

Chapter IX

LAND TENURES AND LAND REVENUEI: Government and Private Land: Sub-categories of Government Land

I have already raised in Chapter IV the problem of rights of landownership. The British made a general distinction between private property and government property. This distinction also existed before the coming of the British, but the difference lay in the way in which it was defined and applied. The British believed that they were successors to the Maratha rulers, the latter to the Mughals, and so on. Whatever belonged to the previous rulers also belonged to them, but it was not at all clear what belonged to the previous rulers. Let us see how the British went about defining their rights.

First of all, the British considered almost all the uncultivated land as obviously the property of the Government. A part of it was virtually uncultivable, a part potentially cultivable, and a part readily cultivable. The Government allowed a part of this property to be used by the public on account of the Government being considered an agency of public welfare, and it endeavoured to bring the rest of the property under cultivation, in which case it derived rent. In Radhvanaj, the non-agricultural land under the village-site, the village-tank, ponds, wells, drains, roads and cart-tracks, with a total area of 75 acres and 38 gunthas was considered Government land for public use. Similarly, the 26 acres and 5 gunthas of potentially cultivable but virtually uncultivable land under

pastures and 'jungle' was also considered Government land for public use. However, as noted earlier, a part of the 'jungle' was brought under cultivation, i.e. withdrawn from public use, between 1823 and 1824.

The British applied the distinction of private and government property also to wells, trees, tank water, etc., which could also be set apart for public use or given to private individuals in order to derive income for the Government treasury. We shall see how the Government derived income from trees standing on Government land and from manure resulting from the use of public pastures.

The British tried to bring the readily and potentially cultivable Government land under cultivation. The cultivators of Government land were called the 'tenants' of the Government, and they were of two categories, 'permanent' and 'temporary'. If a tenant took a lease for only one year he was called a 'temporary tenant' and his land was called farata ganavatiya (lit., under transferable or changing lease). The tenant entered into a written agreement with the village accountant and the village headman about a month before the beginning of the rainy season, the latter two acting as the representatives of the Government. Usually a field was cultivated by the same tenant year after year. However, the Government had the right to lease it to another tenant if he offered a higher rent. On the other hand, the tenant was free to discontinue to cultivate the field. In either case, the new tenant paid a compensation to the former tenant if he had taken proper care of the field, as for instance, by manuring it.

If a tenant took a lease for a certain number of years he was called a 'permanent tenant' and his land was called chalu ganavatiya (lit., under running lease). Such a lease was given generally to encourage the cultivation of poor land. The tenant did not pay any rent for the first few years of the lease—for one year in the case of goradu land and for three years in the case of kyari land—and then paid rent at a progressively increasing rate. After the expiry of the lease the land became subject to annual lease. The tenant could discontinue his lease whenever he liked, and the Government discontinued the lease if the tenant did not abide by the conditions. When the lease was discontinued the land was given to another tenant. The former tenant was paid a compensation by the new tenant if he had taken proper care of the field. The compensation was decided by a panch of village leaders. The lease was a written agreement (called ganvat) between the tenant on one side and the Government represented by the village accountant and the headman on the other side. The rent for goradu land was paid in cash, and for kyari land in kind. Legally speaking, the land under annual lease or under permanent lease could not be sold or mortgaged by the lease-holder. The right to hold the lease could, however, be sold or mortgaged.

The land that did not belong to the Government was considered as belonging to what were called 'permanent occupants'. Their title, as Barnewall stated, "descended to them from their ancestors, and they either cultivate or let their lands to the other two descriptions of tenants (i.e. their own permanent or

temporary tenants), or they employ labourers in cultivating them." He went on, propounding the ultimate right, "The hereditary occupant claims the usufruct, not the ownership, of the land; the impositions of the Mahomedan governments must have annihilated property, if it ever existed; and the demands of the Mahrattas not being limited, no property can be said to have existed in the lands held by the hereditary cultivators, when we succeeded to those districts, but the usufruct."⁽¹⁾

The British not only considered the long unoccupied land as the property of the Government but also suspected the titles of the people already occupying land. They thought that the officials of the previous rulers had illegally alienated a lot of land legally belonging to the Government. Walker instructed Diggle on the day he took over the administration of Kaira District: "These alienations have for the most part been made by the Patells and the native officers of the districts, under the sanction probably of the local agents of the Guickwar Government, but it is to be observed that as neither the Patells nor these agents had any authority to grant such transfers of the public property, they must all be considered as resumable. Still as these parties have given some equivalent service for the lands in question, and have acquired a kind of prescriptive right from possession, the ejection of the present occupants, although conformable probably to strict justice, would be considered as an exertion of violence and oppression, unless attended in most instances

with a reasonable compensation." (2)

It is clear that while the declaration of unoccupied land as the property of the Government was politically an easy affair, the ejection of occupants of 'alienated' land was not an easy one. The British had to proceed very cautiously. The first blow they struck was, as we have already seen, against the holders of land under the denomination of giras and kothali-santh, because the fact of alienation was the least controvertible in their case and they were the most open violators of the political position of the British and of their cherished ideas of law and order. We have seen that about sixty-eight acres of land was thus declared to be the property of the Government in 1812.

We have also noted in Chapter V that one of the three important tasks performed by Barnewall during his survey of villages was an inquiry into titles to land. A further attempt to determine titles was also made during the survey of 1820-25. These inquiries had led to claims and counter-claims by people. The acceptance of British concepts of land rights had gone so far that the people had started claiming ownership rights over even virtually uncultivable lands, even over lands used as pastures for centuries.

Table 9 shows the figures for the area of land in Radhvanaj in 1825 under the major categories discussed so far.

Table 9: Figures for Government and Private Land and for Sub-categories of Government Land in Radhvanaj in 1825

Tenure	: Area
(A) Land held by 'permanent occupants'	964-13
(B) Government land	422-37
(i) Cultivated	202-19
by 'permanent tenants'	149-24
by 'temporary tenants'	52-35
(ii) Uncultivated	220-18
virtually uncultivable, for public use	102-03
potentially cultivable and rentable.	118-15
Total area of land in Radhvanaj	1387-10

The area of Government land and the area of land held by 'permanent occupants', fixed during Barnewall's survey of 1816, remained unaltered until at least 1827. The former was 442 acres and 37 gunthas and the latter 964 acres 13 gunthas. While the total area of Government land remained the same, the area of land belonging to its various sub-categories changed from time to time. According to the survey of 1825, 102 acres and 3 gunthas were the non-agricultural and virtually uncultivable land set apart for public use, and 118 acres and 15 gunthas were the potentially cultivable land, i.e. a total of 220 acres and 18 gunthas of uncultivable land. 124 acres and 4 gunthas or more than half of this uncultivable land was claimed by the Rathod Rajputs of the village as the ancestral property of their lineage. Almost all the pastures and swamps in the village were claimed by them. The surveyors

recorded the claims in the Land Register. Although the claims were not accepted, as later records show, ~~nevertheless~~ the claims indicate how the Rathod Rajputs still believed that they were the original rulers of the village, and also how the claims were made according to the same logic as that of the British.

We have seen in the preceding chapter that 290 acres and 25 gunthas were uncultivable in 1825 (see Table 4), and here we have seen that 220 acres and 18 gunthas of uncultivable land were the property of the Government. That is, 70 acres and 7 gunthas of uncultivable land belonged to permanent occupants. It is possible that the claims of permanent occupants over a large part of this land were made on account of the new concepts of landownership introduced by the British.

The area of Government land cultivated by the tenants of the Government was 202 acres and 19 gunthas in 1825. About 16 acres of this land, formerly a part of 'jungle', was brought under cultivation only two years ago in 1823, and 68 acres and 12 gunthas were converted from giras and kothali-santh land to Government land in 1811. A large part of the remaining 118 acres and 7 gunthas of Government land must have come under cultivation on account of the efforts of the Government to bring more and more land under plough since 1805. Barnewall does not seem to have taken away much land from 'permanent occupants' in Radhvanaj. I will show that most of the cultivators of Government land were the people who had come to live in Radhvanaj a few years before the survey.

II: Revenue-free and Revenue-paying Land

The lands owned by 'permanent occupants' were of two kinds, nakaru (revenue-free) and salamiyu (revenue-paying). The holder of a nakaru or salamiyu field could sell, mortgage or gift it, could cultivate it himself, with or without the aid of paid labourers, or could get it cultivated by tenants. Even when it was sold or mortgaged, its tenure did not change. In the case of a salamiyu field, if its occupant did not pay revenue, the Government got it cultivated by a tenant, but the occupant could get it back on the same tenure if he paid the revenue. The salamiyu fields were levied revenue according to what were called beghotee rates, which varied from field to field according to the nature of tenure (i.e. sub-tenure), quality of soil, extent of irrigation, crops grown, and most important of all, the social status of the owner. An important change was made in 1820 in the conditions governing the salamiyu tenure. If a salamiyu field remained uncultivated, no salami was levied before 1820, but one half of the fixed salami began to be levied from 1820 onwards.

As the Land Register of 1825 does not show which field was revenue-free and which revenue-paying, it is not possible to provide precise figures for the total area of land under the two categories in 1825. The Kalambandhi books, however, mention figures in bighas according to the survey of 1816. I have presented these figures in Table 9A, along with the figures for the sub-categories of nakaru and salamiyu lands. I am presenting these figures in bighas and not converting

them into acres because I do not want them to be confused with the figures I have presented so far. Out of a total of 2339 bighas of land in the village, 1551¼ bighas (33.2%) were revenue-free. This was a high proportion of revenue-free land indeed, and the proportion must have been higher before Barnewall's survey.

Table 9A: Figures for the Area of Land held by Permanent Occupants under various sub-tenures in Radhvanaj

Tenure	:Nakaru :Area in: :bighas	:Salamiyu :Area in: :bighas	: Total Area in : bighas :
(A) Talpad			
i. Ghareniya	80¼	379	459¼
ii. Vechaniya	76½	192½	269
iii. Pasayata	87	46	133
iv. Chakariya	118	0	118
v. Hadiya	6	4	10
Total	367¼	621½	989¼
(B) Wanta	147	415½	562½
Total: Permanent Occupancy	514¼	1037	1551¼
(C) Government Land in 1825			
i. Cultivable	-	-	3346
ii. Uncultivable	-	-	441¼
Total: Government			787¼
Total : Village			2339

III: Wanta tenure

The lands of Radhvanaj were also divided into Wanta and Talpad. I have already delineated the historical development of this division. In the early part of the nineteenth century,

there were three types of Wanta estates prevalent in Central Gujarat. In the first type, the entire village was held as the joint property of a Rajput lineage. Usually the lineage was headed by a chief called Thakor or Darbar, who was the head of the village. Frequently, however, the affairs of the village were managed by a council of elders. In either case, the higher authorities levied revenue in a lump sum for the entire village by negotiation with the Rajputs. It was almost like tribute paid by Rajput chiefs in Saurashtra and highland Gujarat. The higher authorities did not interfere in the internal affairs of the village, which were the concern of the dominant Rajput lineage. Such a village did not have either a headman or a village accountant as in a rasti village. There was no essential difference between such a Wanta village and a Rajput village known as Talukdari village elsewhere in Gujarat. Such Wanta villages were however very few in Kaira District.

In the second type of Wanta estate, the village-site as well as the surrounding cultivated territory of the village was divided into two separate administrative units, one Wanta and the other Talpad, as shown in Map 4. Administratively, the internal structure of the Wanta part and its relation to the higher authorities were similar to those of Wanta villages described above, but the co-existence of the Talpad part dominated by the Patidars or some other non-Rajput caste and administered on different principles was a source of important differences in social relationships. It is noteworthy that sometimes the dominant Rajput lineage of such a Wanta village

owned land, under Wanta tenure or some other tenure within the administrative boundaries of the Talpad part or of some other village altogether.

In the third type, the Rajputs owned a substantial part of the land of a village under the denomination of Wanta, but the Wanta fields did not form a separate territorial and administrative unit. They were interspersed with the Talpad fields. The Rajputs did not pay revenue in a lump sum, but each Rajput's lands were levied revenue separately. Such a village did not have a Rajput chief or council but a headman, usually belonging to some other caste. The Wanta lands in Radhvanaj were of this type. In some cases, in addition to the Wanta land in their own village the members of the Rajput lineage held Wanta land in some other village, just as the Rajputs of Radhvanaj held Wanta land in the adjoining village Vansar. It should be noted that Wanta land could be held by Hindu as well as Molesalam Rajputs.

According to the Persian chronicles, the Talpad part of a village was all that was not the Wanta part, but in the records of the British there is a confusion. Sometimes the Government land was considered a part of the Talpad land and sometimes a separate category of land altogether. In any case, the British wanted to distinguish between (a) the non-Wanta land considered to be the property of the Government lying waste or cultivated by tenants of the Government, and (b) the non-Wanta land held by 'permanent occupants' paying revenue (salami) or remaining revenue-free (nakaru). In any case,

the Wanta was always treated as a separate category.

If we treat Wanta and Talpad only as sub-categories of land owned by 'permanent' occupants', the area of Wanta land and the area of Talpad land always remained unaltered (see Table 9A). Consequently the area of the Government land as a whole remained unaltered, but the area under sub-categories of Government land changed from time to time.

In Radhvanaj in 1823, there were 562½ bighas of Wanta land, 989½ bighas of Talpad land, 322½ bighas of Government land cultivated by Government's tenants, and 464½ bighas of uncultivable land, and the total area of the village was 2339 bighas. If we compare the area of Wanta lands with the total area of the village, the former formed a little less than one-fourth of the latter, which was the proportion mentioned in the Persian chronicles. The Talpad category of the British records did not always mean the same thing as it meant in the Persian chronicles.

Out of 562½ bighas of Wanta land in Radhvanaj, 147 bighas were revenue-free (nakaru) and 414½ bighas were revenue-paying (salamiyu). A large part of the Wanta land was of course held by the Hindu Rathods, but the Molesalam Rathods also held a considerable part.

All the Wanta fields in Radhvanaj were not always in the actual possession of the Rathods. Some of them were sold or mortgaged and some were given in charity or in exchange of services rendered to the Hindu Rathod lineage. In 1823, 117½ bighas were with Rajputs of other clans and lineages and with

Brahmans, Patidars, Bards, Carpenters, Kolis and Leather-workers. $100\frac{1}{3}$ bighas of these were revenue-free and the rest $16\frac{1}{2}$ bighas were revenue-paying. Out of $445\frac{1}{2}$ bighas in the actual possession of the Rathods, only $46\frac{1}{2}$ bighas were revenue-free whereas 399 bighas were revenue-paying. Even though a Wanta field of a Rathod was transferred to a non-Rathod, the former retained his ultimate title to the field: a Wanta field always remained a Wanta field, whoever may be its owner. Similarly, the proportion of the revenue-free (nakaru) and revenue-paying (salamiya) Wanta land also remained unaltered. Even when a field was transferred from a Rathod to some other person, the latter held it under the same tenure as the former.

Out of the $100\frac{1}{3}$ bighas of Wanta land transferred to non-Rathods, 31 bighas were transferred to eleven Brahmans of Radhvanaj, $32\frac{1}{2}$ bighas to one Rajput of Kaira, 35 bighas to two Charan Bards of Radhvanaj, $1\frac{1}{2}$ bighas to a Bhat Bard of Harijala, a nearby village, 6 bighas to a Carpenter of Radhvanaj, 4 bighas to a Kotwal Koli of Zarol, a nearby village, $\frac{1}{3}$ bigha to a Vaidya Brahman of Kaira, 2 bighas to a Pagi Koli of Radhvanaj, and 3 bighas to a Patidar of Antroli. It seems from a later record that the Rathods had also given one field to the Potters of the village. The records do not mention which field was transferred by sale, which by mortgage, which by charity, and which in exchange of services. However, it may reasonably be conjectured that the land given to the Rajput of Kaira and the Patidar of Antroli was sold or mortgaged, and almost all the land given

to the Brahmans, Bards, Carpenter, Kotwal and Pagi, was given in charity or in exchange of services. This conjecture is supported by the fact that most of the transferred land was revenue-free. It is noteworthy that the Rajputs granted land to certain artisans, servants and religious persons in addition to the land granted to them by the Government for their services to the entire village community. This was an indication of the exclusiveness of the Rathods from the rest of the village community.

We have seen in Chapter II that the Wanta lands were subject to the payment of salami during the rule of the Sultans and the Mughals. Then how is it that a part of the Wanta land was free from the payment of revenue in the beginning of the nineteenth century? We may conjecture that the Wanta-holding Rajputs regained their power during the period of instability in the eighteenth century and forced the officials of the Marathas to forego the salami levied on a part of their land.

It is also noteworthy that the Rathods of Radhvanaj, both Hindu and Molesalam, owned a lot of land on tenures other than the Wanta tenure. On some of this land they paid revenue and some was revenue-free. This shows that the Muslim rulers did not take away all the land in the actual possession of the Rajputs but made changes only in the tenure on which they held their land. When the Persian chronicles stated that three-fourth of the land of a village was taken away from the Rajputs it meant only that the tenure of this land was changed and not that the Rajputs were actually dispossessed of their land.

It has been mentioned in Chapter II that originally the estate of the ancestors of the Rathods consisted of the whole of Radhvanaj as well as Vansar, and when the division into Wanta and Talpad took place the Rathods retained one-fourth of the land in each village, and we have seen in this chapter the details about the Wanta land in Radhvanaj in 1822-27. I have not been able to find the Jarif and Kalam-bandhi records of Vansar in any taluka office so far. I have found only the transcription of the kalam about Wanta land of Vansar in a volume of such transcriptions belonging to the year 1825. According to this document, the Wanta land was 449½ bighas, the Talpad, 376¼ bighas, and the cultivated Government land, 747 bighas. The document does not mention the area of uncultivable land, but it can be stated on the basis of later records that the uncultivable Government land was about 200 bighas. The total area of the village was thus 1678 bighas, and the Wanta lands therefore formed a little less than one-fourth of the total, the proportion mentioned in the Persian chronicles.

Out of 449½ bighas of Wanta land in Vansar, 368½ bighas were revenue-paying, 75 bighas revenue-free, and 6 bighas were declared to be the property of the Government. 71 out of the 75 bighas of revenue-free land and 64 out of the 368½ bighas of revenue-paying land were transferred to Brahmans, Charan Bards and Carpenters of Radhvanaj.

It can be seen that a considerable part of Wanta land was given to Brahmans and Charan Bards. The Brahmans were of

course considered sacred by all Hindu castes and were an object of alms and charity. It seems to me that the land given to the Brahmans by the Rathods reflects the classical relationship between the Brahmans and the Kshatriyas. I have shown in my paper on the Vahivancha Barots that there was a very special relationship between the Charan Bards and the Rajputs, and this was reflected in the land given by the Rathods to the Charans. The traditional symbols of the Kshatriya varna of the Rajputs were maintained till the early nineteenth century through the Wanta tenure.

IV: Sub-tenures of Talpad

The lands under the Talpad tenure were divided into several sub-tenures. Firstly, there were five tenures known as vechaniya, gharaniya, chakariya, pasayata, and hadiya, and secondly, the basic distinction of revenue-free (nakaru) and revenue-paying (salamiya) was applied to these tenures. In four out of the five tenures, vechaniya, gharaniya, pasayata and hadiya, there were both revenue-free and revenue-paying lands, and in the case of the chakariya tenure all the lands were revenue-free. The Talpad lands were thus divided in all into nine tenures. The area of land under each tenure, fixed during Barnewall's survey, remained unaltered until at least 1827.

We have already seen in Chapter VII that no clear distinction was made between chakariya and pasayata tenures, and that the hadiya tenure was also similar to chakariya and pasayata tenures. In any case, these three tenures were in general quite different from the other two tenures, namely,

vechaniya (lit., sold) and gharaniya (lit., mortgaged). In all 261 bighas, or a little less than one sixth of the total land with 'permanent occupants', were under the categories of chakariya, pasayata and hadiya.

One may ask why was the distinction between revenue-free and revenue-paying applied to the 'service' and 'gift' lands? The records do not provide any definite answer, but it is likely that all these lands were revenue-free before the British came, and the British began to levy some revenue on those lands which they thought were made revenue-free by the officials of the Maratha government in an unauthorized way.

Another question: if the 'service' land was to be held by a person only as long as he occupied a recognized office, why was he considered a 'Permanent occupant' of that land? Why was he not considered a special kind of temporary occupant of the Government land? The British had begun to ask this question during the early nineteenth century, but began to act upon it at a later stage, probably because they were afraid of public resentment during this period.

Finally, the 'sold' and 'mortgaged' lands. They formed quite a large proportion, nearly half, of the total area of land with 'permanent occupants'. Were these absolutely new categories innovated by the British or did they exist before the British came? If they existed before the British came, we should ask a number of questions. Even if we accept the British explanation that these lands were sold or mortgaged

by the Maratha officials in an unauthorized way, who were the owners of these lands before they were sold or mortgaged? If we accept the further explanation that they were owned by the Government or the Crown, who cultivated them? Were they cultivated by permanent and temporary tenants of the Government or the Crown in the same way as they were during the British regime? Only a study of the contemporary records of the eighteenth century can provide an answer to these questions. The existence of the practice of getting Government land cultivated by tenants of the Government does not seem to me to be entirely impossible. We have seen how the village headman and Matadars used to get the giras and kothali-santh lands cultivated by tenants. In the same way they might have got some land cultivated by tenants on behalf of the King's officials. It should also be recalled that some migrations used to take place even in normal circumstances, and it seems to me the land vacated by the migrant families was cultivated by the tenants of the Government. Furthermore, the high proportion of 'sold' and 'mortgaged' land in 1825 was due partly to the acceptance of the British theory of land rights. The villagers might have found that the only way to be declared a 'permanent occupant' of a piece of land was to assert that the land was sold or mortgaged to him.

The question I raised about the application of the distinction between revenue-free and revenue-paying to the 'service' and 'gift' lands, may be asked about the its application to the 'sold' and 'mortgaged' land. In this case

there was likelihood of all the lands being revenue-free before the British came, but it is very likely that the British converted some revenue-free land into revenue-paying.