

## **CHAPTER 7: LAND SETTLEMENT, REFORMS AND CHANGING RELATIONSHIPS (1947-1960)**

Since multiple tenures that had prevailed in the districts of former British Gujarat and Baroda State therefore it was a challenging task to restructure them. It meant that the new Indian Government had to understand the existing land tenure system and then carry out reforms so that the peasantry would not suffer. Accordingly, the government adopted various measures such as land revenue legislation and tenancy reforms. The objectives of the new land policy were multifold, firstly to strive for social justice and economic efficiency; secondly a more equitable distribution of land; and lastly a judicious reorganization of agrarian structure. The other purposes of the tenancy reforms were to improve the prevailing agricultural system and occupancy right over the land. These all were instrumental in eliminating the old institutional defects of the agricultural developments. The focus of the chapter is laid on formation of Gujarat State; examination and settlement of land tenures; introduction of new land revenue legislations and tenancy reforms; and abolition of land tenures. An attempt is made here to understand landed relationships that were forged as a result of these changes.

## Introduction

The post-independence period is marked by two major developments: (i) the integration of the Princely States and (ii) adoption of the measures for the tenures and tenancy reforms. Integration of princely states in Gujarat during post-independence period resulted with the formation of Gujarat State. Following is a description of formation of Gujarat State.

### Formation of Gujarat State

**1. Areas of Formation:** The Gujarat State was formed by merging the three Gujarati-speaking areas as given below:

(i) The area known as the Gujarat area which formed a part of the bilingual state of Bombay in 1948-1949. In this area, districts of British Gujarat were interspersed with 148 states and estates like Baroda, Bansda, Dharampur, Lunawada, Deogadh Baria, Jambughoda, Limbdi, Idar, Palanpur etc. under the jurisdiction of the Western India States Agency. These areas presented different problems of land revenue administration.<sup>1</sup>

(ii) The area of Kathiawar, over 222 Princely States with different laws, customs and administration. During mid of the 19<sup>th</sup> century, there were 224 chiefs holding separate jurisdictions in Kathiawar. Of these, 212 chiefs were paying tribute to British and Baroda Governments.<sup>2</sup> These Chiefs, over the period of time, came to be considered as the Princely States of Kathiawar who followed the framework of Walker Settlement till the transfer of power in 1947.<sup>3</sup> During the independence period, there were 222 Princely States in Kathiawar,

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<sup>1</sup> Patel, G. D. (1969). *The Land Revenue Settlements and The British Rule in India*, Ahmedabad: Gujarat University Press. 2

<sup>2</sup> MSA. (1856). *SRBG. No. XXXVII-New Series. Historical, Geographical, and Statistical Memoirs on the Province of Kattywar; and on the Districts of Babriawar and Okhamundul; Also A Report on the Iron of Kattywar*. Bombay Education Society Press. 21-22

<sup>3</sup> Menon, V. P. (1956). *The Story of the Integration of the Indian States*. Bombay: Orient Longmans. 168 and Spodek, H. (1976). *Urban-Rural Integration in Regional Development: A Case study of Saurashtra, India, 1800-1960*. Chicago: The Department of Chicago, University of Chicago. 37

which constituted into the United State of Saurashtra as a Part B state and effected from 15<sup>th</sup> April, 1948.<sup>4</sup>

(iii) The area of Kutch State which was constituted as Part C State and placed under the Central Government in 1948.<sup>5</sup>

**2. Administrative Stages of Formation:** The present state of Gujarat was formed in three administrative stages as mentioned below:<sup>6</sup>

(i) The integration of states and estates in the British Districts (1948-1949)

(ii) The reorganization of states (1956)

(iii) The bifurcation of the Bombay State into Maharashtra and Gujarat (1960)

In the first administrative state, Sardar Patel initiated a movement for integration of states and estates. After which, the Baroda States and other jurisdictional and non-jurisdictional states and estates merged into former five districts of British Gujarat and thus included into the bilingual state of Bombay in 1948-1949. As a result, the districts of Ahmedabad, Kheda, Panchmahals, Bharuch and Surat were expanded and the new districts of Baroda, Mehsana, Amreli, Sabarkantha and Banaskantha were constituted.<sup>7</sup> This merger added an area of 71,683 square miles and population of 26,86,066 with yielding land revenue aggregating to Rs. 1,71,67,113 according to the estimate for the year 1947-1948.<sup>8</sup> This completed the first administrative stage of integration of states and estates of the Gujarati-speaking areas in the Bombay State, covering an area of 1,99,14,000 acres.<sup>9</sup>

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<sup>4</sup> Patel, G. D. (1969). 2

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Patel, G. D. (1969). 423-424

<sup>9</sup> Patel, G. D. (1969). 2

In the second administrative stage, the Part B State of Saurashtra and the Part C State of Kutch also merged into the bilingual State of Bombay with effect from 1<sup>st</sup> November, 1956. In the third or final administrative stage, the bilingual state of Bombay bifurcated into two separate states of Maharashtra and Gujarat on 1<sup>st</sup> May, 1960.<sup>10</sup> Thus, Gujarat State came into existence as a result of the bifurcation of the erstwhile Bombay State into Maharashtra and Gujarat under the Bombay Re-organization Act 1960 (Act II of 1960). The Gujarat State covered an area of 71,056 square miles and it was divided into 19 districts for administrative purpose.<sup>11</sup>

### **Measures for Tenures and Tenancy Reforms**

From 1800 till 1947, the territories of Gujarat were primarily divided into British Gujarat, Baroda State and Political Agencies which has been discussed in previous chapters.<sup>12</sup> After independence all these divisions were merged into the bilingual state of Bombay. The land tenures that had prevailed in the Bombay State were both *ryotwari* and *non-ryotwari* in nature. The *ryotwari* tenure covered an area nearly 90% of the total pre-merger areas in the state whereas *non-ryotwari* tenure covered rest of the 10%.<sup>13</sup> As the previous chapters showcase there was no definite and well-chalked out tenurial policy followed by the two governments. These were the by-product of various settlements made from time to time by either British or Baroda government.<sup>14</sup> When India became independent multiple issues came to be fore.

The integration of the states and estates did not create only the general administrative problems but also created the problems affecting the land revenue administration. For instance, in some parts, the land revenue was recovered on an ad-hoc basis. Also many cases, *pattis*, *lagas* and

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<sup>10</sup> Vasant, S., & Deshpande, S. (2011). *The Heritage Sites of Gujarat; A Gazetteer*. New Delhi: Aryan Books International. 1 and Patel, G. D. (1969). 2-3

<sup>11</sup> Patel, G. D. (1969). 3

<sup>12</sup> Patel, G. D. (1969). 2

<sup>13</sup> Patel, G. D. (1950). *Agrarian Reforms in Bombay (The Legal and Economic Consequences of the Abolition of Land Tenures)*. Bombay: Vasant Bhuwan, Gorewadi, Mongal Lane, Matunga. 11

<sup>14</sup> Ibid.

*negs* were recovered only from few *ryots*. Those places where the assessment was introduced, it varied from village to village sometimes based on the castes of cultivator. So far as the issues of land alienation was concerned, the enquiries brought to light various anomalies.<sup>15</sup> Ridden with these problems the government set about to carry out reforms and settle the older land tenures.

**1. Settlement of Land Tenures:** During the post-independence period many old tenures continued to exist. Following is a description of settlement of land tenure under Government of India.

**(i) *Mulgiras* Tenure:** As had been mentioned in the previous chapter, the *mulgiras* tenure had prevailed in villages of the Amreli District of Baroda State. The *mulgirasias* were not proprietors of their villages and lands. They entirely exempted from paying of land revenue except the case of Piplag village. They collected rent/revenue from the tenants. This was called *shegas*. The method of assessment was based on both *bhagbatai* and *bighoti* in every *mulgiras* village. The *mulgirasia* collected *bighoti* according to the sharers fixed under the *shegas* in each village. Beside the collection of *bighoti*, the *mulgirasias* also enjoyed certain cash *haks* such as rights to shares in the produce from the *waje* lands, *mapa hak* (octroi duty), *taka hak*, *chirda hak*, *kothli santh* etc.<sup>16</sup> At the time of the abolition the *mulgiras* tenure, the *mulgirasias* paid government only local cess and *ankado* as well as *desai dasturi* for the Piplag villages.<sup>17</sup>

**(ii) *Ankadia* Tenure:** This tenure was prevailed mostly in the princely states of Gujarat. The government in 1949 had republished the order of 1934 to settle this tenure but it failed to create any impact.<sup>18</sup> In fact, many *ankdedars* of Baroda and Mehsana Districts filed suits against

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<sup>15</sup> Patel, G. D. (1969). 424

<sup>16</sup> Patel, G. D. (1954). *The Indian Land Problem and Legislation*. Bombay: N. M. Tripathi LTD. 132-133

<sup>17</sup> Patel, G. D. (1954). 131-132

<sup>18</sup> Patel, G. D. (1954). 81

government for they had introduced Survey and Settlement in their villages.<sup>19</sup> It really did not matter that Baroda State had never reorganized the proprietary character of the *ankadia* villages. Instead, the state considered these villages as *khalsa* villages and the *ankdedars* were merely had considered as revenue managers. The *ankdedars* used to collect village revenue and paid a fixed *ankada* to state government and enjoyed the surplus revenue. In fact, they held extensive lands called *gharkhed*. They had followed the practice of alienating land as *jiwai* to their *bhayats* (relatives).<sup>20</sup> The *ankadia* tenure came to be abolished after independence.<sup>21</sup>

**(iii) Baroda Watan Tenure:** The Baroda *watans* were granted or assigned for services given to the state. The *watandars* were powerful communities with certain rights.<sup>22</sup> After 1949 under the leadership of Jivraj Mehta the *watan* lands were made non-service lands. The *watandars* were absolved from the services that they provided on payment of service cut of 8 to 12 *annas* per rupee of assessment of the *watan* land.<sup>23</sup>

**(iv) Matadari Tenure:** The Government of India detached *matadari* villages from Baroda in October, 1948. However, this did not affect the status of the who remained fluid and nebulous as before till the abolition of the *matadari* tenure.<sup>24</sup> They collected land revenue, paid the *ankada* to the Baroda State and enjoyed the surplus. Although, the *matadars* were reduced to the position of revenue farmers without any proprietary interest in their villages. Yet, they held considerable lands as *gharkhed*.<sup>25</sup> During the post-independence period, there were 31 *matadari* estates of the Bawishi, Vatrak and Gadhwada Thanas merged in the districts of Ahmedabad, Kheda and Sabarkantgha.<sup>26</sup>

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<sup>19</sup> Patel, G. D. (1954). 82

<sup>20</sup> Patel, G. D. (1954). 84

<sup>21</sup> Patel, G. D. (1954). 88

<sup>22</sup> Patel, G. D. (1957). *The Land Problem of Reorganized Bombay State*. Bombay: N. M. Tripathi LTD. 187

<sup>23</sup> Patel, G. D. (1957). 186

<sup>24</sup> Patel, G. D. (1954). 102-103

<sup>25</sup> Patel, G. D. (1957). 193

<sup>26</sup> Patel, G. D. (1954). 97

(v) **Talukdari Tenure:** The *talukdari* tenure was mainly prevailed in the districts of Ahmedabad, Kheda, Panchmahals and Bharuch. Under this tenure, the area was consisted of about 14,33,204 acres, out of which, 10,61,187 acres were temporarily settled and the remaining 3,72,022 acres were permanently settled.<sup>27</sup>

**2. Land Revenue Legislation and Tenancy Reform:** The land policy of any state or country is an integral part of agricultural transformation and the land reforms pave the way for a rapid agricultural change. India has always been a predominant peasant society and its agricultural policy seeks to introduce social justice and egalitarianism in agricultural land rights. The objective of the land policy was to remove impediments from the agrarian structure so as to eliminate elements of exploitation and injustice and to clear the way for agricultural progress. In order to achieves this, various measures were recommended of which the reform of tenancy system was a major one.<sup>28</sup>

During the post-independence period, the Bombay Government undertook the legislative measures for the agrarian reforms with the objective to abolish all possible intermediaries. These legislative measures were made to settle the relations between landlord and tenants *vis-à-vis* government. It had believed that land as an agent of production was a social asset and that government has every right to regulate its uses and management.<sup>29</sup> The Bombay Government made a beginning of the agrarian reforms by enacting the Bombay Prevention of Fragmentation and Consolidation of Holding Acts, 1947. This Act was followed up by the Bombay Tenancy and Agricultural Lands Act, 1948 which practically settled the landlord-tenant relations. Over

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<sup>27</sup> Patel, G. D. (1950). 69

<sup>28</sup> Desai, M. B. (1971). *Tenancy Abolition and The Emerging Pattern in Gujrat*. Baroda: Department of Agricultural Economics, Faculty of Arts, M. S. University of Baroda. 22

<sup>29</sup> Patel, G. D. (1950). xii

the period of time, the government passed other legislations. These measures paved the way for the passing of the Acts to abolish the existing land tenures.<sup>30</sup>

**3. Abolition of Land Tenures:** After Independence, the government abolished the intermediaries and introduced the tenancy reforms in order to improve condition of peasantry. The various land tenures (discussed in previous chapters) came to be abolished by special legislation. For instance, the Bombay Tenancy and Agricultural Land Acts, 1948 was applied with a view to abolish the intermediary between the state and the agriculturists. A resume of abolition acts is given below:<sup>31</sup>

- The Bombay Talukdari Tenure Abolition Act, 1949
- The Bombay Bhagdari and Narvadari Tenure Abolition Act No. 32 of 1949
- The Bombay Panchmahals Maleki Tenure Abolition Act No. 61 of 1949
- The Bombay Panchmahals Mehwasi Tenure Abolition Act No. 63 of 1949
- The Saurashtra Barkhali Abolition Act, 1951
- The Bombay Personal Inams Abolition Act, 1952
- The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953
- The Bombay Merged Territories (Baroda Watans Abolition) Act, 1953
- The Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953
- Bombay Merged Territories Miscellaneous Alienation Abolition Act, 1955
- The Bombay Merged Territories, Miscellaneous Alienation Abolition Act, 1958

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<sup>30</sup> Patel, G. D. (1950). vii

<sup>31</sup> For detailed account of these acts see Kharod, N. G. (1957). *The Bombay Land Revenue Code (Act No. V of 1879)*. Ahmedabad: Chandrakant Chimanlal Vora, Law Publisher and Law Booksellers. A78-A79; Patel, G. D. (1969). 425; Rajyagor, S. B., & Tripathy, S. (1979). *Gujarat State Gazetteers, Vadodara District*. Ahmedabad: Director, Government Printing, Stationery and Publication. 526-527 and Srinivas, K., Awasthi, A., & Vaidya, M. (2017). *History of Land Revenue Administration in Gujarat (1407 AD to 2017 AD)*. Gujarat: Revenue Department, Government of Gujarat. 749-825



These acts were framed according to the local condition and implemented in due course of time. As the result, these acts abolished the score intermediaries that had dominated the revenue collecting process between government and peasants.<sup>32</sup> The abolition acts streamlined the village administration and the settlement process by removing the issues of previous land tenures.<sup>33</sup>

**4. The Impact of Abolition Acts:** After legislations abolished various intermediaries that had dominated the revenue collecting process, a direct relationship was established between that state (government of Gujarat) and the peasantry. The tenancy reforms enabled the peasants to become owners of the land with an optional payment of occupancy right. Following is an account of abolishment process carried out by the state.

The Bhagdari and Narwadari Tenures Abolition Act, 1942 repealed the Bhagdari and Narwadari Act, 1862 and abolished the *bhagdari* and *narwadari* tenure. This re-defined occupancy rights on payment of revenue under the provisions of Land Revenue Code.<sup>34</sup>

The *mehwasi* tenure had its own set of problems due to general backwardness. Mostly their incapacity to manage a village. Hence it abolished by the enactment of Panchmahals Mehwasi Tenure Abolition Act, 1949.<sup>35</sup>

The *maleki* tenure had not found acceptance in the pre-independence times. The settlement that was made then only regulated the status, rights and responsibilities of *maleks*. Due to this, the *maleki* tenure was abolished by enactment of Bombay Maleki Tenure Abolition Act, 1949.<sup>36</sup>

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<sup>32</sup> Patel, G. D. (1969). 424

<sup>33</sup> Patel, G. D. (1969). 425

<sup>34</sup> Patel, G. D. (1950). 36

<sup>35</sup> Patel, G. D. (1950). 49-51

<sup>36</sup> Patel, G. D. (1950). 58, 66

The *mulgiras* tenure was abolished after the merger of Baroda State by The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953.<sup>37</sup> The abolition terminated the *mulgiras*’ rights to receive any cash *hak* and subjected the *mulgiras* lands to payments of full assessment. Further, it conferred occupancy rights on the *mulgirasias* to both the *mulgiras* lands and co-sharers. The others continued as permanent, protected or ordinary tenants. The property and lands such as unused village lands, waste and uncultivated lands and other properties became government property.<sup>38</sup>

The *ankadia* tenure in the villages of Baroda, Kheda, Panchmahals, Sabar Kantha, Ahmedabad, Mehsana and Amreli were abolished by The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.<sup>39</sup>

The Baroda *watan* and its *watandars* were disfunctional and since in new administrative setup after merger, the *watandars* had no place. Therefore, the Baroda *watan* abolished by the Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.<sup>40</sup>

During the period from 1861 to 1920, the region of Okhamandal was under the administration of the British. Since 1920, the administration of Okhamandal had been handed over back to the Gaekwad. The Baroda Government continued the *salami* for a further period of 30 years i. e. up to 1950. After merger, the government decided to abolish the *salami* tenure and hence by The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 the tenure was abolished.<sup>41</sup>

In order to abolish the *matadari* tenure, government introduced a bill in February, 1953. This bill came into force as The Bombay Merged Territories (Matadari Tenure) Abolition Act, 1953

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<sup>37</sup> Patel, G. D. (1954). 135

<sup>38</sup> Patel, G. D. (1957). 196

<sup>39</sup> Patel, G. D. (1954). 90

<sup>40</sup> Patel, G. D. (1954). 121-122

<sup>41</sup> Patel, G. D. (1954). 145

effected from 15<sup>th</sup> August, 1953. The Act applied to the 31 *matadari* estates situated in Ahmedabad, Kheda and Sabarkantha.<sup>42</sup>

The *talukdari* tenure was abolished under the pretense of *talukdars* being under the heavy debts. As has been mentioned in previous chapters that *talukdars* were reduced to the status of tenants despite being proprietors under the British. They made constant attempts to upgrade and maintain their social status. In that process they had incurred huge debt.<sup>43</sup> The Bombay Talukdari Tenure Abolition Act, 1949 provided for the abolition of *talukdari* tenure.<sup>44</sup>

All the legislations aimed to break-up the large holdings and transferring the occupancy rights to the tenants. The objective was either to abolish the tenancy or to secure the condition of tenancy in order to reduce the rent.<sup>45</sup> For instance, the maximum rate payable to landlords in Bombay Presidency was originally fixed at 1/3<sup>rd</sup> or 1/4<sup>th</sup> of the crops in irrigated and unirrigated lands. After independence, this rate reduced to 1/6<sup>th</sup> of the crop-share without distinction of irrigated and non-irrigated lands and each rent was not exceed to Rs. 20 per acre.<sup>46</sup>

The next chapter will deal with conclusion of all chapters.

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<sup>42</sup> Patel, G. D. (1954). 108

<sup>43</sup> Patel, G. D. (1950). 87

<sup>44</sup> Patel, G. D. (1950). 90

<sup>45</sup> Patel, G. D. (1954). 352-353

<sup>46</sup> Patel, G. D. (1954). 356