

Chapter 4

VILLAGE HEADMEN

Role of Headman

4.1 Headman is a representative of landowners and is a powerful link between the higher officers and the village community. He is one of the main village officers. Headman is bound to attend when summoned by the Officers of the Government and to aid them in the execution of their public duties.

Duties of Headman relating to Land Administration

4.2 Duties of headman relating to land Administration are as under:-

A- Duties to Government.

1. To collect and pay into the treasury the land Revenue and all other sums recoverable as land Revenue.

2. To report to Tehsildar:-

(a) The deaths of assignees and pensioners and their absence for over a year.

(b) Encroachment on or inquiry to, Government property.

3. To aid:-

(a) In carrying out harvest inspections, surveys, the record of mutations and other revenue business.

(b) In providing, on payment, supplies or means of transport for troops and officers of Government.

B- Duties to landowners and tenants of estate:-

1. To acknowledge every payment received from them in their parcha books.

2. To collect and manage the common village fund (Malba) if any and account to the share holders for all receipts and expenditure.

Duties of headman under Punjab Land Revenue Rules

4.3 Rules 14 to 21 of Punjab Land Revenue Rules applicable to H.P. which deal with village headman, his duties, remuneration etc., are reproduced below :-

"14. (i) A sufficient number of headman shall be appointed to every estate, and this number when once fixed shall not be increased except by the order of the Commissioner, nor be reduced except by the order of the Financial Commissioner.

(ii) If an estate or a considerable portion thereof is owned by Government, the headman may be appointed from among the tenants. In other estates he shall be appointed from among the land-owners:

Provided that where the office of headman has become vacant by the migration of the headman to the Dominion of Pakistan, the appointment may be from among the allottees and the oustees from the capital site at Chandigarh in accordance with rule 19A having regard to the other considerations in rule 15(b), (c), (d) and (e).

(iii) The lessee of the revenue or produce of an uncultivated or forest estate owned by Government shall be during the currency of his lease the headman thereof.

(iv) In the Kangra, Kulu and Lahaul and Spilt districts, for the purpose of this rule the estate shall mean the mauza, tappa, kothi, or other officially recognized revenue unit as the Collector, subject to the orders of the Commissioner, shall determine.

15. In the first appointment of headmen, regard shall be had among other matters to -

- (a) his (hereditary claims);
- (b) extent of property in the estate possessed by the candidate;
- (c) service rendered to the State by himself or by his family;
- (d) his personal influence, character, ability and freedom from indebtedness;
- (e) the strength and importance of the community from which selection of a headman is to be made;
- (f) services rendered by himself or by his family in the national movements to secure freedom of India.

In the case of ex-headman of an estate or sub-division thereof in the territory now comprising the State of Punjab who had resigned or was dismissed on account of his participation in a national movement before partition and another headman was appointed in his place, the present incumbent of the post shall be removed irrespective of the provisions of rule 16 and the ex-headman would be appointed in his place, if he has not rendered himself unfit for appointment for any of the reasons given in rule 16 except imprisonment for a political offence before 15th August, 1947. In case, the ex-headman is no longer alive, a person of his family who would under the rules have been entitled to be headman if the resignation or dismissal had not intervened, would be appointed a headman. But where no such person exists there would be no need to remove the existing lambardar.

16. (i) A headman shall be dismissed when -

- (a) he is sentenced to imprisonment for one year or upwards or to any heavier sentence; or
- (b) in an estate owned altogether or chiefly by Government he ceases to possess the interest which led to his appointment; or
- (c) in any other estate he ceases to be a land-owner in the estate or sub-division of the estate in respect of which he holds office; or
- (d) he has mortgaged his holding and has delivered possession to the mortgagee; but in special cases the Collector may, with the Commissioner's sanction, retain him in his office under such circumstances, if he can furnish adequate security for the payment of the revenue he has to collect and for the due discharge of his duties; or
- (e) his holding has been transferred under section 71 of the Land Revenue Act, or the assessment thereof has been annulled under section 73 of the same Act.

(ii) A headman may be dismissed when:-

(a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office; or

(b) he is seriously embarrassed by debt, or if his unencumbered holding is so small so as to disqualify him in the Collector's opinion for the responsibilities attached to the office of headman; or

(c) owing to age or physical or mental incapacity, or absence from the estate, he is unable to discharge the duties of his office; or

(d) there is reason to believe that he has taken part in or concealed illicit distillation, or the smuggling of cocaine, opium or charas; or

(e) he takes part in any unconstitutional agitation against the Government or fails to give his active support to the Government in the maintenance of law and order; or

(f) he neglects to discharge his duties, or is otherwise shown to be incompetent; or

(g) the estate or sub-division thereof, in respect of which he holds office, or his own holding is attached either for an arrest of land-revenue or by order of any Court.

17. (i) in an estate, or sub-division thereof, owned chiefly or altogether by Government, a successor to the office of headman shall be selected with due regard to all the considerations, other than hereditary claims, stated in rule 15:

Provided that in such an estate, or sub-division thereof notified for the purpose by the Financial Commissioner the selection shall as far as possible, be made in the manner prescribed by sub-rule (ii) if a suitable heir is forthcoming.

(ii) In other estates the nearest eligible heir according to the rules of primogeniture shall be appointed unless some special custom of succession to the office be distinctly proved, but subject in every case to the following provisions:-

(a) The claim of a collateral relation of the last incumbent to succeed shall not be admitted solely on the ground of inheritance, unless the claimant is a descendant in the male line of the paternal great-grandfather of the last incumbent;

(b) Where headman has been dismissed in accordance with the provisions of rule 16, the Collector may refuse to appoint any of his heirs:

(1) If the circumstances of the offence, dereliction of duty, or disqualification for which the headman was dismissed make it probable that he would be unsuitable as a headman;

(2) If there is reason to believe that he has connived at the offence or dereliction of duty for which the headman has been dismissed;

(3) If any disqualification for which the headman has been dismissed attaches to him;

(4) If he may reasonably be supposed to be under the influence of the dismissed headman or his family to an undesirable extent.

Note:- If a dismissed headman's heir is considered fit to succeed, regard shall be had to the property which he will inherit, in like manner as if he had already inherited it.

(c) The Collector may also refuse to appoint person claiming as an heir on any ground which would necessitate or justify the dismissal of person from the office of the headman.

(d) A female is not ordinarily eligible for the office, but may be appointed when she is the sole owner of the estate for which the appointment has to be made, or, for special reasons, in other cases.

(iii) Failing the appointment of an heir, successor to the office shall be appointed in the manner and with regard to the considerations, described in rule 15.

(iv) Election shall not in any case be resorted to as an aid in making appointments under this rule and rule 14.

18. Omitted by Punjab Government Notification G.S.R. 167/PA-17/1887/S. 28/Amd (6)/65 dated the 23rd July 1965.

19. (i) Where an office become vacant in consequence of any proceedings taken for the recovery of an arrears of land-revenue under sections 71, 72 or 73 of the Land Revenue Act, the transferee, agent or farmer who under those proceedings obtains possession of the land on which the arrears were due may, in the discretion of the Collector, be appointed to the vacant office.

(ii) Where a headman, who as land-owner is individually responsible for more than half the land-revenue of an estate, or of the sub-division thereof in respect of which he holds office, has mortgaged his holding and has delivered possession thereof to the mortgagee, and the office of headman has become vacant in consequence thereof, the mortgagee may, at the discretion of the Collector, be appointed to the vacant office.

(iii) On the termination of any such transfer, farm or attachment as is referred to in sub-section (i), or on the release of any such mortgage as is referred to in sub-section (ii), a headman appointed under this rule shall cease to hold office, and a new headman shall be appointed with reference to the considerations stated in rule 15.

19A. Notwithstanding anything contained in these rules where the office of headman has become vacant in consequence of the migration of the headman to the Dominion of Pakistan any refugee from West Punjab who has been allotted land in the village or an oustee who has been ousted from the Capital site at Chandigarh, and has been settled in the village may at the discretion of the Collector be appointed headman temporarily; provided the appointee furnishes sufficient security for the payment of Government dues, with due regard to the considerations stated in rule 15(b), (c), (d) and (e).

19B. Notwithstanding anything to the contrary contained in these rules, where the population of Harijans or members of the Scheduled Castes including Christians ascertained at the last preceding census is 100 or more in an estate, there shall be appointed one additional headman from amongst the Harijans or members of the Scheduled Castes, including Christians, subject to the following conditions :-

(i) In appointing the headman, regard shall be had among other matters, to -

(a) services rendered to the State by himself or by his family;

(b) his personal influence, character, ability and freedom from indebtedness;

(ii) He shall be dismissed when he is sentenced to imprisonment for one year or upwards or to any heavier sentence.

(iii) He may be dismissed when-

(a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any

longer with the duties of his office; or

(b) he is seriously embarrassed by debt; or

(c) owing to age or physical or mental incapability or absence from the estate, he is unable to discharge the duties of his office; or

(d) there is reason to believe that he has taken part in or concealed illicit distillation or the smuggling of cocaine, opium or charas; or

(e) he takes part in any unconstitutional agitation against the Government or fails to give, his active support to the Government in the maintenance of law and order; or

(f) he neglect to discharge his duties, or is otherwise shown to be incompetent.

(iv) He shall perform all duties prescribed in rule 20 of these Rules except those prescribed in clauses (i) to (iv) thereof.

(v) He shall not be entitled to any remuneration in the form of pachotra etc.

20. In addition to the duties imposed upon headman by law for any purpose, a headman shall -

- (i) collect by due date all land revenue and all sums recoverable as land revenue from the estate, or sub-division of an estate in which he holds office, and pay the same personally or by revenue money-order or by remittance of currency notes through the post or at places where treasury business is conducted by the Imperial Bank of India by cheque on a local bank at the place and time appointed in that behalf to the Revenue Officer or assignee empowered by Government to receive it.
- (ii) collect the rents and other income of the common land, and account for them to the persons entitled thereto;
- (iii) acknowledge every payment received by him in books of the landowners and tenants;
- (iv) defray joint expenses of the estate and render accounts thereof as may be duly required of him;
- (v) report to the Tehsildar the death of any assignee of land revenue or Government pensioner residing in the estate, or the marriage or re-marriage of a female drawing a family pension and residing in the estate, or the absence of any such person for more than a year;
- (vi) report to the Tehsildar all encroachments on roads (including village roads) or on Government waste lands and injuries to or appropriation of, nazul property situated within the boundaries of the estate;
- (vii) report any injury to Government buildings made over to his charge;
- (viii) carry out, to the best of his ability, any orders that he may receive from the Collector requiring him to furnish information, or to assist in providing on payment supplies or means of transport for troops or for officers of Government on duty;
- (ix) assist in such manner as the Collector may from time to time direct all crop inspections, recording of mutations, surveys, preparation-of-records of right, or other revenue business carried on within the limits of the estate;

- (x) attend the summons of all authorities having jurisdiction in the estate, assist all officers of the Government in the execution of their public duties; supply, to the best of his ability, any local information which those officers may require and generally act for the landowners, tenants and residents of the estate or sub-division of the estate in which he holds office in their relations with the Government;
- (xi) report to the patwari any out break of disease among animals;
- (xii) report to the patwari the deaths of any right-holders in their estates.
- (xiii) Report any breach or cut in a Government irrigation canal or channel to the nearest Canal Officer, Zaildar or canal patwari.
- (xiv) Under the general or special directions of the Collector, to assist by the use of his personal influence and otherwise all officers of Government and other persons duly authorised by the Collector in the collection and enrollment of recruits for military service whether combatant or non-combatant.

21.(i) The remuneration of a headman in an estate or subdivision of an estate owned chiefly or altogether by Government shall be such a portion of the village officer's cess or of the income accruing to Government from the estate as may be sanctioned by the Financial Commissioner.

(ii) In other states the remuneration of a headman shall be the remuneration appointed when the land revenue of the estate was last assessed.

(iii) In any case not provided for by sub-sections (i) and (ii) a headman shall receive a portion of the village cess equal to five per cent of the land revenue for the time being assessed on the estate or portion of the estate in which he holds office whether the assessment is leviable or not.

(iv) The Collector may at any time revise and alter the existing arrangements in an estate regarding the collection of the land revenue by the different headmen and the division of the remuneration between them.

Duties of Village Headman relating to Law and Order under Punjab Chowkidar Rules applicable to H.P.

4.4 Duties of village headman relating to law and order are prescribed under rules 17 to 32, 40 & 41 of Punjab Chowkidara Rules. These rules are applicable to H.P. and are reproduced below:-

17. Every village headman and village watchman is bound forthwith to communicate to the officer in charge of the police station within the limits of which his village or beat is situated, any information he may obtain respecting any person found lurking in such village or beat who has no ostensible means of subsistence, or who cannot give satisfactory account of himself, or respecting the residence in or resort to any place within the limits of such village or beat of any person who is reputed house-breaker or thief, or who is notoriously bad livelihood.

18. Every village headman and village watchman shall observe, and from time to time report to such officer, the movement of all bad characters in his village or beat and shall report the arrival of suspicious characters in the neighbourhood.

19. Every village headman and village watchman shall forthwith make a report to such officer in the event of any notorious bad character residing in his village or being absent at night without having given notice of his departure, and shall give timely information of his associating with individuals of bad repute or ceasing to labour or to obtain a livelihood by honest means.

20. Every village headman and village watchman shall keep such officer informed of all disputes which are likely to lead to any riot or serious affray and of all intelligence he receives affecting the public peace

within or near his village or beat.

21. Every village headman and village watchman shall at once give to such officer any information he may obtain respecting the commission of or intention to commit any of the following offences in his village or beat that is to say-

Rioting;

Concealment of birth by secret disposal of dead body;

Causing miscarriage;

Exposure of a child;

Mischief by fire;

Mischief to animals by poisoning;

Attempt to commit or abetment of the commission of any of the above offences; and

Attempt to commit culpable homicide.

22. It shall be the duty of the village headman and village watchman to maintain a death register and a birth register to report to the officer in charge of the Police Station within the limits of which his village or beat is situate, [all deaths and births] which occur in such village, or beat, and to furnish such other information in connection with vital statistics as may be required of him by the Deputy Commissioner from time to time. He shall also obtain the signature of the patwari of the Circle on the Death Register within one week of his making the entry of a death in the said register in token of the patwaris having received information of the occurrence.

23. Every village headman and village watchman shall in like manner report to the officer in charge of the police station within the limits of which his village or beat is situate, the appearance of any epidemic disease among people or animals in his village or beat, and shall report to the patwari on demand the total number of deaths caused thereby and shall also supply to the best of his ability any local information which the Deputy Commissioner may require.

24. Every village headman and village watchman shall prevent, and may interpose for the purpose of preventing the commission of any cognizable offence, as defined in the Code of Criminal Procedure.

25. Every village headman and village watchman receiving information of the commission of, or of a design to commit, any such offence, shall communicate such information to the officer in charge of the police station within the limits of which his village or beat is situate.

26. Every village headman and village watchman knowing of a design to commit any such offence, may arrest without orders from a Magistrate and without a warrant the person so designing, if the commission of the offence cannot be otherwise prevented.

27. Every village headman and village watchman may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any Government, Municipal or Railway property, movable or immovable or to prevent the removal or injury of any public landmark.

28. Every village headman and village watchman, may, without orders from a Magistrate and without a warrant arrest-

- 1st, —any person who in the sight of such headman or watchman commit a cognizable offence as defined in the Code of Criminal Procedure.
- 2nd, —any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence;
- 3rd, —any person against whom a hue and cry has been raised of his having been concerned in any such offence;
- 4th, —any person who has been proclaimed either under the Code of Criminal Procedure or in a Police Gazette or Notification;
- 5th, —any person found with property in his possession which may reasonably be suspected to be stolen property;
- 6th, —any person who obstructs a police officer or village headman or village watchman acting under these rules in the execution of his duty, or who escapes from lawful custody;
- 7th, —any person reasonably suspected of being a deserter from the Indian Army, Navy or Air Force.

29. If a person forcibly resists an endeavour to arrest him, every village headman and village watchman may use all means necessary to effect the arrest.

30. No person arrested by a village headman or village watchman shall be subjected to more restraint than is necessary to prevent his escape.

31. The village watchman shall take charge of all persons arrested by the village headman under the rules, or by any private person under any law for the time being in force, and shall forthwith take or send any person or persons so taken charge of by him, or any person or persons he himself may arrest; before the officer in charge of the police station within the limits of which his beat is situate; provided that during the hours of darkness, the person or persons arrested may be detained in custody at the village, but must be taken as early as possible on the following morning to the police station.

32. The duties imposed by these rules on village headman in regard to the furnishing or information to the police and the apprehension of offenders, shall ordinarily be performed by them through the agency of the village watchman; but in the absence of such watchman, or in the event of their failure or inability to perform such duties, it shall be incumbent on the village headman to perform them themselves.

40. It shall be the duty of the village headmen to collect the remuneration of the village watchman from the persons specified in the assessment schedule.

41. The village headman at the time of paying the first instalment of land revenue for any harvest shall deposit Chaukidara collections in the Treasury, along with the land revenue instalments and the Village watchman shall get payment of his dues from the Tehsildar either personally or through money-order at his own expense. If such Chaukidara collections are not deposited, the Tehsildar shall, subject to the orders of the Deputy Commissioner take measures to enforce payment of the remuneration due, and for this purpose, the Deputy Commissioner and Tehsildar shall have the same powers respectively as they now possess for the recovery of land revenue due to Government.

**Remuneration
of Headman**

4.5 Headman is paid 20% pachotra on land Revenue and surcharge, according to H.P. Government Notification NO.—Rev D-B(15)2/82 dated 27.3.84.

Appointment and Dismissal Of Headman

4.6 The appointment and dismissal of headman shall be made by the Deputy Commissioner.

Village Headman must be Landowner

4.7 Village headman should be appointed from among the landowners of the Estate.

New Appointment of Headman

4.8 When new vacancy of headman falls vacant due to resignation, dismissal etc. Punjab Land Revenue Rule 15 should be strictly observed. The importance and implication of the doctrens of primogeniture are elaborated in Lahore Law Times Volume: XVIII Page 43, which may be consulted.

Ordinarily Headman must perform duties himself

4.9 A headman once appointed holds office to life unless the Deputy Commissioner dismisses him or accepts his resignation. No man should ordinarily be retained in office who either does not or cannot carry out the duties efficiently. But in some cases where inability to do so is of a temporary nature, and in others where it springs from unavoidable circumstances, the lambardar is allowed to retain the title, and even in some cases share of the emoluments, while a substitute is appointed to do the work.

Appointment of substitutes in certain cases

4.10 The commonest instance of a temporary inability is that of a headman being too young to act. In that case the appointment of a substitute is imperative. Another instance is absence from the village with the Deputy Commissioner's consent for a period not exceeding one year. Old age or physical infirmity is a disability which it might savour of harshness to treat as a ground of dismissal. A wide discretion is left to the Deputy Commissioner for he can allow a substitute or sarbarah not only in the circumstances mentioned above, but in any case in which good cause' can be shown for the lambardar's unfitness to do the work himself. An absentee landlord owing a whole estate may nominate for the approval of the Deputy Commissioner any of the residents to be his substitute. As a rule, he will have an agent on the spot whom he will naturally put forward. Should he fails to nominate a fit person, the Deputy Commissioner chooses one of the resident tenants. Where in an estate owned by more than one person an absentee headman is responsible either individually or as a representative of other absentees for more than half of the land revenue, the Deputy Commissioner may appoint any resident owner or tenant to be sarbarah. In this and indeed in all cases in which substitutes are appointed or a lambardar who is not a minor, the wishes of the substantive holder of the office should be put on record and fully considered. Other things being equal the best plan, when the headman has become unfit to do his work, is to choose as his substitute the man who would naturally succeed him in the office in the event of his death. If this is his son, he will usually not be landowner, but this is no obstacle, for regard shall be had to the property which the candidate will inherit from the person he is intended to represent in like manner as if he has already inherited it. In the case of minor lambardars, their mothers often ask for the appointment of a maternal uncle as sarbarah. Ordinarily he is ineligible because he owns no land in the village and in any case it is generally much more in accordance with local sentiment to select a near relative of the boy's father.

Division of Pachotra

4.11 It is permissible to divide the pachotra between the headman and his substitute. If it is intended to do so, the arrangement must be noted in the order of appointment, otherwise the substitute will receive the whole on the principal that the man who does the work should get the pay. In any case the substitute's share must not be fixed at less than one-half.

Removal of Substitute

4.12 The Deputy Commissioner may remove a substitute for any reason which would justify the removal of the headman himself or for any other sufficient reason.

Resignation of Headman

4.13 When a headman resigns, he generally asks for the appointment of his son to succeed him and in order to give him the landowner's qualifications, offers to transfer a share of his holding to him by gift. Arrangements of this sort, being apt to lead to quarrels over the division of the family holding after the father's death, should be discouraged. Where the lambardar has done nothing to merit dismissal, it is better to retain him as nominal headman and to appoint his son to be his substitute.

Dismissal of Headman

4.14 The chief grounds on which a headman may properly be dismissed are four.

- (a) Loss of the status of landowner in the estate.
- (b) Poverty.
- (c) Persistent neglect of duty.
- (d) Crime.

The first calls for no remarks. Dismissal in such a case is imperative.

Poverty as ground of Dismissal

4.15 As regards the second, the collection of the dues of the State Government safely cannot be entrusted to a man who is himself insolvent. If a headman has mortgaged his own holding, and has ceased to be the person from whom its revenue is due to Government, he ought to be dismissed unless he can make arrangements to pay off within a short time the whole mortgage debt or so much of it as will be sufficient security for the Government revenue which passes through his hands. In such a case the headman may be allowed a reasonable period within which to recover himself if meanwhile he can furnish security for the payment of the revenue and the discharge of his other duties. But make shift arrangements of this kind should not be continued for any length of time. A headman who is a defaulter in respect of his own holding, ought not to be kept in office. The mere fact, however, what one or other of the minor processes has been employed against him need not necessarily entail dismissal. If the estate or sub-division of the estate which the headman represents has had to be attached on account of arrears, the Deputy Commissioner may dismiss the lambardar, and the same course may be followed if the attachment is made by an order of any court of law. Proof that a headman is heavily in debt, or that the amount of unencumbered land remaining in his possession is very small, at once raise the question of his fitness to retain office. In these cases much depends on the cause of the man's difficulties and the likelihood of his being able to surmount them. If the revenue is paid in punctually, no readiness should be shown to harass a headman and gratify his rivals by fishing enquiries into his private affairs. The practice which has prevailed in some places of encouraging patwaris to report cease of indebtedness is very objectionable. No tehsildar who exercises proper control over the land revenue collection, and who moves freely among the people has any need of such written reports, and the acceptance of them puts the patwari in a position with reference to headman which he has no right to occupy.

Punishment for Neglect of Duty

4.16 Neglect of duty which is either gross or persistent, should be followed by removal from office. Minor breaches of rules or acts of negligence may be punished-

- (a) by the forfeiture of the whole or part of the pachotra; or
- (b) by suspension from office for a term not exceeding a year.

Orders attaching the pachotra usually only relate to that due at the next harvests, and in no case should the pachotra of more than two harvests be declared forfeit. A substitute may be appointed to do the work of a headman under suspension.

Commission of Criminal Offence as Ground of Dismissal

4.17 Considering that one of the chief duties of a headman is to aid in the prevention and detection of crime, he ought to be removed from office if convicted of any serious offence. If he is sent to jail for a year or more, the Deputy Commissioner has no choice he must dismiss him, otherwise he has a discretion. Every petty breach of the criminal law need not be magnified into ground for dismissal. The conditions of life in a Himachal village are such that a man is very liable to be hauled before a magistrate for acts, or alleged acts, which are offence under the Indian Penal Code, but which it is an abuse of language to qualify as crimes. The only rule that can be laid down is that, if the facts proved against a headman indicate that he is unfit to be entrusted with the duties of his post, he should cease to hold it. If he is shown to be dishonest or to consort with bad characters, obviously he should be dismissed. A conviction of theft or cheating proves him unfit to

have charge of public money; an order to give security to be of good behaviour or trustworthy evidence of connivance with illicit distilling makes it clear that the offender cannot be relied on for help in suppressing crime or in enforcing the excise laws.

Hereditary Claims

4.18 Except in estate chiefly or wholly owned by Government much weight is attached to hereditary claims. The eldest fit son of the late lambardar should ordinarily be appointed and when there is no son, the nearest collateral relation according to the rule of primogeniture. Where there are no near collaterals, the necessity of regarding hereditary claims disappears. The nearest heir may of course be set aside for any reason which would justify his removal from office if he were already headman. Whether the claims of sons should be considered where a headman has been dismissed depends on circumstances. If the ground of dismissal has been insolvency, the son will be subject to the same disqualification; if serious misconduct it can rarely be wise to let a son succeed. Even when he is innocent of any share in his father's misdeeds, he will generally be under his influence. If the other reasons for excluding him seem insufficient, the mere fact that he owns no land during his father's lifetime does not bar his appointment. The property which he will inherit on his father's death may be taken into account as if it was already his own.

Appointment of Females

4.19 Females are ordinarily ineligible. But a woman who is sole owner of an estate may be appointed and special reasons may occasionally exist in other cases for departing from the general rule.

Appointment when hereditary claims are set aside

4.20 Where hereditary claims do not exist, or have to be set aside, the considerations governing appointments are those mentioned under clauses(b) to (f) of Punjab land revenue rule-15.

Claims of Transferees

4.21 Where a headman is removed because his own holding or the whole estate or sub-division of the estate for whose revenue he is responsible has on account of arrears been transferred to a solvent co-sharer, put under direct management or leased to a farmer, the transferee, manager or farmer may, if the Deputy Commissioner thinks fit, be appointed lambardar. Where a headman loses office because he has mortgaged his holding, the mortgagee has usually no claim whatever to succeed, him, but he may, at the Deputy Commissioner's direction, be allowed to do so where the revenue of the transferred holding is more than half of the whole revenue for the payment of which the late headman was, as such, responsible. The appointments referred to in this paragraph are not in their nature permanent. When the temporary alienations from which they spring come to an end, the transferee, manager, farmer or mortgagee must lay down his office. A fresh selection is then made by the Deputy Commissioner, having regard to the grounds stated under clauses(b) to (f) of Punjab land revenue rule-15.

Filling-up of Vacancies of Headmen

4.22 Where the office of the headman becomes vacant it is the duty of the Tehsildar to report without delay regarding the appointment of a successor. It is convenient to use a tabular form for such reports, as information on certain points is required in every case, and any special features of a particular case can be noted in the brief remarks explaining the recommendation of the Tehsildar. The file of the case shall be open to inspection except in respect to police reports which shall be kept strictly confidential but no copy of any document on it, except the tabular form and the Collector's final orders, shall be granted.

A vernacular sanad in the following form should be presented to a lambardar on his appointment.

Sanads.

WHEREAS upon the

{ death,
or removal,
or retirement,
or dismissal, } of

, son of
lambardar of village , you
, son of

have been appointed lambardar of the aforesaid village in succession to the aforesaid

: Now this sanad of appointment is presented to you

to you , son of

in the name of Government by the Collector (or Assistant Collector Ist grade)

that you may keep it for future use and reference as occasion may require.

Beneath is given a short list of the duties and responsibilities which, as lambardar you are hereby required to discharge.

In addition to the duties imposed upon village headman by law for the preservation of the peace, the report, prevention and detection of crime, and the surrender of offenders, and any other purpose, a village headman shall

(Here follows in the sanad a complete list of the duties as given in the Land Revenue Rule 20).

- Minor Lambardars:** **4.23** Collectors should bear in mind the importance of the training of minor lambardars, with a view to satisfactory discharge of their future duties and should endeavour to prevent any obstacle being put in the way of proper bringing up of such minors.
- Temporary absence of lambardars** **4.24** The practice of requiring lambardars to apply for, and obtain the permission of the Deputy Commissioner, or Tehsildar before absenting themselves from their village is wholly unwarranted and must be discontinued wherever heretofore adopted.
- Embezzlement of Land Revenue** **4.25** The following instructions in regard to the case of a lambardar who (1) embezzles land revenue paid to him by the other land-owner of the estate, and (2) fails to pay the land revenue due on his own holding, have been issued:-
- (1) As regards (2), the land of the lambardar may be sold under section 8 of Himachal Pradesh Land Revenue Act, if it is considered advisable to apply that section, but probably it will usually be best to deal with the whole case under section 83.
- (2) Section 83 may be applied in relation to (1), because under a ruling of the Financial Commissioner, it has been held that in section 4(3) of the Act 'unpaid' means not paid to Government. The sums embezzled are therefore arrears of land revenue, and the guilty lambardar is a 'defaulter' (Section 4(4) in respect of them.
- (3) Enough of the defaulter's land may be sold to cover the land revenue due under both heads (1) and (2) above, and also other embezzled items (if any), such as chaukidar's pay, etc.
- Register of Chaukidar's pay** **4.26** To enable Tehsildars to maintain a check on the payment of the pay of chaukidars by village headman a register of Chaukidar's pay receipts shall be kept up by the Wasil Baki Navis in the following form:-

Register of Chaukidar's Pay _____ **Tehsil**
District

1	2	3		4	5	6	7												
Serial No.	Village	Name of Chaukidar and Pay		Date of appointment	Date of termination of service	Name of lambardar by whom paid	Amount Received, Date, Signature of Wasil Baki Navis												
		Name	Pay due				19				19								
							Kharif		Rabi		Kharif		Rabi						
							Amount received	Date and initials of W.B.N.	Amount received	Date and initials of W.B.N.	Amount received	Date and initials of W.B.N.	Amount received	Date and initials of W.B.N.					

The lambardar shall present the receipt of the chaukidar at the time of paying in the Government revenue each harvest. If the revenue is paid in personally he shall himself hand in the receipt, if the revenue is paid by money-order he shall furnish the receipt on the money-order form or send it in a stamped envelop to the Tehsildar, charging the cost thereof to the village malba only.

If it appears from the register that any receipt has not been received within 15 days after the revenue has became due, notice shall be sent to the lambardar concered to send the receipt within one week of date of notice otherwise the amount due will be recovered as an arrears of land revenue and paid to the chaukidar.

In the case of village where there are two or more lambardars or where there are more than one village in a chaukidar's beat the Tehsildar shall decide as to the responsibility for producing the receipt.

4.27 Rule 16 (i) (d) of the Land Revenue Rules requires the Collector to dismiss a lambardar who has mortgaged his holding and has delivered possession to the mortgagee, but in special cases he may, with the Commissioner's sanction, retain him in his office under such circumstances, if he can furnish adequate security for the payment of the revenue he has to collect and for the due discharge of his duties. When such security has been given Commissioners can properly make use of the discretion given them by the rule to permit the retention of a lambardar who has mortgaged his land to a co-operative bank. If it is considered necessary to give this permission the Collector should be instructed to give notice to the co-operative banks concerned that in case of default, section 82 (2) (c) of the Land Revenue Act will not be applied till the arrears have been liquidated.

4.28 It is important that unnecessary delays should not be allowed to occur in filling vacancies. All cases should reach the Collector complete and ready for decision within one month of the date of the occurrence of the vacancy.

In the case of succession to lambardari in an estate or sub-division of an estate owned chiefly or altogether by Government to which Land Revenue Rules 17 (i) as amended applies, a period of three months should be allowed within which papers should be placed before the Collector for his decision.