

CHAPTER - II

THE SYSTEM OF LAND TENURES

A study of land tenures is an interesting and intriguing one - interesting for only when we know who holds the land, partially or wholly, can we perceive with certainty who pays the revenue to the government treasury; intriguing because of the multifarious problems and complexities, the overlapping and superimposition of rights and privileges that it presents to the reader. Although some studies have been made on the subject,⁽¹⁾ an examination of the newly tapped source material affords us a better understanding of the same, particularly of the area and period for which little has been said till now.

For a better understanding the subject may be divided into two broad categories; lands under one kind of tenures which paid regular sums of revenue to the government or in other words, lands under the direct control of government (Khalisa or talput) ; lands under another kind of tenures which were exempted partially or wholly from payment of revenue - a collective word used for them being 'alienated'.

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1. W.H. Moreland, The Agrarian System of Moslem India (New Delhi, 2nd edition 1968); B.H. Baden Powell, The Land Systems of British India; Noman Ahmad Siddiqui, Land Revenue Administration under the Mughals (Bombay 1970); R.E. Frykenburg, Land Control and Social Structure in Indian History (London, 1969).

To comprehend intelligently, the problems under study it is first necessary to understand the history of the village communities in Gujarat, for it was the village system which formed ^{the} grand foundation on which the tenures rested.

Mr. W.G. Pedder has discussed in detail, the history of the village communities in Gujarat, in his report of 1862.⁽²⁾ He speaks of a two fold form of the village community. Under the first or simple form, the village community consisted of a mere aggregate of cultivators under a single headman appointed by the Raja, there was no common tenure of lands but each man cultivated his own plot of ground and his only proprietary right was a sort of customary one that he should not be turned out as long as he paid his rent which he did directly to the chief who owned the village.

This form of the village community was common in the northern districts of Gujarat and towards the west of the Gulf of Cambay where the country was divided among petty chieftains. Most of these villages were probably founded either by these chieftains or by their relatives or followers. In time to come, these villages came to be known in Gujarat, as Mehwasi and Grassia villages.

2. Selection from the records of the Bombay Government
 3. No.CXIV - New Series, Correspondence relating to the introduction of the Revenue Survey Assessment in the Kaira Collectorate of the Province of Gujarat,
 Pp. 2-49.

The second form of village appears to have been originally founded by a family or association of families of the cultivating castes. These people, with their servants fixed the village site, dug the well and tank, planted the groves, built the village temple and thus exercised rights of possession. They then induced artisans to settle in their village, who were the servants of the community. In time to come other cultivators were also attached to the village. They were permitted to cultivate the lands but were not given any proprietary rights. These type of villages appear to have been common in the Ahmedabad, Kheda, Broach and Surat regions. These districts instead of being divided among feudal vassals were retained as the Crown lands of the great Rajput sovereignty of Anhilwarra. In time to come they came to be regarded as the Khalisa or government villages.

In the beginning the proprietary body probably held the land in common agreeing at the beginning of each season what each member had to cultivate, the remainder being left for the non-proprietary to choose from. With the changing demands of time, new tenures came into being, the two most significant being the Narwa and Senja tenures.

As has been stated above, the proprietors of the villages held their lands in common and for the sake of mutual protection, people lived together in communities. However when the proprietors became quite numerous, divisions

in property began to ensue according to the law of inheritance amongst the Hindus. In such villages the proprietors divided the lands of the village into equal divisions on the basis of the system of equal inheritance and were jointly responsible for the payment of revenue on them. These villages came to be known as Narwa or bhagdari.³ The lands of some villages did not undergo divisions, but each family managed its own plot of land and paid the revenue upon it. These undivided villages were known as Sanja or entire.

Narwa Tenure - The principles on which the Narwa tenure was based were as follows :⁴

A certain portion of the lands of village was first set aside for common pasturage, granting passal to village servants and for contingent village expenses. This was called the gaum bhag or inujmoon and was to be held in common.

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3. Narwa was the term, used for such villages in Ahmedabad and Kheda while in Broach and Surat, they are known as Bhagdari.
 4. We have quite a lot of information regarding the Narwa System in Kheda and Broach Districts contained in various reports and letters of British officials in the 19th century. Specific mention may be made of the following Selections from the Records of the Bombay Government No. CXIV, New Series, pp. 2-49; Monier Williams, Memoir of the Jilla of Baroche, being the Result of a Revenue Statistical and Topographical Survey of the Collectorate (London, 1825), Selections of the Records of the Bombay Government No. XI, Alexander Mackay Op.cit., G.W. Forrest (ed), Mountstuart Elphinstone, R.D.D. 1820, No.157, List No.14, File No. 9 I. Pune Archives, Pune.

The remaining lands of the village were divided into certain large divisions called bhags or Pattees according to the hold of original families who founded the village or their main branches. These generally numbered from two to 10. Each of these was then subdivided into smaller divisions (usually from 10 to 200) called rupees, annas, pugrees or pans and these again into fractional parts.⁽⁵⁾ The share or divisions, both major and minor were sometimes of an equal area and sometimes of an unequal, but always in a known and recognised portion. The allocation of the lands into bhags or annas was made with reference to the circumstances of soil and situation. This allowance was made in quantity for the inferior fertility of some shares. It thus happened that the major divisions did not constitute a separate portion of the village lands but their fields were intermixed with good and bad patches throughout the whole area.⁽⁶⁾ The village site was usually divided in the same way as the lands.

The head of each division was called the ^{Mukhya} mooksh bhagdar or mattadar.^{6a} These heads jointly managed the common lands of the village as well as jointly acted as managers of all

5. Selections from the records of the Bombay Government No. CXIV, New Series, P.5, SRBG No. XI, P.96.

6. Such a practise existed in the Bhagdari, Village of Brach District. See R.D.D. 1808, No.59, P.191.

6.a R.D.D. 1820, No. 157, P.4111.

village affairs and as representatives of the village in all dealings with the government or with the government or with other villages. They received as remuneration for their services the free lands or grain and money (cesses) which formed the matadars or patels' watans.⁽⁷⁾ All the sub-shares had equal rights and were called patedars and also patels. The lands composing the respective shares were committed to writing and a paper containing a full description of each was delivered under the signature of each Patel to its proprietor. This was termed a sambva^(7.a)

The amount fixed by the revenue settlement of the year was equally apportioned on all shares in accordance with the quantity of land of each shareholder. The quota each shareholder had to contribute was called his Falla. The sum total of the fallas together with the proceeds from the Muzmoon completed the rent roll. A slightly different custom prevailed at a few villages. The produce of the Muzmoon was deducted from the rent fixed by government and the remainder was paid by the shareholders according to their shares.⁽⁸⁾ The superior Narwadars or heads of the shareholders were collectively

7. S.R.B.G. No. CXIV, New Series, P.6.

7.a S.R.B.G. No. XI, P.96; An example of a sambva is given in R.D.D. 1808, No.59, P.230. This pertains to Broach district. The practise in the Kheda district was similar.

8. R.D.V. 1830, No.38/319, P.220.

responsible for all demands of revenue and the inferior Narwadars or the sub-sharers were collectively responsible for that portion of the revenue which was assigned to their share.

Members of each division divided the amount by the total number of the annas of the division and thus came to know the amount each was to pay.⁽⁹⁾

Thus under the narwa system the government had little or any direct control over the land. The demand was made in money (when the bighoti was established probably during the rule of Akbar) which was duly paid to the village head-man (Patel). Beyond an examination of the general state of cultivation government had no right to interfere in any way with the division of the land among the shareholders⁽¹⁰⁾ which was exclusively a private affair.

When a shareholder failed to pay his share of revenue, the inferior division to which he belonged was responsible for the same. If the latter was unable to make up for the deficiency, the superior division to which he belonged was responsible if that too was unable, then the village as a whole was responsible. Some-times under . . . pressure of too heavy a burden of land revenue, the system of joint responsibility broke down and thus a narwa village would

9. S.R.B.G. No. CXIV, New Series, P.10.
To understand the principles of division by an example
see above.

10. S.R.B.G. No. XI, P.96.

loose one of its essential characteristics.

This system of a joint responsibility was a sort of a precaution against the evils that would arise from any shareholder being unable either through poverty of circumstances or the death of relations or depends^{ants} to cultivate his share.⁽¹¹⁾ A shareholder thus had the option of relieving himself of the whole or such part of his share which he was not able to manage. However this temporary relinquishment did not injure his right of assuming its management again whenever a change in his means enabled him to do so. Land thus temporarily relinquished was termed 'Purela Bhag or fallen share'.

The management of the 'Purela Bhag' was taken up by the joint proprietors themselves in flourishing villages sometimes it was leased out to others to the best advantage and the amount of revenue brought to account separately. This was called the 'gaum khata zameen, or land on the general village account.⁽¹²⁾ However leasing out a share to a stranger was the last resort and was only done after every joint proprietor in the village had declined to accept the share.⁽¹³⁾ This was generally

11. Monier Williams, Op. cit., P.72, R.D.D. 1820, No.157 P. 4102.

12. Monier Williams, Op.cit., P.73; S.R.B.G. No. XI, P.75

13. R.D.D., 1820, No.157, P.4108.

common in impoverished villages.

Oppressive exaction of revenue^{perhaps,} by the 1820s, greatly impaired the narwa tenure and many Narwadars threw up their shares. These shares were then let out on temporary contracts to people who had no interest in them, by the revenue officials, their condition thus generally deteriorated. Thus invariably all shares after attachment yielded less revenue. (13.a)

Forseeing the advantages of the narwa tenure, attempts were made by the British Government to restore the above tenure on its former footing in many villages. (13.b) The plan usually pursued was to reduce the assessment on all the shares engaging for the full amount of the 'falla' at the expiration of a defined period. In certain villages many of the old Narwadars who had fled to other villages were induced to return and claim possession of their shares. (13.c)

When a fallen share was resumed, it was generally the custom that the person who had assumed the charge in the interim was to be remunerated for all expenses and

13.a R.D.V. 1827, No.29/182, P.117. This was also common in the territories under the Gaekwad which were not in good *circumstances*

13.b Thus for instance in the Borsad Pargana in about 69 villages the Narwa tenure was restored. For reference see R.D.V. 1827, No.29/182, P.119.

13.c Ibid., P.118; R.D.V. 1841, No.11/1240, P.43.

losses that he might have incurred in managing the particular share.⁽¹⁴⁾ There was no limit to the time at which a shareholder could resume his share provided all recollections of his having held a share were not entirely forgotten.

Each shareholder had an absolute property in his own share of land except that he could not sell it outright to a stranger without the consent of the community and the formal sanction of the ruling authority.⁽¹⁵⁾ In the 1840s when the government authorised the sub-collector of Broach to appeal against the decisions of the Sudder Amin and of the Assistant Judge at Broach in a case which was simply to set aside a sale of a Bhag in execution of a decree of a court of law, multiple enquiries were undertaken to examine the respective rights of a Bhagdar, Government and the court of justice.⁽¹⁶⁾ Reports from the different collectors and the opinions of zamindars were carefully considered.

The proceedings that were conducted concentrated on two main points viz., the opinion of the Zamindars within their range as to the right of a Bhagdar to alienate his interest in the village land without the consent

14. R.D.V. 1821-22, No.21/145, P.840.

15. Ibid.

16. R.D.V. 1843, No.64/1506, P. 131-224.

of government and his co-sharers and secondly their own opinions as to the expediency of adopting legislative measures for the restriction of such a right supposing it to exist. (17)

On the first point there was a difference of opinion among the Zamindars of the different collectorates of Gujarat, but a majority considered the consent of the co-sharers but not that of government indispensable to the validity of transaction viz., sale or mortgage of the Narwadari lands. On the second point the collectors at that time were unanimous in thinking that the restriction of such a right of alienation was essential to the well being if not the existence of the Narwadari system. (18)

The inquiries conducted also revealed that it was almost universal an incident of joint-sharing tenures wherever they existed (for instance in the North Western provinces, and known as Pattidar a part from Gujarat) that no shareholder would transfer his proprietary rights to a stranger without allowing his sharers the option of purchasing them. (19) It also appeared that it was never the custom to dispose of the Narwa lands of the villages in fulfilment of decisions passed by their Panchayats or Durbars;

17. Ibid., P.201.

18. Ibid., P.202.

19. Ibid., P.131.

so that as far as Durbars and Panchayats were analogous to the civil courts of the British Government, the custom of the country was generally adverse to the power assumed by the adalut of selling Bhags or shares in satisfaction of judicial decisions.⁽²⁰⁾ At any rate a share was never sold as long as there was the smallest profit remaining in it; no consideration scarcely would induce a respectable Narwadar to part with his share.⁽²¹⁾

The fact thus remains that alienations of the Narwa lands did take place in the form of they being either sold or mortgaged. The village of Anand in the Petlad Pargana may be cited as an example. Of its total Narwa land which measured 5861.19.0 beeghas, 4237.18.10 beeghas were classified as Narwa, 1321.17.10 beeghas as Vechania Salamea, 195.0.0 beeghas as Garania Nakru, 90.3.0 beeghas as Passaita Nakru and 17.0.0 beeghas as Vechania Nakru.⁽²²⁾

20. Reference here may be made of an instance which illustrates a decree of a court of Adalut pertaining to a sale of a Bhag being set aside after an appeal made by the Collector. In 1834, a sahuakar by name Ranchor Kapurchand had the Narwa share of one Nurseebhae Jeeva-bhaee of Herjie Patee in Nadiad Kusba attached through the agency of the court of Adalut at Ahmedabad with the intention of having it sold at auction in satisfaction of a decree passed in his favour by the Court, upon hearing of which the Collector Mr. Stubbs forwarded a petition to the court, praying for the removal of the attachment on the grounds that the Narwa land was the property of government which on investigation was found to be the case and the plea was allowed. Forreference see R.D.V. No.1843, No.64/1506, P. 161-162.

21. S.R.B.G., New Series, No. CXIV, P.6.

22. S.R.B.G., No. XI, P.100.

Regarding the castes of the Narwaders they were generally Kunbis, although in some instances Rajputs, Bhattas^{el}, and Bohras had also become shareholders. That the proprietary right claimed by the Pattidar (as a Narwadar was also called) was invaluable is noticeable from the fact that a Patidar Kunbi would refuse to intermarry and even eat with the non-proprietary Kunbis of the same division of the caste as himself.⁽²³⁾

From the above discussion, certain conclusions may be drawn. As has been stated in the beginning the Narwaders were the old proprietary cultivators who adopted the Narwa tenure on principle of jointly sharing the revenue of government. It would be wrong to assume that the system was founded on that of leasing the villages,⁽²⁴⁾ and that the Narwaders were the descendants of some one ~~person~~ who at some remote period formed the government revenues of the village and that these Narwaders were not owners of land but merely collected the revenue and for it received a part of it in return.⁽²⁵⁾

That the Narwa tenure was the most respectable and advantageous one in Gujarat on government lands can hardly be denied.⁽²⁶⁾ The constitution of the Narwa villages was

23. S.R.G.G., New Series, No. CXIV, P.8.

24. East India Papers, P.448.

25. S.R.B.G., New Series No. CXIV, P.12.

26. R.D.D., 1818, No.128, P.7.

so supported by its own laws and value that it was seldom destroyed by any cause short of necessity. . It tended to increase and secure the government revenue by giving to the shareholders a permanent individual interest in the soil and at the same time holding the whole jointly answerable for the revenue.⁽²⁷⁾ The whole internal management of the shares was in the hands of the Narwadars. They were left unfettered to improve their lands in any way they liked without the interference of government agents.⁽²⁸⁾ As long as the body of the coparceners or any individual member of the coparceny were willing to take up and pay the fixed revenue due upon the share of any member who may have become bankrupt, so long the shareholders had a right to object to a stranger being enrolled as a coparcener.

The body of the coparceners enjoyed the whole of the profits and were liable for any loss arising from their villages; these hereditary rights were confirmed to them by Reg. XVII, Section VIII Clause 1st of 1827⁽²⁹⁾ which declared that the peculiarities of the tenure were to be respected and preserved.

27. R.D.V., 1823, No. 24/76, P.397.

28. R.D.V., 1834, No. 52/596, P.292.

29. R.D.V., 1850, No.208, P. 112-113.

The Narwadars held their lands in great estimation and their cultivation was considered to be the most careful and scientific in Gujarat.⁽³⁰⁾ The Narwa tenure not only conferred the hereditary proprietary rights on the shareholders but also increased the respectability and comfort of the cultivators and secured for them safety and protection.⁽³¹⁾

As far as the village-wise distribution of the Narwa tenure is concerned, we find that in the Kheda collectorate out of between 500-600 villages nearly 100 were under the Narwa system.⁽³²⁾ The largest number of Narwa villages in Gujarat was in the Broach Collectorate where they totalled to about 244.⁽³³⁾ In the Kheda Collectorate the Narwa tenure most extensively prevailed in the Nadiad, Borsad and Napad Parganas where it flourished in the most perfect form. However by the 1820s as has been stated earlier, the condition of the Narwadars had greatly deteriorated. For instance in the Nadiad Pargana out of a total of 87 Narwadars, only 11 were in good condition, 30 in middling and 45 in a state of poverty with means just sufficient to preserve their cultivation.⁽³⁴⁾

30. S.R.B.G., New Series No.CXIV, P. 13.

31. List No. 14, File No. 9 I P.A.

32. R.D.V. 1837, No. 73/831, Op.cit., P.172.

33. S.R.B.G., New Series No.CXIV, P.14. In Surat they numbered 12 while in Ahmedabad only one.

34. R.D.V. 1827, No.29/182, P.113.

Senja Villages - All the other government villages which did not fall in the category of Narwa were termed Senja. In these villages each cultivator was responsible for the revenue according to the quantity of land which he cultivated and also such Veras or Babuts as he was obliged to pay to the village account; or for the amount of his Gunwut for the year, if the land cultivated be held under yearly Gunwut or lease.⁽³⁵⁾ All of the family of the Pates or those who held proprietary rights were eligible to the Patelship but this office was generally monopolized by a few viz. those who were most intelligent and to whom others gave way. At any rate, in Senja villages, a majority of the proprietors acted the part of cultivators only and left the whole management of the village to such of their body as was capable of conducting it.⁽³⁶⁾

In a Senja village no one could sell or mortgage his individual right because the interest of each was undefined (probably because these villages were not divided).⁽³⁷⁾ 2.

The Patel or the headman of the village engaged annually for the payment of a certain sum to government which he was to realise according to the established rates

35. R.D.D. 1820, No.153, P.1844.

36. R.D.D. 1820, No.157, P.4113.

37. R.D.D. 1821-22, No.21/45, P.794.

and customs of the village. Any profit that could be derived from the goodness of the season or from new cultivation was his and he was to bear any loss that might accrue from opposite causes.⁽³⁸⁾

The cultivator, as has been mentioned earlier was responsible for the number of beeghas which he cultivated. However, once he renounced his holding, it was given to another and he had no claim to it afterwards unless on a division of the village he was entitled to his share of holding.⁽³⁹⁾

What must need be emphasized is that the proprietories in a Senja village were neither so respectable a body of men nor in such comfortable circumstances as those of the Narwa villages.⁽⁴⁰⁾ Neither were they possessed of such ability or opportunity to do the same justice to their property as those of villages in which divisions had taken place.⁽⁴¹⁾ The division of any Senja village required

38. G.W. Forest - Mounstuart Elphinstone, P.487.

39. R.D.D. 1820, No.157, P.4118.

40. Ibid., P.4112

41. The advantages of a Narwa form of village were well recognised and we have the instance of a few Patels of Oamreth Kusba petitioning to the Collector of Kheda for introducing the Narwa system in place of Senja in their village, because they felt that under the former tenure they could flourish and improve their condition. For Reference see R.D.V.1841, No. 79/1308, P.65.

the sanction of the ruling authority.⁽⁴²⁾

In the parganas of Mehmoodabad⁽⁴³⁾ and Thasra⁽⁴⁴⁾ all the villages appear to be Senja while in the remaining parganas, Narwa tenure also existed simultaneously with the Senja tenure.⁽⁴⁵⁾

The Narwa and the Senja tenures were the two major forms of holding lands directly under the government. Both were equally favourable to the preservation of the hereditary and proprietary right of the holders of land. In the Senja tenure, as has been stated earlier, the custom of cultivating only as much as the proprietors were able did not infringe on their right to a just share of the lands and management in case it was deemed advantageous to divide them. In the Narwa tenure, the proprietors managed every function themselves and the custom of affording support, by relieving any one of his share, averted the bad consequences which could follow temporary inability in any individual to manage it, while by reducing the village to a Senja state, in consequence of general inability, no evil consequences

42. Refer to the above footnote. The petition of the Patels was turned down by the Collector which shows that the sanction of the ruling authority was deemed necessary for any division.

43. S.R.B.G., No.XI, P.60.

44. R.D.V. 1824, No.12/96, P.298.

45. S.R.B.G. No. XI, P.75.

could follow to the rights of the body of proprietors.⁽⁴⁶⁾

Khatabandy - Of the Senja villages, several were under a tenure by the name of Khatabandy wherein the assessment of revenue was levied by Khatas or distinct estates. The Khatabandy originally appears to have been only a modified description of the Narwa system and were the whole lands of a village Khatabandy it would amount to much the same thing. However with the passage of time the tenure underwent many changes and broadly speaking three classes of this tenure came to exist.

The first class comprised of those villages in which the original Khatabandy or Veheta existed. This typical Veheta system was a mode of joint village management by a proprietary community like that of the Narwa tenure.⁽⁴⁷⁾ In some villages, in which owing to misfortunes or oppression the means of each proprietor no longer corresponded to his hereditary rights, the Veheta system was adopted. Out of the lands of each share, a small portion varying in amount according to his circumstances was assigned as Veheta and upon it was assessed each year his contribution to the lump assessment of the village.⁽⁴⁸⁾ The share of

46. R.D.D. 1820, No.157, P. 4115-4116.

47. S.R.B.G., New Series No. CXIV, P.513.

48. Ibid.

revenue which each Veheta holder was required to pay was obtained by dividing the whole quantity of the Veheta land by its gross payment. For example if in a certain village the Veheta land amounted to say 50 beeghas; to each beegha was attached the given payment in proportion to the total revenue - say for instance the above 50 beeghas were required to pay Rs.1000, then each beegha would be assessed at Rs.20, he who held 2 beeghas Rs.40; he who hold $\frac{1}{2}$ beegha Rs.10 and so on, each paying his fractional quota. (49)

Apart from the Veheta land there was the government land, the remainder being 'Vechania and Girania' or land paying a light salamee. These alienated lands included in the sharers' holdings were in fact indirectly assessed by the heavy rates on the government lands held with them. If a Veheta holder's circumstances improved and he was in a position to take up fresh lands, he paid for the latter not at the ordinary rates but by the extent of his Veheta being increased or by a personal cess Khata-vero, ijafa-vero etc. (50) On the other hand if his condition deteriorated he was allowed to decrease the amount on his Veheta but was compelled to take it up again once his condition improved. No person could give up his Veheta land; how-

49. Ibid., List No. 14, File No. 9.

50. S.R.B.G., New Series No. CXIV; P. 153;
R.D.V. 1821-22, No. 21/45, P. 800.

ever if forced by circumstances he was compelled to give it up entirely, he had to relinquish all other lands of his holding and while he remained in the village he was not permitted to cultivate on his own account rent free land or even land belonging to another village.⁽⁵¹⁾

The second class comprised of the Khatabandy villages which were very much similar in principle to the above category discussed. The main difference lay in the fact that while the latter was under the surveillance of the joint proprietary body, the former was managed directly by the Kamavisdar or leased to some other person. Under this system the lands in the permanent occupation of hereditary cultivators, both government and nominally alienated were assessed at a fixed sum, made up by a very heavy bighoti rate on a small portion (generally the best quality) of the government land called the Veheta, light rates on the remainder of the government land called Khotia and salamis alienated land.⁽⁵²⁾ This method was perhaps designed to derive indirectly a revenue from the alienated lands, the excess paid upon the government lands being set off against the light quit rent paid by the alienated lands.⁽⁵³⁾

51. G.W. Forrest, Mountstuart Elphinstone, P.473; R.D.V. 1821-22, No.21/45, P.801.

52. S.R.B.G., New Series No. CXIV, P.514.

53. Alexander Mackay, Op cit., P.73.

The quantity of the Veheta depended on the extent of the government land in the village and the share of each ryot varied from one to four beeghas depending (like or in the first category) on the means he possessed of paying the revenue. In villages where there was not sufficient quantity of government land to provide Vehetas for all the ryots, the quantity required was selected from the alienated and, if procurable, a quit rent was paid to the owners from the gross collections of the village.⁽⁵⁴⁾ As has been stated earlier the revenue demand was fixed and its sum seldom altered. Any increase was provided in the form of Veras or cesses. If the Khatadar took up any new government lands he paid for them separately at the ordinary rates of the village by a crop cess or a share of produce or as the case might be.⁽⁵⁵⁾

Holding of a Veheta was a matter of great importance and raised a ryot to a much higher position than that of a common cultivator. In fact to some degree he was looked upon as a Watandar for he could let or mortgage any part of his land so long as he paid the government revenue. It was generally on lands held on this tenure that wells were

54. R.D.V., 1821-22, No.21/45, P.798.

55. S.R.B.G., New Series No. CXIV, P.514.

built by the cultivators.⁵⁶

The bighoti on the Veheta land was sometimes six to seven times the amount of an ordinary assessment. And had not been for the low rate on the alienated lands held with it the one compensating for the excess on the other, it would have in some cases required to be reduced.⁵⁷

The real Khatabandy system existed in this - the payment of a fixed sum upon a certain fixed portion of land without reference to the crop grown or the description of soil the payment being the same whether the whole part was cultivated or part of it was left waste. It prevented to some extent any monopoly of the good land in the hands of a few cultivators and the cultivation of the inferior land was also secured.⁽⁵⁸⁾

A Khata often consisted of as many separate tenures as different sorts of soils. This can be well glimpsed from the following example.:^(58a)

Khata of Koonbee Ootum Antol 2 $\frac{1}{4}$ beeghas of irrigated land of the first sort of land paying a bighoti of -

56. R.D.V. 1821/22 No 21/45 p799

57 R.D.V. 1843 No 10/1452 p22

58. S.R.B.G., XI, P.98.

58.a R.D.V. 1830, No.38/319, P.227.

Rs. 13.2.0.	30.1.50
7 beeghas of second sort of land paying a bighoti of Rs. 04.2.0	31.2.0
1½ beegha of second sort of rice land paying a bighoti of Rs. 3	4.2.0
6 beeghas of third sort land paying Rs.3.2.0	21.0.0
3 beeghas of vechania land paying a salami of Rs.2	6.0.0
2½ beeghas of Passaita Garnia rent free	- -
Vera or extra cess	6.0.0
Total payment on the Khata	99.1.50

Not clear

As far as Gujarat was concerned, this system prevailed more in the Ahmedabad and Kheda Collectorates where illegally alienated lands were supposed to exist on a considerable scale. (58.b) This tenure greatly resembled that used in the southern Maratha country where the Veheta was called chali. (59)

In dealing with the above two classes of the Khatabandy tenure, the British appear to have followed various modes at the introduction of their rule. "Either the domination of Veheta was retained, and the original Veheta lands being assessed at high rates, the other lands comprised in each holding were permitted to remain as they

58.b Alexander Mackay, Op.cit., P.73.

59. G.W. Forrest, Mounstuart Elphinstone, P.47.

were found to be entered" or the word Veheta was done away with, those lands which the holders claimed as really alienated were confirmed to them, the other lands being entered as government and assessed at higher rates in consequence than they would have ~~been~~ had no alienated lands ~~been~~ held with them, the holders not being allowed to throw up their lands so entered as government without at the same time resigning the alienated lands.⁽⁶⁰⁾ After the passing of Regulation XVII of 1827 (Clause 4, Section IV) much of the alienated lands were resumed and all the lands claimed by the holders as ~~they~~ own were entered as government. But still these were assessed at a higher rate than ordinary government lands for it was felt that some sort of alienated lands ~~was~~ still in the possession of the holders.

Apart from changes in those Khatabandy holdings which were already in existence the early British collectors seemed to have lands formed for the first time under this tenure. In this case to avoid the actual resumption of illegally alienated lands they formed Khatabandy holdings, which included such alienated lands as well as government lands. The assessment on these alienated lands was indirectly paid by the heavy rates on the government lands held with them.⁽⁶¹⁾ Such Khatabandy holders were not allowed

60. S.R.B.G., New Series No. CXIV, P.514.

61. Ibid., also P. 525.

to throw up the government lands without also resigning the alienated lands held with them.

On the whole, the Khatabandy tenure appears to have been prized and valued and like the narwa tenure was calculated to protect private rights; promote prosperity and raise up a wealthy class of land holders.⁽⁶²⁾

Challu Kher and Phurta Gun^wattea :

In those Senja villages wherein vehetas or Khatas had not been introduced the most common tenures by which land was held were called Challu Kher and Phurta Gun^wattea. Under Challukher those persons held their lands who continued cultivating certain fields which their forefathers had been cultivating before them.⁽⁶³⁾ In such villages there was no fixed bighoti and the assessment varied with the crop as each field had its own rate. If any person offered a larger sum for a particular field than the ryot in possession, the latter could be deprived of his holding. However ryots seldom resorted to such interfering methods. The ryot was obliged to pay for the whole of the land which he annually cultivated unless he gave timely notice of his desire to relinquish the whole or

62. R.D.V. 1828, No. 11/217, P.443.

63. R.D.V. 1821-22, No. 21/45, P. 804;
R.D.V. 1843, No. 10/1452, P. 23.

part of it; having given notice he was freed from the responsibility of paying the revenue. The ryot, however, could not sell or mortgage the land he held on this tenure. In fact most of the best lands of the senja villages in the Kheda Collectorate were on the Khatabandy tenure, the good lands which remained were under Challu Kher while the rest were leased annually on the Phurta Gunattee tenure.

The above tenure was mostly found in impoverished villages where the cultivators were not inclined to cultivate a fixed portion of land for more than one season.⁽⁶⁴⁾ This tenure also existed in those villages where the cultivators were few in proportion to the extent of the land in which case upariwarias or cultivators from other villages were called to take up the land for cultivation. If a ryot continued to cultivate the same field for several years, the land came to be held on the Challu Kher tenure.

Table No. I gives us the quantity of land under the different tenures from 1841-42 to 1846-47. From this it is clear that generally out of the total arable lands 58% was under the direct control of government and 42% as alienated. Also that tenures under Challu Kher and Gunattee were more common, accounting for 45% of the total

64. Ibid.

government land.

ALIENATED TENURES :

The second category of land tenures comprises those that were alienated. The term 'Alienation' ~~is~~ is generally used to denote a series of grants of assignments made in cash or kind by the ruling authority. For want of a better word and for the sake of convenience it is precisely in this sense that it is used here.

Alienation, primarily caused a dent in the revenues of government in three ways (a) by lands held entirely rent free or subject to a quit rent, (b) by assignments of revenue in lieu of salary and (c) by way of cash allowances paid out of the governments treasuries. The reasons for which alienations were made were several, some were assigned for services to be rendered, others as a reward for services already rendered, some for the support of religious or charitable institutions others for the maintenance of troops, some as private charity to individuals while others for political purposes. Besides the several causes for which they were granted, the tenures on which they were held also differed. In Western India, the terminology used to distinguish them also varied - Inam, Wanta, Wazifa, Dumala, Passaita, Saranjam, Devasthan, Dharmadaya and others. They also differed in terms of territorial or money distribution. In some

instances they consisted of whole villages alienated while in others only a few beeghas or acres here and there, in some a large sum of rupees while in others just a few rupees or annas.

The problems related with the above tenures manifest themselves as nature of these alienations and the essential differences between them, the Maratha practices in relation, to them and finally the attitude and policy of the British towards these in the first half of the 19th Century.

As has been stated earlier, in the first category of alienated tenures, we would include those villages or lands held either rent free (Nakru) or subject to a quit rent (salami). Some of these are as follows :

Inam - Much of the confusion around the term Inam has arisen because it has been used in a very generic sense ~~and sense~~ and carried different meanings at different places.⁽⁶⁵⁾ It is in fact what local usage had made it to be. And this could be best ascertained not by reference to any dictionary but on the basis of evidence recorded in the documents of a specific place and period.

65. S.R.B.G., New Series No. CXXXI. Narrative of the Bombay Inam Commission and supplementary settlements by Col. Alfred Thomas Etheridge. Pune Archives, Pune, P.2.

Originally it means a gift which was rent free and in perpetuity. Gradually it came to be used indiscriminately for nearly all types of alienated grants whether they were rent free and perpetual or not. Thus to limit the meaning of the term Inam to a hard cut definition would not be historically correct. Its categorisation under different heads in terms of rights and privileges must be understood to acquire a better knowledge of land holdings or tenure. The documents at our disposal speak of so to say two broad categories of Inam grants.

- (a) Dumala Inam which was neither hereditary nor held in perpetuity but was subject to transfer or resumption by government.
- (b) Ordinary Inam granted rent free and was hereditary.

Regarding the first we can cite instances of two villages being granted in Dumala Inam, Mauze Navapura and Mauze Hadgud in Pargana Petlad. The village of Navapura is twice granted as an Inam and once as Dumala. In the first instance when it is granted as an Inam to one Dada Patel of Vasu we have just one sanad of the year to that effect.⁽⁶⁶⁾ However in 1756 the Inam village seems to have been changed into a Dumala village and its revenue was shared between the government and the said Patel.⁽⁶⁷⁾

66. Prant Ajmas Gujarat Rural 41 No. 12345, Pune Archives, Pune.

67. Ibid., Rural, 113.

A Yadi of 1803-04 stating the revenue account of the said village shows that the Dumala share of the Patel included Ain and Sewai Jama.⁽⁶⁸⁾

The Sanad of 1784 and a Yadi in 1786⁽⁶⁹⁾ also state that the Patel had borrowed money on interest to pay Nazar to the Sarkar. However when the Gaekwad also pressed him for Nazar the Patel ran away to a Mehwasī village. Meanwhile the government ordered that the revenues of his share of the village were to be assigned to his creditors for liquidation of the debt. Finally in 1803 Dada Patel was deprived of his Dumala and the whole village was granted in Inam to one Khusarvajee Modi of Cambay.⁽⁷⁰⁾

The second instance is that of Mauze Hadgud which is first granted to one Shivaji Mahipat Rao as an Inam Dumala Gaon in 1762.⁽⁷¹⁾ He was to look after the state of the village and make it prosperous and populous. This Inam had been assigned to him as a reward for his loyal services to the State.⁽⁷²⁾

68. Ibid., Rumal 41, No. 7324.

69. Jamav Section Gujarat Rumal 12, Pune Archives.

70. Prant Ajmas Gujarat Rumal 41 No. 31289, Pune Archives.

71. Ibid., Rumal 113.

72. There are three others sanads which briefly speaking, point out the continuation of the Inam to Shivaji Mahipat Rao's son Shamji. For reference Ibid.

Thereafter in 1779 Mauze Hadgud alongwith Mauze Sandesar was given to one Vithal Rao Moreshwar as his Jat Saranjam, the revenues of the two villages amounted to Rs. 5287.⁽⁷³⁾ Then in 1798-99 the two villages were resumed from Vithal Rao and transferred for management to one Abaji Mahadev by a Sanad registered under date 9th November 1798.⁽⁷⁴⁾ Finally in 1809 it was given on Istava for five years to Parsharam Khhanderao.⁽⁷⁵⁾ Thus we find that the two villages are undergoing constant changes in terms of their holders and nature of tenures.

A study of these grants makes it clear that under the Marathas, a Dumala village was always classified as an Inam village or in other words a Dumala grant was an Inam grant. Further the value of the grant seems to have differed from village to village. For instance here in one case (Mauze Navapura) the holder is assigned only half the revenue of the village in Inam. In the second case (Mauze Hadgud) the holder seems to have enjoyed the whole revenue of the village. A Dumala right in the village extended to the revenues derived from land as well as other sources (Sewai Jama). Also holders apart from the revenues and looking

73. Jamav Section, Gujarat Rumpal 12, Pune Archives.

74. Revenue Commissioner, C.D. Gujarat General Rumpal 16, Pune Archives.

75. Jamav Section, Gujarat Rumpal 12, Pune Archives.

after the prosperity of his village had little control over it. This is amply borne out by the fact that when the Patel of Vasu had run away from his village under duress of payment, his Dumala share of the revenue was assigned to repay the debt, apparently without his approval. And lastly the holder had no hereditary right over his Dumala grant, nor was it supposed to be held in perpetuity.⁽⁷⁶⁾ The right of resumption rested with the government who could resume it at its pleasure. This it does so when it grants this and another village to Vithal Rao Mohrshwar Golay as his Jat Saranjam. On the whole a Dumala grant seems to have been a modified type of an Inam grant with fewer privileges.

Additional information available in Talebands⁽⁷⁷⁾ and the English documents regarding Dumala Inams may also be considered here. In a letter to the government dated 1st April, 1806, the Collector of Kheda Mr. H.W. Diggle gives a list of the Dumala villages ^{ceded} ~~called~~ by the Gaekwad

76. Of course the village of Hadgud is continued from father to son, but such was not the case always.
77. The Talebands of Pargana Petlad and Mahi Uttar Jeer of the years 1752-93 have been examined for the requisite information. For reference see Prant Ajmas Gujarat Rumal 3 and 45; Jamaat Section Rumals 12,13,14 and 25, Pune Archives, Pune.

government.⁽⁷⁸⁾ These include Muhamedpur, Pimpling, Gopling, Sumadra, Vasna and Modhage, Fort Kaira and Dadurda in Muhoonda Pargana, Antroli, Satralo, Jizea, Goradand Aururoah in Matus Pargana, Radhvanaj, Kherda and Kholwad in Nadiad Pargana. The terms of possession and status of these villages, is difficult to say at present. However it appears that if not in all, at least in a few odd villages the British government asserted its reversionary right. To verify this we can quote the following example. In the 1850s when the Gaekwad government asserted its right of resuming the alienated Dumala village of Mahamedpur in Mahudha pargana, it was turned aside by the British government.⁽⁷⁹⁾ The latter declared that the reversionary right rested with it and thus the Gaekwad government had no right to interfere in the management of the village. Though this was a question of sovereignty between the British and the Gaekwad government, what is made clear by this illustration is that the reversionary right in a Dumala village rested with the ruling authority. That the British were quite firm in their opinion of Dumala Inams being reversionary in character is proved by another example. It appears

78. R.D.D. 1806, No.50, P.1149. These villages were a part of the parganas of Mahudha, Matar and Nadiad ceded to the English by the Gaekwad in 1803.

79. List No.11, Kaira Vol. 38, P.A.

that in 1827 the British Government granted the village of Uttarsunda in Nadiad Village to one Dewsee Sunderjee and his other relations on account of the valuable and faithful services rendered by his late father Sunderji Sewsee. This village was to be enjoyed during the period of the natural lives of the members named in the sanad, after which it was to revert to the British Government.⁽⁸⁰⁾

The information continued in the Talebands makes it clear that the term Dumala Inam or Dumala Gaon is used to denote all types of grants and assignments conditional or nonconditional. It seems that primarily Dumala Inam was used in the sense as has been explained earlier. But later, it came to acquire a very general meaning and was loosely used to denote all categories of alienated land holdings. Dumala Gaon seems to be the Marathi counterpart for the British concept of alienated villages or lands. The difference between the two bearing a similar name must be borne in mind to avoid confusion and hasty conclusions.⁽⁸¹⁾

80. Ibid. This village reverted to the British in 1871 after the death of the last survivor named in the sanad.

81. Probably it was this misunderstanding which prompted F.A.M. Elliot to state that the Dumala Gaons were villages granted to military leaders for the proper maintenance of their troops while Inam gaons were villages granted as free gifts to individuals. For Ref. see Rulers of Baroda (Baroda Ref. 9, 1934) P. 231.

Regarding the second category of Inams (ordinary) which were held rent free and were hereditary, the instances of two such villages can be cited. One is Mauze Navapura also known as Rawlege which as has been stated earlier was a Dumala village given to Dada Bhai of Vasu. The Dumala nature of the village was done away with and the whole of it was granted as an Inam to one Khurarvaji Modi of Cambay,⁽⁸²⁾ The reason being that in the active exercise of his avocation as a merchant and broker, he had rendered important services to Raghunath Rao Peshwa when the latter had fled from Pune to Gujarat in 1774.⁽⁸³⁾ Earlier Khusarvaji had been granted Mauze Valipur in Jambusar Pargana but as this was of in-convenience to him Mauze Navapura was assigned to him as an Inam.⁽⁸⁴⁾ This was to continue in his family from generation to generation and he was to enjoy the right of possession (Bhogvati) as well.⁽⁸⁵⁾ However he failed to take charge of his Inam village as the Gaekwad created obstacles for him.⁽⁸⁶⁾ Therefore one Bayaji Naik Jondhle was appointed as an Amaldar and asked to collect all revenues and remit them to Khusarvaji.⁽⁸⁷⁾

82. See Note 74.

83. R.D.V. 1827, No. 38/191, P.279.

84. See Note 85.

85. Prant Ajmas Gujarat Rural 113, P.A.

86. Ibid., Rural 41, No. 7324.

87. Ibid., Rural 113.

This he did for four years from 1804-08 after which the complete charge of the village was given to Khusarvajee.⁽⁸⁸⁾

The village remained in Modi's possession till 1815 when it was attached by Trimkukjee Dingla the sir subehdar at Ahmedabad.⁽⁸⁹⁾ Shortly after it's attachment it fell into the possession of the British Government with the Peshwa's other villages in the Petlad Pargana.

Thereafter Modi Pestonjee (the grantee's successor) field a suit against government (when all petitions to the British government for giving the village back to him had failed) in the Judges court in the Adalut of Ahmedabad for the recovery of his village and its revenue for 10 years in the sum of Rs.20 lacs ten thousand.⁽⁹⁰⁾ A decree was passed in his favour for the full claim on 8th August 1829 with which Mills then collection of Kheda being dissatisfied, made an appeal to the Suds Dewanee Adalut which was decided on 31 December, 1832 again in Pestonjee's favour. Against this decision Mr. Mills again appealed to the King-in-Council and the decision was made in favour of Pestonjee on 5 July, 1838.⁽⁹¹⁾ The village was to be granted to him

88. See Reference 88.

89. R.D.V. 1827, No.38/191, P.281.

90. Ibid., 1840, No.125/1209, P.1.

91. Ibid., P.2.



with all the arrears to be paid in full which was done on 3rd April 1839.⁽⁹²⁾ Why the village of Navapura was considered so valuable by the British was because it being situated on a navigable part of the River Mahi and immediately adjoining the sea port of Cambay, it would have offered a favourable place of resort for smugglers if it had remained in private hands; this would have proved injurious for trade.⁽⁹³⁾

Second the village of Kamsari which had been assigned as Jat Tainat to Harehwar Trivedi in 1802.⁽⁹⁴⁾ was changed into an Inam grant in 1805⁽⁹⁵⁾ in recognition of his loyal services to the government. The Inam was to continue in his family alongwith the right of possession.⁽⁹⁶⁾

Besides the above type of Inams we find in existence another category which was made primarily to fulfil a certain purpose generally in terms of charity. For instance the documents speak of the village Valasan which was given in Inam to Ram Singh Barot of Dabhoi by Damaji Gaekwad in order to meet the expenses of giving daily food to men-

92. Ibid.

93. Ibid., 1834, No. 63/607, P.185.

94. Prant Ajmas Gujarat Rupal 113, P.A.

95. Ibid.

96. Ibid.

dicants and travellers.⁽⁹⁷⁾ This grant was continued by the Peshwa who issued a sanad to that effect ~~on~~ dated 16 September 1778⁽⁹⁸⁾ In the same sanad it was stated that the Kamavisdar and the Patel of the village who had hitherto begun to levy Rs.250/-, on the village, were to be prevented from doing so and the Inam to be continued as before. An Agya Patra dated 8 December 1768 records the right of possession and enjoyment being explicitly granted to one Narotam Das, grandson of the original grantee.⁽⁹⁹⁾

From the above few points of significance regarding Inam grants may be ascertained. There were several reasons for assigning a grant in Inam significant as well as insignificant, a policy which the British failed to fathom when they established their sway, and often thought that they had been given at the spur of the moment,⁽¹⁰⁰⁾ generally speaking they could be conditional as well as non conditional. Second the fact that Khusarvaji could ask and acquire a territorial change in his Inam holding shows that the holder did have a say in the choice of his Inam in terms of location. Third if not otherwise stated in the sanad, this grant was rent free. And when an

97. Ibid., Runpal 41, No. 12345.

98. Ibid.

99. Ibid.

100. S.R.B.G. No. CXXXI, New Series, P.2

attempt was made by the local potentates to unduly exact sums from this Inam village, the holder could always procure the authority of government to put a stop to such unauthorised levies. Fourth if due to unavoidable circumstances the holder failed to take charge of his Inam village, a deputy (Amakdar) could be appointed to manage the affairs on his behalf. For instance, Bayaji Naik Jondhle managed the revenue affairs of Khusarvaje for four years from 1804-08. What share of the revenue he appropriated for himself is difficult to say. His position on the whole seems to have been more of an intermediary. Fifth that the holder was to enjoy the right of possession was explicitly stated in the sanads, a right which seemed to have been greatly valued.

Sixth, and perhaps the most significant, was that this Inam was hereditary and was to continue from generation to generation (Poost-dar-Poost). This latter phrase does not appear to be a more form of expression in the Sanads. They were to be held in perpetuity in the family of grantee and were not subject to resumption by government.

It was on the above principle of holding the land in perpetuity that the holders of Inam lands in Gujarat, conceived that they possessed the right to dispose of their Inams either by sale, mortgage or otherwise at their plea-

sure without permission of government.⁽¹⁰¹⁾ The British appear to have been quite undecided regarding this right. It was felt that no change of names on transfers or sales could take place without the sanction of the government. However it was also clear that transfers when not brought to the cognisance of government were generally not interfered with.⁽¹⁰²⁾ This would mean that transfers took place at pleasure but government had to be asked before any alteration could be made in the government books. However this in no way proves by itself that government had the right to object to any transfers or sales of Inam lands. Thus there is no proof incompatible with the opinion that alienations of Inam lands were permitted. The crucial instance of sanction refused is entirely wanting in the records. It could have been possible that the principle of government's sanction was recognised in theory but was rarely worked out in practice.

With respect to the practice as regards the exaction of Nazarana on the sale or transfer of Inam the general opinion in the Surat, Broach and Ahmedabad Collectorates was that no Nazarana was due on such occasions.⁽¹⁰³⁾ Regarding the practice in the Kheda Collectorate it was

101. List No. 11, General Volume 3, P.A.

102. List No. 11, General Volume 3, P.A.

103. R.D.V. 1845, No.80, P.185.

difficult to say. Its collector Mr. Kirkland felt that this practice was followed in the Peshwa's Deccan dominions and perhaps the same practice might have obtained when the Peshwa's sway was first established in Gujarat, though it fell into disuse owing to the distance from the seat of government.⁽¹⁰⁴⁾

Regarding the right of widows to succeed to Inams there was no decided custom or rule but the right differed with the castes. The general custom that prevailed was that when an Inamdar died without male issue the widow enjoyed the Inam and on her death the nearest of her husband's kin succeeded to the Inam.⁽¹⁰⁵⁾ In some place the daughters right came next to that of the mother. When there were no direct heirs of the last holder of an Inam, Collateral heirs or anyone who could prove relationship either by consanguinity or affinity to the original grantee would inherit the property.⁽¹⁰⁶⁾ In absence of all kinsmen and connections, the property would revert to the state. However not a single instance was known of Inam

104. List No. 11, General Volume 3, P.A.

105. R.D.V. 1839, No.47/1010, P.30. By some it was felt that a widow had the right to mortgage the Inam land for charitable and religious purposes with the consent of the relations of her deceased husband, others felt that her right was equal to that enjoyed by her late husband. For reference see R.D.V. 1838, #3/903, P.58-59.

106. List No. 11, General Volume 3, P.A.

property having reverted to the state during the Maratha rule or under the British Government by failure of either direct or collateral heirs.⁽¹⁰⁷⁾

With regard to the management of the villages held by Inamdars (also Jagirdars which will be discussed later) we find that they considered themselves and were acknowledged by their ryots to be independent proprietors of their respective holdings who thus paid them implicit obedience.⁽¹⁰⁸⁾ The fields of the Inam villages were not subjected to a survey, nor was the practice to levy the rates of assessment of the surveyed villages on the Inami villages.⁽¹⁰⁹⁾ The rates of revenue assessment in villages held rent free and in Inam were left entirely to the discretion of the Inamdar,⁽¹¹⁰⁾ who could increase or decrease it. Thus when the ryot of an Inamdar was in adverse circumstances and unable to pay the full assessment be applied to the latter and a reduction was made in the rate of the recovery of the demand against him was delayed. The revenue for the current year was seldom collected by fixed kists or instalments. Balance on account of the current and previous years were realised

197. Ibid.

108. R.D.V. 1845, No.80, P.6.

109. Ibid., 1841, No. 56/1285, P.372.

110. Ibid., 1841, No. 56/1285, P.357.

as the means of the ryots admitted of.⁽¹¹¹⁾ Every effort appears to have been made to keep the ryot gratified with the view of keeping him on his holding. Thus these ryots, as well as those of other lands paying quit rent were generally better treated than those that paid their assessment to the government.⁽¹¹²⁾ The Ryot on being oppressed could migrate into another district and remain there until they received redress and made the holders accede to their terms.

The Jeewuck or life grants which the Inamdars issued to the members of their families lapsed to them on the death of the incumbents and the service lands were resumed and bestowed on others when the person holding it failed to perform the services required of him.⁽¹¹³⁾ Similarly they also granted passaita lands.

They kept few or no accounts and the system of passing receipts to ryots for sums received from them on account of their dues was not a regular habit.

The above was the system of revenue management of the Inami villages both under the Marathas and the British. It was found to work well and in the best interests of

111. Ibid., 1845, No.80, P.7.

112. Col. Walker, Op.cit., P.24.

113. R.D.V. 1845, No.80, P.8.

both the holder as well as his ryots. That the Inamdars under the Company's rule were averse to any innovation is clear from the fact that no commissions were applied for by the item under Act XIII of 1842.⁽¹¹⁴⁾ Section VIII of the Act which enacted that "the power conferred by such commission shall extend to the enforcement of the payment of the revenue of the current season and of the season next immediately preceeding, and not to that of former years,⁽¹¹⁵⁾ was chiefly objected to for it was felt by the holders that the ryots would then (after understanding the provisions of the act) refuse to pay the outstanding balances of former years which had been allowed to accumulate against them in consideration of their unprosperous conditions.⁽¹¹⁶⁾

On the whole we find that the Inami lands were managed by the proprietors in a manner best suited to their interests as well as the custom prevalent in the particular holdings. Direct interference on part of the ruling authority was thus disapproved by the holders.

The details enumerated above enable us to draw the

-
114. This Act was apssed in order to enable the Inamdars or Jagirdars to have increased powers for collecting their revenue on being issued commissions by the Governor-in-Council of Bombay. For reference see Bombay Regulations Publication No. 1934, P.534.
115. Ibid., P.536.
116. R.D.V. 1845, No.80, P.10.

essential distinguishing features between a Dumala Inam and a simple Inam. A Dumala Inam was a temporary grant and subject to resumption by government, an ordinary Inam on the other hand was a permanent grant and was to be held in perpetuity. The former was not always hereditary while the latter was; again the holder of the latter enjoyed the proprietary right as well as the right to alienate, sell or transfer any part of his holding to any person. This was however not the privilege of the holders of the Dumala Inam. What needs to be examined still is the policy of the Mughals towards such grants,⁽¹¹⁷⁾ in order to understand the continuity and change in the character of this tenure.

Wajifa - Wajifa lands were originally those which had been granted by the Mughal ascendancy for the use of Muhammedan shrines and it's religious persons.⁽¹¹⁸⁾ Gradually the term came to be extended to include all grants made by the ruling authority for the maintenance of charitable and religious institutions as well as those made to individuals whether from charity, favour (for instance in consideration of money advanced) or reward for services. Generally these grants were made without any conditions

117. Both Irfan Habib (op.cit.) and N.A. Siddiqui, (op.cit.) who have dealt with the Madad-i-mash grants under the Mughals in their respective works have little to say on the problems in which we are interested.

118. Alexander Mackay, Op.cit., P.68; G.W. Forrest, Mounstuart Elphinstone, P.472.

except in certain cases wherein a part of holding was to be applied to charitable uses,⁽¹¹⁹⁾ this condition being specified in the grant. In the Kheda Jilla, such Wazifa grants were neither numerous nor very extensive. In the portion of the Dascroi Parganas situated in this Collectorate we find two villages held as Wazifa by Syeds viz. Kojar on the Kharee river and Sarsa near the town of Kheda; the proprietor of the latter in 1826-27 was Enam Buks of Ahmedabad the 12th in descent from the Mughal Emperor Shah Alam.⁽¹²⁰⁾ Sarsa paid a quit rent of Rs.51. but Kojar was exempt from payment.

The Wazifa lands like those under the Inam tenure were hereditary and the holders enjoyed the right of alienation. It appears to have been usual under the Mughals that the parties designing to sell their Wazifa lands had to obtain the consent of government prior to every transfer.⁽¹²¹⁾ However under the Marathas and then the British this rule was seldom adhered to. And like in the case of Inam grants, the Wazifa lands were sold, mortgaged or transferred without the sanction of the government being asked for. By the first half of

119. R.D.D. 1817, No.122, P.4624-25.

120. S.R.B.G. No. XI, P.130.

121. List No.11, General Volume 3, P.A.

the 19th Century, few of the heirs of the original grantees were in possession of the lands given to their ancestors. For, most of these possessions had been alienated by sale or mortgage or lost by encroachment and usurpation; some of these were subjected to assessment thus losing their character of rent free lands. (122)

Wanta Land - Wanta Lands were originally a fourth of the lands of each village left or restored by the Mughal government to the Rajput Chief (Grassia) who were considered as the original proprietors of the villages. They will be examined in detail in Chapter VI. Suffice is to say here that the Wanta lands by the first half of the 19th Century had been greatly reduced by the sale, mortgage or encroachments and they thus instead from being a fourth to the Talpad tenure were far less in proportion. (123)

Sir Jamin - Another tenure directly related with that of the Wanta is Sir Jamin. This included land granted by the owner of the Wanta to his wife and continued to be held by her descendants, though the rest of the Wanta had escheated to government. (124)

122. East India Papers, P. 472; R.D.V. 1822, No.4/28, P.24.

*23. East India Papers, P.471; Alexander Mackay, Op.cit., P.67.

124. East India Papers, P.473.

Malik Nakroo - Malik Nakroo includes the lands of the Maliks of the Barragam district in the Thasra district and were held rent free. They will be examined in detail in Chapter VI.

Koowetur Passaita - This tenure originated in a custom which obtained in some villages of granting a specified portion of land rent free or on a quit rent, as a remuneration for having dug a well either for cultivation purposes or for the use of the village.⁽¹²⁵⁾ The quantity of land thus granted varied depending on the expenditure incurred on the well. Such lands were to be enjoyed according to the condition of deeds under which they were held.⁽¹²⁶⁾

Haria - Haria were lands granted to persons who on their village or a neighbouring village being attacked had repaired to its assistance and had been killed.⁽¹²⁷⁾ Lands on this tenure were therefore granted to by way of pension to the family of the deceased. In the Broach Collectorate they were given to those who had been killed in dispute between the government and Grassia villages.⁽¹²⁸⁾

125. R.D.V. 1822, No.4/28, P.14; G.W. Forrest, Mounstuart Elphinstone, P.472.

126. What these conditions were is difficult to specify now due to lack of adequate information.

127. East India Papers, P. 472; R.D.V. 1822, No.4/28, P.9.

128. Vaze's Manual Section II Part 3B, P.A.

Sometimes it also happened that the assailants of a village though criminal aggressors, often exacted Haria lands forcibly as a compensation to the family of any of their party who might have been killed in the action. However, properly speaking, lands granted for the support of the family of those who had been killed beyond the boundaries of their estates while attacking another village, were termed Ranwatia.⁽¹²⁹⁾ Haria lands might therefore be said to apply to those who had been killed in the home service or defensive operations of the village; while Ranwatia applied to those who might have been killed in 'foreign' service or in offensive operations.

Pallio - Pallio were lands granted to Bhats, Brahmins, and other religious persons who had killed themselves by traga or any of their relations, in the cause of the village.⁽¹³⁰⁾ When on account of any debts or disputes or security connected with the Patels, the religious persons were forced to commit Traga, the field in which they were burnt was claimed by the family of the deceased. This was usually conceded and a Pallio or stone monument as a record of the occurrence, was erected in it. This grant was therefore termed Pallio Zamin.

129. See Note 130.

130. Ibid.

All the above three grants were made from the government lands by the Patels and Patidars and they either paid a quit rent (salami) or were rent free (Nakru).

Pagia, Barria and Koliapa were lands held by Kolis, similar to the wanta held by the Rajputs and asserted to be so by its proprietors.⁽¹³¹⁾ However the general opinion was that most of them were usurpations resultant of the slackness of the village authorities and were only clothed under the respectable semblance of Wanta. In illustration of this we may observe that it was a common practice ~~under the native rule~~ for a Koli to pay rent on a field leased to him by a Patel for the first few years and to then diminish the amount gradually either making it rent free or subject to a quit rent. Finally the Koli would assert that he had either acquired it by sale or mortgage or that it was his family inheritance or 'Bapeeta'. Demonstration would have yielded nothing and through fear of aggression seldom did any one dare to interfere. Thus after a passage of time the Koli could assert that his ancestors had been the original proprietors of the said land.

Apart from this, there was another view of the origin of the tenures held by the different Koli tribes but principally by the Pugges. According to this, the lands in

131. Ibid.

question were first assigned to the Koli holders as a remuneration for providing protection to the village and for tracing footsteps of the robbers. In many cases they were retained by their holders who with the passage of time not only neglected the conditions on which such lands had been granted but even disputed or denied such conditions.⁽¹³²⁾

Dabania - includes all those lands which had been acquired by usurpations or encroachments.⁽¹³³⁾ Such lands were often held either by the more refractory classes or by the religious orders and had been acquired by open usurpation or by insidious and gradual encroachments and had been retained either under the influence of threats of injury to Patels or of the ~~Ecom~~mission of Traga till the precise time of the usurpation had often been forgotten.

Passaita - includes lands granted to two different categories of people - one to the district and village officers like the Desai, Amin, Patel, Carpenter, Blacksmith and other village artisan; the other embraced lands that had been granted to Bhats, Charans, Brahmans fakirs and other Hindu religionists as well as to temples, mosques. The first category will be dealt in detail in Chapter IV and Chapter VII respectively. The second category greatly attracted the attention of the British and their policy

132. R.D.V. 1822, No.4/28, P.14.

133. Ibid., P.17.

towards these and the other alienated lands will be discussed later.

Coming to the last category of Land alienations, mention may be made of the Vechan and Girania lands. These were partly the indirect result of the injudicious assessments and exorbitant demands of the government. The Patels on being oppressed, were compelled to sell or mortgage the lands of the government to fulfil the demand of their intermediaries or State. How far they had a right to dispose of government land in this way is difficult to say. The fact does remain that a considerable quantity of land had been sold and mortgaged by the time the British assumed power in Gujarat in the early years of the 19th Century. For instance in the Pargana of Nadiad itself over 5000 beeghas had been disposed of as above in 1803.⁽¹³⁴⁾ This of course entailed a considerable loss of revenue for the state exchequer. The British, whose maxim was to increase revenue, were highly sensitive to these and made attempts to resume them. Their policy will be discussed in detail later. Here, it would be relevant to discuss the different ways that were followed in selling or mortgaging land. They were generally so disposed by the Patels and Patidars them- to manotidars, creditors or grassias; in some cases, however, this alienation took place under the authority of

134. R.D.D. 1803, No.38, P.873.

the sarkar.⁽¹³⁵⁾

Vebhan applied to all lands which had been sold and thus for ever alienated from the control of the party selling them.⁽¹³⁶⁾ For, the sales were made without reserve and in entire resignation of all the rights claims and titles of the seller.

Girania were lands that had been mortgaged and of these there were four types :

(a) Simple Girania - which stipulated that the mortgagee was to possess the rights of proprietorship and thus enjoy the produce of the land till the money advanced by him had been repaid by the mortgager.

(b) Waladania-Girania - implied that the produce of the land was to be appropriated by the mortgagee till the debt was repaid with interest, after which the field was returned to the owner.

(c) Udara-Girania - where the land was to be held only for a fixed period - thus the land was to be released with in a certain period of time as specified in the bond with-

135. Col. Walker, Op.cit., P.6.

136. R.D.V. 1822, No.4/28, P.3; R.D.D.1820, No.157, P.4124-4125; Alexander Mackay Op.Cit., P.68; G.W. Forrest, Mountstuart Elphinstone, P.472.

out reference to the returns to the mortgagee who had no claim of any kind whatever after the expiration of the specified term.

(d) San-Girania - where the land was not to be taken possession of until the mortgager had failed in his stipulated payment. Here the property designated in bonds of this description was assigned in pledge or security, but without occupancy, for the money borrowed. This land was cultivated and otherwise retained under the control of the owner and the produce applied by him as he chose, provided that he discharged the condition of the bond. On failure of fulfilling these conditions the property which he had pledged was liable to attachment by the mortgagee.

Vechan and Girania lands were held rent free or paid a quit rent which never exceeded Rs.2 per beegha,⁽¹³⁷⁾ in the Kheda Collectorate. The rates at which the land was mortgaged was generally Rs.5 per beegha and sold for Rs.9 to Rs.18 per beegha.⁽¹³⁸⁾

Saranjam :

In the second category of alienations we will include those lands or villages the revenues of which had been assigned as a remuneration for service and were known as

137. Col. Walker, Op.cit., P.24.

138. Vaze's Manual, Section II, Part 3, P.A., P.1805.

Saranjams.⁽¹³⁹⁾ It was the practice under the Mughals to pay their officials by assigning the revenues of different tracts of land to them, as well as entrusting them with the power requisite to enable them to collect and appropriate the revenue. Such assignments of revenue were termed as Jagirs. A Saranjam comes closest to this Mughal concept of Jagir. In fact some have even stated that there was practically no difference between a Jagirdar and Saranjamdar and these terms had become convertible.⁽¹⁴⁰⁾ How far this was correct has yet to be determined.

A Saranjam was generally speaking a temporary grant of land from the ruling authority, the revenue of which was assigned to the grantee to enable him to maintain a contingent of troops for military service as well as to support himself and his family. Considering the nature of assignment, a Saranjam was divided into two, i.e. Fauj Saranjam and Jat-Saranjam. The former was for the maintenance of troops and the latter for the grantee's personal maintenance. The Saranjams varied in size and character as well as in importance, the difference in the value of each being generally due to the difference in the value of

139. The term Saranjam is of Persian origin implying apparatus, provisions, furniture, materials what is essential to any undertaking. For Reference see Wilson's Glossary, P.465.

140. Vaze's Manual, Vol. I, P.10.

the personal allowance granted to each assignee.⁽¹⁴¹⁾

On the basis of the documents at our disposal we can cite two instances of villages being assigned on Jat Saranjam. In the first instance the villages of Hadgud and Sandesar were assigned to one Vithal Rao More-shwar Golay as his Jat Saranjam in 1779 A.D.⁽¹⁴²⁾ Vithal Rao was a Majumdar in the city of Ahmedabad and these two villages were assigned to him to meet the expenses incurred by him in his position of a Majumdar.⁽¹⁴³⁾ In 1798-99 these villages were resumed from him and attached by the government.⁽¹⁴⁴⁾

In the second instance the villages of Bakrol, Mogri, Josikua were assigned to Ram Chand Baswant and Sahmjee Jeevaji in 1762-64 yielding a revenue of Rs.20,000.⁽¹⁴⁵⁾ In 1763 they were brought under sequestration⁽¹⁴⁶⁾ and again reassigned to Ramchand Baswant in 1793.⁽¹⁴⁷⁾

141. S.N.Sen, The Military System of the Marathas (Calcutta, 1958) P.49-50.

142. See reference 73.

143. R.D.D.1820, No.150, P.528.

144. Commissioner C.D. Gujarat General Rural 16, P.A.

145. Prant Ajmas Gujarat Rural 113, No.20. P.A.

146. Ibid., Rural 41.

147. Jamav Gujarat Rural 25, P.A.

A close examination of the sanads and letters relating to the above assignments reveal a few characteristic features of Saranjams in general. They were assigned either on performing public or military service and were not hereditary or permanent, as the terms underlying such rights not being mentioned in the Sanads at all. They were regarded rather as a temporary assignment, in lieu of salary, of the government revenue in a certain village or region rather than as a permanent alienation.⁽¹⁴⁸⁾ They, in theory, could be resumed at the will of the ruling authority or when the service terminated. Generally both the Jat and Fauj Saranjams were given together to the assignee for if he had been assigned only a Fauj Saranjam it would have created difficulties for him to maintain his family and himself.

The Maratha practice of Saranjams bears a similarity^{ly} to its Mughal counterpart of Jagirs in another way. As we all know, the Jagirdars under the Mughals, were mansabdars. The Mansabdars enjoyed a dual rank - Zat and Sawar while the pay of the first tank was chiefly meant to provide for the maintenance of the Mansabdar and his family, payments of the Sawar were meant to meet the expenses of

148. Vaze's Manual, Vol. I A, P.4.

his contingent of troops.⁽¹⁴⁹⁾ The same institutional concept of Zat and Sawar was promulgated by the Marathas under the Jat and Fauj Saranjams. What still remains to be examined is the operational aspect of the Saranjamdari or Saranjam system, for which at this stage we lack sufficient data.⁽¹⁵⁰⁾ In the Maratha controlled territories in the Deccan there was a class of civil officers known as darakdars who supervised the working of the Saranjami lands.⁽¹⁵¹⁾ However, the system which the Marathas adopted in Gujarat needs to be examined further.

This practice of assigning Saranjams existed under the Marathas only. And even a majority of these had been sequestered by the early years of the 19th century. Thus, we have a report of the year 1850 stating that at that time no Saranjami tenures existed either in the Ahmedabad or the Kheda Collectorates.⁽¹⁵²⁾

So far we have discussed only those alienations which were made in land. However alienations made in money were also quite well known and we may here study two types of such alienations. One is Toda Grass or Grass and the second Devasthan and Dharmadaya allowances.

149. M. Athar Ali, The Mughal Nobility under Aurangzeb (Bombay, 1966), P.39.

150. Irfan Habib, Op.cit., P.274. He gives the administrative machinery established in the Jagir lands under Mughals.

151. S.N. Sen, Op.cit., P.51.

152. R.D.V.1850, No.212, P.55.

Grass or Toda Grass, will be dealt in detail in chapter VI. Suffice is to mention here that the above denominations applied to such lands or money given to Grassias in consideration of forbearance or protection or both whether the Grassias were residents of the village or not. The amount of the Grassia's allowance was generally proportionate to the awe which he or his ancestors had been able to inspire or to the injuries or atrocities which they might have committed.⁽¹⁵³⁾

The Devasthan and the Dharamdaya allowances were those grants made for religious and charitable purposes. The former were allowances in cash (or kind) or land assigned for the support of different temples situated in the village or at places of pilgrimage. In some cases, the parties that benefited were the officiating priests who lived upon the proceeds of these allowances.⁽¹⁵⁴⁾ In other cases, the allowances were paid for poojas to be performed in the temples⁽¹⁵⁵⁾ or for occasional religious ceremonies.⁽¹⁵⁶⁾

153. R.D.V.1822, No.4/28, P.11.

154. List No.11, Ahmedabad Vol.27, P.A.

155. R.D.D.1804, No.43, P.1708-1710; R.D.D.1807, No.55, P.44-46; Ibid.,1815, No.98, P.582.

156. See Note 154.

These grants were generally hereditary it being stated in the Sanads that the allowance was to be continued to the descendants of the present grantee.⁽¹⁵⁷⁾ These allowances were either in money or in kind such as rice, sandalwood, ghee, etc., if in money, they were derived either from land revenue or customs.

This last characteristics applied to Dharamadaya allowances as well. They were generally granted by the Patels and could be conditional as well as non conditional. If conditional, they were usually for charitable purposes like supplying water to travellers and even insignificant like those for feeding dogs and filling water brought for the village cattle.⁽¹⁵⁸⁾ They were hereditary and were to be continued from generation to generation. They were paid yearly or daily or even monthly.

The British, on acquiring power in Gujarat discontinued a number of these allowances, only those who could prove their grant by means of sanads were permitted to enjoy these allowances.

Apart from these, mention may be made of payments made under the head of Kothlee santh. Kothlee means a bag or purse and santh means rent. Thus Kothlee-Santh would signify rent paid from the government treasury or

157. R.D.D.1804, No.43, P.1710.

158. See Note 154. Also Prant Ajmas Gujarat Rumal 113.

purse or the public revenue to private individuals.⁽¹⁵⁹⁾

In fact, it was a sort of compensation paid in cash annually for lands resumed by the Government in Gujarat.⁽¹⁶⁰⁾

Captain Robertson, Collector of Kheda in a report addressed to government dated 10th October, 1819 (No.250) has given quite an intelligible account of the origin of the Kothlee Santh payments.⁽¹⁶¹⁾ He states that the practice of paying Kothlee Santh appears to have originated in the time of the Marathas when the revenue management of the village was usually in the hands of the Patels. The lands disposed of by the Patels were often managed by themselves with the other government lands and a part of the produce or a fixed annual rent or a rent varying according to the extent of cultivation was paid to the parties to whom the lands had been alienated. Each such payment made from the gross revenue collections was called a Kothlee Santh.

Kothlee-Santh allowances were granted sometimes in lieu of Wanta lands. This happened when, from the proprietors of such lands residing in other villages and thus being unable to attend to the Wanta lands themselves, these

159. List No.11, Gen. Vol. 6, P.A.

160. Vaze's Manual Sect. III Part IIB, P.4195. Aida allowance in Surat was granted in lieu of Wazifa lands and was the same as Kothlee Santh.

161. Ibid., P.4195-4206; List No.11, Gen. Vol. 6, P.A.

were leased to the village for an annual fixed sum or for a certain rate per beegha depending on the area of land cultivated.

Beside the above, annual remissions were sometimes granted to the Narwadars on their representation showing inability to pay the amount of their ankras in consequence of the inferior quality of some of the lands included in their shares. These remissions, later on came to be entered as Kothlee-Santh payments in the revenue accounts.⁽¹⁶²⁾

In Khatabandy villages also, sometimes remissions as above were given to Khatadars and these too came to be entered as Kothlee-Santh payments. In some cases remissions were allowed annually to a Khatadar in consideration of a portion of alienated land belonging to him being included in his Khata. These were also treated as Kothlee-Santh allowances.

There were also instances of allowances granted by the Patels under the denomination of Kothlee-Santh without any reference to land.

162. The documents at our disposal speak of a case in which a portion of land being the subject of a boundary dispute between two villages, a settlement was made according to which the disputed land was included in the limits of one of the village and a Kothlee Santh payment allowed to the Patidars of the other the latter being a Narwa village. For reference see List No.11, Gen.Vol.6, P.A.

Of the settlement of these allowances there appear to have been no records forthcoming of the Maratha administration.⁽¹⁶³⁾ At the introduction of the British rule no detailed enquiry seems to have taken place. When the Talati Regulation came into operation, most of the alienated lands were resumed by government in commutation of Kothlee-Santh allowances. However these commuted money payments were not fixed on any regular principle but generally at the discretion of the Mamlutdars, the revenue farmers and even Muttadars who resumed the lands on their own authority and engaged to pay a certain sum yearly to the owners; but it does not appear whether they satisfied themselves of the validity of the titles or tenures under which these lands were held previous to fixing the money payments.⁽¹⁶⁴⁾ The grantees, on their part, consented to such an arrangement for they feared that a detailed enquiry would deprive them of whatever compensation they might receive from government. The payments fixed during the ^{former} ~~native~~ governments were generally continued.

163. Some of the Sanths fixed in the early years of the British Government appeared to have been fixed on account of land held on invalid titles on which account sometimes the land was entered to be enjoyed free or paying very light rent for a few years. In other cases, the land was entered as Salamee and Kothlee Santh fixed for a certain number of years. However most of these proceedings are not forthcoming and thus it is impossible to know the exact grounds of the settlement. For reference see Ibid.

164. R.D.V.1848, No.166, P.265.

The amount of lands entered as Santhlee in the records of the Kheda Collectorate measured about 50000 beeghas in the 1840s.⁽¹⁶⁵⁾ These lands paid a full assessment to government and for these, their original owners received Rs.32988.9.7 yearly from the government as compensation.

Generally speaking, the government stood to benefit by this system as the amount of revenue yielded by the Santhlee lands was far greater than the amount annually disbursed as Kothlee-Santh to their former owners.

Our above study has shown that there were several ways of alienating the public revenue - by land as well as money. Also that alienations were made for any number of reasons - They could be conditional or non-conditional hereditary or non-hereditary, rent free or paying a quit rent. The principles underlying them also differed. Presumably the Peshwa by granting Inams in Gujarat must have hoped for a body of loyal supporters in this part of the territory, distant from his home, especially when his relations with the Gakwad were not always friendly. In direct contrast to such grants we have discussed Saranjams or assignments made in form of revenue in lieu of salary. The Maratha system of assigning Saranjams does not appear in the nature of an innovation. The relations between the Mughal Jagir vis-a-vis the Maratha Saranjam and Zat

165. Ibid.

and Sawar ranks vis-a-vis the Jat and Fauj Saranjams shows that in such matters, the Marathas to some extent followed the policy of the Mughals.

The alienations were generally recognised either by writing or long enjoyment. And amongst the people they gave to the owners a degree of consideration in accordance to their extent and value. Those alienated by government included Wanta, Wazifa, Inam, Saranjam and Maliki and also a small quantity of Passaita. The sign by which this power was recognised in the Maratha rule was by the Parwana of the Kamavisdar having the Mutalik seal affixed to it.⁽¹⁶⁶⁾ The Kamavisdar on his part could not give away lands without the government order which was known as parwana from the prince.

For granting the rest of the alienations the Patels were fully empowered to do so.⁽¹⁶⁷⁾ When the alienations were made in writing, such writings were known by having the signature of all the principal Patels of the village attached to them. If there was no writing, the right was supposed to depend upon length of enjoyment though in reality it depended on the desire and power of the Patel to resume the land.⁽¹⁶⁸⁾ Indeed the Patels

166. Vaze's Manual, Section No.II, Part 3A, P.A.

167. R.D.V.1821-22, No.21/45, P.789-790.

168. Ibid.

enjoyed a significant position in matters of alienations. Thus the opinions expressed by the early Britishers in Gujarat that the Patels had no authority to grant such alienations does not seem correct.⁽¹⁶⁹⁾ However that the Patels abused this power, does remain a fact.

To meet the exorbitant demands for revenue under the Marathas, the Patels were forced to alienate a large number of lands (probably that held by themselves and also that held under government) by sale or mortgage. However inspite of this when they failed to collect the required amount of revenue, they were forced to make up the whole demand by assessing veras on themselves. Thus the Maratha system of realising the revenue without enquiring into the details of the constitution was effective in forcing the Patels to make up the whole demand by assessing veras on themselves and thus collecting a sum equal to that which would have flowed from the sources of revenue which they had alienated to themselves or others.⁽¹⁷⁰⁾

In many cases, the Patels also pretended to dispose of lands under Vechan, Passaita and other tenures to people who were only tools in their hands and who only held,

169. R.D.D.1805, No.48, P.1938.

170. R.D.D.1820, No.157, P.3972.

to carry on the deceit, a possession of the lands for a few years, after which a surrender was made on a pretended repurchase which was given out to be made with the private funds of the Patel who entered into and held possession on this alienated tenure.⁽¹⁷¹⁾

In other cases the Patels registered the names of persons belonging to the religious classes as the owners of alienated land held rent free or subject to the most trifling quit ~~rent~~, while in reality all that these owners received was a very small acknowledgement for the use of their names, from the Patels who under the cover thus afforded to them cultivated the land themselves, pretending to be tenants of the owners while in actual fact they were the profiteers.⁽¹⁷²⁾

British Experiments :

By the beginning of the nineteenth a great deal of land came to be regarded as alienated. Maximisation of revenue was the prime objective of the British (the successors of the Marathas in Gujarat), the achievement of which urged them to explore the different areas of economy. The area of alienations was considered a lawful source for increasing the revenue of the government.

171. Ibid., P.4132; R.D.V.1822, No.4/28, P.20.

172. List No.11, General Volume 6, P.A.

And thus it could not escape the eyes of the British for long. Their aim in this field appears to have been the continuance of all legitimate claims and resumption of all 'unauthorised grants'. In pursuit of this aim a series of regulations was issued.

Reg. IV of 1812 A.D. provided for a register being kept of all the sales and transfers in the collectorates. However as far as mortgages were concerned, it was left optional with the parties to register their lands or not.⁽¹⁷³⁾ The effect produced by this regulation was but of limited extent precisely because it failed to cover those lands which were partially exempted from payment of revenue. Thereafter, Regulation III of 1814 A.D. was passed which authorised the Collector to institute suits in the Civil Courts for the recovery of alienated lands, held under illegal or invalid titles⁽¹⁷⁴⁾ since the date of the cessation to the British. That most of the cases were decided in favour of government is evident from the fact that out of the 102 cases submitted in 1818 A.D. by the Collector of Kheda, 99 were decided in the government's favour recovering 671 beeghas of land⁽¹⁷⁵⁾ yielding a yearly rent of

173. R.D.D. 1812, No.81A, P.30.

174. Ibid., 1815, No.98, P.751.

175. Ibid., 1819, No.142, P.2091.

Rs.1571.2.0. As prescribed by section XIII, Regulation III 1814, on the above recovery of lands the Collector was authorised to draw Rs.392.2.50 as his commission.⁽¹⁷⁶⁾ The above regulation also provided for the registry of all grants for exempted lands.⁽¹⁷⁷⁾

Thus we find that till the 1820s a sort of a middle course appears to have adopted in the Ahmedabad and Kheda Collectorates. Alienated lands were either assessed at a very nominal rate or recovered after suits in the civil court and entered as government property or else they were permitted to be enjoyed by the holder.⁽¹⁷⁸⁾ Usually, when they were entered as government property, Kothlee Santh was paid to the owners.

From Table No. 24, it is clear that inspite of the above attempts about 51.75% of the land was still held as alienated. Amongst these, the largest number of alienations were made under Vechania tenures, the largest quantity of these being located in the Mahudha Pargana. The Brahmins and Bhats enjoyed more than half of the land that was alienated while Rajputs and Kolis enjoyed 66% of the lands paying quit rent. (Table No.3)

176. Ibid.

177. Judicial Department Diaries, 1818, No.101, P.789.

178. List No.11, General Volume 3, P.A.

Thus in 1823 A.D. a Regulation was passed which rendered the resumption of lands by government an easy task.⁽¹⁷⁹⁾ Lands which were alienated under documentary proof were permitted to be enjoyed by the holder. Where land was not enjoyed under a deed of writing, but had been alienated for more than 60 years under a tenure recognised by the custom of the country (Vechan and Girania tenures not being recognised) it was to be continued.

Lands which had been alienated for religious and charitable purposes, were liable to be assessed if the conditions of the grant had not been fulfilled. The Bhats and Brahmins were to be leniently dealt with by the grant of long leases on light rents.⁽¹⁸⁰⁾

In accordance with the above, the Collectors of Ahmedabad and Kheda directed the immediate and eventual resumption of alienated land chiefly Vechan and Girania.

Regulation of 1823 was followed by Regulation XVII of 1827, which, briefly speaking, was also favourable for the resumption of lands that had been alienated. It was in the parganas of Petlad, Mahudha, Matar and Nadiad of the Kheda district that the maximum resumptions took place.

179. Bombay Regulations Publication No. 19312.

180. Vaze's Manual, Section II, Part 3 P.P. 1846-1848; List No. 11, General Volume 3.

It may be mentioned here that enquiries into the alienated holdings of Gujarat did not take place only under the British. Under the Maratha Government too scrutinies had been instituted to recover the government land. In such cases it was customary to pay the holders two thirds or three fourths of the money paid or advanced. This repayment had been regulated by circumstances such as the length of time for which the party had enjoyed the land, the manner in which he had come into possession of it and the profits he might have enjoyed during that period.⁽¹⁸¹⁾

Similarly, while under the sway of the Peshwa the Bhats of Nadiad had been ordered to pay revenue to the government in 1775,⁽¹⁸²⁾ they refused to do so and when compelled they killed one another amidst savage protests. Thus the attempts of the British to resume or assess alienated lands in accordance with the rules of the Regulations were in no way an innovation. Lands which were resumed were subject to a moderate rate of assessment.⁽¹⁸³⁾

But before any resumptions of holdings could take

181. Col. Walker, Op.cit., P.24; List No.14, Kaira Rumal, P.A.; R.D.D. 1803, No.38, P.873.

182. James Forbes, Op.cit., Vol.I, P.378.

183. R.D.V. 1828, No.8/214, P.237-245. The rates of assessment differed with the caste and circumstances of the holders.

place, a notice had to be issued on the holder of the land calling on him to prove the validity of his title within a certain period of time.⁽¹⁸⁴⁾

However the measure for the resumption of alienated lands in the Kheda district produced most unhappy and unlooked for effects.⁽¹⁸⁵⁾ In fact it came to be regarded as one of the most unpopular measures undertaken by the British Government in Gujarat. These resumptions particularly affected the religious and the turbulent classes viz. the Bhats, Charans, Mehwasees and Kolees, these sects being possessed of extensive lands under the Vechan and Girania tenures (tenures, which as have been mentioned earlier were not recognised by the Regulations). All these produced a very general feeling of discontent.

The Bhats of the ~~Qasba~~ ^{Qasba} of Mahudha and those of the village of Anana in Alina Pargana, in protest of their lands being assessed in 1827 resorted to acts of violence. They refused to pay the revenue levied on their lands and instead performed ghastly acts of burning their women folk.⁽¹⁸⁶⁾ Help was secured from the military to subdue this uprising. Though the British administrators did report that the

184. List No. 11, General Volume 3; Bombay Regulations, Op.cit., P. 214-218.

185. R.D.V.1830, No.12/293, P.122.

186. Judicial Department Volume, 1828, No.15/162, P.74.

resistance of the Bhats had died down, this class of people remained unsubdued and disobedient to the rules of the government. This is made clear by the fact that even after four years⁵ had passed since the assessment of their lands, the Bhats had not paid a single penny to the British government.⁽¹⁸⁷⁾ The rigid operation of the law in a great measure frustrated and reduced a great proportion of the Bhats not merely to distress but in numerous cases ~~to~~ absolute pauperism,⁽¹⁸⁸⁾ as they were incapable of obtaining a livelihood.

To pacify the popular clamour that was raised against resumption Mr. Lumsden was appointed in 1830 to revise all the proceedings.⁽¹⁸⁹⁾

It were the Vechan and Girania lands which received the special attention of Mr. Lumsden. In this enquiry, Mr. Lumsden does not appear to have taken up any new cases but simply to have recovered and modified the decisions passed earlier in some hundred of cases and treated the holders of the lands with greater leniency.

His first report was dated 29th November 1830 and his proceedings therein were generally approved by govern-

187. R.D.V.1831, No.42/369, P.181.

188. Ibid., 1830, No.8/288, P.195.

189. Ibid., P.201-203; Vaze's Manual, Section II, Part 3D, P.1851-1853.

ment. To allay the fears of the holders of lands sanads were issued by him to those whose lands had been continued permanently to them and to their heirs.⁽¹⁹⁰⁾ However, the government was given the power to object to sales and mortgages of such lands.

With regard to the Vechan and Girania lands Mr. Lunsden issued a proclamation dated 28th May 1831 for the Collectorates of Ahmedabad and Kheda,⁽¹⁹¹⁾

i) All Kolis, Rajputs, Sepoys and other warlike castes as well as Brahmins and others who holding no land for cultivation from government but possessing Vechan Salamee land whether resumed or otherwise, were not to retain such lands for ever and the Salami on these lands was to be paid from 1831-32 A.D. as formerly.

ii) Patidars, Kunbis and other Ryots who cultivated government land as well as held Vechan Salami land, the settlement of this was to be amalgamated with that of their government land.

iii) These orders were only applicable to those persons who possessed Vechan Salami lands from the time of the ^{former} ~~native~~ governments and not to those who had obtained

190. R.D.V.1831, No.49/376, P.23.

191. Ibid., 1840, No.108/1192, P.137-140; List No.11. General Volume 3; Vaze's Manual, Section II, Part 3D, P. 1858-1860.

similar lands during the British government.

iv) Vechan Salami lands on which a Swadéa or any other tax was levied according to the custom of the village was to continue as before.

v) Lands entered on the public records as Vechan Salami during the British Government but were actually Nakru or rent free on account of they being Passaita, Wanta etc., the holders of such lands were to make good their claims within one year of this proclamation and in support of their claims exhibit all grants and documents.

vi) These rules were not applicable to those lands which were frequently held under any free tenure since the British Government established its rule in Gujarat.

vii) Vechan and Salami lands were to be settled as above but if any person disposed of or mortgaged his Vechan Salami land to another it was to rest with government to recognise it or not.

viii) Such Vechan Salami lands as had been redeemed by government by a money payment would, if the original holder wished to retake it, be given back on the amount paid by government being refunded and would be continued to the holder in the manner aforesaid. However, if the money was not refunded then the land was to remain in the possession of Government.

Regulation X of 1831 placed Vechan and Girania among authorised tenures and this had a retrospective effect. Thus in the 1830s we find, that number of decisions passed by former officers were reversed and modified -

- a) By Mr Bumsden himself.
- b) By reason of the proclamation issued by him.
- c) By applying the provisions of Regulation X of 1831.

It may be mentioned here that the decisions passed were of various sorts. In some cases the land was granted for life, in others for a certain number of years, in others a light assessment was to be levied for a certain time varying from 1 to 20 years after which a higher assessment was to be realised while in others the land was to be resumed on payment of a certain sum from the government.

Special attention was paid to the lands held by Bhats and the government in a letter dated 26 December, 1831, authorised the collector of Kheda to remit all assessment on their holdings, such holdings which could not be proved to have been usurped since the accession of the British Government. (192)

192. Vaze's Manual, Section II, Part 3D, P.1863.

The regulation of 1831 had its effect on the tenures which continued under dispute on account of British policy towards such lands namely Vechan and Girania. However with the promulgation of this act these holding got legal sanction.

The Regulation VI of 1833, in the favour of the holders of lands was passed. This reduced the period of enjoyment of alienated lands from 60 (as enacted by the Regulation of 1823) to 30 years. This time limit had been made to stake a claim for prescriptive right in the holdings. However the above mentioned regulation was favourable for the restoration of the lands resumed earlier.

Thereafter the transit and town octroi duties were abolished throughout India by Act I of 1838 and Act XIX of 1844 respectively, with little reference to the numerous stipends and payments dependent on these sources of revenue. These payments amounted to quite a considerable sum and it was decided by government to compensate the holders of such payments by means of allowances.⁽¹⁹³⁾

The hereditary proprietors such as Jagirdars, Saran-jamdars and Inamdars were to receive at their option a life grant equal to the amount of their average net annual income or a bond for 10 times that amount bearing 10 per cent

193. Ibid., P.7024-7070.

interest redeemable at the pleasure of government without notice. Those that were not hereditary were to be compensated by an annual payment for life equal to their average net annual income subject to an abatement in consideration of any service that the government might claim.

Grants to temples, masjids and other public institutions were to be adjusted by the grant of a bond bearing 10 per cent interest for ten times the amount of net income, the bond to be redeemable at the pleasure of government without notice.⁽¹⁹⁴⁾ Hereditary grants to individuals without any condition of service were to be compensated in the same way as the preceding one. Grants to individuals with or without any condition of service but not hereditary were to receive annually at the option of government the average amount of their net annual income for life or to have their claims adjusted by a money payment.

Conclusively speaking, the above mentioned regulations and other proceedings failed to give a permanent solution ✓ to the problem of alienations in the first fifty odd years of British administration in different parts of Gujarat. We have the testimonies of its own officials to this effect.

194. As compensation to the Hukdars of this class Rs. 4654.11.10 was sanctioned by the government in 1841. For reference see, List No.11, Statement and other papers Kaira Volume 10, Pune Archives, Pune.

"Since we got possession of part of this province at the beginning of this century, no permanent settlement of all these alienations have been attempted, neither has any record been prepared showing their amount, their value or the numerous decisions that have been passed in numerous cases in different years and by different officers. Again what ^{was} ~~one~~ done in one year was undone in the next, what was ordered at one time was cancelled at another. Hundreds of notice cases remained undisposed off but still notices were being served on holders of alienated lands. (195)

Again "it will be seen that there has been no consistency whatever, that there has been no general plan of operations; that similar claims in districts similarly circumstanced have not received one and the same treatment and that in no single locality can a final and thorough settlement be said to have been effected. (196)

This testified to the inefficient rather lethargic attempt made by the British to formulate some definite principles of policy towards alienations in general in the first half of 19th century. It is as present difficult to state the number of the alienated holdings

195. List No.11, General Volume 3.

196. Ibid., General Volume 24.

in Gujarat at the commencement of the British rule. However in the 1850s they amounted to 50,000 both free or partially free in the whole of Gujarat while in the Ahmedabad and Kheda districts there were 10,000 each.⁽¹⁹⁷⁾

One can imagine the immense loss of revenue to the state as a result of these. In spite of this, nothing concrete or consistent ^{was} ~~with~~ attempted to solve this problem.

Notices became a mere form of expression and while they continued to accumulate in the Collector's Kutcherry without being disposed off, many of the disputed and unauthorised claims remained unattended to and unsettled. Thus more anarchy and confusion was created in the field of alienations. It was only after the establishment of the Inam Settlement Commission in the 1850s that some concrete steps were taken in that direction.

197. Ibid., General Volume 3.

Chapter - II / Table No. 1*

Statement of land under different tenures from

1841-42 to 1846-47

Name of tenures	1841-42	1842-43	1843-44	1844-45	1845-46	1846-47
	B. W. W.					
1. Nurra	132815 .14.7	132815 .14.7	132815 .14.7	132815 .14.7	132848 .10.2	132789 .0.2
2. Khatabandy	73408 .6.14	73408 .6.14	73408 .6.14	73511 .2.7	65542 .3.10	66246 .12.5
3. Khatawar Pattas	39705 .9.11	37519 .15.3	38488 .18.7	33903 .0.14	28495 .12.12	26238 .11.2
4. Chalukher and Gunwattta	201842 .14.14	203401 .1.7	202465 .8.3	203150 .3.1	197911 .7.14	228309 .10.16
5. Bhagbatal	862	-	-	-	-	-
Total of Govt. Land	448004 .5.8	447144 .17.1	447208 .7.8	443380 .0.9	426897 .13.18	453583 .13.5
Salani and Swadha	325778 .3.14	326987 .7.19	322996 .13.3	327805 .7.13	302679 .6.7	300092 .1.18
	42.1%	42.2%	41.9%	42.5%	41.5%	39.8%
Grand Total	773782 .3.0	774132 .5.0	770175 .0.4	771185 .8.2	729577 .0.5	753675 .15.3
Percent of Government land of total	29.6	30.9	29.6	30.0	31.	29.2
	16.4	16.4	16.4	16.6	15.8	14.6
	8.7	8.4	8.6	7.6	6.7	5.8
	45	45.5	45.3	45.8	46.3	60.3

Name of Parganas	Nakru	Salami	Total	Government Land	Total including unproductive land
1. Mehmabad	5524.19½	6666.2	12191.1½	12134.1½	33303.18.0
2. Nadiad	27226.5½	43912.11	71138.16½	59642.7	175771.7½
3. Dourret Tappa	591.10.0	3610.6.0	4201.16	3519.7	8552.13.0
4. Bhalej	2597.0.0	396.5.0	2993.5	10546	17105.10.0
5. Petlad	30549.8½	54336.17½	84386.6	81186.1½	192558.15½
6. Napad Tappa	4909.19½	10980.3.0	15990.2½	10404	29961.15½
7. Mahundha	20224.1½	49953.9½	70178.1	49645.13½	14831.11½
8. Dascrol	14041.13	19207.7	33249	16487.19½	64458.7
9. Dholka	8970.6½	19543.4	28513.10½	36804.18½	89039.8½
	11463.11½	208606.4½	323239.15½	280370.7½	624583.6½
	35.46%	64.54%	51.05%	44.88%	

* S.R.B.G., XI.

Chapter - II / Table No. 3*

Alienated Lands

Rent free or Nakroo			Salam or Qult rent				
Patidars and Coonbees	Grasias, Rajputs, Coolies	Brahmins and Bhats	Total	Patidars and Coonbees	Rajputs, Coolie, Sepsys	Brahmins and Bhats	Total
5965.1.3	19835.0.4½	24835.1.4½		346030.0.4½	117635.3.3½	52239.0.3½	
7626.0.3	6030.3.1½	14363.0.1½		26561.1.4½	24628.3.0	21949.3.½	
3121.1.4½	12575.1.1½	41344.2.2½		1357.1.1½	5460.2.3	5352.3.0	
731.1.0	2625.1.1	897.1.0		338.2.0	589.2.0	497.2.0	
1129.0.0	12393.2.1½	15293.2.0		279.3.0	6157.0.2½	1634.1.0	
1814.0.4½	14216.0.3½	9523.1.½		7972.2.2½	35224.0.1½	13939.3.03	
408.2.0	800.2.0	145.2.2		777.3.3½	1755.2.0	510.5.0	
-	257.0.0	-		-	12.0.0	-	
-	382.2.0	-		-	14.0.0	-	
-	-	-		24.0.0	786.3.0	125.0.0	
20996.0.0	69121.2.1½	106397.3.½	196515.1.2	71894.3.1	192264.1.1½	96240.0.½	290398.4.2½

*R.D.V. 1821, No. 2/2, P. 23.