agricultural year (5th. June).

(2) The notice shall state the name and address of the surrendering tenant; the *Khasra* numbers, area and assessment of the land; and the name of the village in which it is situated. The notice shall, in the first place, be taken by the surrendering tenant to the *Patwari* who shall, if necessary, correct the entries and then sign the notice in token of its correctness. The applicant shall then present it to the *Amin*. Notices of surrender sent through the post will not be accepted.

(3) When a *Pattedar* tenant surrenders the whole of his holding, the notice of surrender, if complete and if presented before the 31st March, shall operate automatically with effect from the commencement of the next agricultural year—that is to say, no order of acceptance from the *Amin* will be required.

(4) When only a portion of a holding is surrendered, the *Amin*, on receipt of the written notice, shall ascertain the tenant's reasons for surrendering the land and shall pass orders on the application. If he thinks the surrender is not a straight forward proposal (*e.g.* tenant may try to surrender a single number so situated that he alone can benefit by it even when unoccupied) he should reject it. The tenant should in every case of partial surrender ascertain the orders passed. He is not entitled to regard any partial surrender as accepted unless he has received a written order to that effect.

(5) If any land surrendered is recorded in the name of two or more persons jointly, and all of them do not surrender their interest in the land,

the land will continue to be recorded in the name of the co-sharer or co-sharers who do not surrender, provided, he is, or they are willing to continue as tenants of the whole holding. The person or persons surrendering his or their rights will, however, be responsible, jointly and severally, along with the other co-sharers for the current revenue and for any arrears outstanding at the time of the surrender in respect of the land surrendered.

(6) No claim by a sub-lessee for possession of any part of the land surrendered will be entertained by Government. The land surrendered shall be at the disposal of Government from the beginning of the agricultural year next following the surrender.

(7) The position of a mortgagee with possession, holding a valid mortgage in respect of the rights of a *Pattedar* tenant who has surrendered his land, is defined in Circular No. VII.

(8) If the land surrendered is held by a *Pattedar* tenant at concession rates, he will not be permitted to surrender only a portion of it. But if he is willing to give up the whole holding held on concession rates, his surrender may be accepted.

(9) A permanent improvement (e.g. a well), constructed on a holding, becomes part and parcel of the land. So long as the person who made the improvement retains his title to the land, he retains his title to the improvement also. But if he surrenders his rights in the land, his rights in any improvement made on the land also determine and he can claim no compensation.

(10) On the surrender of his land by a *Pattedar* tenant he will be permitted to remove, before the commencement of the next agricultural year, the materials of any house or other structure that he may have erected on that land.

---

#### CIRCULAR No. IX.

Instructions regarding the procedure to be followed by Revenue Officers in disposing of Revenue Cases. .

---

(1) A Revenue Officer may enquire into, or hear, a case at any place within the local limits of his jurisdiction. But such enquiry or hearing should, whenever possible, take place at, or in the neighbourhood of, the village in which the case has arisen.

(2) The procedure in a Revenue Court need not be as formal as that of a Civil Court. It is the business of a Revenue Officer to find out the full and true circumstances of each case that comes before him with the greatest possible expedition and with as little inconvenience as possible to the witnesses and parties. Above all, it is the business of the Revenue Officer to assist both sides in stating their case and to exert himself to ascertain all relevant facts which may bear upon his decision. He is dealing for the most part with a rustic population, unversed in law and often inarticulate and unable either themselves to express their point of view or to engage others to do so. The Revenue Officer need not cultivate the detachment which is proper to the presiding officer in a Civil Court. He need not impartially await the production of evidence on either side, or limit the scope of his enquiry strictly to the evidence so produced. He should himself, whenever possible, hold enquiries on the spot and elicit evidence from all and sundry who may be acquainted with the facts.

(3) A Revenue Officer must vary his procedure according to the character of the case before him. If the case is one in which there is concurrent jurisdiction in the civil courts (as, for example, in cases of reinstatement under section 62, or in dealing with disputes under Section 82 and 101) or where a question of title to, or possession of, land is involved (*c.g.* cases of mutation of names under Section 104; or the dis-possession of a tenant or sub-tenant under sections 53, 58 or 61; or "*Inam*" enquiries under sections 85 or 92 (ii)) a formal procedure should be followed. Evidence should be recorded on oath; statements of witnesses should be read over to them and signed or thumb-marked by them; witnesses should be examined in the presence of the parties; and issues should be framed.

(4) In any case against the personnel of the Revenue Staff or against village officers or servants, it is essential that a formal charge should be framed and explained to the person concerned.

(5) But in cases of minor importance, which form the great bulk of a Revenue Officer's work—questions of encroachment, of removal of obstructions, of rights of way or water or of village customs, of possession of trees, of minor breaches of tenancy conditions, of the imposition of fines under the Land-revenue and Tenancy Act and so on—in all such cases a lengthy and elaborate procedure is not wanted. They will mostly be taken up in camp; and rapidity of work is essential. The examination of witnesses on oath may be dispensed with; and a mere memorandum may be recorded by the Revenue Officer giving the substance of the witnesses' evidence; evidence may, if this cannot be avoided, be taken down in the absence of either or both of the parties; and no issues need be framed. In every case, however, small or great, the final order must

contain a sufficiently full statement of the grounds and reasons on which it is based; it must record a clear finding; and must be written or typewritten, signed and dated by the officer himself. This work must not be entrusted to a clerk.

(6) Every revenue case, however, simple, should open with an order sheet in the prescribed printed form. In the simplest cases it may be possible to record the whole proceedings on this order sheet. But ordinarily, even in simple cases, it will be necessary to maintain the order sheet as a chronological index of the contents of the file. After every hearing and after every *ad interim* order is passed, the order sheet should be entered up, referring very briefly to the action taken, giving reasons for each adjournment of the case (if any) and fixing a date for the next hearing or for such other action as may be found appropriate.

(7) Every summons issued under Section 13 of the Indore Land-revenue and Tenancy Act shall be in writing and in duplicate; shall be signed and sealed either by the officer issuing it or by such person as he empowers in this behalf; and shall specify the time and place at which the person summoned is required to give evidence or to produce a document. The provisions of order No. V of the Indore Civil Procedure Code shall, as far as practicable, be followed regarding the issue, and the mode of service, of such summons.

(8) Whenever a proclamation is issued under the Act, copies thereof shall be posted at the Headquarters of the *Mahal* within which the land to which it refers is situated, in the Court-house of the officer issuing it. If the officer issuing it so directs, the proclamation shall also be posted at some place of public resort on, or adjacent to, the land to which it refers; and shall be further published by beat of drums on or near, the land to which it refers.

(9) As a rule, a Revenue Officer should dispose of each case within three months from the date of its institution. In every Revenue Officer's Court every case, which can be referred to any section of the Land-revenue and Tenancy Act, shall be registered. On the 10th of each month, every *Naib Amin*, *Amin* and *Amin* exercising the powers of a *Subha* shall submit to the *Subha* of the District a return, showing the number of such cases pending in his Court on the last day of the preceding month and the number of such cases which were then pending for more than three months. The *Subha* of the district shall scrutinize these returns and take action to expedite disposal, where he considers the number of long pending cases to be excessive.

(10) The *Subha* will submit a similar quarterly statement of disposals of his own revenue work by the 10th January, 10th April, 10th

July and 10th October to the Commissioner. These statements will show the number of all cases, whether original or appellate, which have been pending with him for a longer period than the quarter preceding the date of the return (*e.g.* in the return of 10th July, all cases will be entered which have been pending with the *Subha* from before the 1st April).

The Commissioner will scrutinize these returns and take action, when necessary, to expedite disposals.

---

### CIRCULAR No. X.

A schedule showing the powers of certain Revenue Officers under the Indore Land-revenue and Tenancy Act.

---

The following table, showing the powers of certain Revenue Officers under the Indore Land-revenue and Tenancy Act, has been prepared for convenience of reference.

#### I. Powers of the *Subha* of the District.

Section 45 (1)	To sanction the voluntary sale of his rights by a <i>Pattedar</i> tenant.
Section 45 (2)	To validate an improper sale of his rights by a <i>Pattedar</i> tenant.
Section 46	To sell <i>Pattedar</i> tenant's rights under a Civil Court decree or in satisfaction of a claim for arrears of rent by an assignee.
Section 48	To sell the rights of a <i>Pattedar</i> tenant who improperly sub-leases his land.
Section 53	To dispossess or fine a <i>Pattedar</i> tenant.
Section 76	To dispossess the holder of a service holding.
Section 96	To cause the annual village papers to be prepared.
Section 97	To arrange the villages of his district in <i>Patwaris'</i> Circles; and to appoint <i>Patwaris</i> .
Section 128	To suspend or remove a <i>Patcl</i> .

#### II. Powers of a *Subha*.

Section 33	To demolish works, constructed by a tenant on his holding but liable to injure another holding.
------------	---

- Section 58      To dispossess an ordinary tenant in a *Khalsa* village.  
 Section 61      To dispossess a sub-tenant.  
 Section 62      To reinstate a tenant or sub-tenant wrongly dispossessed.  
 Section 127     To fine a *Patel* for disregard of his duties.

*III. Powers of the Amin of the Mahal.*

- Section 43      To validate an exchange of land between *Pattedar* tenants.  
 Section 44      To partition a holding.  
 Section 48 (2)   To direct a *Pattedar* tenant to cultivate land improperly sub-leased.  
 Section 51 (1)   To receive intimations of surrender; and to sanction a partial surrender by a *Pattedar* tenant.  
 Section 104     To order mutation of names .

*IV. Powers of an Amin.*

- Section 16      To inflict a penalty for damaging a boundary mark.  
 Section 17      To fine a person failing to supply information needed for the compilation of an official record.  
 Section 30      To dispossess trespassers.  
 Section 38      To allot unoccupied land in *Khalsa* villages in *Pattedar* tenant right.  
 Section 55      To issue proclamation calling upon the heirs of a deceased *Pattedar* tenant to present their claims.  
 Section 101     To decide disputes regarding entries in the annual village papers.  
 Section 108     To prohibit the removal of, and to sell produce to secure the current year's revenue.  
 Section 111     To impose a fine for disobedience of an order passed under section 108 or 109.  
 Section 119     To issue notices of demand.  
 Section 126     To impose a fine for the disobedience of the order of a *Patel*.  
 Section 131     To decide disputes regarding rights of way or other private easement.  
 Section 132     To impose a fine for obstructing a right of way &c.  
 Section 133     To remove an obstruction to a right of way &c.

## CIRCULAR No. XI.

Instructions regarding the preparation of an Annual Revenue Report.

---

(1) The *Subha* of each District will submit, to the Commissioner of his division by the 31st of August in each year, an annual report on the Land-revenue and Tenancy administration of his District for the preceding agricultural year.

Each Commissioner will then prepare a consolidated annual report for his division, which should reach the Chief Revenue Authority by the 31st October.

(2) The subjects to be dealt with in these reports are as follows:—

*A. The Character of the season.*

The amount and distribution of the rainfall (form I) and the out-turn of the principal crops; the area covered by each principal crop; and the total area cultivated and occupied compared with the parallel statistics of one or more previous years, as may be considered desirable, in order to indicate the character of the season under report.

*B. Land-revenue demand, collections and arrears.*

The annual demand, actual collections and arrears for the year under report should be specifically noted and commented on and the total arrears of revenue previously outstanding should be stated, and the action needed for their reduction discussed. (*See* forms II and III.).

Coercive processes used in collection should be particularly noticed; and special reference should be made to the number and character of the cases in which defaulters' rights in their land have had to be sold or resumed under section 118 (1) (c) of the Act. (*See* form IV).

Any suspension or remission of revenue or rent, should be recorded.

*C. Condition of the agricultural classes.*

Mention should be made of any matters bearing on the progress of the agricultural community, such as improvements, the extension of irrigation, introduction of new agricultural methods, etc. Sales for arrears will have been noticed under B. Here voluntary sales should be noticed; statistics of sales by Civil Courts enforcing a sanctioned agreement to

sell should be obtained; and compulsory sales under Section 46 (1) (a) should be carefully examined (*See* form V).

It is the deliberate policy of Government that the agricultural classes should, as far as possible, retain a permanent hold upon the land; and that their tenure should be secure and lasting. Any facts which will indicate how far this policy is being successful or unsuccessful should be reported for the information of the Government.

*D. The working of the Land-revenue and Tenancy Act.*

Under this head the chief matters which require to be carefully studied are the following:—

- (a) the distribution of work between the *Subha* of the district and his *Amins*;
- (b) the allotment of unoccupied land;
- (c) the rights of cultivators in regard to trees, and grazing and nistar in the village waste;
- (d) partitions and fragmentation of holdings;
- (e) agricultural indebtedness;
- (f) the spread or contraction of the practice of sub-leasing;
- (g) the status of *Patels* and their performance of their duties;
- (h) the question of extending *Pattedar* tenants' rights to the tenants of assignees of proprietary rights;
- (i) the use and protection of village forests;
- (j) the working of the provisions which restrict the grant or transfer of *Pattedar* tenants' rights to *bona fide* cultivators; and
- (k) the effects of the restriction on the cultivator's credit under the new Act.

*E. The disposal of case work by the Commissioner, Subhas and Amins.*

Under paragraph 9 of Circular No. IX all cases which come under any section of the Act are required to be registered; and regular returns are to be submitted showing the disposal of such cases. At the end of the year a statement should be prepared showing, under each section of the Act and for each Revenue Officer, how many cases have been instituted during the year, how many have been disposed of and how many are pending at the close of the year. Commissioners should comment on these statements with a view to the smooth and expeditious disposal of revenue business.



**Form I. Statement of monthly rainfall during:—**

Name of Pergana & district.	Rainfall in inches during.													Remarks
	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Janu.	Feb.	March	April.	May.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

**Form II. Statement of Land Revenue demand and collections.**

Name of Pergana & district.	Demand.			Collections.		Remarks showing percentage.
	First instal- ment.	Prior to due date of collections.	During the period speci- fied for collec- tions.	Subsequent to due date of collection	Total.	
	Second instal- ment.					
1	2	3	4	5	6	7

**Form III. Statement showing recovery of arrears.**

Name of Pergana and district.	Arrears on 5th June 19	Collections.	Percentage.	Remarks.
1	2	3	4	5

**Form IV. Statement of Coercive processes.**

Name of Pergana and district.	Coercive processes, issued during the year, for						Amount recovered by coercive processes.
	Attach-ment of moveable property.	Sale of moveable property.	Attach-ment of immoveable property.	Sale of immoveable property.	Attach-ment of Pattedar tenant's holding	Sale of Pattedar tenant's holding	
1	2	3	4	5	6	7	8



**CIRCULAR No. XII.**

Rules defining "heinous offence" for the purposes of section 68 (1) (b) of the Indore Land-revenue and Tenancy Act.

---

(1) In exercise of the power conferred by section 78 (2) (d) of the Indore Land-revenue and Tenancy Act, the Chief Revenue Authority, with the previous sanction of Government, has been pleased to make the following rule regulating the definition of "heinous offence" for the purposes of Section 68 (1) (b) of that Act.

(2) Any offence included in the following list shall constitute a "heinous offence" for the purpose of Section 68 (1) (b) :—

(i) An offence under Chapter VI, VII, or XII of the Indore Penal Code.

(ii) An offence under any of the following sections of the Indore Penal Code:—

302 (Murder)

304 (Culpable homicide)

311 (Being a *Thug*)

364 (Kidnapping or abducting in order to murder)

376 (Rape)

377 (Unnatural offence)

392 (Robbery)

395 (Dacoity)

396 (Murder in Dacoity)

400 (Belonging to a gang of persons associated for the purpose of habitually committing dacoity).

401 (Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts).

(iii) Any other offence punishable with imprisonment for seven years or for longer period.

---

## CIRCULAR No. XIII.

Instructions regarding the treatment of *Inam* lands on resumption.

---

(1) "Inams" are of two kinds, (a) unconditional and (b) conditional. *Unconditional Inams* are those referred to, in explanation (iii) to Section 64 of the Indore Land-revenue and Tenancy Act, as holdings granted for the holder's maintenance or for some past service, secular or religious. *Conditional Inams* are those granted as remuneration for some continuing service, secular or religious, the performance of which is a condition of the grant.

(2) *Unconditional Inam* can only be cancelled under Section 68 (1) of the Act; and in such cases no provision is made for the *ex-Inamdar* after the cancellation of his special tenure, because his *Inam* will have been lost by reason of his wilful misconduct. *Conditional Inams*, however, may be forfeited not only for disloyalty or for some heinous offence but also for mere failure to perform the continuing service, secular or religious, the performance of which is a condition of the grant. In these last-mentioned cases special provision is made, by Section 68 (2) of the Act for the *ex-Inamdar* (e.g. a *Khotidar Patel* who loses his office). He will be entitled to retain possession, as a *Pattedar* tenant, of the land which previously formed his *Inam*. If, however, *Pattedar* tenant's rights have previously been conferred on a tenant of the former *Inamdar*, in respect of any land under Section 70, this circumstance will preclude the grant of *Pattedar* tenant's rights in that land to the *ex-Inamdar* when he loses his *Inam*. Any *Pattedar* tenants, previously holding from the *Inamdar*, will after the cancellation of the *Inam*, hold directly from Government; while the *ex-Inamdar* will acquire *Pattedar* tenant rights in the rest only of the land which was previously included in his grant.

(3) In cases where an *Inamdar* loses his *Inam* right in such circumstances that the *Subha* of the district considers that some special consideration might be shown by Government to him or to his heirs, that officer should report the full circumstances of the case for the information of Government who may consent, as an act of grace, to the whole, or some part, of the former *Inam* land being retained by the *ex-Inamdar* or his heirs in *Pattedar* tenant right.

---

CIRCULAR No. XIV.

Rules regulating the duties and powers of the Director of Land Records under Section 100 of the Indore Land-revenue and Tenancy Act.

---

(1) In exercise of the powers conferred by Section 105 (2) (d) of the Indore Land-revenue and Tenancy Act, the Chief Revenue Authority, with the previous sanction of Government, has been pleased to make the following rules prescribing the duties, and defining the powers, of the Director of Land Records under Section 100 of that Act.

(2) The following duties are hereby entrusted to the Director of Land Records:—

- (i) the general supervision and control of the Land Records staff;
- (ii) the direction and instruction of the Land Records staff;
- (iii) the management of *Patwari* Schools and the annual examination of candidates for appointment as *Patwari*;
- (iv) the issue of general instructions for the preparation of agricultural and other statistics;
- (v) the compilation of annual agricultural statistics for the State;
- (vi) the preparation of preliminary and final annual forecasts for cotton, wheat and opium in the State;
- (vii) the compilation, and publication in the Holkar Sirkar Gazette, of rainfall statistics;
- (viii) the maintenance of uniformity and efficiency in the preparation of the Land Records;
- (ix) the investigation of boundary disputes—
  - (a) between *Khalsa* villages;
  - (b) between a *Khalsa* village and a village held by a *Jahagirdar* or *Istmurardar*;
  - (c) between villages held by *Jahagirdars* or *Istmurardars*;
  - (d) between foreign and State villages;
- (x) the verification of boundaries of *Khalsa* villages and of villages held by *Jahagirdars* or *Istamurardars*.
- (xi) the demarcation and verification of boundaries between Railway lands and territory belonging to the State;

- (xii) the investigation of cases of encroachment on State boundaries
- (xiii) the preparation of statistics of Live Stock;
- (xiv) the preparation and control of the Land Records Department Budget;
- (xv) the maintenance of a record of the services of Members of the Land Records Staff.

(3) The Director of Land Records may on his own motion inflict a fine on any *Patwari*, *Munsarim* or *Sadar Munsarim* provided that such fine shall not exceed one month's pay. The Director Land Records may also suspend any *Patwari*, *Munsarim* or *Sadar Munsarim* for a period not exceeding one month.

---

CIRCULAR No. XV.

Instructions regarding the mutation of names of landholders other than assignees of proprietary rights.

---

(1) When any holder of land, other than an assignee of proprietary rights, loses his rights, a report under Section 104 (1) of the Land-revenue and Tenancy Act shall be submitted by the *Patwari* to the *Amin* of the *Mahal* and shall form the basis of mutation proceedings. The *Amin* of the *Mahal* may also initiate such proceedings on the application of any person interested or on receipt of information from any other source.

(2) If the *Amin* finds that a recorded *Pattedar* tenant of any land has died, leaving no one to succeed him, or has surrendered or abandoned his holding, no mutation of names will take place. The land will be entered up as "*Parit laoni*" until a new tenant can be found. When a new tenant takes up the land his name will be entered in the annual village papers.

(3) If, on the death of a *Pattedar* tenant, any person claims to succeed him, the *Amin* shall hold an enquiry (if possible, in the village) regarding the title of the person so claiming to succeed. If the claimant's right to succeed is clear and uncontested, the *Amin* shall order the land to be entered in his name in the annual village papers; and no notice need be issued calling for objections from persons interested. A *Panchanama*, duly signed by the *Panchas* and attested by the *Amin*, will be sufficient to show that the new holder is the undisputed heir of the deceased.

(4) In cases of disputed succession the *Amin* shall make an enquiry, under Section 101 of the Act, and shall pass orders after hearing the persons concerned. The *Amin's* order shall be communicated to the *Patwari* who shall make any necessary change of names in the annual village papers.

(5) If a deceased tenant was one of the partners in a holding and leaves no heir, the *Khata* shall be entered in the annual village papers in the name of the other partners if they are willing to retain the holding.

(6) In the case of a transfer of *Pattedar* tenant rights by voluntary sale, the *Amin* shall cause a notice to be served on the purchaser directing him to submit a formal application for the entry of his name in the annual village papers. The application shall bear a *ten-anna-stamp*. If the *Amin* on enquiry finds that the sale is undisputed, he shall direct the entry of the vendee's name in the annual village papers. If the sale is disputed, the *Amin* shall proceed under Section 101.

(7) In cases in which an order for the possession of land has been executed in favour of a decree-holder by Civil Court process, an *Amin* should respect the order of the Civil Court and should order mutation of names in the annual village papers accordingly. If he thinks that the order of the Civil Court is defective (*e.g.* an agreement to sell may have been enforced in the Civil Court without the District *Subha's* sanction to the sale) he shall bring the facts to the notice of the Chief Revenue Authority through proper channel.

(8) In the case of a voluntary sale of his rights by a *Pattedar* tenant, and in the case of a mutual exchange of land between *Pattedar* tenants (where the exchange was, in the opinion of the *Amin*, not made with the object of securing greater convenience in cultivation), a mutation fee equal to one year's revenue or rent shall be recovered from the purchaser or from both the parties to the exchange. In other cases of transfer no mutation fee shall be realised.

---

#### CIRCULAR No. XVI.

Instructions regarding the construction and maintenance of boundary marks.

---

(1) The whole State has been cadastrally surveyed; and the perimeters of villages in all districts, except Nemawar, have been traversed with the cardboard protractor. These traverses of village perimeters



are not as accurate as they would have been, had the traverse been done with the theodolite; but the work is accurate enough for practical purposes at present.

(2) As regards internal field boundaries—that is to say, the boundaries of fields which do not coincide with the village boundary—Government does not insist ordinarily on the maintenance of boundary marks. The Settlement of such disputes as may arise in connection with internal field boundaries will ordinarily depend upon the cadastral survey. But when such dispute as regards internal field boundaries arise, a Revenue Officer is authorised to pass an order for the construction and maintenance of marks along the disputed boundary to prevent a recurrence of the dispute; and such boundary marks will thereafter have to be maintained under Section 14 of the Act, by the person or department or other holder or occupier of land responsible for them.

(3) As regards village boundaries, it is the policy of Government to maintain their accuracy not only by means of a survey, based on the traverse wherever there is one, but also on boundary marks to be constructed and maintained by the villagers.

(4) Village boundaries are of four kinds:—

- (a) boundaries between *Khalsa* villages;
- (b) boundaries between a *Khalsa* village and Government forest;
- (c) boundaries between a *Khalsa* village and a village held by a *Jahagirdar* or *Istmurardar*; and
- (d) village boundaries which coincide with external State boundaries.

(5) As regards boundaries between *Khalsa* villages, the village *Patel* (under Section 125 (1) (d) ) and any holder of land which adjoins the village boundary will be responsible for helping in the construction and maintenance of village boundary marks. The *Patel's* responsibility will be of a general kind. But the individual holder of land adjoining the village boundary will be personally responsible for those marks on the village boundary which are entrusted to him by the *Munsarim*.

A list of village boundary marks will be prepared for each village yearly by the *Patwari* who will be responsible for reporting any deficiency to the *Munsarim*.

(6) As regards village boundaries adjoining Government forest, the marks will be constructed and maintained by the Forest Department, who will also be responsible for clearing any "forest line" which it may be considered necessary to maintain.

(7) As regards village boundaries adjoining a village held by a *Jahagirdar* or *Istamurardar*, the boundary marks will be maintained by the *Jahagirdar* or *Istamurardar*, as the case may be. But if any question of construction or reconstruction of such a boundary mark arises, the *Jahagirdar* or *Istamurardar*, as the case may be, must obtain the previous permission of the *Subha* of the District before undertaking the work.

(8) As regards village boundaries which coincide with the State boundary, these will be regulated by the special orders of Government.

---

CIRCULAR No. XVII.

Instructions regarding the collection of revenue .

---

(1) Land-revenue payable to Government shall be collected in the instalments or *kists* fixed according to the provisions of section 112 of the Indore Land-revenue and Tenancy Act.

(2) For the Malwa Division (i.e. the Indore, Mehidpur and Ram-pura-Bhanpura Distriirts) the realisation of the first *kist* shall be finished by the 15th of February in each year. Similarly the realisation of the second *kist* shall be finished by the 20th May. For the Narbadda Division (i.e. the Districts of Nimar and Nemawar) the realisation of the two instalments shall be completed by the 31st January and the 4th May, respectively.

(3) Collections shall ordinarily be made in the presence of the *Patwari* of the village at the *Patel's Kotha* or at any other recognized place of assembly in the village. They should be made by the *Patel* in public, all tenants being admitted to the place where the collections are made.

(4) The *Patwari* shall enter every receipt of money:—

- (i) in the tenant's *paoti* book;
- (ii) in the *siyaha*; and
- (iii) in the *jamabandi* of the year.

Entries in the *paoti* book shall be attested by the thumb-mark or signature of the *Patel*, in token of receipt of the money by him. Entries in the *siyaha* should be made at the time of payment is made to the *Patel*.

When collections are made by a *Patel* in the absence of the *Patwari* of the village, a temporary receipt shall be given by the *Patel* to the person making payment. The necessary entries in the *paoti* book, *siyaha* and *jamabandi* should be made subsequently by the *Patwari* at his next visit to the village.

(5) Intimation of any payments of Land-revenue received in the *Mahal* Treasury otherwise than through the agency of the *Patel* shall be given to the *Patel* and *Patwari* by the *wasulbakinabis*. The *Patwari* will make the necessary entries in the papers mentioned in para (4) on receipt of this intimation.

(6) A remittance of all money collected by the *Patel* shall be made by him without fail before the 5th of each month. Intermediate remittances shall also be made in the following circumstances. A maximum shall be fixed, for each village, beyond which the *Patel*, or other person authorized to make collections on his behalf, may not retain money in his hands. As soon as this maximum has been reached, the *Patwari* shall total up the amounts received since the last payment into the Treasury, classify the receipts according to the budget heads, fill in the *Chalan* in duplicate and hand it over to the *Patel* for remittance to the Treasury.

(7) In every case the full collections made by a *Patel* shall be remitted intact to the Treasury. But the *Patel* is authorised to receive an immediate refund on every remittance he may make, whether on current or arrear account, at the rate of half-an-anna per rupee collected. In calculating the *Patel's* rebate, any number of annas in excess of eight will be taken as a whole rupee; eight annas or any number of annas less than eight will be dis-regarded. The *Patel* should, when forwarding his remittance intact to the Treasury, submit therewith a formal receipt for the rebate to which he is entitled. The Treasury Officer will be responsible for seeing that this amount is paid to the person who has brought the remittance.

(8) The *siyaha* shall be sent with the remittance; and it will be the duty of the *wasulbakinavis* in the *Mahal* Office to check the total in the *siyaha* and to sign it in token of his having done so.

(9) One copy of the *Chalan* shall be returned to the *Patel*, duly signed by the Treasury Officer, in acknowledgment of the receipt of the amount.

(10) The *Patel* is responsible for the safe transit of a remittance to the Treasury. He may make use of *chaukidars* and *balais* in forwarding remittance, but he must accompany the remittance himself if he considers this necessary.

(11) The *Patwari* is responsible for the maintenance of the detailed accounts of demand, collections and arrears in the villages of his circle.

(12) The *Wasulbakinavis* or departmental accountant will maintain the accounts of demand and collection by villages.

(13) The duplicate copy of the *siyaha*, prepared by a *Patwari*, shall be filed in the *Mahal* at the end of the financial year, i.e. on the 30th September of every year.

(14) It shall be the duty of every *Amin* on tour to check the entries in the *paoti* books by oral enquiries from tenants regarding the amounts paid by them.

(15) An amount in excess of the sanctioned instalment (*fazil*) should never be recovered from a tenant, unless the payment is due from him on account of arrears.

---

CIRCULAR No. XVIII.

Instructions regarding the suspension and remission of revenue and rents.

---

(1) The suspension and remission of land-revenue and rents in the Holkar State are regulated by section 113 and 71 of the Indore Land-revenue and Tenancy Act. Under Section 113, the Chief Revenue Authority with the previous sanction of the Government is authorised, on the occurrence of a local or wide-spread famine or other calamity, to suspend or remit the whole, or a part, of any instalment or *revenue*—that is to say, of any demand on account of land directly payable to Government. Under Section 71, Government may make a similar concession in respect of the *rents* payable to an assignee of proprietary rights by his tenants.

(2) The following extracts, from the Government of India's *Resolution* of the 25th March 1905, indicate the guiding principles which His Highness' Government are prepared to follow in times of stress, in regulating the grant of relief to the agricultural population.

(a) The suspension or remission of fixed land revenue is a measure purely of grace and not of right, to be exercised only in exceptional cases of calamity so severe as to justify and necessitate a relaxation of the Settlement contract. At the same time, it is hope-

less to expect a cultivator to be able to meet the fixed demand in years when the crops barely suffice for his own sustenance; and payment should not be enforced under conditions which would compel a cultivator of ordinary care and prudence to imperil his future solvency in order to meet them.

(b) The relief given should be prompt. In dealing with wide-spread calamities, the degree of immediate relief given must necessarily be based on information compiled by villages or homogeneous groups of villages—not by holding.

(c) Much will depend upon the nature of the harvests, which have immediately preceded the current failure, and upon the importance of the particular harvest under consideration. If it is practically certain that it will be impossible subsequently to collect the full revenue, it should not be kept unnecessarily hanging over the heads of the payers but might be remitted at once. But, as a general rule, in cases of wide-spread calamity, where promptitude is essential, relief should, in the first instance, be given in the form of *suspension*.

(d) The decision to suspend or remit should be communicated to the peasantry before the date on which payment becomes due.

(e) The relief should ordinarily, in a case of wide-spread calamity, approximate to the following scale—taking 13 annas as a normal crop:—

<i>Crop.</i>	<i>Degree of relief.</i>
More than four annas upto six annas .. ..	25 per cent.
More than two annas upto four annas .. ..	50 „ „
Two annas or less .. ..	100 „ „

(f) Revenue or rent which has been under suspension for three years should ordinarily be remitted as a matter of course.

(g) No suspended revenue or rent should be collected until after one fair harvest over a substantial area has been reaped in the affected tract.

(3) The principle underlying the rough scale of relief in the preceding paragraph is that no suspension or remission should ordinarily be required in any tract where there is half a normal crop.

(4) On learning that there has been such a general failure of crops in any part of his district as will make it probable that relief will be re-

quired, the *Subha* should tour in the tract and ascertain approximately in annas (taking 13 annas as a normal crop) the degree of crop failure in each village affected. If he recommends relief, the *Subha's* report should reach the Commissioner at least 15 days before the date on which the next instalment or revenue or rent is due. The *Subha* will, ordinarily, recommend suspension only, in the first instance. Subsequent investigation will enable the *Subha* to form a more accurate estimate of the degree of failure in each village; and when the *scale* of relief is sanctioned he should be able to apply it with fair confidence. Of course no attempt need be made to vary the relief for individual payers. Whatever concession is allowed will be given to all alike in the same village.

(5) In case of a local calamity, such as damage by hail, rust, frost or flood etc. the relief should, as a rule be given according to the results of a field to field inspection—not according to whole villages. This will put a severe tax on the competence of the *Patwaris*; but reasonably accurate results should be obtainable with the help of the supervising Land Records Staff. Only those holdings should be listed which have suffered substantial damage—and, once substantial damage is admitted, relief should be given regardless of the financial condition of the particular cultivator. The *Subha* will decide whether suspension or remission is necessary. But, in cases of local calamity, *remission* will usually be the best course to adopt. With the modifications suggested in this paragraph, the principles and scale of relief applicable to wide-spread calamities will apply, generally, to the action to be taken on the occurrence of local calamities also.

---

#### CIRCULAR No. XIX.

Instructions regarding the appointment, remuneration, duties, suspensions and removal of *Patels* in *Khalsa* villages.

---

(1) In every village there shall be at least one *Patel*. It is desirable that there should be one resident *Patel*, in every inhabited village. In every large villages Government may find it advisable to appoint more than one *Patel*.

(2) The office of *Patel* is of great antiquity. It is the pivot on which the village community turns; and Government attaches great importance to

- (a) the maintenance of the dignity of the *Patel* and his office; and
- (b) the realisation by *Patels* of the reciprocal duty that rests on them for the performance of their dual obligations to Government and to the village.

The *Patel* is not a mere agent for the collection of the revenue. He is, primarily, the chief officer of the village, whose business it is not only to act as spokesman on behalf of the villagers, bringing their difficulties or necessities to the notice of the officials of the State, but also to interpret and explain the orders of the State to the people of his village and to keep them loyal to the Government and to His Highness the Maharaja.

(3) In order to emphasize this point of view and to confirm the attachment of the *Patels* to the person of the Ruler, His Highness the Maharaja has decided that a *Patel* shall not be appointed to or removed from, office without his personal concurrence and that every *Patel* shall be raised to the rank of *Inamdar* or *Watandar Patel*, enjoying free of all assessment 15 bighas of *Khoti* land in the village where he resides. The recommendation in favour of the appointment of a *Patel* shall in every case be made by the *Subha* of the District.

(4) When, for any reason, the office of *Patel* falls vacant in a village and there is no suitable successor belonging to the family of the late *Patel*, an *Amin* shall proceed to the spot and shall in the presence of the assembled tenants and other land-holders of the village, invite nominations for the post. He should record the names of those nominated; and should then ascertain their qualifications, age, caste, and the area of land held by each. Above all, the personal position of the candidate in the village should be noted. The *Amin* should then reject the names of those nominees whom he considers unsuitable for the appointment. If there be only one nominee whom he considers suitable he should recommend him for appointment. If there are two or more suitable persons, the *Amin* should postpone his proceedings for a few hours and should call upon the assembled tenants and land-holders to make selection between them in their own way. If the villagers cannot agree upon any one man, the *Amin* should make his own selection.

The *Amin's* proceedings should then be forwarded to the *Subha*. The *Subha* will then submit the case for the orders of Government through proper channel.

(5) In case the *Patel* is a minor or otherwise temporarily disqualified for the performance of the duties of his office, a *Gumasta Patel* may, if the Commissioner approves, be recommended for appointment to work on the *Patel's* behalf. The remuneration of the *Gumasta Patel*, as agreed to by the *Patel* or his guardian, should be specifically recorded.

(6) The remuneration of a *Patel* of a *Khalsa* village will thus, in future, under Section 124(1) of the Act, consist of

- (i) 15 bighas (9.37 acres) of *Khoti* land, free of assessment, to be enjoyed by him and his successors, in office as *Inamdar*.

- (ii) a cash payment at the rate of half-an-anna per rupee (*i.e.* Rs. 3-2-0 p.c.) of the revenue or arrears of revenue that the *Patel* may collect from other persons holding land in the village.

(7) The *Khoti* land of a *Patel* will be heritable, inalienable and impartible—his rights therein being regulated by those provisions of Chapter VI of the Act which apply to *Khotidar Patel's Inams*.

(8) The duties of the *Patel* of a *Khalsa* village are defined in subsections (1) and (2) of Section 125 of the Indore Land-revenue and Tenancy Act.

(9) If any *Patel* is found negligent in his duties, a fine, which may extend to Rs. 20, may be imposed on him in each case by a *Subha* under Section 127 of the Act. The *Subha* must, however, be careful to avoid the infliction of fines as much as possible. It is essential that the personal dignity of the *Patel* should be maintained and this object will be defeated if the *Patel* is subjected to frequent harassment at the hands of Government officials.

---

CIRCULAR No. XX.

Instructions regarding the appointment, remuneration, punishment, suspension and removal of *Balais* and prescribing their duties.

---

(1) For every *Khalsa* village, there shall be appointed one or more village servants—usually of the *Balai* caste and therefore called *Balai*.

(2) The number of *Balais*, fixed for any village or group of villages at the time of settlement, shall not be varied except under the orders of Government.

(3) The appointment, punishment and removal of *Balais* shall rest with the *Subha* of the District. In making appointments under this rule the *Subha* shall take into account any hereditary claims upon the post which an applicant may have and also the wishes of the *Patel* and other residents of the village.

(4) A *Balai* may be removed from his office under the order of the *Subha* of the District:—

- (i) for not residing in the village of which he is *Balai*;
- (ii) for habitual neglect of his duties;



(iii) for gross misconduct resulting in his conviction for an offence cognizable by the Police; or

(iv) for mental or bodily infirmity.

(5) The remuneration of a *Balai* shall consist of a service holding, which shall extend to half an acre of land for every 100 acres in the village area (excluding *Inam* lands), subject to a minimum of four acres. For road side villages and for *Kasbas* an additional  $1\frac{1}{4}$  acres will be granted in excess of the area to which a *Balai* is ordinarily entitled according to the above scale. When no village service holding is provided, a *Balai* shall receive a remuneration in cash at a rate which will be fixed by Government in each individual case.

(6) On the removal of a *Balai* from office, his service holding shall pass to the person appointed as village servant in his place.

(7) Notwithstanding anything contained in paragraph 3 above the *Amin* of the *Mahal* may impose a fine which may amount to Rs. 5 on a *Balai* for neglect of duty.

(8) The duties of a *Balai* shall be as follows:—

(i) to reside in the village;

(ii) to help the *Patel* and the *Patawri* of the village in the performance of their official duties;

(iii) to serve as a guide to, and messenger for, officers of Government when on tour in, or near, his village;

(iv) to make announcement by beat of drum in the village, regarding auctions of land etc., when called upon to do so by an authorised person;

(v) to do any other work required of him by the *Patel* in connection with the *Patel's* performance of his duties.

---

#### CIRCULAR No. XXI.

Rules regulating the appointment, remuneration, punishment, suspension and removal of *Chaukidars* or village watchmen, and prescribing their duties.

---

(1) In exercise of the powers conferred on him by Section 135 (2) (c) of the Indore Land-revenue and Tenancy Act, the Chief Revenue Authority, with the previous approval of Government, has been pleased

to make the following rules regarding the appointment, remuneration, duties, punishment and removal of *Chaukidars* or village watchmen.

(2) For each *Khalsa* village there shall be appointed one or more *Chaukidars* or village watchmen. The number of *Chaukidars* to be appointed for any village or group of villages shall be fixed by the Chief Revenue Authority.

(3) No person shall be eligible for the post of *Chaukidar* who is:—

- (i) a woman;
- (ii) of bad character;
- (iii) unfit, through infirmity of body or mind, to perform the duties of the post; or
- (iv) a resident of a village other than that in which his duties are to be performed .

(4) The appointment and removal of *Chaukidars* shall rest with the *Amin* of the *Mahal*. In making appointments under this rule, the *Amin* shall take into consideration any hereditary claims upon the post which an applicant may have and also the wishes of the *Patel* and other residents of the village.

(5) The *Amin* of the *Mahal* may suspend or dismiss any *Chaukidar* found to be habitually neglecting his duties or to be of bad character or to have become, through infirmity of body or mind, unfit to perform the duties of his post.

(6) The *Amin* of the *Mahal* may impose a fine on a *Chaukidar*, which may extend to one month's pay, for wilful neglect of his duties.

(7) It shall be the duty of a *Chaukidar*:—

(i) To reside in the village appointed for his residence and not to absent himself therefrom for a longer period than 24 hours without the permission of an *Amin*.

(ii) To keep watch and ward over the houses and property of the villagers and to patrol at night the village or villages in his beat (charge).

(iii) To work under the control and supervision of the *Patel* and safeguard any State property in the village such as wells, tanks and *Dharmashalas*.

(iv) To prevent, as far as possible, encroachments on village boundaries and on recognised roads and paths and common lands.

(v) To bring persons holding land in the village to the *Patel* for the payment of revenue or before officers of Government who visit his village on tour.

(vi) To accompany the *Patel*, or any other person deputed by the *Patel*, for the safe conveyance of money remitted to a Government treasury.

(vii) To perform any other duties that may be assigned to him when officers of Government camp in or near his village.

(viii) To assist officers of Government in obtaining supplies, at market rates, when on tour.

The duties of a *Chaukidar* in his relations with the Police are specified in para 7 of Circular No. XXII.

(8) A *Chaukidar* will be given such remuneration in cash as may be fixed by Government from time to time. He will ordinarily be paid at the rate of Rs. 5 or 6 per mensem. Government may grant him an additional remuneration in cash for services rendered by him on special occasions outside his beat.

(9) In every village held by a *Jahagirdar* or *Istmurardar* there shall be appointed one or more *Chaukidars* by the *Jahagirdar* or *Istmurardar* as the case may be. In case the *Jahagirdar* or *Istmurardar* fails to appoint a *Chaukidar* for his village the *Subha* will make such appointment and the remuneration of a *Chaukidar* as fixed by the *Subha* in cash shall be paid by the *Jahagirdar* or *Istmurardar*. If the *Jahagirdar* or *Istmurardar* fails to pay the *Chaukidar* his remuneration the *Subha* shall realise it from him as if it were an arrear of revenue.

---

#### CIRCULAR No. XXII.

The relation of *Patels*, *Patwaris* and *Chaukidars* with the Police; and their duties in connection with Police work.

---

(1) The position and influence of the village headman (*Patel*) in the village community render him the most important factor which the Police have to take into account in their dealings with the criminal classes; and the recognition of this fact forms the basis of the provisions of Section 34 of the Indore Criminal Procedure Code, which imposes on village headman and other village officers the duty of communicating to the Magistracy and the Police information about certain offenders and offences.

Unless the relations of a Station House Officer with the village headman in his circle are such that he can look to them confidently for assistance and co-operation, he is at a very serious disadvantage in dealing with crime.

(2) The principles which regulate the relations between the Police and village officers are as follows:—

(i) In order that their sense of personal responsibility may be encouraged and developed, village headmen should be under the sole control of the head of the district administration, and should be treated not as subordinates, but as co-adjutors, of the Police.

(ii) Village watchmen (*Chaukidars*) should be village servants, subordinate to the village headman and not to the Police; and

(iii) The responsibility of village headmen in particular and village officers (*Chaukidar*, etc) in general, for performance of the village Police duties which the law imposes on them, should be fully enforced.

(3) While, then a Station House Officer must not weaken the authority of village officers by treating them as his subordinates, it is nevertheless his duty to keep himself fully informed of the manner in which they discharge their responsibilities, and to bring to the notice of the District Superintendent of Police every case in which a village officer either fails in the performance of his duty or renders any service which is worthy of special recognition. In the former case, the District Superintendent should report the delinquent to the District Magistrate for reprimand, fine or removal from service for misconduct or neglect of duty. In the latter case, he should recommend him to the Inspector-General of Police for a money reward for exhibiting unusual intelligence or activity in tracing a criminal or detecting a crime. The good service of village officers should receive the same recognition as the good service of the regular Police. Whenever possible, rewards should be granted publicly, and the form which they take, whether cash, an inscribed bracelet, a *pugri* or whatever it may be, should be suitable to the class of the recipient.

(4) The practice of employing village *Chaukidars* on the private business of Police Officers, or of detaining them for work in or about the Police Station is forbidden.

(5) The “Village Headman”, “Village Accountant” and “Village Watchman”, contemplated by Section 34 (1) of the Indore Criminal Procedure Code are the *Patel*, *Patwari*, and *Chaukidar*; and each of these officers is, therefore, bound to report, either to the nearest Magistrate or to the nearest Police Station, all the matters specified in clauses (a) to (f) of the above section viz:—

(i) The permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is *Patel, Patwari* or *Chaukidar*.

(ii) The resort to any place within, or passage through, such village, of any person whom he knows, or reasonably suspects, to be a *thug*, robber, escaped convict or proclaimed offender.

(iii) The commission of, or intention to commit, in or near such village, any non-bailable offence or any offence punishable under sections 143, 144, 145, 147 or 148 of the Indore Penal Code.

(iv) The occurrence, in or near such village, of any sudden or unnatural death, or of any death under suspicious circumstances.

(v) The commission of, or intention to commit at any place in the Indore State near such village, any act which, if committed in the Holkar State, would be an offence punishable under the Indore Penal Code, sections 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, or 460.

(vi) Any matter likely to affect the maintenance of order of the prevention of crime or the safety of persons or property, respecting which the District Magistrate, by general or special order made with the previous sanction of the State Administration, has directed him to communicate information.

(6) In addition, both the *Patel* and *Chaukidar* should report in similar fashion:—

(a) the advent in their village of any suspicious stranger, together with any information which can be obtained from questioning him regarding his antecedents and place of residence;

(b) the departure from his home of any convict or non-convict suspect under police surveillance, together with his destination (if known);

(c) the movements of wandering gangs through, or in the vicinity of, their village; or the arrival of a convicted thief, if known;

(d) all births and deaths taking place in their village;

(e) the outbreak of fires and conflagrations;

(f) the occurrence of any case of cholera, bubonic plague or small-pox.

They should also afford all assistance in their power to the Police in the performance of their duty.

46.     **INDORE LAND REVENUE & TENANCY ACT.**     [Act No. I.

(7) The principal duties of the village watchman (*Chaukidar*) in addition to those specified in para 7 of Circular No. XXI may be summarised, briefly, as follows:—

(a) to give all information to the Police in matters connected with the Police.

(b) to attend punctually at the Police Station on prescribed days for the purpose of making periodical weekly reports and intimating all births and deaths occurring within his village.

Note:—As each report is made, the day of the month should be entered in the attendance register of the village watchman kept for the purpose. If the report is made late the entry should be made in red ink.

(c) to assist in the private defence of person and property in accordance with Section 97 of the Indore Penal Code and in the arrest and conveyance to the Police Station of any person liable to arrest under this section or under Section 59 of the Indore Criminal Procedure Code.

(d) to assist the *Patel* in the performance of his duties in all Police matters and to carry reports to Police Stations.

(e) to obey the orders of the officers in charge of the Police Station in all Police matters.

---

CIRCULAR No. XXIII.

Instructions regarding the constitution and functions of *Gaonhi Panchayats*.

---

(1) These instructions apply to all villages except those in which Village Panchayats have been, or may hereafter be established under the Indore Village Panchayat Act VIII of 1928.

(2) Under Section 125 (3) of the Indore Land-revenue and Tenancy Act a *Gaonhi Panchayat* shall be formed in every village other than villages to which the Indore Village Panchayat Act applies. The function of the *Gaonhi Panchayat* is to assist the *Patel* in carrying out any duties

he may have to perform under Section 125 (i) (e) and 125 (2) (b) and (c) of that Act.

(3) A *Gaonthi Panchayat* shall consist of five members—the *Patel*, the *Patwari* and three tenants of the village to be nominated by the general body of tenants from among those who pay the largest revenue or rent. No tenant who has been convicted of a cognisable offence under the Indore Penal Code will be eligible for membership.

(4) The *Patel* of the village will act as *Sarpanch* of the *Gaonthi Panchayat* and will preside at the meetings of the *Panchayat*.

(5) The *Patwari* shall assist the meeting of *Gaonthi Panchayats* in his Circle, shall do all clerical work in connection therewith and shall maintain the proceedings.

(6) For the conduct of business, the *Patel* of the village and two other members shall form a quorum.

(7) In cases of disagreement the vote of the majority of the members of the *Panchayat* present at the meeting shall decide the point at issue. The *Patel* shall have a casting vote.

(8) Any member of the *Gaonthi Panchayat* found guilty of gross misconduct or misuse of his powers shall be liable to dismissal by a *Subha*.

(9) In every *Khalsa* village it shall be the duty of the *Gaonthi Panchayat* (a) to allot house sites in the *Gaonthan* to *Pattedar* tenants (see Circular No. III, paras (2) and (3) and (b) to regulate the use of the village waste. \*

(10) No *Gaonthi Panchayat* shall permit the felling of any tree of the eight prohibited varieties, namely, Sandal, *Sag*, *Sadad*, *Anjan*, *Neem*, *Khajur*, *Mahua* and Mango standing on the village waste. The *Panchayat* may permit other trees to be felled but not needlessly or indiscriminately. Fruits trees of all kinds should be preserved. The *Panchayat* may allow dead trees of any kind to be removed from the village waste for his domestic or agricultural purposes by a cultivator residing in the village, free of charge.

(11) *Pahi* or non-resident cultivators may be allowed produce in reasonable quantities from the waste of the village in which they have cultivation. No produce, however, may be removed by them from the village without first obtaining the permission of the *Gaonthi Panchayat*.

(12) It shall be the duty of the *Gaonthi Panchayat* in every village, whether *Khalsa* or held by a *Jagirdar* or *Istamurardar*, to enforce the vil-

lage sanitation rules sanctioned in Cabinet Resolution No. 1137 dated the 6th August 1928. The following is an abstract of the more important of these rules included here for facility of reference:—

(i) No owner or occupant of a house, building or land within the boundary of the village site shall permit the same to be in a filthy or insanitary state or overgrown with weeds or noxious vegetation. He should not allow his hedge to encroach on the neighbouring ground and should not allow it to be turned into cover for commission of nuisance.

(ii) (a) No person shall make excavations within the boundary of the village site, unless required for the construction of wells or grain-pits or for purposes, either generally or in that particular instance, approved by an *Amin*.

(b) All existing excavations not being such as are permitted under clause (a) shall be either filled in or drained by the person who caused them or by the owner of the ground, as an *Amin* may direct.

(iii) Cess-pits and privy-pits shall not be dug, kept up or used in front of the houses or near a well or other source of water supply or in a situation to which the *Gaonhi Panchayat* objects.

Cess-pits and privy-pits shall not exceed two feet in depth and their dimensions should be sufficient to prevent any of their contents from over-flowing.

Where daily removal of the contents of privies is not practicable, a layer of fresh dry earth or ashes shall be deposited over them every day and no water or other liquid matter shall be allowed to accumulate therein. All privy-pits and cess-pits shall be cleaned out once at least a week.

(iv) No person shall ease himself in or about a street or thorough-fare or within the boundary of the village site at places where such act is specially forbidden by the *Panchayat*, or in the vicinity bed or bank of any spring, stream, tank or well.

(v) No filth, rubbish or other impure matter shall be deposited within the boundary of the village site except in places or receptacles assigned for its reception by the *Panchayat*. All such filth, rubbish or other impure matter collected within the village site shall be removed daily, or at such other intervals prescribed by an *Amin*, either to a field or to a place set apart for the same, and situated at a safe and sufficient distance outside the village site on its leeward side and the same shall thereupon either be burnt or be worked into the soil at ploughing time.



(vi) For every village or group of villages there shall be, with due regard to the convenience of the various sections of the inhabitants, one or more sources of drinking water supply, preferably in the form of wells; but when the source for drinking water is a well or a tank, arrangement shall be made by an *Amin* to prevent the drinking water supply being contaminated by bathing, washing of cloths within or in the neighbourhood or any other manner. If new wells are required the cost will be met by the Government.

(vii) In the event of any drinking water source being found impure and unsafe immediate measures shall be taken to render the same sufficiently pure and safe, pending which the further use of such source may be forbidden by the *Panchayat*.

(viii) (a) In the event of an outbreak of cholera, smallpox or any other infectious disease information shall be given immediately to an *Amin*.

(b) Every person shall be bound to comply with any reasonable direction that may be given to him by the *Gaonthi Panchayat* of his village or by any authority to which such *Panchayat* is subordinate for the proper cleaning and disinfecting of the house, or premises or for the adoption of preventive measures for the spread of the disease.

(c) Prompt steps shall be taken on all such occasions to cleanse the village by removing all filth that may have accumulated in the back-yards of houses as well as in the streets.

(d) All evacuations and other matter discharged by the patient shall at once be removed and burnt, disinfected or buried.

(e) The dwelling house of the person attacked shall be thoroughly disinfected and cleansed and all clothing and bedding used by him shall be buried, burnt or disinfected.

(ix) When an infectious cattle disease breaks out, the owners of cattle shall keep their sick cattle segregated and immediate information shall be given by the *Gaonthi Panchayat* to an *Amin*. Such cattle should be removed to a reasonable distance from the village site, if possible.

(x) The bodies of cattle that have died of any infectious disease shall be disposed of by burial with not less than four feet of earth between the upper part of the body and the surface of the ground or be burnt at places assigned for the purpose by the *Panchayat*.

(xi) The *Gaonthi Panchayat* shall work under the direct supervision of the *Amin*. The *Amin* shall have the power to fine up to Rs. 5 any person contravening any of the provisions of this Circular.

\* Note:—“The *waste land* of a village is that area which neither is occupied by any holder of land nor forms a part of the village site.”

---

CIRCULAR No. XXIV.

Chapter X of the Indore Land-revenue and Tenancy Act deals with village officers and village management and contemplates among other things that in the matter of appointment, remuneration and punishment of village officers in a village held by a *Jahagirdar* or *Istamurardar*, the Government or Revenue Officers concerned will simply consult the *Jahagirdar* or *Istamurardar*, as the case may be, the final decision resting with the various authorities prescribed under the law. As Government are not inclined at present to interfere in such matters it is hereby directed that the provisions of Act No. I of 1931 in this behalf shall, until further orders, remain in abeyance and no rules will therefore be framed for the purpose until such time as Government are convinced of the necessity or expediency of doing so.

---

CIRCULAR No. XXV.

It is hereby declared that for purposes of the Indore Land-revenue and Tenancy Act No. I of 1931 the “Chief Revenue Authority” means the Minister-in-charge of the Revenue Department subject to the general control of the Chief Executive Officer.

---