

### CHAPTER III

#### THE PEASANT AND THE LAND

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1. Bhagdari

The tenure most widely prevalent in Broach was the bhagdari, wherein the land of the village was equally divided among members of the caste lineage. In English records the tenure has also been characterised as coparcenary and it was by no means peculiar to the region of Gujarat. Munro found it in Madras Presidency while it was also popular in north India.<sup>1</sup>

In bhagdari villages, the lands were divided into big shares or mota bhags, ranging in number from two to ten. The holders of these big shares were called mota bhagdars and they constituted the village elite. Generally the big shares were held by members of one lineage, as the village was supposed to have been inhabited and cultivated by the original family which came and settled there. Over the years the land came to be divided equally among the sons and descendants of the original settlers resulting in the progressive fragmentation of holdings.<sup>2</sup>

The big bhagdars were also the patels of the village.<sup>3</sup> The bhags were subdivided into sixteen parts called anees or chawuls. The holders of these subdivisions were called peta bhagdars or

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1. Monier Williams, Memoir of Baroche, p. 34.

2. Ibid, p. 32.

3. Memoir, p. 31; The bhagdars were also known as patidars who were held responsible for the payment of land revenue. Broach Collector, letter No. 75 dated 28.5.1824, R.D., 15/99, 1824, para 133.

small sharers.<sup>4</sup> The apportioning of the land into bhags and anas was made by the big bhagdars with the aim of an even distribution of land in reference to the nature, condition, productivity, etc., of soil. Thus at any particular point of time the bhags were not situated on contiguous, unbroken stretches of land. Instead of being constituted as separate and distinct portions of the arable, the lands pertaining to a bhag were scattered across the entire village area.<sup>5</sup> To establish the separate identity of bhags, so as to preclude confusion and dispute, each field and patch of land carried a specific name. Furthermore each patel had a precise description of his bhag recorded in the register, maintained by one of the patels and attested by the rest of village.<sup>6</sup> (For a specimen of Bewara or Partition Register see Appendix E ).

In some villages the original settlers admitted outsiders who gradually acquired bhagdari rights. By way of illustration, we may take village Ober in Jambusar pargana. Though the original settlers were Nagar Brahmins and Kolis, the entire land was held by the Nagar Brahmins. In the last decade of the 17th century four Kanbi families migrated from Charotar (Kheda) and settled in Ober. They were permitted to hold one of the four bhags into which the village was divided. Then in the course of a dispute between the Nagar bhagdars and the grasias of Sarod, the Brahmins were eliminated the remaining three bhags were also gradually acquired by the Kanbi patels. At the time of the survey<sup>7</sup> of Ober in 1819, not a single Brahmin family was to be found.

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4. Memoir, p. 32.

5. Broach Revenue Commissioners, 31.5.1807, R.D., 59, 1808, para 21; Broach Collector, 20.8.1842, R.D., 14/1456, 1843.

6. Revenue Commission 31.5.1807, R.D., 59, 1808.

7. Ms. 'Survey of the Purgunna Jumboosur', Surveys, No. 14, 1825, folios 88-89.

Contrary to Baden-Powell's observation that most of the bhaggdari villages in Broach were held by Bohra Muslims,<sup>8</sup> our evidence show that the majority of the bhaggdari villages was held by the Kanbis. In 1820 out of 262 bhaggdari villages in Broach district only 84 were held by Bohra bhaggdars. In Broach pargana there were 45 Bohra bhaggdari villages while in Ankleshwar, Jambusar, Amod and Hansot parganas the number was seventeen, thirteen, seven and two respectively.<sup>9</sup> in a few villages there were Koli bhaggdars.<sup>10</sup> Generally the bhags in a village were held by one community or more precisely a lineage and it was rarely that the bhags were shared in a village by different castes. As an illustration of the mixed composition of bhaggdars we may take the village Kavi in Jambusar pargana (taluka). This village was divided into two clear divisions, one called the Hindu division and the other Musalman division. bhags falling in these units were further divided into smaller bhags. While the Hindu division had five big bhaggdars, the Muslim part had three turfs which further subdivided.<sup>11</sup> In another instance, Pilodara village in Ankleshwar taluka was divided into five bhag. While a share and a half was held by a Mastan Brahman named Jairam Deoram. the other three and a half shares belonged to Koli bhaggdars. The village was said to be originally a Brahman dominated one but at some point of time the Kolis settled in the village, gradually gaining, first, numerical superiority,<sup>12</sup> and subsequently, rights over large bhags of the village land.

Besides bhaggdars, there were permanent cultivators, called zabti ryot, with hereditary occupancy rights in land. They paid a fixed revenue which the bhaggdars had no right to increase at will. Zabti cultivators could not be ejected either by the

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8. B.H. Baden-Powell, The Land System of British India, Vol. III, London, 1897, p. 260.

9. Memoir, p. 42.

10. 'Survey of Jumboosur', op.cit., passim; Memoir, p.44.

11. Acting sub-collector's Report on the petition of Wali Ismail Patel, 4.7.1840, R.D., 57/1141, 1840.

12. Petition of Gangaram Bawa and Murar Deoojee of Pilodara village dated 29th December 1827; and Acting Sub-Collector's Report, 11th May 1839, R.D., 57/1141, 1840.

bhagdars or the government, as long as they paid the revenue.<sup>13</sup> Then there were 'stranger cultivators' called oparwaria belonging to surrounding village but cultivating bhagdari lands. They were tenants-at-will. The bhagdars dictated their terms to the oparwarias; they could also increase the burden of land tax and eject them at will.<sup>14</sup> Alexander Mackay observes on this aspect :

The "stranger cultivators" are frequently found cultivating the private lands of the bhagdars, when the latter reserve to themselves larger portions of their shares than they themselves can or will cultivate; but for the most part they are found in the occupation such portions of the different shares as the pateedars do not or cannot cultivate, the greater part of their holdings having been originally waste, and reclaimed through their instrumentality.<sup>15</sup>

To cite a few instance, in Murshidabad village, Kalian Vallabh and Nagar Vallabh, the two principal bhagdars let their land to oparwarias from the surrounding villages. In Kalmiwaga the land was divided between, and cultivated by four principal bhagdars and six, small bhagdars (or undersharers). In addition there was one zabti cultivator and some oparwarias cultivating the village land.<sup>16</sup> In Malanpur village of Ankleshwar taluka, there were four principal bhagdars, two undersharers, ten zabti cultivators and fifty-seven oparwarias. In Pardi village there were four principal bhagdars and eight undersharers. However, three oparwaria cultivators regularly tilled their land.<sup>17</sup>

To illustrate further the division of land in bhagdari villages we take two types of villages, one where the bhags were held by a single lineage group and the other where the bhags were shared between two lineages of different faiths. Taralsa is an

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13. Broach Collector, letter No. 75, dated 28.5.1824, R.D., 15/99 1824, para 141.

14. Alexander Mackay, Western India, p.71; Broach Collector, letter No. 75 dated 28.5.1824, R.D., 15/99, para 137.

15. Mackay, op.cit., p. 71.

16. Broach Collector No. 161 dated 2.5.1836, R.D., 50/373, 1836, folios 284-310.

17. Broach Principal Collector, No. 116, dated 23.5.1836, R.D., 50/731, 1836, 321-41.

example of the first kind. Of a total of 7586 bighas only 4700<sup>18</sup> bighas were accountable for revenue. The village had 325 houses and a population of 1275 out of which 95 houses belonged to Leuwa Kanbi patels with a population of 370. The Kanbis were bhagdars<sup>19</sup> of the village. The latter being distributed into six big bhags containing 90 anas. Each ana was reckoned to contain 48 bighas of land. All six bhags were held by Leuwa Kanbis. We give below a breakdown of the bhagdari of Bhowandas Bhudar who held two bhags, each containing 23 anas divided among 133 small bhagdars.<sup>20</sup> The breakdown was as follows:

- 1) Bhowandas Bhudar : one ana and a half. If his family could not cultivate the whole, he would let it to tenants.
- 2) Vithal Ranchhod two anas and a half. Since Vithal Ranchhod had four grown-up sons, his bhag was divided into five equal parts between the father and the four sons, each holding a share of half an ana.
- 3) Bhagwan Dyal : Three anas. This was held in equal shares by him and his three brothers viz. Udhow, Nurhar and Madhow, three-quarters of an ana each. Udhow had four young sons and as soon as they attained majority, his three-quarters of an ana share would further have had to be divided.
- 4) Bhaiba Parbhudas : Two anas and a quarter, held by him and his two brothers, Jaybhai parbhudas and Wanarsee Parbhudas.
- 5) Lakabhai Narsi : Three quarters of an ana. Held it alone.
- 6) Raghunath Prag : One ana.
- 7) Wanaarsi Raghow ( With two sons, but too young to be admitted as sharers ) : Two anas.
- 8) Meeta Ragghow : Two anas. He had three small sons.
- 9) Bhula Jeewa : One ana. He had one son.
- 10) Deerji Harak : One ana.
- 11) Garreebhai Raji : One ana.
- 12) Kalian Asjee }
- 13) Parshotam Asjee } Five anas. The sons and relations of these two numbered some twenty persons among whom the shares were subdivided, details of which are not available.

18. Enclosure to Broach Revenue Commissioner's Report dated 31.5.1907, R.D., 59, 1908.

19. Broach Register and assistant Magistrate, 'Census' dated 17th January 1816, Judicial Department, 80, 1816.

20. Memoir, pp. 32-33.

The above represent the subdivisions of one big bhagdari. the remaining four bhags were subdivided along similar lines among the many offsprings of other bhagdars.

The second type of bhagdari village may be represented by, Parkhet in Broach taluka. Here the land was held by two lineages : Kanbis and Bhora muslims. It had 263 houses with a population of 1155.<sup>21</sup> There were 78 houses of Kanbi patels and 59 of Bhora patels. The total land of Parkhet was 4639 bighas. Of this 2984 bighas was divided among nine principal bhagdars, allocated in 37 ana shares, each amounting to 80 bighas. Table I below gives the breakdown.

TABLE I

## THE DIVISION OF PARKHET VILLAGE

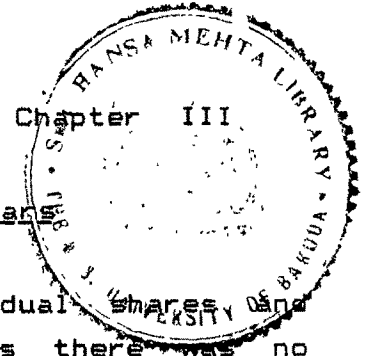
(2984 bighas = 37 anas)

Kanbi Bhagdars		Bhora Muslim Bhagdars	
1. Wasan Vallabh	5 anas	1. Bhaiji Nathoo	5 anas
2. Johiree Kaseedas	6 anas	2. Bhaiji Saleh	3 anas
3. Naran Meeta	4 anas	3. Hodjee Hussain	4 anas
4. Thulja Gangadas	4 anas	4. Ameeji Godur	4 anas
		5. Makhanji Nathoo	2 anas

Wasan vallabh's share was further divided into three bhags. While he himself held a share of one ana (i.e. 80 bighas), two anas belonged to Puragdas Vallabh and two to Raghunath Vanarsee. These were further divided among their brother and sons as in Taralsa.<sup>22</sup>

21. 'Census' 1816, R.D., 80, 1816.

22. Broach Revenue Commissioner's Report, 31.5.1807, R.D., 59, 1808, Enclosures 2 & 16.



## 2. Substantive Rights and position of the Bhagdars

Irrespective of the magnitude of individual shares and divisions, in terms of rights and obligations there was no difference between big and small bhagdars. The big bhagdars could not impose more revenue on the small sharers than the rate at which they paid to the government. A bhagdar of half an ana could no more be ejected from his holding than could one of the principal bhagdars. Even the alienated lands, when not cultivated by the holders themselves, were divided up among the bhagdars.<sup>23</sup> The British government eventually came to recognise all bhagdars, big or small, as peasant proprietors.<sup>24</sup>

At the beginning of the century, the Revenue Commissioner of Broach noticed a widespread and strong belief among the patels that they were "the owners of the soil, possessing the right of disposal".<sup>25</sup> But they went on to refute this claim saying that all hitherto mortgages and sales of land by the patels were 'unjustifiable'. This opinion was not the peculiar belief of revenue commissioners alone, but, as Eric Stocks has shown, was widely held by Englishmen of the era.<sup>26</sup>

In an exhaustive enquiry made in 1776-77, it was found that in Broach pargana alone 15,671 bighas had been mortgaged by 223 transactions and 345 bighas sold by 20 transactions over a long period of time. The earliest sale recorded belongs to the year 1721 A.D. by which the patels of Vizalpur village had sold six bighas for 151 rupees to one paharkhan.<sup>27</sup> Thus mortgages and sales of land based property was a common feature of agrarian life from much before the British take-over. The tendency became more marked in the second half of the 18th century when revenues

23. Memoir, p. 32.

24. Bombay Presidency Gazetteers Vol II, Surat and Broach, 1877, p. 482; G.D. Patel, Agrarian Reforms in Bombay, Bombay 1950, pp. 24-38.

25. Broach Revenue Commissioner's letter, dated 25.8.1805, R.D., 48-A, 1806, para 8.

26. The English Utilitarians and India, Oxford, 1959, pp. 75-76, 81-110.



came to be farmed out to monied men and indeed the very pressures of the land tax forced the pattels to sell and mortgaged their holdings to money-lenders.<sup>28</sup> There is further evidence on the purchase of lands called qaddi wazifa from the patels by the nawab of Broach.<sup>29</sup> It is beyond doubt, then, the peasants had enjoyed proprietary right of sorts in land.

However the question of proprietorship in land and the associated problem as to what exactly were the rights enjoyed by the bhagdar/peasant/cultivator vis-a-vis the land, greatly perplexed British officials. The structure and usages of the Indian countryside ran counter to much of their received assumptions on the issue and hence the early decades of colonial rule in Gujarat were characterised by difference, often contradictions, of stances, decisions and policies. This is especially evident in the proclivities and proclamations of administrative officials, on the one hand, and the rulings of courts of law, on the other. While the official hierarchy argued strongly against the peasant's (or bhagdar's) right to sell his holding and sought to impose restrictions on private transactions in landed property, the court confirmed many sales which occurred during the time the British were in full control of the district. A few cases from court proceedings will bear out this dichotomy between the two wings of colonial rule. Noticeably, the dichotomy basically inheres in the working concepts of the court and the administration :

(i) In 1815, Sakhidas Jeewan and a few others moved the court, claiming hereditary right on a large patch of land in Khanzamanpur village in Broach pargana, which they alleged, was usurped by one Bheeka, and his two brothers, Bhoodar and Kakabhai

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27. Proceedings of a 'Committee appointed to enquire into the validity of various claims on Broach Lands', B.F.D., No. 262, 1776-77.

28. Broach Revenue Commission, 25.8.1805, R.D., 48-A, 1806, para 10.

29. Ibid, para 8.

The latter, in their defence, produced a sale deed proving that the entire bhagdari of the village had been purchased by their father in samvat 1820 (c. 1763-64 A.D.) from Farag patel, the village headman. They also produced a parwana dated samvat 1844 issued by Gopalrao Malharrao (Sindhia's agent at Broach) confirming their right to the patelship and the conferment of full control over the management of village affairs. On the basis of this evidence the court dismissed the claim of the plaintiffs and confirmed the rights of ownership on Bheeka and party;<sup>30</sup>

(ii) in Kangan village of Jambusdar taluka Makhan heerji "the owner of a Bhag of four anas" died in 1822-23 and was succeeded by his wife Ganga and a relative named Sankar Parshotam. In the following year the latter sold a share of their bhag to Narbheyram Jaideo who was not the resident of the village but had come from Kelod village after selling his own bhag there. In 1833-34 Ganga and Sankaar, being heavily under debts, absconded and the rest of their land was also given by the mamlatdar to Narbheyram. In november 1839, a creditor of makhan heerji procured a decree from the court authorising the whole bhag to be sold in auction. The entire land measuring 211 kumbhas was purchased in auction by Bapu Ramkishan, the principal bhagdar of the village. not surprisingly the collector instituted a suit for the purpose of cancelling the sale, which the court dismissed.<sup>31</sup>

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30. Reports of Cases Relating to Landed Tenures, decided by different Officers of the Adawlut of Broach, Bombay, 1818, p. 19.

31. Proceedings held in a suit before Jadavram Daulatram, Munsif of Jambusar 23.10.1841; Proceedings held in a case of Appeal No.281 of 1841 before Mr. Richardson, Assistant Judge of Broach Adawlat, 13.4.1842; Remembrance of Legal Affairs, letter No. 14.27.8. 1842 R.L.D., 60/1393 folios, 141-212.

It can be seen from the above that court verdicts, informed as they were by the organizing principles of bourgeois economy - accorded full recognition to the right of cultivators to acquire and dispose off land holdings, as well as to the legal claim of a creditor to the debtor's property failing the clearance of debts in the normal course.

By contrast the government was labouring with notions of oriental despotism - such as what they understood by the term - wherein proprietorship in land was vested in the government and those it willed to bestow this right upon. The Bombay government's refusal to accept the ownership right with the holders of land was declared as early as 1806 when the Governor-in-Council passed a 'Resolution' giving general instructions to the Revenue Commissioners at Broach. on the question of right to dispose the land by the patels they remarked :

The governor-in-Council Concurs entirely in the opinion you have expressed as to the incompetency of the Patells to alienate the lands under their Charge, and you are during or immediately after ensuring Jumabundy to make proclamation to this Effect, declaring that all such acts on their part are and have been invalid from the date of the last conquest of broach and that any future attempts of that nature will subject them to removal from their pattelships, besides leaving them personally burthened with the entire responsibility for the money they may have thus unwarrantably raised.<sup>32</sup>

However, in their next major report on village economy,<sup>33</sup> the Revenue Commissioners, enclosed a sale deed wherein the

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32. F.Warden, Secretary to government, to Guy lenox Prednergast & William Steadman, Revenue Commissioners Broach, 19.2.1806, R.D., 48-A, 1806, para 15.

33. Broach Revenue Commission to Bombay, 31.5.1807, R.D., 59,

1808.

the expression 'as long the sun and moon shall endure', is used by the patels in characterizing the permanent claims of the purchaser (See Appendix F). The government taking exception to this, observed : "this implies a right of Property in the soil creates at least difficulty of construction as to the appreciation in that respect of their real situation".<sup>34</sup> Thus the question as to who was the real owner of the soil continued to haunt the British much as its resolution remained elusive. Monier Williams who intensively surveyed the agrarian society of Broach preferred silence on the issue.

According to our information the peasant's right to his land was first officially admitted , in the context of Broach district, in 1824 by Greenhill, the district collector. He observed: "the bhagdars inherit and may sell or mortgage, their right of cultivation"<sup>35</sup> John Dunlop, the Revenue commissioner, while touring the districts of Gujarat made an observation in 1830 which went further than Greenhill's. Dunlop wrote to the government that "there is strong reason to believe the Patees or Shares, to be the property of the Pateedars and that they have the right generally to cultivate themselves, or rent their fields to others, as they please".<sup>36</sup> It was, John Malcolm, governor of Bombay Presidency, who pointed out (1830) that there was no principle of our administration so erroneous as that rigid adherence to rules [in regard to right of landed property] in our Revenue and judicial administration"<sup>37</sup> After personally touring through the districts of Gujarat, he made an important observation about the bhagdars of Broach :

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34. R.J.Godwin, Secretary to Government, to Revenue Commission at Broach, 1.2.1808, R.D., 59, 1808.

35. Broach Collector to Bombay, 28.5.1824, R.D., 15/99, 1824, para 64.

36. Letter No.251, 20.7.1830, R.D., 12/293, 1830, para 44 (emphasis added).

37. 'Minute' of John Malcolm, 28.10.1830, R.D., 12/293, 1830.

The Bhagdars or shareholders regard the shares as their family property and when not disheartened by burthensome conditions, superintend them with all the attachment and zeal of hereditary landlords which indeed from their recognized usufructary rights they may be termed.<sup>38</sup>

Though the question of the substantive rights of bhagdars was far from resolved, definitively, the equivalence drawn by Malcolm between bhagdars and hereditary landlords (by which he should be meaning the allodial proprietors of English) is in itself a great step forward over pronouncements of circa 1806. Its significance lies in indicating that a counter point of view came to be lodged in at least the upper echelons of the government.

It is an irony that a realistic appraisal of bhagdari rights began to crystallize in the 1830s & 40s, when many distress sales took place owing to extraordinarily heavy assessment which buried the patels under longstanding arrears. For the five years ending with 1846-47 as many as 258 distress sales are recorded.<sup>39</sup> Disruption of land-holding on such a scale, and specifically replacement of old bhagdars by new ones, made it unavoidable for the government to settle upon some general principles in resolving claims and disputes arising from inevitable property transfers. Of particular significance here is the dispute between Bharmal nathu, the insolvent bhagdar of Wasan village and his creditors. Upon the latter having

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38. 'Minute' of John Malcolm, 15.10.1830, Revenue Consultation No. 35, R.D., 38/319, 1830, para 23 (emphasis added).

39. J.M.Davies to Bombay, No.202, 30.9.1847, R.D., 16, 18149.

obtained a decree from the court authorizing the auction of half-a bhag of Nathu's holding, an argument arose between the bhagdar and his creditors as to whether just a portion of Nathu's holding had been sold or, together with it, his pattel rights as well. The creditors, in opposition to the bhagdar's stand, contended that patel rights also had been sold with the land. At this point the matter was referred to the Sadr Amin who decided that the sale of a bhagdari (or a portion thereof) did not automatically involve transfer of patel rights to the new bhagdar because there existed a distinction between the two. he further stated that "it had long been the practice both under former government and under the present one, for bhagdars to mortgage and sell their bhags, and the Buildings attached".<sup>40</sup> Drawing a distinction between the land itself and the profits of the land the Sadr Amin concluded from the circumstance of frequent sales and mortgages of bhags and from the evidence of four witness that "the bhagdar was the owner of his Bhag as long as Government rent was paid, and could do whatever he likes with it".<sup>41</sup>

The collector , as in other cases of similar nature where his contentions had been dismissed by the court, wanted to file a case seeking reversal of the decree of the Sadr Amin. The case was therefore referred to the Remembrancer of legal Affairs of the Government. The Remembrancer submitted that all "the Collectors admitted themselves, that for a long series of years, Bhagdars have been in the habit of selling & pledging their bhags and dealing with them as property without the sanction of the collector", and "there is nothing in the nature of the tenure which necessarily forbids it (disposal of bhag) 7 we are thus at last reduced to usage".<sup>42</sup> After an examination of similar cases he concluded that discussion as to who was the

40. Quoted by William Howard, Remembrance of Legal Affairs, to Bombay government, No, 14, 27.8.1842, R.D., 60/1393, 1824, paras 8 & 9.

41. Ibid, para 9.

42. Ibid, para 27 & 28.-

proprietor was unnecessary and was the source of the error which misled the collectors. That the collectors were looking for 'absolute proprietorship', but the truth was :

Each party has Proprietary rights - but exclusive Proprietorship is vested in neither. The Collectors seem to think that the Proprietorship in the land can only be vested in one party or the other. But logically speaking this is not so. Each party is a Proprietor sub modo, neither having absolute rights of ownership.<sup>43</sup>

The Revenue Commissioner's reaction to this was sharp. While agreeing that neither the bhagdar nor the government had exclusive proprietary right he asserted that "the right of the Government must be acknowledged to be far the more potential of the two. Government may raise its rent to any amount; may break up the old Bhag in one village, substituting in their place a Beegotee assessment on the land; and create arbitrary anew in another where it was unknown before".<sup>44</sup> Contributing to the debate Alexander Mackay reasoned as follows: "Is it politic in the government to reserve to itself a power which, to speak in plain terms, it dare not use? The native, who have a most exalted notion of the power of the government, are fully aware that it dare not attempt to eject them in great number".<sup>45</sup> In an evidence before a parliamentary committee that held its proceedings in 1848 on the subject of the growth of cotton in India, Mr. Prideaux, who had been assistant to the examiner of India correspondence, for eighteen years, averred that the cultivators had an 'indefeasible right', that they could sell

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43. Ibid, para 32.

44. W. Simson, Revenue Commissioner to Bombay, No 1422, 3.10.1842, R.D., 64/1506, 1843 para 8 (emphasis in original)

45. Alexander Mackay, Western India, London 1853, p. 87.

their land. He further stated that "the right of landed property in India is, generally speaking, just as perfect as it is here: the right to hold property subject to the payment of the revenue".<sup>46</sup> In 1852 the Sadr Amin of Broach drew attention to Regulation XVII of 1827 which recognized "that Bhagdars are the real proprietors of the land".<sup>47</sup>

### 3. BHIGOTI

The rights of peasants in another form of tenure called bhigoti, prevalent in Broach were the same as in bhagdari tenure. At the beginning of the century the majority of Broach villages were bhagdari. As late as 1828 the proportion of bhagdari and bhigoti villages in the district was 284:114.<sup>48</sup> Since then many bhagdaris were dissolved and converted into bhigoti. In 1856 the number of bhigoti villages rose to 159 while that of bhagdari fell to 238.<sup>49</sup>

There was no fundamental difference in the structure of rural society in the two kinds of villages. Describing the bhigoti villages, Monier Williams observed that "the system of management is so little different in these from the Bhagwar villages, that the condition of both is nearly alike".<sup>50</sup> He so aptly explained the tenure that it is worth quoting him at some length :

The settlement of the beegotee villages is also made direct with the village representatives, or Patells; and the total amount to be paid being arranged with them, the interior distribution is made by the village community among themselves. The permanent cultivators, in some places called "zupaty" cultivators, have the same

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46. Cited in Mackay, op.cit., p. 75-76.

47. Quoted by H. Hebbert, Collector of Broach, to Chief Secretary, No. 275. 16.7.1852, R.D., 91.1852.

48. Alexander Rogers, The Land Revenue of Bombay Vol I, 1892, p.145.

49. Broach Collector's 'Statistical Memorandum on the Zillah of Broach' No. 517, 15.5.1856, R.D., 19, para 15.

50. Memoir, p. 37.



rights in the beagotee villages as the bhagdars, great and small, have in the bhagwar villages; they cannot be ejected without violence and injustice, even by being outbid as to rent by other cultivators; they cannot be outside by the Patells, and they divide their land among their sons and it is inherited in the same as in bhagwar villages. But the shares of each permanent cultivators are not called "bhags", or reckoned in anas, but in beegas....<sup>51</sup>

One advantage the cultivators of bhigoti villages had over bhagdari peasants was that whereas all lands attached to the bhags were subject to assessment, the bighoti villages were assessed only on the actual cultivation. The peasants in the bhagdari villages had to inform the official sufficiently in advance if some patch of land could not be cultivated. No such intimation was required on the part of the bighoti peasants.<sup>52</sup> The collector of Broach noted in a 'memorandum' (1856) that " the assessment upon him [ bighoti cultivator ] is fixed and no local officer has any authority to raise it by one pie, or to remove the owner from his holding as long as he pays his dues. Any violation of contract in this respect would subject the collector to an action for damages in the civil court ".<sup>53</sup>

There were two types of cultivators in bighoti villages. The first called zabti peasants who had permanent, hereditary rights. The second category was of tenants; if they came to till the lands from other villages they were called oparwaris and were considered tenants-at-will.<sup>54</sup> In bighoti villages there was " in general a much larger population of land let out to casual cultivators than in the bhagwar villages ".<sup>55</sup>

Their 'rents' could be increased by the patels at the time of the renewal of the lease and they could not be ejected by him at will. However, the only opinion contradicting this position comes from L. Ashburner. Reacting to Mackay's thesis that the oparwaris's right were precarious he wrote that " even the least permanent of subtenants, the operwaria tenants hold their land on

5 Ibid, (emphasis added).

52. Broach Collector's Report No. 75, 28.5.1824, R.D., 15/99, 1824, para 65.

53. No. 517, 15.5.1856, R.D., 19, 1856, para 15

54 Broach Collector's Report No. 75, 28.5.1825, R.D., 15/99, 1824, para 67.

55 Monier Williams, op.cit., p.37.

a written Gunote or lease, & cannot be disposed(sic) of them without the formality of a civil suit, while a large portion of the subtenants are what are called jepteekheroots or permanent tenants who have acquired a prescriptive right to their subholdings "....<sup>56</sup> . Though he is right on the position of the zapti peasants, his views on the oparwaris are untenable and there is no evidence to support it.

### 3. Rules of Inheritance

It would not be out of place to have a look at the rules of inheritance. The custom prevalent in the area was minutely noted down by Monier Williams. As soon as the sons were grown up and married, it was time for the father to make up an equal division of his land with them.. The gubban or bulding ground was also provided to each of them. Williams explains:

A man having shared his bhag with three or four sons who had grown up, and having afterwards, unexpectedly, another son or sons of same mother, must make a fresh equal division for the younger ones...to shift for themselves; that is, from fifteen to twenty of age. If the father marries another wives after having so shared the lands and have sons by her he must divide his own share among the sons of the second marriage, leaving the shares of the sons by the first marriage untouched. If man has two or three sons by one wife, and he has other sons by a second wives, when they are all grown up, or when the time comes for dividing the lands, then an equal portion is to be allotted to the sons of both marriages, although there may be only one son of the one, and thagree sons of the other. <sup>57</sup>

Daughters did not inherit property.<sup>58</sup> If the proprietor died without a son, his nephews or nearest male relation inherited the lands after the death of the widow.<sup>59</sup>

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56. Letter No. 15 dated 24th July 1854, R.D., 52, 1856, para 19.

57. Memoir, p.33.

58. Ibid.

59. Ibid.

Another mode of inheriting landed property was by warasnama or the will of the proprietor. Some instances of this kind are on record : One Paragji Harakji was holder of one ana share in Buwa village. Being childless he signed a warasnama in favour of Bhagwandas Narondas giving his entire land on condition that Bhagwandas would pay the government revenue; maintain Paragji during his lifetime; and freeform his funeral rights at his death. Consequently after the death of Paragji he inherited the land.<sup>60</sup> These rules which were customary applied generally to every kind of property and especially to one based on land.

#### 4. Wanta

It was the Wanta tenure that attracted much attention of British officials in the beginning of the nineteenth century, as a large part of the alienated land was held under this tenure and the British were curious to understand the nature of alienations. The word wanta (Hindi banth) means 'divided'. It was generally believed that the Rajputs and Kolis held the territories under their control before the arrival of the Muslim rulers. The Sultans of Gujarat forced them to surrender three parts of their holding to the imperial government while one forth was confirmed on them. Hence the term wanta.<sup>61</sup> By an ana large the wanta land was held by grasias. Alexander Walker who took pains to study the grasias and their rights made the following observation in 1805 :

The origin of the rights of the Grasias of the Purgunnah of Broach, and generally of those throughout Gujarat is derived from a very remote period of time. These rights therefore rest on their antiquity and not on Sunnuds by which few of them supported and this foundation is much stronger than the security of written deeds. In the opinion of the grasias and of

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60. Plaint filed by Bhagwandas Narondas, Principal Bhagdar of Boowa village in Amode pargana against the collector of Broach, dated 5th July, 1843, R.D., 94/1536, 1843.

61. See Mirat-i-Ahmadi (tran. M.F. Lokhandwala), Baroda 1965, pp. 149-50; Irfan Habib, The Agrarian System of Mughal India, pp. 141-142; B.H. Baden-Powell, Land System of British India, Vol. III, London 1897, pp. 277-78; E.P. Robertson, Glossary of Gujaratee Revenue and Official Terms, Bombay 1865, p. 54.

the Inhabitants in general, the former are considered as the original possessors of the Country without searching further however than the mahometan conquest. It is related that when the Rajah Sadrojey Sing a Rajpoot lost his dominions, those of his tribe and the families of numerous list of Petty Chiefs were allowed to retain a certain portion of Land of each village for their maintenance, composing a part of more extensive possession of which they were by that event deprived. They enjoyed these portions of land as their own, under the denomination of 'Gras' or Gurass, which signifies a mouthful, and this seem to be the origin of the name as well as of the present rights of these people. Before the conquest they are said to have had the rank of Thakoors and Rajahs.<sup>62</sup>

At the time of survey of Seegam village in Jambusar taluka (1819), the officials came across oral traditions according to which the grasias of Seegam had migrated from Junagadh 960 years ago and settled in the village. In former times all land of the village was in the hands of the grasias. The account further said that a portion of wanta was for the first time made over to the sarkar 100 years ago (c. 1720) and patels were put in charge of the land paying the revenue to the government. At a still later period another 150 kumbhas of wanta land was converted into totalpad. The latter portion of 150 kumbhas used to pay salami to the grasias at the rate of one rupee per kumbha.<sup>63</sup>

In the nineteenth century the social composition of wanta land holders consisted of Koli, Rajput and Muslim grasias. The latter were called mole-salam or converted Muslims. To Alexander Walker this was a corruption of mutia-ne-Islam, signifying literally those "Submissive to the faith".<sup>64</sup> Akbar is said to have made a settlement with them. The Revenue Commissioners discovered the 'Regulations' of Todar Mal where he says, in his instructions to the revenue functionaries, "Gras is allowed agreeably to the quantity of cultivated ground of the village, in

62. Walker to Bombay, 12.3.1805, R.D., 45, 1805, para 2; See also Sakina Yusuf, "Agrarian Society and Conditions in Gujarat (1572-1707)", M.Phil. Dissertation, Aligarh Muslim University 1983, Ch. VI.

63. 'Survey of Jumboosur', 1825, folio 103.

64. A. Walker, 12.2.1805, R.D., 45, 1805, para 3. He further says that the term Mol-Islam was applied to grasias by others implying that they were "Merely passive Musselmans professing the name, while they continue to adhere to the rites of their ancient religion". *Ibid.*

some villages a fourth share, and in many Gras is fixed at a third share. In those villages where a fourth is allowed a salamee is to be taken of two mehmooddee chingeezee, in those where a third share is allowed a salamee is to be levied of two Mehmoodies as before and one and a quarter over and above, and the amount Credited to Government".<sup>65</sup> How far these injunctions of Todar mal were put into practice is not known, but in the eighteenth century most of the wanta land was held free and it was only on some wanta that a salami or quit rent was paid by the grasias to the government.<sup>66</sup>

The grasias were not necessarily the residents of the villages. Most of them did not cultivate their lands and those who resided in the villages where they had wanta either cultivated their lands themselves or rented it to other cultivators.<sup>67</sup> For instance the wanta lands in villages Seegam and Dehgam of Jambusar pargana were cultivated by the Raj and Malik grasias who were, respectively, the holder of wanta in these villages. They resided in the villages. The Raj grasias of Seegam were also the village headmen and did not allow other grasias to enter their village. Similarly in Kungam, a bhagdari village "the Seenda Grasias are the only ones possessing Gubhan (or building ground) in Kungam and they all reside in the village. They are Rajpoots. They cultivate all their lands themselves and even some portions of the Tullput and Fussaeeta".<sup>69</sup>

The grasias residing in villages other than where they had their wanta used to come to the latter at the time of sowing

65. Cited in Broach Revenue Commission's Report dated 25th August 1805, R.D., 48-A, 1806, para 16.

66. An Account of Broach finance by Govind Natha, a Brahman who was a revenue employee at Broach prior to the British take over, Enclosure to Alexander Walker's report dated 8.4.1804, R.D., 44, 1805, para 8.

67. A. Walker's letter 12.2.1805, R.D., 45, 1805, para 4.

68. Survey of Jambusar, 1825, folios 12 & 103-104.

69. Ibid 68 (emphasis added).

and harvesting. In Mudhapur village which was inhabited by Molesalam and Bohra Muslims interesting details about the grasias were noted down by the surveyor in 1819. He reports that "the Grasias of Kora and Seegam, called Korangur and Badegama Grasias and who are Mulleks, come for a short time yearly to sow and afterwards to reap the wheat and in the interim hire a Wagree to take care of their lands. They bring their implements of husbandry and cattle with them; this appears to be common practice with the Grasias of this part of the country.<sup>70</sup> At harvest time they either came personally to collect their rents or would send their agents. Some were never seen in the village.<sup>71</sup> In village Jutran there were 881 kumbhas of wanta land. The grasias holders of these land did not reside in the village and used to rent it to koli and muslim tenants, taking half of the produce at the time of harvest.<sup>72</sup> A grasia named Pratabsing Rambaji had 127 bighas of wanta land in Deewa village in Ankleshwar taluka. He was believed to be a Solanki Rajput who used to live at Rana Ka Mandeea in the territory of Baroda. He was never seen in Deewa village where he has his wanta. He had no permanent agent but every year he used to send a new man to collect taxes due to him from Deewa as well as other villages in the taluka. The agent used to come with an authority letter from the Baroda Adalat. These selots or agent used to allot the wanta land to the cultivators and received the revenue from them. Out of his wanta 6 bighas were given as passaita to a brahmin named Dao Joshi of the village.<sup>73</sup>

If the British had doubts about the nature of peasant rights they were convinced of the rights of grasis on wanta lands. As early as 1804, Alexander Walker asserted that "it is derived to them by hereditary descent from a period of the most remote antiquity of which there is no record, but it is secured

70. Ibid, 78.

71. Alexander Walker's letter dated 12.2.1805, R.D., 45, 1805, para 6.

72. Survey of Jamboosur, 43.

73. Extracts from Minute Book, Vol III, p. 84 enclosed with Broach Collector's letter No. 40, dated 28.5.1840, R.D., 80/1164, 1840.

to them by universal assent, and is at this day unimpaired in its previlages. This right which has been maintained by arms, and an unconquerable sentiment in favour of it has withstood the revolutions of ages, and outlived the Mahometan dominion, which did everything in its power to subvert it."<sup>74</sup> He further stated that "the property is also frequently divided into shares, and each individual is in that case at liberty to despose of his own. In the case either of a sale or mortgage the validity of the act is attested by documents formally executed under the seals or signatures of the parties".<sup>75</sup> The Revenue Committee which was appointed to go through the examination of alienations, after carefull investigation reached the following conclusion :

the most important alienation from the government is the land called Waunta, which is for the most part in the possession of Gracias - The tenure by which they hold the old established portion of the Waunta being generally prescription of remote antiquity, is universally acknowledged, and may not be considered, to be unimpeachable. It is therefore fully recognised by us, and the possession of the number of Beegas old Waunta to which Claims are established, is Confirmed for ever to the proprietors. <sup>76</sup>

The proprietary right of the gracias was duly recognised by the Bombay government. In a Resolution the Governor-in-Council clearly stated that the government was "disposed to respect the validity of those Waunta tenures and to recognise their perpetuity in favour of those whose claims to lands of that description may be fairly established.... that they should at the same time receive the fullest assurance that their Titles to such lands as may remain in their possession will not hereafter be questioned, but be acknowledged and recognised by Government."<sup>77</sup>

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74. Report, dated 18th June 1804, R.D., 46, 1805, para 70.

75. Ibid.

76. J.H.Bellasis, the Collector, & Monier Williams, the Surveyor General, to Bombay Government, dated 26.6.1812, R.D., 82, 1812, para 2 (emphasis added).

77. 'Resolution' dated 16.12.1812, R.D., 82, 1812.

Besides landed property the grasias had fixed money claims in almost every village, called toda gras. E.P. Robertson traced the origins of these claims to the turbulent character of the grasias and their plundering habits. The grasias were used to raiding villages. In order to avert the frequent raids, the villagers accepted to pay fixed sums of money, denominated as toda gras, on condition that the concerned grasias will in turn protect them from other plunderers.<sup>78</sup> The Revenue Committee of 1812 found that this toda gras or 'ready money tribute' to the grasias was fraught with many evils. They discovered that "the collection is not unfrequently made upwards of 50 different individuals in one villag, some recovering shares of even less than one Rupee, and if the Grasias stay at the village 2 or 3 days, as they most Commonly do when they come for this trifle, they are fed at the expense of Government".<sup>79</sup> However small the magnitude of toda gras, the grasias asserted these rights zealously, often with violence. They did not refrain from murdering the patels and burning their crops and properties, if their demands were not readily met.

## 5. WAZIFA

The nature of wazifa tenures needs no explanation, as it has been treated in considerable detail in works on medieval history.<sup>80</sup> We hence simply take account of the incidence of this grant in district Broach and the recognition accorded it by the British.

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78. Glossary of Gujaratee. Revenue and Official Terms, Bombay 1865, p. 16.

79. Broach Revenue Committee's Report, 26.6.1812, R.D., 1812, para 16.

80. Cf. Irfan Habib, op.cit., pp. 298 ff. In Mughal parlance, however, wazifa was one type of madad-i-maash grant.



In the last quarter of the 18th century there were twelve villages in the district held in wazifa by Muslim priestly families or religious scholars. These grants had been made by the Mughal emperor, their vazirs, governors and almoners. Besides these we get information on several smaller grants conferred on Muslim individuals and families through regular firmans and parwanas copies of which were procured by the officials for scrutinizing the worth of the claims.<sup>81</sup>

The first grant where the entire village was conferred was made by Jahangir in A.H. 1302 (c. 1622 A.D.). By this grant the entire village of Tham was gifted to one Haqim Ruhullah and his heirs in reward for an extraordinary cure performed by him on one of Jahangir's begams. In the early nineteenth century it was held by Haqim Hqmat Ali.<sup>82</sup> Omraj village in Broach was granted to Syed Ahmed Idrus of Surat for the maintenance of tombs and priests of his family. It was made by Alamgir Aurangzeb on 20th Shaval of 1056 A.H. (c. 1645 A.D.). In 1776 it was in the possession of Syed Abdullah Idrus and in 1805 it was held by Syed Muhammed Idrus.<sup>83</sup> Bhooa village was a gift from Aurangzeb to Maulana Gulam Mohammad and his heirs in 1065 A.H. (c. 1655 A.D.).<sup>84</sup> All the wazifa grants were supported by original firmans, parwanas, chaknamas and carried the seal of periodic confirmation.

From a list of wazifadars in Ankleshwar pargana prepared by the collector of Broach it appears the wazifas were granted to pirs, fakirs, syeds, shaikhs, gazis, pirzadas, hakims, and maulanas. Among these also figures a Hindu vaidya.<sup>85</sup>

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81. A committee was established in 1776-77 during the first British government at Broach enquire into several claims on land in Broach pargana. It also examined the wazifa grants and found them valid and accordingly confirmed them. See 'Proceedings' of the Committee, Broach Factory Diary, No. 262, 1776-77 for details.

82. Broach Revenue Commission's Report, 25.8.1805, R.D., 48-A, 1806, para 18.

83. 'Proceedings', B.F.D., 262, 1776-77; and R.D., 48-A, 1806.

84. Ibid.

85. William Steadman's letter, 16.8.1805, R.D., 45, 1805.

Though the beneficiaries of wazifa grants were chiefly recruited from the religious classes, we come across references to other (secular) categories. Thus in 1173 A.H. (1759 A.D.), One Omarji son of Natha, the headman of village Tankaria in Broach was granted 100 bighas of land as wazifa for his loyalty.<sup>86</sup> (See Appendix G for a copy of the sanad). Similar must have been the consideration in granting wazifas to hakims and vaids. However, such grants were rare and were conferred on individuals who had rendered extraordinary services.

In sharp contrast to the difficulties posed by peasant rights to British officials, the claims of wazifadars and wanta holders won speedy recognition as proprietary rights. In 1810, the Court of Directors remarked that these were "the only two instances, at least in the Baroche purgunna, in which Government may not be considered as the landlord as well as the Sovereign"<sup>87</sup> The wazifadars were free to dispose their lands. They could mortgage as well as sell it. There had been many instances of mortgages and sales of wazifa land before the British possession of Broach. Nonetheless the Revenue Commissioners of Broach at the beginning of the century raised objections to the unhindered sale and purchases of wazifa lands.<sup>88</sup> They argued that since these grants were instituted by acts of past governments the disposal of such lands required the government's sanction.<sup>89</sup> Accordingly the Bombay Government passed an order preventing sale of wazifa land without the prior permission of the government.<sup>90</sup>

It appears from a few cases that wazifadars, especially those living in towns, often lived beyond their means and were thus hard pressed to mortgage and subsequently sell their lands.

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86. Alexander Walker's letter, 10.2.1805, R.D., 45, 1805.

87. Cited by the Broach Revenue Committee, 26.6.1812, R.D., 82, 1812, para 7.

88. Broach Revenue Commission, 25.8.1805, R.D., 48-A, 1806, para 20.

89. Ibid.

90. Cited in a Petition by Bibi Saleh of Broach dated 16th March 1822, R.D., 4/28, 1822.

One such case on record (1822) is that of Bibi Saleh, wife of Syed Hamid, deceased. In a petition to the government she stated that her family was granted 100 bighas of wazifa land in village Kasad situated in the haveli taffah of Broach. This land was recorded in the village accounts in the name of Syed Abdul Kadir. Of this land 40 bighas, being the share of her late husband, were held by her. As she was greatly in debt she desired to sell the entire 40 bighas and clear her debts. She also presented a note signed by Abdul Kadir, a co-sharer of the said wazifa land, stating he had no objection to her selling the land. The permission was granted by the Bombay government.

Following Bibi Saleh's example, another sharer of the same wazifa land, Syed Ghulam Kadir also sought permission to sell his share of 39 bighas. Bibi Latifa, his mother, had no objection. Since this land was already mortgaged to one yakil Jametmal Sambhumal, his consent was also obtained, the latter knowing that the returns of the sale would revert to him. Once again the Bombay government, considering the formalities fulfilled, permitted the sale.

There is also evidence on the purchase of wazifa (and wanta) alnds,. The following is a representative case. In 1842 Purushram Tukaram, an inhabitant of Broach town, officially declared to the government that in the last 42 years his family had bought several wazifa and wanta lands in Broach pargana. He therefore wished that his name be entered into the talati's books as the possessor of such land. The collector on enquiry found

91. Andrew Burnett, Broach Collector's letter enclosing the Petition, No. 36, dated 18th March 1822, R.D., 4/28, 1822.

92. 'Minutes' of Governor-in-Council, 20.3.1822, R.D., 4/28, 1822.

93. Translation copy of the Petition & the Note, R.D., 4/29, 1822, folios 327-328.

94. *Ibid.* folio 329.

95. Vide letter to Broach Collector No. 809/1822, 3.7.1822, R.D., 4/29, 1822, folio 333.

96. Petitions of Purushram Tukaram, date 24th August 1844 & 20th May 1845, R.D., 123, 1845.

that he held 437 bighas 19 wussas and 14 3/4 wiswussas of wazifa and 698 bighas <sup>97</sup> 9 wussas and 8 1/2 wiswussas of wanta land in mortgage and sale.

These cases only illustrate that by the mid-19th century the traditional holders of wazifa (and even wanta) lands were being replaced by other social groups. Presumably the process occurred on a substantial scale.

Akin to the wazifa tenure was inam, a gift of revenue free land to individuals in recognition of their services to the state. <sup>98</sup> In Broach there were five villages held in inam, two of which are important : Manglesur and Kalam - the first belonging to the principal majmudar family of Broach and yielding to the inamdar in 1819-20, a sum of Rs.7537 annually; the second held by the desai family of Broach yielding an income of Rs. 5703 (1819-<sup>99</sup>20).

Kalam was conferred upon Khushal Rai Desai by Qamar-ud-din Khan, a yazir of Muhammad Shah in the 11th regnal year of his reign. It was confirmed by Sarbuland Khan in 1136 A.H. (c. 1729 A.D.). The other inam holder, Bhaidas Majumdar of Broach, was granted Manglesur in inam under the signature of Gazi-ud-din, yazir of Alamgir Sany in his 6th regnal year. This was subsequently confirmed by Damajirao Gaikwad in 1812 Samvat (c. 1756 A.D.), when he had established his revenue claims on the

97. Broach Collector's Report, 29.11.1844, R.D., 123/1845.

98. E.P. Robertson, Glossary, p. 4; Baden-Powell, op.cit., Vol.III, p. 140.

99. Monier Williams, Memoir, p. 29.

pargana (See Appendix H ). Both these grants were found valid by the Committee investigating into the claims of several grant holders.<sup>100</sup>

Jambusar pargana had three inam villages. Of these one Wurr, was under Charuns. The remaining two were small and rather insignificant tracts of land practically devoid of inhabitants.<sup>101</sup>

Besides entire villages there were other inam grants specifying certain number of bighas to the grantee. In 1762 A.D., Lallubhai Majmudar obtained an imperial grant conferring 2005 bighas of land on him. Of this 50 bighas were given to Chhotan Lal, the yakil of Lallubhai, who had gone to Delhi to procure the grant. The remaining, 1955 bighas belonging to Lallubhai, were spread over 93 different villages of Broach pargana.<sup>102</sup> A firman to that effect under the seal of Shah Alam was presented by Jeebabu, the widow of Lallubhai, to Alexander Walker.<sup>103</sup>

#### 6. PASAITA

Another major tenure in the district was pasaita under which land was granted to the village servants, in lieu of services rendered to the village inhabitants. George Perrott found in 1776 that the pasaita land was granted in perpetuity by the patels to the village servants :<sup>104</sup> Carpenters, blacksmiths, barbers, watchmen, peons, etc. Contrary to Perrott's view, which seems more plausible, Monier Williams and J.H.Bellasis together

100. "Proceedings", Broach Factory Diary No. 262, 1776-77.

101. Memoir, p. 29

102. Parbhuram Asaram to Alexander Walker, 28.12.1803, B.D., 40, 1804.

103. Enclosure to Alexander Walker's letter, 11.10.1805, B.D., 49, 1806, folio 356.

104. Letter dated 16th May, 1776, B.F.D., 262, 1776.

held that the pasaita was government land given in return for services rendered to the public (i.e. to the village residents). To them it was "resumable and transferable by Government at pleasure" and belonged "rather to offices and situations than to persons".<sup>105</sup>

In every village there were several pasaita holders. Such land was enjoyed entirely revenue free by village artisans and servants. Monier Williams furnished a comprehensive list of professions and crafts that were thus paid : carpenters, blacksmiths, potters, tailors, barbers, shoemakers, tanners, and washermen; village watchmen and peons, burthaneas, dheds and bhangis; religious personages such as brahmans, gosaveens byragees pirzadas, fakirs, etc.; village genealogists, bhats and charuns; sometimes kosiyas or water-drawers, purbias or water suppliers and bhavyas or musicians and players. The list also includes village patels and pargana revenue functionaries like desais, majmuadars and amin patels.<sup>106</sup>

It was quite astounding to the British that the desais, majmudars and patels had kept for themselves land under the denomination of pasaita. The revenue commission of Broach in 1805 deemed this unjustifiable and recommended the 'repossession' of such land by the Company government.<sup>107</sup> It was further discovered that on their own authority the patels had granted pasaita, in perpetuity, to various individuals whose services they enjoyed. (See Appendix I ). However, the Bombay government did not feel confident enough to order resumption of such lands and postponed the issue until the survey of the parganas was completed.

105. Letter, 26.6.1812, R.D., 82, 1812, para 8.

106. 'Glossary of the Local and technical terms employed in the documents' forwarded to Government by Monier Williams, 19.5.1819, R.D., 141, 1819.

107. 25.8.1805, R.D., 48-A, 1806, para 7-14.

The survey revealed that in pargana Broach alone, there were 36,563 bighas of land under pasaita. The Table below gives a breakdown of this figure among the various categories of the village work-force.

TABLE II  
DISTRIBUTION OF PASAITA LANDS IN PARGANA BROACH  
1814

Pasaita-holding Groups	Bighas
1. Burthanas (watchmen)	7,560
2. Artisans	5,190
3. Dheds	4,475
4. Bhangis	2,346
5. Brahmans	4,441
6. Maths of mendicants	3,221
7. Desais and majmudars	5,234
8. Miscellaneous	4,096
Total	36,563 =====

Source : Broach Revenue Committee, 21.3.31814, R.D.L., 92, 1814, para 15.

In Ankleshwar and Hansot parganas, 8517 and 9789 bighas respectively were held in pasaita. The Revenue Surveyors of Broach, however, observed some variation in the pattern of allocation of these two parganas compared with Broach. He observed that the "Patells in almost all the villages of the Hansot purganah, and in some of those of the Unklesur enjoy pussaia - In the former purganah the pussaita of the village patells amounts to Beegas 1209-5 and in the latter to 278-3. The other difference is with respect to the Bhauts or Bharotes, whose pussaita in the Hansot purgana amounts to Beegas 1195 - and in the Unklesur Purgana to Beegas 478-9 which is a greater proportion than this class or people enjoy in the Baroche Purgunah".<sup>108</sup>

108. Monier Williams to Warden, Chief Secretary to Government, 29.3.1817, R.D.L., 115, 1817, para 2.

It was during the eighteenth century that the patels seem to have begun the practice of setting aside some land as pasaita in lieu of their own services to the villages. In 1833, Harjivan Raghunath, Narsang Kessow and two other patels of Malapur village of Hansot pargana petitioned that their pasaita land was confiscated by Monier Williams during the survey of the pargana. To substantiate their claim, they produced a khanda or account book dated samvat 1815 (c.1758 A.A.), where 20 bighas were put down in the name of all patels.<sup>109</sup> In another instance, in village Pilodara of Ankleshwar pargana, the patels showed 17 bighas as their share of pasaita land. This was contested by the Koli bhagdars of the village who complained that the pasaita land was solely held by Jairam Deoram and since they too were bhagdar patels it should have been equally divided. Jairam Deoram in turn stated that originally Pilodara was not a bhagdar village. The land was owned solely by Brahmins, his ancestors. It was only later on that the Kolis were admitted to settle down in the village and gradually came to acquire patel rights. Since pasaita was enjoyed by the original patels, he argued, in lieu of their services, he had inherited from his ancestors and can not share it with others.<sup>110</sup> Over this issue the Bombay Government was of the view that "pasaita land cannot be considered converted into private property", as it was only in lieu of services rendered to the village.<sup>111</sup>

Although pasaita land was inheritable, it was conditional to active service. If some pasaita holder had resigned from work his pasaita could be given to others who were ready to perform the same job. Nathu Jairam, a dhed, who held six bighas of

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109. 'Substance of a petition from Harjeevan Raghunath, Nursing Kessow and two other Patels of mauza Malunpoor, Purgunnah Hansote to the Right Honourable Governor-in-Council', dated 16.12.1832; Report on the Petition by Nugent Kirkland, the Broach collector, 6.3.1834, R.D., 62/606 1834, folios 133-37.

110. Petition from Gangaram Bawa and Murar Deojee of Mauja Pilodara, Pargana Ankleshwar to Governor-in-Council, Bombay, dated 22.12.1837; Report of Acting Sub-Collector, 11.5.1839, R.D., 57/1141, 1840, folios 29-53.

111. Secretary to Bombay Government to Principal Collector of Surat, No. 2178, 6.7.1840, R.D., 57/1141, 1840.



pasaita land in lieu of his services to the Bhadbhoot village left the village during a 'famine' and migrated to Bombay. After a few years he returned to his village only to discover that the patels had appointed another person in his place and allocated his portion of pasaita to the new appointee. Jairam applied to the government seeking restoration of his job and pasaita but his claim was rejected.<sup>112</sup> Also the pasaita could not be mortgaged or sold.<sup>113</sup>

A minor tenure called hadia was designed to provide securities to the family of a person who died in defence of the village. Monier Williams explained this tenure in the following words :

Land alienated, sometimes with the concurrence of the government but often by the authority of the Patels and village only, on the occasion of the loss of life in quarrels with the Grasis and others at the Settlement of a dispute, in the course of which blood had been shed. It was the practice to confer a few Beegas, commonly 10 or 12, on the nearest relations of the deceased. If more than one life was lost, the Hurreea or "Bone land" was of course increased. When Bharotes or Bhauts, standing security to redeem their pledge, Hurreea was always given to the Victims' family. It remains for ever free of any prayment to Government.<sup>114</sup>

There are very few instances of this tenure. A survey committee looking into the matter observed that in most cases the patels appear to be enjoying the produce of hadia lands.<sup>115</sup>

112. Petition of Nathu Jairam dated, 22nd May 1821; Assistant Collector's Report dated 31.5.1821; Acting Collector's Reply to Govt.'s letter No. 116, 21.7.1821; Government Secretary's letter to Nathu Jairam, No. 1126/1821, dated 8.8.1821, R.D., 313, 1821, folios 225-235.

113. Damodardas Revadas, Jameen Jagirno Bhomio (in Gujarati), Ahmedabad 1927, p.64.

114. 'Glossary', 19.5.1819, R.D., 141, 1819.

115. Broach Revenue Committee, 26.6.1812, R.D., 82, 1821, para 9.