



in the hills near Simla. In the Kángra district (Panjáb Himáláya) we find a distinct tradition that the present Rájput chiefs and landholders were only the successors of a much earlier race of Hindu settlers and conquerors, they themselves having occupied land in those hills at a period no earlier than the beginning of the Muhammadan conquest, when they fled from oppression. In Chamba and in Kashmir there are stone temples marking colonies of great antiquity. In the latter valley many ruins—like those celebrated ones of Mártand—are Buddhist; but in Chamba the old conical stone temples, with their finials resembling a grooved or fluted and flattened sphere (called by Fergusson the 'Amlika'), may go back to a really ancient establishment of the princes and people who afterwards conquered India, and fought in the battles which have been half mythically, half historically, described in the epic of the Mahábhárata. It is common to find in books, statements to the effect that after a long sojourn—perhaps of centuries—in the hills, they descended on to the 'plains of the Panjáb.' But the Aryans at first did not descend far, if at all, into the Panjáb plains¹ properly so called. The Rájput bodies now found there are all, by tradition, later settlements; princes, with their followers, or individual adventurers (whose descendants have since multiplied into clans) returned from kingdoms established further on into

¹ We have no old Hindu remains in the Panjáb plains; but the Greek writers tell us of a number of (Aryan) kingdoms to the north (near the hills), and beside them we have traces of tribes of non-Aryan origin, viz. the Malli, Cathoi and other tribes (of the Greek authors) to the south and east, and the Tákshakas or Takkás who had their capital at Takáshilá (Taxiles of the Greeks) not far from Ráwalpindi. Presumably Porus (Purushá) was an Aryan prince, but his conflict with Alexander was on the Jihlam river, and that is not far from the hills which the Rájputs certainly occupied. In time, too, Aryan families allied themselves with the Panjáb tribes and formed mixed

racés, but that was later. I do not venture here to discuss what was the origin or date of the Jat tribes and many others who form so large a portion of the Panjáb village population, but they certainly were much later than the Aryan immigration, and they were not Aryans in that sense. Dr. Muir (*Sanskrit Texts*, ii. 482, &c.) cites passages from the Mahábhárata which confirm this. The people 'who dwell between the five rivers which are associated with the Sindhu (Indus) as a sixth' are 'those impure Bahúkas who are outcast from righteousness.' 'Let no Aryan dwell there even for two days. There dwell degraded Brahmans. . . . They have no Veda nor Vedic ceremony nor any sacrifice.'



Hindustán. But the site of the first Aryan settlement in the plains of India was to the north-west of Delhi, in the vicinity of the Jamná river, where they established kingdoms—of which Hastinápúra is a historic example—and thence they spread over the North-West Provinces and Oudh (properly Awadh—the ancient Ayodhyá). The advance could not stop here. Although the old writers attempted to describe ‘the country where the antelope was found’ as the proper abode of the Aryans—and this phrase points to the open plains about the Jamná and Ganges—the tribes or clans gradually advanced over Bengal and Bihár¹, and conquering portions of them, at any rate obtained a kingdom in Orissa²; others went to Central, and perhaps to Southern India; others conquered Guzarát in Northern Bombay, where their remains are found to the present day. The group of states now known as Rájputána and Káthiáwár, represent the last refuge of these clans at a time when the Muhammadan conquest began to disturb them. It is impossible to state in what order these conquests and settlements occurred, except that they were after the primal settlement in the region of the Jamná.

Pure Aryan settlements were, however, not the only feature of the immigration; it is certain that many alliances—both political and social—early took place³. Dravidian and Aryan rapidly mingled, both as to race, language, and forms of government; and the influence of their religious, social, and political system spread in other ways. Brahmans travelled to the remotest parts, and soon, as I have said, converted the Dravidian chiefs to Hindu ideas and made them ‘Rájputs.’ In reading accounts of the southern kingdoms—the Chéra, Chola, and Pándyan dynasties, in the Madras territories, or the states on the west coast, now

¹ A distinct legend describes how the ancestor of the Videhas of Bihár set out bearing the sacred fire with him towards Bihár.

² As set forth by Stirling in the *Asiatic Researches*, an authority rendered more accessible to us in the graphic pages of Hunter's *Orissa*,

2 vols.

³ Mr. Hewitt has endeavoured to trace many of these movements and alliances in his interesting papers on the *Early History of Northern India*, *Journal R. A. S.*, vol. xx. July 1888, and vol. xxi. April 1889.



called Kánara and Malabár—it is impossible to feel certain whether we are to read through the records of Brahmanical authors, that the princes and chiefs were actually Rájput immigrants, or were (as is more probable) local Dravidian princes who had adopted the Hindu system. It is quite certain that the Gond kingdoms of Central India, and the Assam dynasty in the north-east, were 'Hinduized' in this way, and we shall see the same thing in south-west Bengal.

Then, again, in spite of caste prohibitions and a great strictness in marriage rules observed by the purest families, it is quite certain that the Aryans mixed freely with other tribes, their predecessors, and that tribes of half-blood multiplied rapidly; some of them, at least, would be Hindu and claim to be Rájput. Among the Jats of the Panjáb, for example, while some of the clans assert a separate tribal immigration from beyond what is now Afghánistán, others declare they are Rájputs who lost caste by adopting irregular marriage customs. There are castes in the North-west Himáláya who are known to be of this mixed origin, and very sturdy races they are. The Bihár people are probably a mixture of the antecedent 'Magadhás' and Aryans; and the important agricultural caste of Kurmis, or Kunbis, are said to be a mixed race from the Kaurava or Kuru clan. Tribes of this kind, and Rájputs of purer origin also, spread (as I have already remarked) over the Panjáb and other places, by what I may call a reflex movement—settling as individuals or groups, who returned upon their steps, after the original tribes had advanced to the country of the Jamná and beyond it. The once extensive settlement of 'Chíb' Rájputs in the Gujrat district of the Panjáb, may with tolerable certainty be ascribed to this origin¹.

¹ Many settlements now forming groups of Rájput villages, in the Panjáb were due to single adventurers, cadets and members of families who, dissatisfied with their position and prospects in Bikanír

or Mewár, or wherever else they had settled in Hindustán, returned, founded villages, and gradually multiplied into clans. The Rájput race is everywhere noted as extremely prolific.



§ 15. *Importance of the Hindu system.*

The land-system of the Aryans—whether really Dravidian or not—is the one that has come down to us in the greatest perfection. It survives to this day in Rājputāna and in the Hindu states of the Himāláyan mountains. We can see its identity, at least in all main features, with the system of the Aryan tribes as it was in Manu's time. We have also evidence of what it was in the small Hindu states that once spread over Oudh; we trace it in Orissa; we can follow the same organization as it was adopted by the Maráthās and by the Sikhs. We can gather similar information also about the Hindu states in South India. Everywhere we have the same broad outlines of State and social organization in their relation to land-holding.

The Rájās of one place may regard those of other parts as having lost caste, and they may refuse intermarriage; they may regard themselves as the representatives of the pure stock, and other princes as nobodies; but all that has nothing to do with the fact that they all adopt, and have adopted from time immemorial, a system of organization and land-administration which is the same in all essentials.

What is more strange, the Muhammadan conquest did little directly to modify the old system of Hindu land-holding; though indirectly, as we shall see, it caused a new race of landlords to arise, who ignored and gradually caused the decay of, the special features of village organization. But it is not to the Muhammadan conquest, speaking of the country as a whole, that we owe any irrecoverable loss of evidence as to what the old forms of land-holding were.

§ 16. *The Hindu Land-system.*

Although in the chapter (which follows this) on the Land-Revenue Systems, I have fully described the method of State organization which marks the Hindu Ráj or kingdom,



and all others which assimilated to it, I had better give a similar outline here, and the repetition will be forgiven. No doubt the different clans or sections of the Aryan tribe occupied defined territories which they conquered. There is everywhere evidence that the tendency was to form a number of comparatively small States or territories, and the Rájás, or head chiefs, and minor chiefs, called Thákur, Ráná, Bábú, &c., of each, divided the land amongst themselves. Sometimes particular clans had no Rájás, and they then made an equal division into villages and family estates. There was also a marked tendency for a number of these States to be united in a sort of confederacy under some greater emperor. Such was the case in the days of the great kings of Kanauj, and with the empire of Chandragupta and Asoka¹. The Chinese pilgrim in the seventh century A.D., notes that he saw the State barge of the Maharájá, or great king of Kanauj, being drawn along on some ceremonial occasion, by eighteen minor Rájás.

We are, however, only concerned with the individual States. The Rájá, as the chief power of the clan, received the largest and best group of lands² (usually in the centre of the country) as his royal demesne, and this was in after times called his '*Khálsa*,' the Persian term of course indicating its later introduction. Smaller estates were assigned to the other tribal or clan chieftains (Thákur, Ráná, &c.), and they governed these estates without interference from the Rájá. They were only bound to feudal service, to appear at the Rájá's court from time to time, to receive investiture, and to pay a succession fee on the occasion of a succession by inheritance.

§ 17. *Manu's idea of land-holding.*

Unfortunately we have no information as to how individual families and members of the clans received holdings of

¹ Just as there was an overlord, a *Rex gentis Anglorum*, in the days of the heptarchy in England.

² Stirling, in his remarks on Orissa, (*Asiatic Researches*, vol. xv.

p. 220) says: 'The domains reserved for the crown constituted, if not the largest, at least the most valuable and productive share of the whole territory.'



land. By the time which Manu's Institutes represent, the tribes had settled down, and agriculture was well established. Manu has nothing to tell us of how individual (family) holdings were apportioned. In the times represented by his Code, there were already separate villages, a headman over each village, and other officials over groups of villages, and over larger areas (*des*), which probably still survive under the more familiar revenue name of 'pargana,' a term introduced at a later period by the Mughals who simply followed the old Hindu organization of territory under new names.

It is not easy to explain why Manu tells us nothing of the original possession of cultivating holdings. He is, however, chiefly concerned with the Rájá of high or military caste and his learned Bráhmaṇ counsellors, and how these allotted the country for rule and overlordship. It is probable that the cultivators, who were called Vaisyas and Sudras by caste, were some of them, dependents or followers of particular chiefs, who settled on the territories of their respective heads; but they must also have represented the mixed race formed by the union of Hindus and Dravidians. They cultivated each man (or family) according to his ability. The higher military caste, when not of rank to hold estates as chiefs, or become headmen and district officers, either lived apart as soldiers, or fell into the humbler position of cultivators. In a great many instances the land occupied must have been waste and covered with jungle, and its reclamation may have been without any formal division other than the allotment (of ultimate holdings) under the direction of headmen, such as we see in so many parts in later times¹. However this may be, all that Manu notices is the *right possessed by the 'first clearer' of the jungle*. He has the right, just as the hunter who first wounded the deer in the chase.

In the concluding section on property we shall give

¹ I refer to the process of village founding in the Central Provinces, described more fully in the chapter

devoted to the tenures of those provinces.



some further details about Manu, and the state of things in his time. Here I am only concerned to note that it is doubtful if there is any suggestion of a landlord between the cultivators and the Rájá, and certainly nothing like a tribal or a joint ownership on the part of the body of cultivators or holders of land in the 'Grámam' or village¹. Indeed, if there had *originally* been a joint ownership, I do not see how any such ownership could have grown up afterwards, not universally, but in particular cases, as it certainly did. The process of such growth is clearly traceable in the Hindu states of Oudh, and is well described in Mr. Bennett's excellent *Settlement Report on the Gonda District* (1878). It is also clearly traceable in Guzarát (Bombay Presidency), not to mention numerous other instances.

§ 18. *The Right to the Waste.*

The conclusion that the earliest villages consisted of aggregates of individual holders, with only the Rájá or chief over them as ruler not landlord, depends to some extent on what was held regarding the ownership of the *uncultivated* and unoccupied lands. Where there is a true joint village, as we shall presently see, we find some person (or body) claiming the entire area in a ring fence, uncultivated as well as cultivated. But in the ordinary village of Manu, the individual cultivators, each strongly attached to his own holding, make use of the adjacent waste for grazing and wood-cutting, but do not claim it as theirs. Certainly the Rájá or the chief exercised the right of making grants and locating settlers on this waste, and the village headman was applied to to authorize the breaking up of fresh waste. In some parts of Oudh, where there was valuable timber on

¹ It is quite certain that no phrase in Manu gives the slightest hint of any joint-body owning in common a certain group of territory in a ring-fence. Mr. Phillips in his first lecture, and M. de Laveleye, if I rightly understand his use of the term 'communauté' (*Propriété Primitive*, p. 66), would seem

to imply the contrary. I have carefully re-examined Bühler's translation, and find nothing approaching an indication of anything beyond a group of cultivators (under a common headman) whose *individual* right depends on the first clearing of the jungle.



the land, we find the Rájá levying (as one of his State rights) an 'axe-tax' on the felling of timber, from all outsiders. This is, again, quite inconsistent with the idea of a communal group or body owning the waste. As a matter of practice, the rulers and the headmen of the villages (on their behalf) would allow any one to extend his tillage to the neighbouring waste, because the king's share of the produce at once became due, and so the total was augmented. Naturally, as long as waste was abundant and land had no great value, the authorities were only too glad to see cultivation extended and a title acquired by first clearing the land, and did not think of asking questions, or raising objection to its occupation.

§ 19. *Conclusion as to the oldest known form of Village.*

Thus we must conclude that the first (and, as far as we know, the oldest) form of village is where the cultivators—practically owners of their several family holdings—live under a common headman, with certain common officers and artisans who serve them, of which presently; and there is no landlord (class or individual) over the whole. The Rájás *now* (where they survive, as in the Himáláyan States) claim to be themselves landlords or owners of all the soil, and only recognize landholders as tenants, hereditary indeed, after holding for some generations; but then they are conquerors, or rather descended from conquerors or adventurers who gained the superior position, in one way or another, only a few centuries ago. No such claim on the part of a Rájá (as we shall presently see) is traceable in *Manu*. The Rájá had his own private lands; but as ruler of the whole country, his right is represented, not by a claim to general soil-ownership, but by the ruler's right to the revenue, taxes, cesses, and the power of making grants of the waste. For this reason I have called the first of the two types of village above spoken of the RAIYATWÁRÍ or NON-LANDLORD VILLAGE.

§ 20. *Modes in which the second type arises.*

Let us now enquire how the second class of village which I have stated to exist, comes to light or has grown up. It is distinguished by the fact, which the reader will have already surmised, that there is a landlord, or a body of landlords, claiming right over an entire village, intermediate between the Rájá or chief, and the humbler body of resident cultivators and dependants. It will be found to be (a) a growth among and over the villages of the first type; and (b) to be the form resulting from the original conquest and occupation of land—as far as we know—previously unoccupied, by certain tribes and leaders of colonists who settled in the Panjáb and elsewhere. I shall first enumerate the different origins of which we have distinct evidence, and then I shall offer explanatory remarks on each head *seriatim*.

Every one of these heads is derived from an observation of the recorded facts in Oudh, the North-West Provinces, Madras, Bombay, and the Panjáb.

The village of the second type arises:—

(a) Landlord rights have grown up over the village of the first type.

(b) Landlord rights were (as far as we know) claimed from the first allotment or foundation.

- (1) Out of the dismemberment of the old Rájá's or chief's estate, and the division or partition of larger estates.
- (2) Out of grants made by the Rájá to courtiers, favourites, minor members of the Royal family, &c.
- (3) By the later growth and usurpation of Government Revenue officials.
- (4) In quite recent times by the growth of Revenue farmers and purchasers, when the village has been sold under the first laws for the recovery of arrears of revenue.
- (5) From the original establishment of special clans and families by conquest or occupation, and by the settlement of associated bands of village families and colonists in comparatively late times. (This applies specially to the Panjáb.)

§ 21. (1.) *The dismemberment of the Ráj.*

The Rájá's position was distinctly that of an overlord; the title and its appanages descended by primogeniture to one son only, so that as long as affairs went prosperously, there was no tendency to any alteration. But cases occurred, where, from family dissensions, or misfortune of war, or both, the Rájá's principality broke up; and then individual members of the family seized upon, or managed to retain in their hands, certain portions, and of that they became in process of time the practical owners—landlords in something of the modern sense.

Still more easily would this follow with the smaller chief's estates that were not, like the 'Ráj,' indivisible. Primogeniture is there the exception, not the rule; and I cannot state any definite rule as to the particular grade of rank at which there ceases to be a 'coronet' or a 'throne' right which only goes to the eldest. Among the chiefs who held estates in the ancient Oudh kingdoms, some families divided the estates, and some did not. When such an estate divided, it was almost certain to be the case that one member got one village, another two or three, and so on, till it came to pass that each family endeavoured to reproduce in the small area of one or two villages, the rights of the chief to the grain-share and other dues; and of course seized on the waste as an important means of increasing its wealth. In time these claims have *always developed into a landlord right* over the village. And when the original acquirer of such rights dies, and a body of joint heirs succeeds, *we soon find a number of co-sharers*, all equally entitled, claiming the whole estate, and (whether remaining joint or partitioning the fields) forming what is called a 'joint village-community.'

§ 22. (2.) *The Rájá's Grants.*

In Oudh we have instances where the Rájá has made *grants* to younger members of his family, or to courtiers,



or where some family in the village of higher caste or more energy than the rest, has asked for and obtained the king's favour. The grant is called 'birt,' or, in the Sanskrit form, 'vṛttī.'

As long as the old Hindu kingdoms remained in their pristine state, such grants were only made for life to members of the king's family for their subsistence (jewan birt), or were grants of the waste—in revenue language jangal-taráshī—to clear the forest and found new villages. But when the Rájás came into conflict with the Muhammadan power, and were dispossessed or reduced to subordinate positions, we find cases where they raised money by selling 'birts.' This can be clearly traced in Oudh, where we have a full account of the ancient States within what is now the Gondá district¹. The Utraulá State is one that exhibits examples of the sale of *birts*. In all these cases we find that the management of a village, the whole or a part of the Rájá's grain-share, and the manorial rights (tolls, ferries, local taxes) were made over to the grantee, the aggregate of such rights being called the 'zamindári,' and the *birt* being called a 'zamindári birt'².

Exactly the same thing happened when powerful families settled in the villages, raised their position, either with the Rájá's tacit consent, or merely by usurpation.

In Ajmer, among the Rájputs, we shall find certain holdings called 'bhúmiyá,' which were in fact landlord holdings, created apparently for smaller chiefs and others who had fallen out of the ruling rank; and thus holding the land more directly than the chief in his greater estate, they became in every sense the *landlord* over the cultivators.

In all these cases it might be asked what became of the

¹ Benett's *Settlement Report of Gondá*, 1878. Mr. Benett remarks that such grants were made chiefly when the Rájá was in a precarious position or out of possession altogether. The taking money was *sub rosa*, as beneath the dignity of the prince.

² The grant disposed of the Rájá's right over the waste, to tolls, fishing rights, &c., with the formula 'sa-

jal' (water), 'sakát' (forest rights), 'sa-path' (right over roads, ferries, &c.) In Utraulá, besides the Rájá's grants, the Muhammadan power settled its own soldiers in some villages, granting them the Revenue as petty 'jágírdárs.' In time their families became landlords of the granted villages.



rights of the original villagers whose title by clearing the waste had already been acknowledged? But in Oriental affairs we must not look for definiteness and for consistency: doubtless in practice the old holders went on exactly as before, and had an hereditary right, which, though undefined, was practically respected by all decent grantees and landlords.

§ 23. *Illustration of the effect of dismemberment of a 'Rāj' or Chief's Estate.*

It is exceedingly important to remember how easily in the course of a few generations a single family multiplies—and the Rājput race is extraordinarily prolific—so that when we now see a whole group of villages in one locality having the same origin, we might almost suspect the settlement of a whole tribe; whereas really it is a case of multiplication of descendants and the separation of interests, consequent on the dismemberment of one single family estate. I cannot help alluding to the remarkable illustration of this afforded by the clan of Tilôk Chand Báis in the Rái Bareli district of Oudh¹. This locality once formed the centre of an extensive kingdom or overlordship, established by Rájá Tilôk Chand. After his death—spite of the usual rule of primogeniture which applies to the *ruling* family as regards the chiefship, though not otherwise—the family broke up into a number of petty estates; i.e. the heads claimed the landlordship over numerous villages and founded other new ones. After some time *the family agreed to divide no further*. The result has been a large number of small (village) estates, and a certain number of larger estates of many villages—537 of the former and 60 of the latter—all, of course, of the landlord or joint type. Out of 1735 villages in the district, no less than 1719 are owned by descendants of this one Rájá's family—in fact, the 'Tilôk Chand Báis' have become a

¹ See *Gazetteer of Oudh*, s. v. Rái Bareli, vol. iii., and Mr. Benett's *Clans of Rái Bareli*.



numerous clan, forming a section of some great branch of the Rájput race.

Many other instances, perhaps not on quite such a large scale, could be quoted from Oudh, the North-West Provinces, and from the Panjáb.

§ 24. *Special features noticed in connection with these first heads.*

The discussion of the two first named among the modes of origin assignable to the present joint villages, leads me to invite attention to the fact that the claim to be landlord is due to the same feeling of superior caste, with its sentiment of graded rank and obedience to the ruler, as produced the organization of Rájá and subordinate chiefs¹. It is also worth noticing that it is this kind of claim to the soil which is the subject of discussion when we find 'property in land' brought into question in books and reports. The humbler but strongly-felt right of cultivators not claiming 'birthright,' under the name of 'janmí' or 'mirási' right, or other similar title—in other words, the right of the 'first clearer' of the soil, is not so much asserted and talked about. But what I desire especially to press on the attention of the reader is how, as long as the superior caste is represented by a Rájá, or a chief holding a great estate *as ruler*, the original title of the soil-occupants is not, either in theory or practice, interfered with. The chief remains apart, receiving revenue, levying tolls and taxes, administering justice, with perhaps some vague claim as conqueror to be lord of all, but not claiming any actual concern with the occupied land in the villages. But no sooner is this domain

¹ As a matter of fact, in a majority of cases, landlord villages which derive their origin from some distant but still remembered ancestor who was of the Rájá's family, or was a royal grantee, or simply a man of superior energy and talent who pushed his way, will be found to be held, or once to have been held, on *ancestral shares* in preference

to any other principle. They are usually high caste, or military caste. Of course some are due to strong and able families not originally of high caste, and these will derive their origin from Revenue farming arrangements, not being under the head we are at present confining our attention to.



dissevered owing to war or family feuds, and the members of the family retain or seize upon separate villages; no sooner is there a succession and a partition of the family estate, than the sense of lordship, focussed as it were on the more limited area, becomes fixed on the land itself, and develops into a claim to be owner of the actual acres of the village area.

But there is the same feeling of superiority that the Rájá or the chief had in his domain when it was in its original state and dignity, the same sense that the family, even though it now is a peasant family engaged in agriculture¹, is far above the plough-drivers and humbler occupants of the fields. In the case of the great estate, the feeling is expressed by holding the ruler's seat and taking the revenue; in the petty estate, it is expressed by the claim to be owner of everything within the boundaries of the village—which is now called the 'birthright' of the family or joint body.

This claim invariably results in the ultimate overshadowing of all preceding rights. In time these would have become ignored altogether, were it not for the existence of provinces in which those rights have never been overborne by any landlord class arising over them, and were it not for the policy of some of our revenue-systems which were devised when the Bengal landlord settlement had been found to be fraught with troubles, and when a great desire to protect, if not to push forward, the humbler classes, began to be felt.

The phenomenon described—the change from rulership to landlordship—of which instances so often occur in Oudh and the North-West Provinces, is by no means peculiar to them. Many cases are traceable in the Panjáb. To this cause also must be ascribed the direct origin of the landlord tenures of Malabár so often alluded to. The military caste, called Náyar in that district, at one time furnished the

¹ Necessity has forced Rájputs and others to take to agriculture; but some still compromise with their old dignity by confining

themselves to certain parts of the process of tillage, avoiding, for example, the actual handling of a plough.



ruling chiefs and filled the higher official positions over the land. But the historical fortunes of the country were strange; the rulership was lost, but still the Náyers maintained their claims (supposed to be quite an exceptional instance of 'private property' in land!) as landlords of the soil, including both cultivated land and forest waste, and then began to talk about their 'janmam' or birthright, as is the usual course.

In Bombay the joint or landlord villages of the Guzarát country, which are well marked exceptions to the (there) usual *raiayatwari* type of village, are clearly traced to the decay or dismemberment of former Rájput chiefships. The descendants have retained a village here and a village there, or even small groups of villages, and all the families are more or less connected by community of descent. The sharers in these villages will all regard themselves as superior to the cultivators, and will probably be addressed by some honorific title or appellation, and are sure to speak of their 'birthright' in the soil.

We may now proceed to consider the remainder of the five suggested origins of landlord or joint villages.

§ 25. (3.) *Usurpation of Land-officers.*

We come to the third head, the growth (and often the usurpation) of Government officials.

As long as the Muhammadan Government was strong, it maintained, under changed names, but without real alteration, the Aryan or Hindu system of territorial revenue administration. But it was under this Government, in the days of its decline, that the local officers were gradually left with less and less control, to manage the revenues; ultimately they (and also non-official persons who had influence or capital) were recognized as contractors for fixed sums of revenue over defined or undefined areas. This brought them into closer managing contact with the land, and enabled them to become landlords, a process which they effected by clearing fresh waste lands, buying up



others, and ousting the old cultivators. Sometimes this process extended over large areas, and resulted in the formation of great estates (known as those of 'Zamíndárs' and 'Taluqdárs'); but often also the contractor became landlord of one or more villages, and his multiplied descendants, in the course of a generation or two, formed landlord bodies or 'village communities.'

§ 26. (4.) *Effects of Revenue-systems.*

The fourth head is really the same thing, only in a more modern form. It is exemplified chiefly in the North-West Provinces. There, at the beginning of the century, the real condition of the village bodies was unknown, the single-landlord idea was the only one familiar to the minds of the Collectors, and the revenue management of villages was leased to one man; he might be a leading land-owner or headman, or he might be a capitalist or speculator. In time this person, whose name might have been recorded by some device and without any just title, had opportunities of putting himself forward and getting a Settlement which confirmed his position. In those days, too, revenue sales were common; directly any arrear of revenue occurred, the estate was put up to auction, very often at the instance of a designing purchaser, who had contrived the default by unknown but nefarious means. The auction purchaser of course became landlord, and his descendants now form the regular proprietary community, either holding the village jointly, or having divided it up into shares¹.

¹ In Holt Mackenzie's great Minute on the North-West System, there are many allusions to this subject. He complains of the tendency there was to refer merely to records and see whose name was down as the nominal holder of a village, and consider him as the owner irrespective of facts (§ 414). And, speaking of the Revenue farmers, and other persons who claimed to be owners, some of several villages, others of single villages, he says (§ 406), 'Some of the moderate-

sized estates were doubtless fairly created, by the successive purchase of individual villages from their original owners, or by the extension of cultivation by means of contract-cultivators, in districts having a large proportion of desert waste. But the origin of others was of a more questionable character. . . . He appears to have engaged in a constant struggle for the extension of his "zamindári" property; and as he generally had the hand of power and a preponderating in-



Under this head I ought to mention the Central Province villages. As they came under our rule they were certainly *raiya* villages, but it was, in pursuance of the North-West System, desired to treat them as if they were joint landlord villages, and make a village Settlement for one sum of revenue. This, as we shall learn more in detail in the chapters on the Central Provinces, could not be carried out; and the Government *determined to confer on the pátels or headmen, or the revenue-farmers* (called 'mál-guzár' under the Maráthá rule) *the proprietary title*. Since those days the original grantee-proprietor has often given place to a body of descendants who now form a landlord community. Only that in this case Government repented, if I may so say, of what had been done, and therefore early took steps to secure the rights of the original village cultivators, on whom, speaking generally, it conferred the privilege of an occupancy tenure with rents fixed by the Settlement Officer for the term of Settlement, leaving to the landlords the free control only of such lands as were in their own direct cultivation (called in revenue language their 'sír' lands). The Central Provinces thus exhibit the somewhat curious spectacle of villages held by artificially created landlord bodies, but with a 'tenantry' whose land is for the most part held quite independent of any contract with the landlords and beyond the reach of their interference.

§ 26. (5.) *Colonization and conquest.—Individual and tribal Settlements.*

The fifth head is one which is of great importance, as under it several varieties of origin may be collected.

The matter may be stated thus: the result of the Aryan immigration all over India was the fusion of the Aryan and Dravidian races, and the general establishment of

fluence with the "Amil" (local Revenue officer), the various villages of the farm or *tahq* were

too frequently converted by force or fraud into one *Zamindári* estate.'



smaller and larger rulerships or States, whose component units were village groups. These villages were owned, not by joint bodies, but by aggregates of separate families of landholders. In the course of time, as the rulerships broke up, and new conquering chiefs established themselves, the villages fell under the power of new families who soon formed joint-communities claiming the whole village—either single villages or groups. This did not take place over the whole country, but sporadically or occasionally, leaving large areas with the villages in their former condition. But in the Panjáb (more especially) we find that there were tracts of country where, at a later date, other tribes established themselves, and where small bodies of adventurers found a home: and *these*, from the first, formed joint bodies claiming the entire area of their settlements. This state of things is markedly illustrated by the Panjáb frontier districts.

All over the North-West frontier we shall find the districts occupied by comparatively small tribal and family groups who conquered or took possession of the land at a late date, not before the twelfth and as late as the fifteenth and sixteenth centuries, before which time the history of the land is a blank. It is known that in these cases the land was at once allotted into villages, sections, and family holdings, so that, as far as we know, the groups always regarded the *whole* area as theirs, and thus formed virtually a proprietary body over each village. It is possible indeed that their own theory may have been different; but as our revenue system, borrowed from the North-West Provinces, at once assumed these village bodies to be joint and entitled to all the land inside their local village area, and as the feelings of the people evidently fell in with this position, it is impossible to suggest any antecedent condition and any subsequent growth of a landlord class, or gradual development of landlord claims. Most of the tribes brought with them camp followers, dependants and inferiors of various sorts, who became tenants—however privileged in some cases—and there never was any doubt about the



superiority and landlord spirit of the conquering tribesmen, whatever levelling effects later misrule may have had, and whatever equitable claims the other castes may have been able to urge. On the frontier this is extremely marked, and the evidence is clear and beyond dispute.

The same is hardly less true of the Central Panjáb, though the origin of the villages is often more remote and therefore more obscure. Indeed, for the Panjáb generally, I am unable to suggest that the joint or landlord village arose *over* an antecedent type in the way it did in the North-West Provinces and Oudh.

§ 27. *Panjáb Tribes.*

The Panjáb exhibits quite a peculiarity in this respect; we know that originally the Aryans did not occupy the plains; their kingdoms were only along the Himáláyan range. And where we now find 'Aryan' Rájputs, it is probable that they always represent later settlements, the result of what I may call a reflex immigration of single adventurers or small bodies. But it is also certain that the Gújars and Jats were tribes who entered the country independently, and established villages which, as I have said, were, owing to tribal sentiment, always landlord or joint villages. In Campbell's *Modern India* (p. 8) it is said 'we are not without a historical glimpse of the facts. We have very good and accurate accounts of Northern India as it was in Alexander's time, and we find that in addition to the Hindu kingdoms... he found settled or encamped in the Panjáb, great tribes of a purely republican constitution, far more warlike than any others which he encountered. The best account of this is to be found in Heeren, in the volume on the Persians (p. 310). Heeren represents their constitution as aristocratic or under the government of their optimates.' And when Alexander treated with 300 deputies of such tribes, the author goes on to say (what is doubtless true), that these were the 'pan-



chayats' or councils of the elders of the villages¹. I cannot help concluding, then, that while in other parts of India joint villages arose in the various ways described, a number of joint villages in the Panjáb are due to the special customs of the particular tribes which—distinct from the Aryan race that overspread India—settled there. That is unquestionably the case with the later tribes in the districts on the North-West frontier, and it is probably the case with some of the Gújar and Jat tribes of earlier origin, and some of the less familiarly known castes also. The Jats and the Gújars I distinguish because they went beyond the Panjáb and formed settlements in Hindustán also, and are therefore better known². The name 'Jat' becomes 'Ját' in Hindustán.

¹ The allusion is to *Historical Researches into the Politics, &c., of the principal nations of Antiquity*, by A. H. Heeren (translated from the German), vol. i. The Persians. Oxford: Talboys, 1833, p. 310. The author's account is very noteworthy. He distinctly shows that there were states under the Rájás in the North Panjáb—i. e. near the hills, where the Aryans (Rájputs) settled; and mentions that one of them, called Porus (perhaps this word is 'Purushá' and is only a title (confer. Dow's *Hindustan*, i. 24), was at enmity with the Takka or people of Taxila—who, as I remarked, were still earlier Dravidian settlers. There were also kingdoms along the Indus (which exactly corresponds to what we know of the early history of Sindh). 'When,' he says, 'Alexander crossed the Chináb (Acesines), he fell in with other nations not living under the rule of princes, but possessing a republican constitution. These Indian republics occurred in the country between the Acesines and Hyphasis (Chináb and Biás, i. e. Central Panjáb), or on the east of the province of Lahore.' He mentions the Cathœi, Adriaticæ, and (in the South) the Malli and Oxydrææ of the Greek writers. Heeren's at-

tempt to identify these tribes is less happy; for in his time nothing was known about the Panjáb tribes. No doubt many of the races—who really were our Jats, Gújars and other tribes—became afterwards Sikhs, but they cannot be identified with either Rájputs or Maráthás. It is true that among them, some clans, for whatever reason, never had Rájás, but lived under their elders in groups of equal right. And it was clans who did this that originated the form called 'bhaiáchára,' village, as distinct from the ancestral-share or 'pattidári' villages. But this fact does not identify them.

² I cannot discuss the origin of Jats, but it is remarkable that Panjáb Jats are distinct from the Játs of other provinces, and in South-east Panjáb we have both Jat and Ját tribes physically unlike each other. I can only conjecture, following local tradition, that some were really Rájputs who lost caste by making mixed marriages, &c., others are a distinct race. A great number of the Panjáb tribes, Awáns, Khokhars, Aráíns, &c., may be mixed races, formed by the union of the original Takka and other tribes with Rájputs, or with later tribes colonizing from beyond the North-West frontier.



§ 28. *Colonies multiplied from individuals or small groups.*

But in any case a large number of joint villages are due to the multiplication of villages from single centres. There are numerous local traditions of scions of Rájput and other 'noble' families who, dissatisfied with their prospects at home (the parent stock had then found a home in Hindustán, Bikanír, &c.) turned on their steps and obtained land in the Panjáb, where doubtless it was abundant. Single adventurers or small parties thus established themselves, and spreading and multiplying founded village after village, over which of course the descendants are regarded as the landlord communities. Traditions to the effect are too numerous, coherent, and intrinsically probable, to be set aside. We may often distinguish villages of this class by their adhering to *ancestral fractional* shares in holding the land. Such shares show descent from a common ancestor, the colonizing founder or conquering chief.

There are no doubt a large number of villages where the co-sharers now hold on the basis of actual separate possession. Many of these are true landlord villages, only the accidents and the fortunes of the times have destroyed the ancestral shares. Others may have originally been of the *raiayatwári* type. But if so, the example of numerous landlord or joint villages round them, and the fact that when our Revenue Settlement began, they were treated as joint and the waste adjoining made over to them,—either of these may have induced them to accept the lump assessment and the (nominal) joint responsibility without demur. We know this to have been the case with the Kángra district villages, and how far it may have been the case with others it is impossible to say. In fact it is now hopeless to argue what the original constitution may have been ¹.

¹ I have spoken before of the failure of the attempt in Bombay and elsewhere to force the joint constitution on raiyatwári villages; but it might always happen that,

locally, owing to the force of example, or to the value of the joint-waste conferred when the village was settled by the Revenue officers, or from other causes, the joint con-



In the south-east Panjáb we shall also find villages, which have accepted the joint constitution, whose origin is clearly traceable to voluntary associations of different individuals and families, who applied to a local ruler for permission to settle, and thereon founded villages, only within the present century.

And the mention of this form of *co-operative* colonization leads me to speak of the survival of joint or landlord villages in Madras.

The Presidency of Madras affords another instance of the occurrence of landlord villages only in some places, or sporadically, as it were, among villages of the *raiyatwari* type. In most cases it is a mere trace of such villages that now survives. The details will be given in the chapters devoted to Madras; but I may here give a brief outline of the events which led to the discovery of such traces, and notice how they illustrate the subject we are now considering.

When the failure of the first attempted Settlements in Madras caused an enquiry to be made (about 1814) as to the constitution of villages, with a view to determining what form of revenue-settlement could best be adopted, it was discovered that a number of villages existed, in which a class of landholders, generally known by the Perso-Arabic name ¹ 'mirásdár'—holders of the 'mirás' or inheritance right—was found. A selection from the rather voluminous evidence on the subject has been reprinted in an official collection of papers issued in 1862. The conclusion to be drawn is, that the villages with a *mirásdár*, or landlord class, where they existed, were survivals of some high caste families who by conquest or grant had obtained the overlordship. But in the neighbourhood of Chingleput the villages of this class were more continuous, and evidence was

stitution would be accepted without question. It is quite certain that in the Kángra district (a hill and partly submontane district) 'landlord' villages, or indeed villages of any kind, did not exist, and so in the dry tracts in the South Panjáb; yet the grant of the waste and the

practical non-enforcement of any real joint revenue-liability, made the people accept the system without demur.

¹ The people had their own names; for instance, 'Káni-átchi' expresses *birthright* or inheritance.



forthcoming to show that they were due to the fact that there had been a great colonizing party sent out by one of the Dravidian kingdoms of Southern India; they had advanced into what was then an unpeopled forest country, and having cleared the land and established villages, the different leaders of the colonist groups became the landlords. In time the original founder or founders were succeeded by a numerous body of descendants who divided up the land into shares. This body, deriving their rights from a special emigration and colony planting, naturally regarded themselves as entitled to a superior kind of right; all others were their tenants, namely the low-caste cultivators and others who were either admitted at a later period, or represented the descendants of dependants and followers who were called in to aid at the original founding, which was a work of great labour requiring as many hands as possible. And I may here remark that at the present day we hear less of claims by 'conquest,' than of those derived from the 'founding' of the village, though in many cases the latter may be a euphemism for conquest or usurpation.

Especially in the Panjáb I have noticed the landlord class always claiming superiority as the descendants of the 'original founders' (báníán-gánw).

§ 29. *Conclusion regarding two types of Village.*

This brief sketch will now, I hope, have made it clear that we are to distinguish two distinct types of village: one is where the landholders are disconnected aggregates of families each claiming nothing but its own holding—the RAIYATWÁRÍ or NON-LANDLORD TYPE; the other is where a class in the village, or it may be the entire body, claim to be a superior order, descendants of former rulers, or colonizing-founders, or conquerors, or grantees, or, later on, of revenue-farmers and auction purchasers, who claim jointly the entire estate; and this is the JOINT or LANDLORD-VILLAGE type¹. The former type prevails over the whole of

¹ In the first edition of this work I essayed to distinguish the two types as the 'non-united' and the 'united' type respectively. The



Madras, Bombay, and Central India. The Central Provinces villages were, and would still have been, of this type, but for the action of our own Government in conferring the proprietary right, so that these villages have now passed into the landlord class. On the other hand, the landlord or joint village now prevails in the North-West Provinces and Oudh, and in the Panjáb. Probably, in the North-West Provinces and Oudh this type was originally only occasional, as elsewhere; there must have been many groups of old cultivators who had never been interfered with, and whose system of holding land is, and always was, according to actual possession only. But the revenue-system, from the first, treated all villages alike, and whether it was the descendants of a superior family or a group of cultivators who had no joint-claims, all became, by the grant of the waste and the (nominal) joint and several responsibility for the land-revenue of the entire village, equally compacted into bodies, the joint-owners, in name, of the whole area. It is certainly also the case that in more than one locality the present joint-villages are the creation of our own system, circumstances permitting the change to be accepted or not practically felt.

§ 30. *Importance of the distinction as regards the Revenue system.*

The existence of two types of village is a fact of primary importance to the Revenue student, apart from its interest

terms are not, however, satisfactory; they do not indicate the fact that in one type there is a superior, landlord, class, and in the other there is not; while there may be a certain union in villages where no superior chief claims the whole. The people, though each claims only his own holding or field, may very well be 'united' in another sense, under a common headman and with a common staff of artisans. Sir George Campbell, in his essay in the *Cobden Club Papers*, has distinguished the types as 'aristocratic' and 'democratic.' This has some

advantages: the landlord class have certainly a strong feeling of superiority. But there are many villages where the truly landlord class acknowledge no chiefs, and, as among themselves, are 'democratic,' but this does not put them on an equality with the non-proprietary residents and cultivators. On the whole, I think that the terms, landlord or joint village for the one type, and non-landlord or *raiya* for the other type, are, though not neat or compact terms, still expressive of the main difference.



as a matter of history and of the development of land-tenures. Wherever the villages consist of the loose aggregates of separate cultivators, it has been found advisable to adopt what we shall presently describe as the 'Raiyatwari' method of Revenue management, under which each field or holding is separately assessed, and no holder is responsible for anything else but his own revenue, nor has he any common right in an allotted area of waste¹. He is, of course, provided with certain privileges of grazing and wood-cutting, but the waste or unoccupied lands are at the disposal of Government, and given to whoever first applies offering to pay the assessment, when they are not reserved for any other special purpose. Where there are landlord villages, the 'North-Western' or 'Village' system of Settlement is followed; the waste is given over to the village; the entire estate so made up (waste and arable together) is assessed to one sum of revenue, for which the landlord, or landlord body, are jointly and severally liable, and which (in case of several co-sharers) they apportion among themselves to pay according to their customary method of sharing—i. e. according to the constitution of the body.

§ 31. *Question as to whether one type is not a decayed form of the other.*

Seeing then that *joint* villages exist all over the Panjáb, and largely in other parts, while in Central and Southern

¹ The adoption of this system was not accomplished without some struggle. The attempt was made in Madras and Bombay to form village settlements with the joint responsibility for a lump sum. But the plan failed, because nature and the social system were against it. Conversely, where circumstances are favourable, the joint system alone succeeds, and is accepted even where the villages are really *raiya*. Where there is a strong landlord body, attempts to individualize property and fix the shares

of each otherwise than according to local custom fail. There were joint villages in the once Hindu island of Java. When this island was under British rule (before its cession to the Dutch), M. de Laveleye mentions that the Governor (Sir Stamford Raffles, 1811-1816) attempted to individualize holdings by making separate assessments: but the people immediately clubbed the sums together and redistributed the total, according to their own notions of responsibility and family custom.



India they appear only sporadically among the *raiyatwári* villages, it is not surprising that the question should have been raised—May it not have been the case that all villages were once joint, and that those which are now not so represent a decayed form of the other? I have already admitted that there are certainly cases where a joint village has decayed. For example, the ruler of the time imposes a very heavy revenue burden on a village: this necessitates an effort on the part of the co-sharers, and results in the richer ones taking more than their ancestral family share of the payment, and demanding to hold more land to make up. Thus the proper shares are upset; then the co-sharers fall into poverty, sales take place, strangers are introduced, and in the end each holder regards himself as a separate unit, and the memory of the original status is lost. Or, what is often the case, the leading families have fallen into decay, the more energetic but inferior caste cultivators come to the front, bear the revenue burden, and in the end cannot be ousted with anything like justice from at any rate the several but full proprietorship of their lands. But all experience shows that such is the tenacity with which the superior classes remember their rights, that the loss is rarely complete; and it is hardly possible to believe that the whole districts where nothing but *raiyatwári* villages now exist, could have owed their present state to a wholesale loss of rights. Nor is it easy to see how in such a case *some* villages exhibit traces of 'mirási' claims and others not.

§ 32. *Illustrations of decay of Landlord claims.*

I should like here to allude more specially to the cases where landlord claims existed and were lost, to show at any rate that I do not leave them out of account. It is certainly the case that in Madras the 'mirási' claims had often become very faint, but it is equally certain that the 'mirási' or landlord right was not a uniform feature of all villages.



There is an interesting paper on tenures in the Bombay Dakhan, by Col. Sykes¹, in which it is clearly shown that, after the overthrow of the great kingdoms which had adopted the Buddhist faith, and to which the well-known cave temples of Alúra (Ellora) and Karlí are due, the races, which afterwards rose to power as the Maráthás, conquered the country. And Col. Sykes finds many traces of their allotting the land on landlord-shares. The shares of families were called by the now forgotten Hindi term 'thal' (perhaps the same as the *túla* or *tola*). But fortune had not favoured them; and most of the holdings, at the time when Col. Sykes wrote were found in a decayed state, described as 'gat-kul,' i.e. the 'family' (*kula*) is 'lost' (*gata*). Where the landlord families had survived, the Muhammadans called them 'mirásdárs,' and there were also successors who had purchased the 'mirás' right. But it was evident that these cases represented estates appropriated here and there, by conquering families; and very likely were the result of the break-up of larger overlord estates of early Maráthá rājás or chiefs. This case does not lead to the conclusion that the landlord type was once universal and that the raiyatwári type is merely, as a general rule, the decay of it.

In Bengal again, *all* village rights have been generally obliterated. This is due to the arrangements made in the decline of the Mughal rule for the management of the State Revenues. This we shall describe presently. Here I am only concerned to remark that the destructive influence did not change one kind of village into another but destroyed all alike.

§ 33. *Résumé of the position.*

In short, when we consider the evidence we have that the earlier races, and the lower castes, among the Aryans, all

¹ Published in 1835. *Journal of the Royal Asiatic Society*, vol. ii. p. 206. The holder of the 'thal' was called

'thalwái,' and the ancient lists of shares, which survived, were 'thal-jára.'



held land separately, by right of first clearance¹, and that we can in so many cases trace distinctly the growth of landlord rights in villages *over* an older race of cultivators who always had certain tangible rights in the soil; when we can prove that landlord villages (as we see them) are due (in the Panjáb) to special movements of colonizing bodies, who occupied virgin soil independently; and in the North-West Provinces and Oudh, to the dismemberment of kingdoms and ruling families, and also largely to later acquisitions of title by revenue-farmers and purchasers; we must come to the conclusion that the two types of village are due to original independent causes; and though in individual cases, a joint village may decay into a *raiya-twari*, or a village of the latter type may be formed, by revenue administrative measures, into a joint village, such a transformation is local and occasional: it is not the general and everywhere operative cause of there being two types of village.

§ 34. *Differences and common features of the two types of Village.—The Village artisans.*

Let us now glance at the characteristic differences between the 'raiya-twari' and the 'landlord' village.

Certain features, however, both have in common. In both there is an area of cultivated land and an area (very often) for grazing and wood-cutting², though the title, and the method of using that, are of course markedly different. In both there will probably (but not always) be a central residence site, and surrounding it, an open space for a

¹ And be it always remembered, the leading members of the higher castes would not themselves touch a plough. Hence they who furnished the landlord class were always rulers, military chiefs, or state officials in some grade. Humbler members of high caste, whom necessity compelled to take the plough and spade, fell to the lower level, and contented themselves with the same sort of tenure

as the humbler cultivating classes.

² It is most unfortunate that in these days, when such an area has been given over absolutely to the (landlord) village they have been tempted to break it up for cultivation, and now are hard pressed for fuel and grazing, unless there are Government forests or fuel reserves and grazing grounds in which they can find a supply.



pond, grove, cattle-stand, &c. &c. In both there will be the arable fields with their boundary marks, and their little subdivisions of earth ridges made for retaining the rain or other irrigation-water. Under both forms, the people require the aid of certain functionaries, artisans and traders. They need a village messenger and night-watch, as well as some one to guard the crops: if it is an irrigated village probably some one will be required to distribute the water, to stop this channel and open that, when, according to the village custom of sharing the water, the different parties have had their due share. A potter will be required to furnish the simple household utensils or to make waterpots where the Persian wheel is used in wells. A seller of brass or copper pots will also be found in larger villages. A cobbler will make the village shoes and the plough harness or gear. A carpenter will fashion the agricultural implements and help in the housebuilding. A money broker will be needed, and some one to sell tobacco, drugs, salt, flour, spices, oil and other necessities of life. Sometimes a dancing girl is attached to the village; always a barber, who is the agent for carrying marriage proposals, besides his functions as barber and also surgeon. Sometimes there is an 'astrologer' and even a 'witch-finder.'

The staff varies in different places according to locality. In Central India we find this staff, theoretically twelve in number, called the 'bāra bulauti.'

In England such artisans in a village would casually settle where the prospects of trade invited, and would indifferently accept work from any comer, being paid by the job. But in India,—and this applies equally to both forms of village,—the village community invites or attracts to itself the requisite bands of artisans, finds them almost exclusive employment, and does not pay by the job for services rendered, but establishes a regular income or customary mode of annual payment, on receipt of which, every village resident is entitled to have his work done without further (individual) payment. In Central India,



where the system of remuneration by 'watan' or official holdings of land found most favour, we find not only the headman or pátel and the accountant (kulkarni) with their official holdings of land, but also petty holdings rent-free for the potter, the sweeper, the water-carrier, &c. In other places the more common method was to allow the artisans certain definite shares when the grain was divided at the harvest; besides which they received periodically certain perquisites, in the shape of blankets, shoes, tobacco, or sugar-cane juice. It is not necessary for me to quote any detailed account of the village servants. Elphinstone has taken his well-known account from Central Southern India, Malcolm has given the detail from Central India. The numbers and names of the artisans of course vary in different parts¹.

¹ See Elphinstone (Cowell's 6th edition), page 69 and notes, and Malcolm (the reprint of 1880), vol. ii. p. 16, Phillips, p. 23. The following is a list of village servants as recorded for the Gujranwala district of the Panjáb. This will serve as a fair general sample of how these people are paid. Their occupation, as well as the right to serve the village, is often hereditary. The villages here spoken of are landlord villages.

1. The blacksmith (lohár). His dues are one bhari or wheat-sheaf in each harvest, one pai in money on each plough, two seers of molasses (gúr), and also one jar of sugarcane juice daily, while the press (belna) is working; and he is allowed to have one day's picking at the cotton-field at the end of the season.

2. The carpenter (tarkhán). He makes the well woodwork, handles for tools, beds (chárpai), stools, &c. His dues are much the same as the lohár's.

3. The kumbár or potter, who makes household utensils and also pots.

4. The 'rera' or grass-rope maker; the ropes are necessary to form the bands over the well-wheel which carry the water-pots. He gets one

'bhari' and four topas of grain per well.

5. The 'chúhrá' or sweeper. He cleans the corn, cleans the cattle-sheds, and makes the manure into cakes for fuel: a place for drying these cakes is often a recognized common allotment outside the village site.

6. The 'mochi' or cobbler and chamár, who also has a right to appropriate the skins of the cattle that die.

7. The 'hajjám' or 'nái.' He is the barber, but also carries messages and proposals connected with marriages and betrothals, and serves also at funerals.

8. The 'dhobi' or washerman.

9. The 'jhewar' (this is a local term), equivalent to 'bihisti' or water-carrier.

Besides there may be the village astrologer and musician (mirási) and various religious office-holders—the purohit, or brahman, a faqir who keeps the takýá or village place of assembly; the 'maulvi' for the mosque service, a 'bhái' at a temple called dharmsála, a 'sádh' at a thakurdwára, a pujári at a shivála (temple of Siva), and a mahant of a 'dévidwára' (other temple).

§ 35. *The Headman.*

Having noticed what the villages have in common, we may proceed to describe the points in which they differ.

If I had to select a characteristic difference between the two types of village, I should find it in the 'headman.'

When the village consists of a number of loosely aggregated cultivating occupants, it is very natural that they should choose or recognize some one of their number to be their headman. Possibly this man is, or represents, the leader of the original settlers, or is in some other way marked out as a trusty and privileged person. He is referred to to decide local disputes, to allot lands when cultivation extends, and so forth. And when the village comes under a definite State organization and pays a revenue to the ruler, most naturally that ruler looks to the headman for the punctual realization of his rights. His importance and dignity are then enhanced because he becomes vested with a certain measure of State authority, and is probably remunerated by the State. His office is hereditary, or becomes so, and the State does not interfere, except in some case of manifest personal incompetence, and then probably another member of the family is selected, at any rate to the practical functions of the office¹.

Where the headman is (as in Central India) allowed an official holding of land—his *watan*, as it is called—the office becomes still more desirable. In these parts it will generally be found that the 'pâtel' owns the best land; he is also the owner of the central site in the village, frequently an enclosed space of some size, fortified perhaps by mud walls; and within this only members of the family, all of whom will be addressed as 'pâtel,' reside, when other houses are situated around and below. We shall

¹ Some trouble must have been felt in former days when (in Central India) the pâtel's family multiplied. They seem to have regarded the headman's office as jointly held, and

exercised the functions in a sort of rotation, one member for one year (or whatever it might be), and then the next.



afterwards hear of great princes being anxious to hold the 'pátelship' of villages and the 'watan'¹ land pertaining to it, because of the permanence and stability of this form of right.

Now in the landlord village, naturally the *headman* as such, did not exist. The proprietary families were too jealous of their equal rights to allow of any great degree of authority residing in one head. *Their* system was to manage village affairs by a council of the heads of families called 'pancháyat.'

It is true that in landlord villages, either one headman, or one headman for each division is now to be found; but that is an appointment of the State, and for administrative purposes. In former days such a single headman selected to answer for the revenue and deal generally on behalf of the villages with the State officers, was called 'muqaddam'.² In our own times, such a headman has received the name of 'lambardár' (the representative whose name bears a separate 'number' in the Collector's register of persons primarily responsible for the revenue), and this modern term at once marks that, in the landlord village, the headman is no part of the original social system. The State now usually recognizes his right to office as hereditary, and desires to make it to some extent elective also. But this is with a view of popularizing the institution. It is essentially an administrative addition to the village. Where a landlord village is united, it still keeps up its pancháyat, and where the institution is falling into discredit and the patwári or some energetic 'lambardár' begins to dominate, we may be sure that poverty and decay are affecting the body.

¹ See remarks on the *watan* in the next section.

² In the Central Provinces they still keep the name 'muqaddam' (or in the Hindi form *Mukādam*) as well as *lambardár*, the former expressing the executive functions,

the latter the direct duty of paying in the revenue. This is because under the particular circumstances of these provinces, it is possible that the functions of office may be divided between two persons.

§ 36. *Other Village officials.*

Just as an artisan staff is found (necessarily) under either form of village, so the accountant ('patwári' in Upper India, 'karnam' in the South, 'kulkarní' in the West) is found. Originally in non-landlord villages, he was a State officer, and in the others more the servant of the proprietary body. But now, of necessity, he is a Government servant pure and simple, paid, controlled and appointed by the State, and subject to certain tests of efficiency. To popularize the institution, the office is allowed to be hereditary, supposing a next heir is fit, and is sent to school to qualify himself.

The village 'watchman' is also an important officer in both, as he is utilized and often controlled by Government as a sort of village policeman.

§ 37. *General statement of differences.*

I may perhaps best show at a glance the differences between the villages by arranging in parallel columns a list of characteristic features.

RAIYATWÁRÍ OR NON-LANDLORD
VILLAGE
(*Bombay, Madras*).

1. The revenue is assessed on each field or holding. No responsibility of one man for another's default.

2. The village site is not owned by any one landlord, except as far as each occupant householder is owner of his site. The pátel has often a large central residence.

JOINT OR LANDLORD VILLAGE
(*Panjab, North-West Provinces, Oudh, and Central Provinces*).

1. The revenue is assessed on the village as a whole, and the burden is distributed by the co-proprietors themselves. Village co-sharers are jointly and severally liable for the whole.

2. The village site is owned by the proprietary body, who allow residences to—

(1) the 'kamín,' the artisan class, farm labourers, and menials.

(2) The tenantry.



(3) The traders, money lenders, &c.

These probably pay some small dues, according to custom; and if they leave the village may have no right to dispose of the site, and only in some cases to remove the roof timbers and other materials.

3. The waste outside for grave-yard, cattle-shed, pond, grove, &c., &c., is Government land, the area of which is allowed to the villages for these purposes, and this land cannot be diverted from such purposes.

No waste area is granted jointly to the village. Probably the use of some available land for grazing, &c., is allowed; and if there are waste numbers which may be cultivated, they must be applied for (and revenue paid thereon) to the land authorities.

4. The headman is an important functionary and part of the original constitution.

5. The village government is by the panchayat or group of heads of families. The headman is called 'lambardár,' and is (as the name indicates) a later addition, and exists chiefly for revenue and administrative purposes.

5. The accountant (patwári, &c.), watchman, messenger, artisan, and labourer staff are common to both forms.

§ 38. *Constitution of the Raiyatwári or Non-landlord Village.*

Naturally there is little to be said about the constitution of the non-landlord village.



There is no room for any variety in tenure; for each man is master and manager of his own holding. Modern law defines his tenure as 'occupant,' or leaves it undefined as the case may be, and there is no question of sharing on this principle or that. Nor have I heard of anything like a common account of expenses chargeable to the whole village and which is rateably levied on the members.

All that we could have to say about the village would be to describe the routine of cultivation, of how the headman acts if his intervention is called for, and how once in the year there is the settling up (*jamabandī*) with the State officer as to what revenue is chargeable, what fields have been held, what taken up, and what, if any, relinquished, and what remissions are claimable (if the particular system allows this). But such a description would be one of social life or of revenue administration, rather than of land-tenure, and I shall dismiss the subject by quoting a pleasant account of the raiyatwārī village (as found in Southern India), which I read in the *Godāvarī District Manual*:—

'Each village¹ constituted in itself a perfect whole. Unheeding the changes which may have taken place in the Government above them, the cultivators of the ground quietly continued their daily avocations. They yoked their bullocks to the plough, and followed them in their uneven course. They drew the scanty supply of water from the neighbouring stream or tank, and wrangled over the precious liquid. They cast their seed into the saturated soil, and transplanted the tender sprouts of the growing paddy. They gathered in the harvest, and tended their bullocks as they trod out the grain. The simple household routine went on as quietly and swiftly then as now. The women met at the village well and joined in the petty gossip of the day. The only excitement occurred on the

¹ *Godāvarī District Manual*, p. 247. This is a 'wet' or irrigated village chiefly cultivating rice. Rice is not the staple food of India, as is sometimes supposed. Throughout the North and North-Central India wheat, barley, and millets

are the staples. Rice villages are mostly found in South and West Bombay, in East Bengal, in Madras, and in a few other localities on a smaller scale. It is the food of only a very limited portion of the population.



occasion of some feast in their own or a neighbouring village, or of a journey to the festival at some sacred shrine. The village shopkeeper sat cross-legged behind his store and offered loans at an extravagant rate of interest. The village scribe and accountant were employed in writing the accounts on palm-leaves, or drawing up the simple bonds and documents executed by the ryots, and in assisting the village magistrate in his rude administration of justice under the spreading branches of the village tree, where all trials were held and business transacted.'

§ 39. *Constitution of the Joint or Landlord Village.*

There is much more to be said about the landlord village, because it is in the nature of things that there should be changes in its course of existence. Suppose, for example, that the village is gained by a single grantee as landlord; before long his sole tenure—whatever its limits—will be replaced by the joint tenure of a body of heirs¹. Suppose, again, that the village has from the first been founded by several 'landlords' jointly; it is improbable that they will long remain joint; they will divide the land wholly or partially, and then the shares will, from some cause or another, become altered or lost sight of. Moreover, as we have seen, there are joint or landlord villages where from the first, the principle of sharing is not that of the inheritance law, but some other.

Evidently then there are many points to be dealt with before we have done with the joint or landlord tenure of villages. The Revenue books have adopted, for the North-West Provinces, some terms which describe the various conditions of jointness, or division (or partial division) in which the landlord village may be found. They are unfortunate terms; and we shall presently see, from a

¹ I take it for granted that the reader is aware that by the Hindu law, and by custom also, the succession of heirs is joint. Even by the Muhammadan law also it is, though the strict law is not largely

followed by agriculturists. *Primagenture* only applies to succession to royal or ruling chief's titles and their appanages. This subject is enlarged upon in the concluding section.



quotation which I shall make, how they mislead people; but it is necessary that they should be understood.

Where there was a landlord claim over the village, such as that of a revenue farmer who had become proprietor, or of some chief or other high caste personage who had, many generations ago, acquired the superior title, they expressed the right by the term 'zamíndarí.' I suppose it was meant that the landlord in his small estate had that sort of not very definite '*holding of land*' which is indicated by the native term, and which was also applied to the much larger estate-holder called 'Zamíndár' in Bengal.

§ 40. *Meaning of Zamíndarí Village.*

If the landlord were a single person, the term indicating the tenure was 'zamíndarí *khális*' = simple or sole landlord tenure. When however the original grantee or acquirer of the village had died and was represented by a *family* who as yet remained joint, they called it 'zamíndarí mushtarka'—the joint or co-sharing landlord tenure. It ought to be needless to remark that the term *zamíndarí* by itself conveys no suggestion of *jointness* or *common-holding* in any way whatever. But whether it was that the full phrase 'zamíndarí *mushtarka*,' was too long, or whether it was that so few villages had a *single* landlord, and so many a co-sharing body, I cannot say; but in practice, writers came commonly to use the word 'zamíndarí village tenure,' as if it meant the *tenure of a still undivided joint-body*.

In joint tenures, as long as the body could agree together, they would remain undivided. In such cases the land was generally leased out to tenants; or only certain fields cultivated by one or more of the landlord body, for which rent was credited to the community. One of the family would act as 'manager,' and keep an account of the rents received and any other profits, and would charge against this the Government revenue and cesses, and the charges debitable to the village as a whole—cost of alms, of entertainment



of strangers, &c.—and finally would distribute the surplus according to shares.

§ 41. *The Pattidári Village.*

But very often—in quite the majority of cases indeed—the family agreed to divide; so that many joint villages are found in a state of division or severalty as regards the cultivation and enjoyment of the land. This may have existed only since a few years, or it may have been so from ‘time immemorial.’ Ordinarily, when the family is descended from some single village ‘founder,’ the shares will be mainly those of the ancestral ‘tree,’ and follow the law of inheritance. A sharer here and there may be holding a few (or many) acres more or less than his share; but the general scheme is easily traced and is acknowledged by the co-sharers. When this is the case the village is said to be ‘pattidári,’ because the primary division, representing the *main* branches of the family are called ‘patti.’ It will be borne in mind that ‘pattidári’ properly means not only a village held in severalty, *but also held in shares which are wholly* (or at least in part) *ancestral, i.e. those of law of inheritance.* Some villages will be found where the primary division is into ‘tarf,’ and the tariff is divided into pattis; but where that is the case it may imply some ancient union of two or more distinct bodies who settled together or some other cause operating later in the history of the village. I know of villages where one ‘tarf’ consists wholly of Hindus and the other of Muhammadan converts, or where one is of one caste and the other of another. This is obviously a special or exceptional state of things. So that in the typical village body descended from a common ancestor, the ‘Patti’ is the main-branch division. The ‘patti’ is sub-divided into ‘thúla’ or ‘tola’ or ‘thôk’ (three various names), and then into ‘beri’¹.

¹ I am not sure of this word. I find it variously written ‘behri,’ ‘bheri,’ and even ‘bhari.’ Wilson’s *Glossary* does not give it, nor Elliott’s.



Below the 'beri' come the 'khátá,' or individual holdings. This will be clearer from a diagram (which I have adapted from that in the *Selections from the Records of Government, North-West Provinces (Revenue) for 1818-1822*). It will be observed that the fraction held by each is here represented by the *biswa*, or twentieth of the 'bighá,' which (in the North-West Provinces) is the usual land-measure. But sometimes it is expressed in 'annas' and 'pai'—fractions of a rupee regarded as the unit or whole.

In order to count up to the smallest of the sub-divisions, custom has established, in various parts, minute fractions far below the 'biswa' or the 'anna.' Instances will be found detailed in the chapter on North-West Provinces tenures. Thus we have the *anna*, not only divided into *pai*, but the *pai* into *kauri*, and the *kauri* into *gandá*, &c. In the present case, the whole estate consists of 2000 bighás of land; accordingly this area represents the *whole*, or 'bighá.' Then, a man who owns a four-biswa share, owns four-twentieths (one-fifth) of 2000, or 400 bighás, and pays one-fifth of the revenue; so, if the revenue is Rs.1000, he will hold 400 bighás, and pay (one-fifth of Rs.1000 =) Rs. 200¹. In the example it is evident that the 'pattis,' which are here the primary shares, represent a state of the property when the family consisted of two brothers (A and B) in one branch, and three brothers (C, D, E) in another branch, in parity of descent. The fathers of these two branches were equal; for A and B have half (4 + 6 biswas) between them, and C, D, E (5 + 3 + 2 biswas) the other half, between them. Observe that A and B ought to have five *biswas* each; but, owing to some inequality of value—some sale or other accidental circumstance—one has four, and the other six. So, too, the shares of A's sons have become unequal. Under each share I have marked the area (in

¹ If we were counting by fractions of the rupee, a man who held 400 bighás out of 2000 and paid Rs.200 out of Rs.1000 revenue, would be said to hold a '3½ anna share' of the estate. Probably in an estate

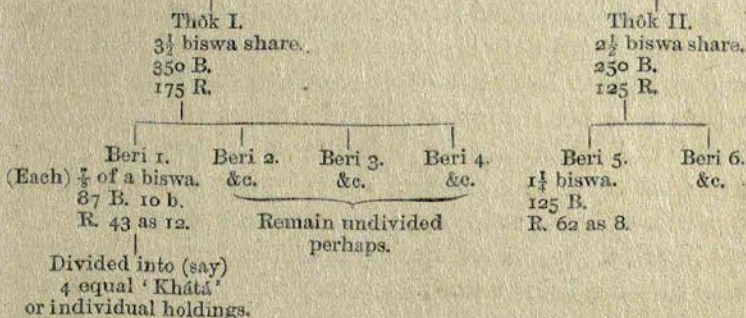
counted by fractions of a rupee the shares would be in even numbers, as 1 anna, 2 anna or ½ anna, ⅓, &c. Such a fraction as 3½ annas would only occur if the share had become varied by sale, &c.



bighás and biswas), and the share of the revenue paid in money.

VILLAGE X		{		{		{		{	
(might form a 'tarf').				(might form a 'tarf').					
Patti A.	Patti B.	Patti C.	Patti D.	Patti E.	Grand total.				
Share.	6 'biswas'	4 bis.	5 bis.	3 bis.	2 bis.	= 20			
Holding.	600 B.	400 B.	500 B.	300 B.	200 B.	= 2000			
Paying.	300 Rupees	200 R.	250 R.	150 R.	100 R.	= 1000			

[These may all be subdivided in the same way: or in one or other branch all the descendants but one or two may be dead, and the whole *patti* be held by the survivors.]



There may, or may not, be the last division (*khátá*). Possibly the 'beri' may be enjoyed by some sons or grandsons jointly. But the sharers will be on the list, with their fractional interest recorded. So that the individual proprietors are called, in Revenue language, the '*khátédárs*.'

There are many villages in which, as far as we can tell, a separation of '*pattis*,' and perhaps some minor subdivisions, have existed from the first colonization, foundation, or acquisition of the village.

§ 42. *The Bháidachára Village.*

But one of the curiosities of tribal history in India is that, owing to whatever cause, all tribes, clans, or families did not adopt the same system—indeed, I believe it is the



case that different sections of the same tribe adopted different methods. Some tribes had no Rájás or greater chiefs, and all the families were exactly equal under their several heads or elders; and on settling in a new place they adopted a different method of allotting the land. One of the first forms of joint village to be discovered (in Benares) was a form of village called 'bháíáchará'—i.e. held by the custom (áchará) of the brotherhood (bhái). There is no sort of question that these villages were of the joint type, i.e. they were held by castemen of the higher orders, and that they formed close communities, regarding themselves as landlords and superior to all other people on the estate; but still they did not adopt any system of sharing based on the place in the ancestral 'tree,' but started (when the village first was founded) with an equal division of land, often adopting curious area-measures or standards for dividing, which were not the ordinary land measures or 'bighás,' but were 'bháíáchará bighás,' measures of a larger size, and arranged so as to consist of several plots of the different qualities of land; or to be small in the best soil and larger in the inferior. The other distinguishing feature of this tenure was that the holders did not merely undertake the share of the revenue burden which corresponded to their fractional interest in the estate¹, but they distributed so that the payment should always correspond to the holding; and in many of the villages (notably in the Bundélkhand districts) there was a system of equalization known as 'bhéjbarár'², which consisted sometimes in exchange of holdings, but more especially in a redistribution of the payments, according to the actual holdings; so that if one sharer in the course of time found his holding diminished or its productive power fall off, he could—or rather, when things were ripe for it, the

¹ In a regular *pattidári* or fractional estate two men hold one-fourth each, let us say: each pays one-fourth of the revenue of the whole. But one man's one-fourth may become extraordinarily profitable by irrigation, &c. and the other one-fourth might remain as it was and even deteriorate. Still each would only

pay one-fourth of the revenue, although this was out of all proportion to the real value of the land.

² The papers are collected in *Selections from the Records of Government, North-West Provinces, Part VIII, No. 34* (Report by H. Rose, Collector of Banda).



community could—procure a readjustment of the burdens according to the actual state of each holding and the relative value of them.

§ 43. *Extended use of the term Bháíáchára.*

But the term 'bháíáchára' soon got to be used not only for a special class of tenures, but for all tenures of co-sharers when there was no *ancestral system of fractional shares*, but when some other principle of distribution had always been followed, or where, if a fractional system had once been followed, it had *fallen into disuse*.

In many cases where the village was due to a body who joined forces to colonize and settle, they divided the area of which they became the landlords, not by family-shares, but by the number of ploughs each brought; or simply, land being abundant, each man took as much land as he wanted or could manage, and that became the measure of his interest in the entire estate; or a certain number of wells were sunk and a certain area was commanded by each well, and then shares in the irrigation became the measure of interest;—either shares by inheritance from one original well-sinker, or shares depending on the capital expended by several who joined in the sinking.

And it is to be remembered that a great number of old villages over which no landlord claims had ever arisen (or had disappeared), and in which the really individual holders had no system of sharing, exist in Oudh and the North-West Provinces, and probably in the Panjáb. Such villages would have remained *raiyatwári* in form but for the revenue-system. In them the holder speaks of his field as his 'dádilláhi,'—the Divine gift, and has no idea of shares.

All these forms, owing to the absence of any fractional ancestral share scheme, became equally confused under the common name of 'bháíáchára.'

The same thing happened with villages where ancestral shares once existed, but had been lost or allowed to fall



into abeyance. A long course of oppressive assessments, the results of efforts to meet the burden (the proprietors earnestly striving not to lose their land), long absence of some co-sharers¹, poverty of others, the necessity for sales, and the voluntary surrender of unprofitable lands,—all these accidents might cause the old shares to be forgotten or given up, and to substitute a new scale of possession out of harmony with the rules of descent. In some cases, while the shares were lost as regards the land, they were adhered to in dividing minor profits of the estate, or in dividing out the waste. Where this is the case, it is proof positive that the village was once an ancestrally shared estate. Such cases are equally called 'bháíáchará' in reports.

The subdivision of all kinds of bháíáchará estates is into 'pattí,' 'thok,' 'beri,' &c., as in the other form; and the major division into 'tarf' is commoner.

The student will pardon my repeating once more that the term 'bháíáchará' now includes:—

- | | | |
|--|---|--|
| Real landlord villages. | { | (1) Villages where some special form of division or occupation at founding was adopted. |
| | | (2) Villages once ancestrally shared, but where the shares have been (wholly or partly) lost or upset. |
| Properly raiyat-wári villages become joint under the Revenue system. | { | (3) Villages never shared at all—each man's possession is the measure of his right. |

§ 44. *Partition of joint Waste under Bháíáchará method.*

Where there is no real system of sharing, or where shares have been completely lost, and the partition of the waste included in the estate by the North-West Revenue System is called for, it will be distributed in the same proportion as the original holding bears to the whole.

¹ 'Absentee rules' were well known in our early Settlements, and the records constantly specified the village custom as to what was to be done if an absentee returned and claimed his share. Some would

allow it unconditionally, others would fix a term of years, or impose conditions. Often too a man would get back, but only to a small portion of his share.



For instance, a man's actual possession is 50 acres out of a village of 2500 acres, all told. In fact, he is owner of one-fiftieth; so that on dividing the waste, he will get one-fiftieth of the area whatever it is.

Or, if the acres of the principal or original holding are valuable, and so pay a higher proportion of the revenue-assessment, it may be that the waste will be allotted according to the proportion of the total revenue paid; and then if the man pays (say) not one-fiftieth, but one-twentieth of the revenue, he will get one-twentieth of the waste area¹.

§ 45. 'Perfect' and 'imperfect' forms of Shared Village.

It is usual in the Revenue reports and returns to find a further classification heading—'imperfect pattidári' or 'imperfect bháíáchará.' These terms, however, merely call attention to a feature which is of no importance whatever from the tenure point of view. They mean nothing more than that when the estate was divided, whether according to ancestral-fractional shares (pattidári), or according to some other method (bháíáchará), the co-sharers did not care to *divide up the whole*, but left a part still joint. This might (and commonly did) happen, as there was an obvious convenience in it.

Suppose, for instance, that a considerable part of the village is held by or let out to tenants, or perhaps held by irremovable, privileged tenants. It may be that the *rents* they pay suffice, wholly or partially, to pay the revenue. I have known many villages where this is the case, especially in sugar-cane growing villages, which command a high rental. In that case there is no object in dividing; the part that is separately enjoyed is held then by each sharer virtually revenue free. If the rental of the undivided portion does not happen to cover the revenue, then the

¹ This form of partition is then said, in revenue language, to be 'hasb rasad khewat,' or in proportion to the actual interest shown

in the 'Khewat'—a list of shareholders and their payments made out for every estate.



deficit is made up by a rateable charge on the co-sharers according to their constitution. There may be other reasons for not dividing the whole estate, but the example is intelligible, and represents an extremely common case. This may be realized by looking at their statistics in the chapters on the North-West Provinces and Panjáb.

§ 46. *A better principle of classification required.*

It is unfortunate that these old terms are still made use of in the Imperial returns: they were useful enough in their day as office distinctions when village tenures were just beginning to be understood. But they are as inefficient now as the Linnæan system is to the modern botanist. They distinguish matters that are of no importance, and confuse together things that it is essential to keep separate.

A more suitable classification could be easily adopted, and I have ventured to suggest one which will be found in the chapter on the North-West Province tenures, and which is based on the distinction of cases where (1) the ancestral shares are followed wholly, or (2) partly, or (3) are theoretically allowed and recorded, but not acted on in practice, or (4) where some other plan of sharing is recognized, and (5) it might distinguish cases in which individual possession is the only measure of right, and where there is no *plan of sharing* at all, and never was.

§ 47. *The Proprietor's 'Sír' Land.*

Before leaving the subject of the joint village, I should like to explain the term '*sír*.' It constantly occurs in such phrases as 'the proprietor enjoys his *sír* land practically without payment,' or 'the proprietor is never ousted from the occupation of his *sír*, except,' &c.

It refers to the home-farm or land which the landlord or co-sharer holds directly in his own management, either cultivating it himself, or by his farm-servants or personal tenants.



The distinction arose out of the fact that the landlord's right was so often superimposed on older rights. A *modus vivendi* had to be found; it was so, partly in the method of sharing produce, but chiefly in this, that while the landlords had certain rents from the whole estate, they left the actual management of a great part to the old 'tenants' of the village, who naturally held on somewhat easy terms; and each proprietor took for his own direct farming and profit such area of—usually the best—land as his share and other circumstances entitled him to. That was called his 'sír' = his 'own'¹. Even if there should be no ancient rights on the estate, still the owners may be non-agriculturists and be obliged to lease out the greater part to tenants, retaining only special lands, the entire produce of which (or rather a larger share of it) goes to themselves.

Legally speaking, the term has become of importance, because under all Revenue systems based on the North-West Provinces model, there are certain privileges connected with the 'sír.' For instance, if by default in payment of revenue, or on refusal to engage, a co-sharer is put out of possession, he still retains his *sír* on a tenant-right. And a tenant who proves that he has fallen to that grade, being an 'ex-proprietor,' has always a privileged occupancy tenure of his former 'sír.' So also (in the Central Provinces) occupancy rights conferred by law on certain classes of tenants do not apply to 'sír' lands, and it becomes of importance to define in the tenant law exactly what is to be regarded as 'sír' and what is not².

In *raiyatwári*, or non-landlord villages, there is, of course, no room for any such distinction. The 'watan' lands of the pátel (where such a system prevails) are the analogue of the 'sír' in the landlord village. Though we are here concerned only with villages, I may nevertheless take the

¹ In the Panjáb, where the proprietors are so very often themselves of the agricultural class, we hear much less frequently this term 'sír' land.

² In the Central Provinces diffi-

culty had arisen from the definition of 'sír' that was in force, and one of the amendments of the law in 1889 was directed to correct the definition.



opportunity of remarking that in *any* form of landlord estate, the landlord will, or may, hold 'sir' land. Thus with the greater landlords called 'Zamindár' in Bengal, or Taluqdár in Oudh, they had 'sir' lands which were sometimes exempt from paying revenue under the name of 'nánkár,' and were also exempt from all those privileges of *occupancy to tenants* which accrued on the ordinary lands of the estate¹.

§ 48. *Present state of the Joint-Villages.*

In the North-West Provinces the sentiment of joint-landlordship seems to be decaying. Some of the villages were, as I said, never really joint at all; they became so under our system; hence a strong principle of coherence is hardly to be looked for. Of those that are really joint, many are owned by families descended from an ancestor who was once ruler, conqueror, or grantee; and a great many from revenue-farmers and auction-purchasers. None of these had any attachment to land as land, since they did not belong to castes *who themselves cultivate the soil*. I believe I am right in saying that the individualization of land and the loss of the joint interest is proceeding apace. The *pan-cháyats* and lambardárs have little influence: the landholders apply for leave to pay their own revenue direct to the local treasury instead of through the headman of their 'patti' or their village, as the case may be. 'Perfect' partition, which not only divides the land, but also completely severs the revenue responsibility, is allowed. The result is the growth of independent petty proprietors, but still more of capitalist landlords, who buy up first one field and then (availing themselves of the right of pre-emption) another. They are not men of the agricultural class, but must employ

¹ Supposing a 'Zamindár' has leased his land to an indigo planter. The tenants hate growing indigo, and the lessee can therefore only compel its growth on such land

as is absolutely under his landlord's control, i. e. on the Zamindár's 'sir' land. Hence the importance of distinguishing the 'sir.'



tenants; these naturally are found in the old land-owning classes, whose *status* is thus slowly changing.

In the Panjāb the conditions are more favourable to the joint-village: there is a total absence of communities deriving their origin from the revenue-farmer or auction-purchaser¹. The villages are almost everywhere due to foundation by colonists or tribes of superior strength and character, most of whom are agriculturists; and they seem to have retained more than elsewhere the sense of union and the power of maintaining their original *status*. Governed still by custom, they have hardly emerged—at least in many districts—from the stage when the feeling that land belongs as much to the family as to the individual is predominant. The law does not allow of perfect partition, i.e. dissolving the joint responsibility, except at Settlement and under special conditions. There is a rather strong law of pre-emption which generally enables any one in the village body to prevent an outsider purchasing land. The customary law still restricts widows to a life tenure, and prevents them alienating; while in many tribes a childless male proprietor cannot alienate to the prejudice of his next heirs without their consent. There is also in many parts a strong ‘clannish’ feeling which keeps villages together. Nevertheless, the power of free sale and mortgage is producing its results: non-agricultural capitalists are buying up land, and estates slowly undergo a change. Strangers are introduced; the village site enlarges, and the non-proprietary classes successfully resist the payment of dues to a proprietary body, and claim the right to sell their houses and sites; and gradually the old landlord body sink into oblivion. If large estates accumulate in the hands of individuals, they will again become joint if the heirs are numerous, and then, as the property will be not in one village, the *estate* will more and more cease to be synonymous with the *village*.

¹ The Panjāb was not annexed till after the days of revenue farming and harsh sale laws.

§ 49. *The Mahál and Village.*

Indeed I ought to explain that, though for convenience I often speak of the Revenue Settlement of villages, and the assessment of villages, strictly speaking this is not correct. The lump assessment is on what is called in revenue language the 'Mahál,' or lot of lands held under one title. This may, and does very often, coincide with a 'village'; but partitions and sales will always tend to make it less so. Supposing, for example, three villages come to be owned by a community of eight sharers, and they completely partition their estate: eight estates or 'Maháls' may then arise. Sometimes a part of one village is a separate estate. And there are also peculiar customs of allotment of shares, by which the sharers in a large estate of several villages may get their land, not in compact lots, but some fields here and some there in different villages. In time these may form separately assessed 'Maháls.'

When the partition of an estate results in compact lots, the estate is said, in revenue language, to be 'pattibat,' and when by scattered areas 'khetbat.' There are other local terms, but these are the common ones.

§ 50. *Some further quotations regarding Villages.*

We are now in a position to appreciate some of the standard descriptions of the 'village community' which have been usually copied from book to book without any question.

Here is one, which has become almost classical¹ :—

'The village communities are little republics, having nearly everything they want within themselves, and almost independent of any foreign relations. They seem to last when

¹ Sir C. T., afterwards Lord Metcalfe. In a minute of 7th Nov. 1830, No. 84, in the App. to the Re-

port of Select Committee of H. C. (1832), cited in Elphinstone's *History of India*, 5th ed. p. 68.



nothing else lasts. Dynasty after dynasty tumbles down ; revolution succeeds to revolution ; Hindú, Pathán, Mughal, Maráthá, Sikh, English, all are masters in turn ; but the village communities remain the same. In times of trouble they arm and fortify themselves. An hostile army passes through the country ; the village communities collect their cattle within their walls and let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the force employed be irresistible, they flee to friendly villages at a distance ; but when the storm has passed over they return and resume their occupations. If a country remain for a series of years the scene of continued pillage and massacre so that the villages cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of their fathers ; the same site for the village, the same positions for their houses, the same lands will be re-occupied by the descendants of those who were driven out when the village was depopulated : and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength sufficient to resist pillage and oppression with success. This union of the village communities, each one forming a little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India, through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence.'

This passage does not define, or even describe what the village is: it states certain characteristics, and there is, of course, a considerable amount of truth in it. But it should be remembered that there is quite another side to the same picture, or rather it should be said that the delineation is only true under certain conditions. The circumstances of the country necessitate the aggregation of cultivation in groups, and often encourage the fixing of a central and even defensible site for residence. But as to 'little republics,'—in a large number of villages, in most provinces, and at one time or another, individual headmen and farmers



of the revenue have ruled with almost undisputed power¹. As to the villages being unchangeable, their constitution and form has shown a progressive tendency to decay, and if it had not been for modern land-revenue systems trying to keep it together, it may well be doubted whether it would have survived at all. No doubt there are cases in which villages have been re-established by the descendants of a former body driven out by disaster; cases have been recorded, for instance, in Central India, where certain families who have held particular lands in virtue of hereditary office, and being strongly attached to the dignities therewith associated, have had a strong motive to return, as well as, in the sentiment of the people, a strong claim to do so; but the invitation of the ruler has much to do with the return: he desires to re-establish deserted estates for the sake of his revenue; and old landholders are the best; while an old headman family has an obvious capacity for inducing cultivators to restore the village². When villages are refounded, it is however just as often by totally different people.

And let us take another feature in the account quoted. Mughals and Sikhs, we are told, are masters in turn, but the village remains the same. Does it? The village changes as much as, in the nature of things, a group of lands or an aggregate of houses, can change. Let us picture to ourselves an easily recognizable case. At first the village was a settlement founded in the virgin waste. Here a leader or headman started and directed the cultivation; each cultivator brought his own plough and oxen, and felt that the plot he cleared would be his own; he had no connection with other holdings save that he obeyed the common headman, availed himself of the village artisan's services, and had to share his grain-heap with them and with

¹ See for example Mr. (now Sir C.) Crosthwaite's remarks on certain villages in the *Settlement Report of the Etahān district* (chapter on North-West Provinces Tenures).

² And it is sometimes the case that when the disaster occurred

which broke up the village, the destruction was not complete, but a *nucleus* was left behind. John Lawrence, when Collector of the Sirsa district, noted villages there as exhibiting this characteristic.



the Rájá, and had to unite with his fellows whenever common defence was necessary. Then let us suppose the Rájá's cousin receives a grant of the village and becomes landlord, taking most of the waste to himself; as his family multiplies, they form a joint body and soon get the lion's share of the land, the old 'clearers' becoming tenants. Next, the landlord family quarrel, or otherwise determine to divide the land; in this state the village will be called in the revenue books a *pattidári* village. Next, the proprietors get into debt, and sell their shares. Strangers thus get in, and a new order of things commences; for the purchasers are very likely of a non-agricultural caste and must employ tenants: some perhaps prefer the old landowners, others take new men who offer better terms. The remnants of both the older family groups run a good chance of going to the wall altogether. Lastly, the body comes under early English revenue-management, before it had become adapted to the true requirements of the case; the village once more changes hands. It is now sold for arrears of revenue, and passes with a clear title into the hands of an auction-purchaser, or falls under the tender mercies of a revenue-farmer who drives half the already heterogeneous population out, to make room for good Kurmi, or Saini, or Aráin cultivators (according to the province we are thinking of), in order that he may clear off the balance and fulfil his object of making a profit for himself. And this is the village that never changes while dynasties tumble down, &c.!

Of course there is a true side to the picture; for all these changes do not alter the facts of situation: the methods of cultivation are the same, the fields remain—*et superest ager*; the customs of ploughing and of resting, the dealings with the money-lender, the daily gossip of the women drawing water at the well, or sitting over their cotton spinning; these and all other features of village life remote from the rumours of the world, will continue, no matter who is managing the estate. But we must not attempt to make a general picture of the 'Indian village'



by either taking a partial and one-sided view of things, or by throwing together a variety of dissimilar facts till we get a sort of undistinguishable mixture of them all. Still less must we make a hasty generalization from a few imperfectly understood facts, and complacently adapt them to the latest theory (however admissible in itself) of ancient institutions or the development of ideas of property.

There are distinct varieties of villages in the different countries of India, and they are none of them (that I know of) at all like the Russian *mir*, or the Slavonian house-community or the Swiss *allmend* or common holding, in the concrete. They have, or had, some features¹ which can be traced back, in all probability, to those elements in early tribal life which are common to all races. But the identity of some forms of Indian village with the 'Mark' or the tribal holdings in Ireland, is only 'identity' in the sense in which the German, Greek, Lithuanian and Latin tongues could be called 'identical' with Sanskrit or Zand.

§ 51. *Features of the Joint Village misapplied.*

One more instance must be given of the 'generalized' method of disposing of the features of Indian villages. This will now be intelligible, because I have explained the revenue terms applied to the landlord village of Northern India and the Panjáb—indicating that the village is enjoyed jointly, or has been wholly or partially divided for separate enjoyment. It is an extract from a valuable

¹ And I desire not to underrate these facts. In the frontier districts of the Panjáb, when the conquering tribes allotted the country into 'ilāqas,' and then into villages, *Kandis*, &c., we have many features which recall the 'mark' or the Anglo-Saxon 'vill': and the reader of Mr. Joshua Williams' *Lectures on Rights of Common* (London, 1880), especially lectures 4, 5, and 6, might think he was reading a North Panjáb Settlement Report; and so with

Mr. F. Seebohm's *English Village Community* (London, 1884, 3rd ed.). Some of the village customs of measuring and dividing land, the 'bulks,' the 'shots,' the 'lynches,' the holdings made up of scattered strips (though the reason is not the same), pp. 7, 113, the 'loenland' as compared with the Rājā's or chief's *grant* (p. 169),—these and many others suggest interesting points of comparison.



Standard text-book known to all Indian lawyers as Mayne's *Hindu Law and Usage*.

Thus Mr. Mayne writes¹ :—

‘The village system . . . presents three marked phases, which exactly correspond to the changes in an undivided family. The closest form of union is that which is known as the “Communal *Zamindari* village.” Under this system “the land is so held that all the village co-sharers have each their proportionate share in it as common property without any possession of or title to distinct portions of it; and the measure of each proprietor's interest is his share as fixed by the customary law of inheritance. The rents paid by the cultivators are thrown into a common stock with all other profits from the village lands, and after deduction of the expenses, the balance is divided among the proprietors according to their shares.” (Quoted from Boulnois and Rattigan's *Panjab Customs*, 1876.) This corresponds to the undivided family in its purest state. The second stage is called the *pattidari* village. In it the holdings are all in severalty, and each sharer manages his own portion of land. But the extent of the share is determined by ancestral right, and is capable of being modified from time to time upon this principle.’

The third and final stage is known as the *bhāiāchārī* village. It agrees with the *pattidari* form inasmuch as each owner holds his share in severalty. But it differs from it inasmuch as the extent of the holding is strictly defined [not at all *strictly*, very often there is a strong trace of the ancestral scheme besides] by the amount actually held in possession.’

This again reads convincingly; but if we hold the writer to the *strict* sense of the vernacular terms used, it would not be far wrong if we were to say that the real process of change or development is almost exactly the reverse of that described. If we look to the order of village development

¹ *Hindu Law and Usage* (Higginbotham, Madras) 4th ed. § 200. Of course the whole extract would lose some of its general inapplicability if by ‘the village system’ we understand the particular form of village in which first a single land-

lord and from him a joint-body of descendants, is found, and if allowance is made for a very inaccurate (but perhaps popularized) use of the terms *pattidari* and *bhāiāchārī*; but the author suggests no such restriction.



on the basis of such evidence as actually exists, we find a large number in which an allotment (liable, in certain places, to be periodically revised) was made from the very first; not necessarily on the principle of ancestral shares, but sometimes on this plan, sometimes on one totally distinct, according to tribal sentiment. We also find other villages over which we may suppose one chief or head of a family originally ruled, and his family at some very remote period divided it on ancestral shares.

It is quite an unnecessary abuse of terms to represent the 'bháíáchará' as a *stage* beyond 'pattidári.' As far as 'bháíáchará' is (incorrectly) used to indicate villages where the shares have been lost, it is a matter of taste whether we call it a 'stage' of any process whatever. To my mind the pattidári is just as complete an individualization of holding as that which is maintained when the *theory which governed the extent of the separate lot* is forgotten. But, considering that 'bháíáchará' (and that correctly) also indicates a special plan or method of division existing alongside of the pattidári¹, it is positively incorrect to say that it is a stage beyond pattidári in a process of change or development. Once more; if 'bháíáchará' is given its widest sense, it includes many villages in which, as far as we know, there never was any joint holding at all. In fact, if we put aside the special case of the Panjáb frontier and other immigrant tribal family settlements, it would be quite as correct (for a general paragraph) to say, that the first stage is when a number of colonists settle together, each working at his own holding and claiming it in severalty, the only bond of union being that of locality and a common government; that in the next stage a landlord arises—not merely a distant ruler, but—a claimant to the actual village acres, and that he is succeeded by a body of descendants who jointly enjoy the estate for a time; that they then divide almost always on *ancestral* shares; and that, lastly, the strict shares are lost or modified by circumstances.

¹ And the co-existence of these diverse methods of allotment and several enjoyment, is of exceeding

value and interest, and one not to be obscured or left out of count.



And it would be proper to add, that in many cases villages are known where, though the feeling of joint right to an entire area was strongly recognized, some special method of equal allotment was *always and from the first* practised, while a portion of the area might or might not remain undivided, either for common grazing, or to support a tenantry, or from some other motive.

§ 52. *Forms of Village in the different Provinces.*

It will probably be of use to the student if I now give a list of the provinces treated of in this book, and state briefly and in abstract, what sort of 'village' is (chiefly) to be found in each.

BENGAL. In what is called 'Bengal proper,' the village tenure is of comparatively little importance: it has become overshadowed by the tenure of great landlords. In the Bihār districts, however, there are clearer traces of villages—of the landlord type—and the headmen have often become petty 'Zamíndárs.' In East Bengal there are peculiar tenures, the result of settlements in the jungle; and there are special survivals of peculiar villages in the Santál parganas, Chutiya Nágpur, &c. Shifting cultivation in the hill tracts is also common.

ASSAM. In the Sylhet and Cachár districts there are some peculiar tenures. In the Assam valley the villages are peculiar and not of the landlord type, but practically *raiyatwári*. There is much 'Júm' or shifting cultivation in the hills of Central, Northern, and Southern Assam.

NORTH-WEST PROVINCES. Mostly joint villages; many formed by families of revenue-farmers, &c., who acquired the landlord right at the beginning of the century. Many were really *raiyatwári* villages, but have become 'bhái-áchará' under our system.

ODDH. Many villages of the old (*raiyatwári*) type; in many, landlord claims have grown up by the grant of Rájás, or by the dismemberment of old estates of chiefs, &c.



But over all, the Taluqdár landlords have grown up : and they have reduced the villages to a subordinate position.

THE PANJÁB. In the Frontier districts strong landlord villages of immigrant conquering tribes. In the Central districts, landlord villages, some of immigrant tribes, some of associated bodies of settlers, some resulting from the multiplication of families of single or associated adventurers. In the hill districts real villages do not exist, and so in the Southern River districts; the now recognized village forms are there the result of Settlement arrangements.

AJMER. Joint villages, the result of our Settlement. Originally the old Hindu organization was complete.

THE CENTRAL PROVINCES. The villages would be, as a rule, of the *raiyatwári* type, but Government conferred a landlord right on heads of villages, so that their descendants form landlord communities, but with rights much limited by legal reservation of rights to the old cultivators.

A considerable area is held by larger estate holders, who are the surviving representatives of the old Gond chiefs of the Dravidian-Hindu era.

BOMBAY. Mostly *raiyatwári* villages :—a few survivals of landlord (shared) villages in Guzarát. In the coast (Konkán) districts a peculiar landlord tenure of 'Khots' over groups of villages, will be found.

MADRAS. Mostly *raiyatwári* villages. Traces of landlord villages (*mirási*), now only surviving in a few special privileges or adaptations under the *Raiyatwári* Settlement system. In Malabár and South Kánara no villages properly so called, and special tenures. So in the Wainád division of Malabár, and in the Nilgíri hills.

COORG. No villages properly so called, special tenures.

BURMA. Villages *raiyatwári* in principle, but of a special type.



SECTION III. LAND-TENURES ARISING OUT OF OFFICIAL POSITIONS OR LAND-REVENUE ARRANGEMENTS AND STATE GRANTS OF THE REVENUE.

§ 1. *Early organization of territory for Revenue purposes.*

When the earliest regular kingdoms that we have any evidence of, were established—whether Dravidian, or Aryan, or of other immigrant tribes—there was always some organization of the territory, which was especially adopted with a view to ensuring the realization of the revenue. And under every form of government with which we are acquainted, a revenue from land was the chief thing.

The village grouping of cultivators or colonizers, which we have just considered in detail, being *the* feature of the agricultural constitution of society, naturally we find a State-recognized headman in each village aided by an accountant; not unnaturally too, we find the village government repeated in form but over a wider area, till we come to the governor or chief-regnant himself. First above the headman of a single village, we find an officer over a small group of villages called a náik or náyak: this probably descended to the Muhammadan government as the ‘tappa.’ A larger group (Col. Sykes speaks of its containing eighty-four villages¹) was the charge of a ‘dés mukh.’ This also was adopted by the Muhammadans, and the territorial division is still well known under the familiar revenue name of ‘pargana’ (pergunnah)², or taluka. Over

¹ In his paper above quoted. Traces of ‘Chaurassis,’ or groups of eighty-four villages are found in various parts, also of ‘beálisi’ and ‘chaubisi’ (forty-two and twenty-one, the half and quarter charge respectively). These may have been the extent of major and minor chiefs’ estates, or the jurisdiction of officers. I have seen suggestions however that they may represent the areas conquered or occupied by clans and sections (ac-

cording to their size) of tribes. A long account of Chaurassis will be found in Beames’ Elliott’s *Glossary*, s. v. *Chaurassi*.

² The pargana is in Upper India almost everywhere preserved. It is too small for our administrative system and has therefore given way to the ‘tahsil’—a subdivision of a district. The taluqa (or in Hindi form Taluka) division is still in use in Bombay and Madras.

this area there was necessarily also an accountant called 'dépandya.' The still larger, or what we should call 'district' charge, was not so permanent, nor has it survived so well. Our predecessors do not seem to have very much cared for a charge intermediate between the small *pargana* and the province of the Governor. But in some places, and at some time or other, there certainly existed such charges; and the title 'Sirdeşmukh' implies a supervision of several *desmukhs* or *pargana* officers. This administrative organization is more fully described in the next chapter; I only state here what is necessary with a view to our immediate purpose.

§ 2. The 'Watan' lands.

One of the most ancient tenures, directly arising out of this series of official grades, is the service-tenure, called 'Watan' in Central India. From the fact of its localization in the very home of the old Dravidian (Gond, &c.) kingdoms, I am inclined to suggest that it is a direct survival of that system, and is therefore of great interest.

The Dravidian scheme of revenue seems to have included (if it did not originally confine itself to) the plan of making allotments of *land* as royal farms, for the payment of officers, and even for the more petty remuneration of village artisans, and for the priests. The produce of these lands went wholly to the king or the official as the case might be; while special arrangements were often made for their cultivation. I am not aware that any local name for this tenure has survived, a fact which points to a remote antiquity, and perhaps to some degree of localization. The name 'watan,' now applied to it, is Arabic, and is traceable to the Muhammadan kings of the Dakhan, before their overthrow by the Mughal empire of Delhi. We know that these kings were wisely careful of indigenous institutions, and they evidently preserved the 'ex-officio' holding and gave it a name. It comprised not only the holding of lands, but also a right to the 'mánpán,' i. e. various



dignities, and precedence¹ on official or public occasions. In Central India, where this institution has long survived, the dignity of Pátel (headman), or of Pándyá (accountant) with the 'watan' attached, is such, or perhaps the security of the tenure is regarded as so complete, that rights in the form of 'watan' are eagerly sought after, and what is more, the pettiest 'watan' originally attached to some menial office is *bought up and held by great men*².

The *watan*, besides being heritable, is also saleable; moreover, as the whole family of the hereditary officer succeeds jointly, all hold it and may afterwards divide it.

We may find traces of the 'watan,' or something analogous to it, elsewhere; but I must not give more space to a tenure which is now extremely localized in Nimár, Central India and parts of Bombay³.

¹ Such as the Pátel being entitled to walk first on certain ceremonial occasions; being the first to throw the sacred cake into the fire at the Hálí festival; having the right to have his cow's horns first gilded on a certain festival, and so forth. Col. Sykes gives a most curious account of these as they appeared on the occasion of a settlement (by a 'panch' or arbitrator) of a dispute regarding a Bombay 'pátelgi' or headmanship, in which certain shares had been sold, so that not only the *land* of the watan had to be divided between the claimants, but also the different 'precedences' and dignities. It was settled by allowing one claimant to be first in a certain number of ceremonial occasions, and the other at a number of others; the 'panch' trying to make the list of 'occasions' as desirable to each as possible, so that the rank might be equal. I have unfortunately mislaid my reference. The paper I allude to is in the *Asiatic Soc. Journal*, but later than vol. ii.

² In the *Berár Gazetteer* Mr. (now Sir A.) Lyall notices how in Western Central India the 'watan' is more prized than anything else. Berár is a purely Dravidian country — part of the ancient Gondwána. Speaking of the Sindkher chief (in

the south-west corner of Berár), he tells us that the family had held large jágir estates in the sixteenth century. In Upper India he would on this basis have developed to a great 'zamindár' or 'talugdár'; but in the Dakhan he was content to be the 'dej-mukh' of a dozen parganas, the 'pátel' of fifty villages, and in his own town of Sindkher the pluralist holder of all the grants attached to menial services—washing, shaving, sweeping, &c. The family had let go its jágirs, yet had seized every sort of 'watan' on which it could lay hands (p. 101). Sir J. Malcolm (ii. p. 16) writes: 'The rights of the native hereditary officers of a village are much respected in Central India; and never did a country afford such proofs of the imperishable nature of this admirable institution. After the Pindiri war every encouragement was held out for the inhabitants to return. . . . In several districts, particularly those near the Nerbada, many of the villages had been waste for more than thirty years. . . . Infant Potails (Pátel) the second and third in descent from the emigrator, were in many cases carried at the head of their parties.'

³ In the Central Provinces we do not find it till we come to Nimár,

§ 3. *General tendency of Hindu system.*

I am not aware that we can fairly attribute any other existing tenures to the Hindu State organization, or to the development of the position of its land officers, so long as the system remained in its pristine vigour. Indeed, in some parts, as in the Native States of Rájputána and in the Hill States of the Himáláyá, the old organization survives to this day, and though the present Rájás and subordinate chiefs, called Ráná, Thákur, &c., claim to be the owners of the soil, this is a much later claim, which all the more recent Oriental governments put forward. Even this is perhaps more a theoretical than a practical claim; except in so far as it results in the State owning (and drawing profit from) all waste land not held or cultivated by any one, and securing a certain fee on the rare occasions of a transfer of land. Otherwise there has been no great tendency to modify the tenures. The traveller in the hills can still see the villagers paying revenue in an actual grain-share, and notice in the larger villages the Rájá's 'kothí,' a great square building which forms a local head-quarters. Here the grain from the neighbourhood is stored, and here too (when needed) the 'kárdár' or other local official holds a rude kind of court for disposal of public business.

The introduction of Hindu officials when they came as foreigners, in some of the Chutiyá Nágpur States and in Orissa, produced some confusion, and originated landlord tenures in the end; but it would be hardly correct to refer to these cases as directly illustrating tenures arising out of revenue administrative arrangements.

§ 4. *The Muhammadan Empire.—At first changes are slight.*

The first influence on tenures caused by the accession to power of the Mughals, was by their reducing or conquering

which had been under the Muhammadan rule. May it have been that the Maráthás destroyed it in Nágpur?



the Rájás of the small states which then were the great feature of the country. As we shall state presently, the treatment of these States was a noteworthy feature in the Mughal rule. They conquered the Rájás, but only took from them the *land-revenue*, leaving the local taxes, and customs duties, and the administration of justice, as they were before — these latter being the very attributes of sovereignty which a modern government would have thought it its first duty to undertake and regulate.

But in fact the Mughals closely conformed to the old Hindu system. Their own ideas of right over conquered peoples, and of taking 'Khiráj' or tribute and capitation tax from them, were modified, or perhaps naturally fell in with the system of the land-revenue payment already in force¹. Names were changed, but the administrative divisions of the country, and the official charges, were virtually retained.

§ 5. *Changes begin with the decay of the Empire.*

Except then for the change that was inaugurated (and that without intention or foreseeing the result) by reducing the Rájás, the influence of the Muhammadan rule on tenures, may be said to have been chiefly felt in the changes that occurred in revenue-management, when the empire fell into decay. Perhaps I ought not to say this without remembering also the influence of the change made when a money-revenue was substituted for a grain-share; and that was not in the decline of Empire, but when it was at its best. During the latter half of the sixteenth century, the Emperor Akbar made a revenue-settlement, under which (at first optionally) a money-payment was substituted for the grain-share. No doubt this was the beginning of a great change; still it was one which only indirectly affected land-tenures. It pre-

¹ The 'Khiráj' (*vide* chapter on the Land-Revenue System) naturally became the land-revenue. As to the 'jaziya' or capitation tax, we only occasionally hear of it, when one

or other of the Mughal emperors in a fit of zeal, attempted to impose it on the Hindus, and were much hated in consequence.



pared the way for what followed, and for gradual changes in the relation of landlord and tenant, and many other modern features of land-tenure. The land-tenures were really directly affected when the Mughal government began to decline. Then it was that viceroys like those of Oudh, Bengal, and the Dakhan (Hyderabad) threw off their allegiance and became independent kings. Then too it was that the extravagant claims of the *ruler to be universal owner of land* were first heard.

The independent kingdoms did not have a very prosperous course. Before long, decay and corruption began to invade every department of the State. Under such a state of things honesty was hardly to be looked for in the local revenue collectors; and the land-revenue fell off. No doubt the Central government—as from time to time it fell into the hands of a more vigorous ruler—made desperate efforts to reassert a proper control over the district collectors, but in vain. The device, to save trouble and secure at least a certain revenue, was to employ local agents over greater or less areas of country, and to contract for the revenues of those areas. At first such agents were carefully appointed, and with much form; lists were made out of the villages in their charge; and they were bound to account for all they collected; except that they were allowed certain lands revenue-free, certain items might be deducted for special charges (as office expenses, alms, and police), and a certain share, usually one-tenth of the total revenue, as their own remuneration—denominated *nánkár*, that whereby they made (*kár*) their bread (*nán*).

But as time went on, these agents were less and less controlled; and they soon became mere contractors for fixed total sums; and the local officers had no power whatever over them, and finally disappeared before them. No one in fact knew (or cared) what was actually wrung out of the villages, so long as the contract sum was paid into the treasury. Nor was this sum a fixed one. Whether or not the strict ideal of Hindu or Muhammadan law was that the Revenue Settlement, once made, ought to be unalterable, it



is quite certain that in practice it never was so; but instead of a careful re-survey of extended cultivation and a re-valuation of lands, the rough expedient was adopted of adding 'cesses' (abwáb) to the sum demanded from the agents, and so raising the total. These cesses were called by various names indicating the pretext under which they were levied¹. The agents of course had in their turn, to make good the additional demand from the villages, and took the opportunity of adding a number of further cesses for their private benefit, on the strength of the example thus set them.

It should not be supposed, however, that this system of farming the land-revenue was altogether, or in all cases, due to the decay of the Government system. There is one important fact to be considered. The Muhammadan government succeeded by conquest to a number of Hindu states, such as I have described, where Rájás and minor chiefs already were receiving the revenue (grain-share) and governing the country. These Rájás in some cases had been slain in battle; in others had fled to the hills and there established new estates in the comparative safety of the distant and unoccupied country. In other cases their domains broke up, and the members of the ruling families seized on particular villages and became landlords, submitting to pay revenue to the Muhammadan treasury. But a number of the old chiefs, in certain provinces at any rate, though not able to hold their own, were quite strong enough to give trouble, and to reappear and head a rebellion on the appearance of the least opportunity. Hence it was matter of policy to conciliate them by giving titles, &c., and still more by leaving them in all their dignity, and with the power of administering justice locally, provided they would consent to pass on a large share of the land-revenue they collected, to the Imperial treasury. Such local magnates were well acquainted with the resources of the country, and had often a strong quasi-feudal hold on the people. True they would not like

¹ For details the chapter on Bengal tenures must be referred to.



parting with so much revenue; but provided the Imperial treasury only demanded a fixed sum, they could soon find means to make the villages pay more—in the process, be it observed, drawing nearer to the land, and becoming more and more like real landlords, more in actual managing contact with the villages.

The change from revenue-manager to landlord was accomplished in about a century or rather more; and it soon came to be as noticeable in the case of the former officials, and speculators who were allowed in many cases to contract for the revenue, as it was in the case of the old Rájás or chiefs.

§ 6. *Extent of the Revenue-farming system.*

The system we are speaking of was rampant in Bengal, and was adopted in the northern districts of Madras; it also extended to Oudh, which had been what I may call a stronghold of the Hindu State organization; it was very common in the North-West Provinces, though subsequent historical circumstances prevented its final development in these districts. It never extended to South or Central Madras (where the Muhammadan rule was never fairly established), nor to the Dakhan and Bombay, because there the Muhammadan kings never adopted it; and though their rule was overthrown in the end, by the Delhi emperors, the latter were in turn overthrown by the Maráthás before their influence was much felt. As to the Maráthás themselves, their revenue ideal never encouraged farming at all, if it could be helped; and only *ex necessitate* the governors farmed single villages or small groups of land, as in the Nágpur State. It never extended to the Panjáb, because the Mughal rule passed away from that province before its ultimate decline; and local circumstances never would have favoured the system.

§ 7. *The Zamíndár in Bengal.*

It is perhaps an important coincidence that the system of revenue-contracting by Rájás or others, who alike



received the name of 'Zamíndár',¹ should have been specially developed in Bengal, the very province where our own revenue experience was to be gained, and where our first lessons had to be learned.

In Bengal the farm-system seems to have been like a plant which, originally introduced for some special purpose, has taken root, and can never afterwards be got rid of,—overrunning everything else. By the year 1765 the system had so far borne fruit that the Zamíndárs had really become very like landlords. It is to be remembered that Lord Cornwallis, no less than the preceding administrators of the first twenty years of British rule, had come to India with no other idea of land-holding but that of 'landlord and tenant,' as they had known it at home. Even if the Zamíndárs had been less like landlords than they really were, it was almost inevitable that a system should have shaped itself in the minds of our legislators, by which some one person would be recognized as landlord. So strong was the effect of prevalent ideas, that years afterwards, when the tenures of village bodies in the North-West Provinces, and their peculiar constitution, were discovered, our public officers could with difficulty realize this state of things; and they kept on writing as if some one person in the village must be *the* proprietor. It is easy for us, who have now been made familiar with early tenures, primitive institutions and ideas of property, and the like, to form hasty judgments of Lord Cornwallis's measures. But such knowledge did not exist in his days; and if it had, I must repeat that the *Zamíndárs' growth had in the course of events, and in fact, gone too far to*

¹ The term 'Zamíndár' means simply 'holder' (dár) of 'land' (zamín), and in its primary and generalized meaning indicates anyone who holds land—a member of the cultivating or landowning class at large. But as applied officially by the Muhammadan rulers, it was essentially a vague term and probably was meant to be so. Oriental governments rarely define rights, and care nothing for consistency

or symmetry. Hence the word has got to apply to a number of different things. No doubt a large number of the local meanings include some idea of a managing or landlord control over land; but that is all that can be said. I have endeavoured to simplify matters a little, by always writing the capital Z when I refer to a 'Zamíndár' in the Bengal sense.



make any plan which ignored their rights, feasible. For, on various grounds, the Zamíndárs had been distrusted, and repeated efforts had been made to get rid of them, and such efforts invariably failed. Exactly the same thing happened in Oudh. The king had made many of the old Rájás (and some others) into revenue-agents, under the local name of 'Taluqdár.' When (more than sixty years after the Bengal Settlement) our administrators tried to deal with the villages direct, and ignore the Taluqdárs, they found it could not be done¹. The events of the Mutiny compelled the acknowledgment of the Taluqdárs as owners.

Thus the Mughal revenue-system is the direct cause of the (unforeseen) growth of the Zamíndár landlord of Bengal and the Taluqdár landlord of Oudh. Indirectly, also, it has resulted in all those special tenures under the landlords, which have been recognized in both provinces, with a view of doing justice to all parties. And this is not the only result; for all the long controversy about landlords' rights and tenants' rights, which have so long engaged attention in Bengal and elsewhere, have really originated in the same causes².

¹ These facts should be borne in mind when reading such general criticisms as those of M. de Laveleye, where he says (p. 117) 'L'hérédité de la terre fut établie en faveur des Zamindárs et des Taluqdárs par les Anglais : et cet article de loi opéra ainsi instantanément une transformation dans l'ordre social que ne s'est accomplie en Europe que par une évolution lente de plusieurs siècles.' Without being hypercritical, it may be pointed out that the law by which the Zamíndár was recognized in the legal position of landlord, was made in 1793, and that by which the Taluqdárs were recognized was some sixty-five years later (1858), under a totally different state of things—at a time when the Government policy was dead against landlords,—and was forced on them by the stern logic of facts. The law in either case effected no

instantaneous change; it merely fixed and defined a change which had been gradually brought about during more than a century. What it did do was suddenly to render possible all sorts of difficult questions about tenant right under the Zamíndár, which could only come to notice when rights received a sharp legal definition.

² In the North-West Provinces when persons were found in the position of Zamíndárs or Taluqdárs over a number of villages, they were, if their claims could not be got over, settled with but subject to the temporary settlement and tenant laws. But the policy was to set them aside wherever possible and deal direct with the village bodies. Many Taluqdári claims were got rid of (some writers maintain, with considerable injustice) by granting a cash allowance of ten per cent. on

§ 8. *Revenue-free Grants and Assignments.*

Whether the Muhammadan government consciously imitated the Hindu system of appointing certain chiefs to manage special territories—especially frontier and mountain-tracts—I cannot determine; but at a very early stage they adopted the plan of granting to court-favourites, to ministers of state, and to military officers, the right to collect the revenue of a certain area of country, and to take the amount collected, either to support their state and dignity, or—in the case of military chiefs—to equip a body of troops, to be available for the royal service.

The Mughal empire recognized a definite portion of its dominions as that which was directly managed by the emperor's officers, and another area as that available for the assignment of the revenue spoken of. And when certain offices or titles were conferred, a fixed grant went with them as an appanage. Such grants were called 'jágir'.¹ They were at first always for life, and resumable with the office. Nearly all later governments have adopted the 'jágir,' but chiefly to support troops, or to reward a service of some kind. They are still granted by our own Government, but as a reward for services in the past, and not with the obligation of military service. In time it was thought below the dignity of the ruler to resume, and so the grant became permanent and hereditary. Possibly this stage was hastened by the fact that the governments—both Hindu and Muhammadan—had always been accustomed to grant smaller holdings of land, free of revenue, to pious

the revenue. No doubt the policy of the day had much to do with making Settlement officers keen to detect the survival of right in the village bodies; but apart from that, the villages were universally stronger and better preserved than those of Bengal: and consequently Zamindárs and Taluqdárs were much less firmly rooted. Some of

the districts of the North-West Provinces (Benares Division) had been permanently settled under the Bengal law: and here there are Zamindári estates, but with rights of the lower grades fully recorded and protected by the Tenant law.

¹ Contracted from 'jái-gír' = place holding.



persons, to support temples, mosques, schools, or bridges and tanks, and these were called 'inám,' or 'muáfi,' and were usually hereditary and permanent (as long as the object was fulfilled). As the 'inám' was permanent, so the *jágir* grew to be in many cases. Possibly, also, it was the decline of power which caused *jágirs* to be irregularly granted, and thus to become permanent. When a disorganized government desires to reward a worthy servant (or an unworthy), it generally has its treasury empty, and the easiest plan (though true policy would suggest a cash pension for life or lives) would be to give a man a grant by way of assignment, and allow him to collect what revenue he could off the area.

A great number of assignments of revenue in this way grew into landlord-tenures, very much as the 'Zamíndárí' estates did. This was much facilitated by the fact that the grantee was allowed, and indeed expected, in many cases, to conduct the revenue-administration in his own way, and of course he had (or assumed) the full right to all unoccupied or waste land in the *jágir*, and had many opportunities of ousting refractory land-holders—buying up their lands, taking them as security for arrears of revenue, and so forth. 'Jágirs' were sometimes granted with the express object of the grantee settling the waste; and then, naturally, he would be looked on as the landlord of the whole.

§ 9. *Ghátwál.*

I can hardly exclude from notice here, the tenures which arise in some parts of India, where officers or chiefs were granted the revenues of certain hill-districts commanding the passes into the plains, on condition of 'keeping the marches,' repressing robbers, &c. The *ghát-wálí* tenures, arising from arrangements of this kind, will be found described under the head of Bengal tenures.

§ 10. *Girásiya (Grassiah).*

I should also mention under this head, a curious tenure¹ of Central India, which arose on the overthrow and dispersion of the Rájput local chiefs by the Muhammadan and by the Maráthá powers. Deprived of their regular estates, these persons prowled about with small bands of followers and harassed the villagers. In time, the village bodies or the Government officers were glad to purchase immunity from attack, by agreeing to pay over to the chiefs a certain fraction of the revenue, called 'gírás' (*lit.* a mouthful), which was regularly entered in the revenue accounts. In some cases this was commuted for a small grant of land; and we find 'grassia' tenures recognized in some places, and still surviving. It is analogous to the 'chaháram' right acquired by the Sikh adventurers in the Ambála district of the Panjáb.

SECTION IV. THE MODIFICATION OF TENURES BY THE SUPERIMPOSITION OF NEW INTERESTS IN THE SOIL BY CONQUEST, &C.

§ 1. *View of the Subject.*

It is a noteworthy feature of most Indian provinces that they have been the theatre of repeated tribal immigrations, and of military conquests in later times; besides undergoing a great many minor changes in the case of petty states breaking up, and changing hands, and particular individuals rising to local power. The course of history is like a continually shifting panorama or procession. First, the Aryan races overcome, or enter into relations with, Dravidians and Kols that were before them. Then Scythian and other immigrants gain the mastery, and great kingdoms professing the Buddhist faith, for a long time prevail over

¹ See Malcolm, *Memoir of Central India*, vol. i. p. 508 (original edition of 1824).