REVENUE RATES, PROPRIETARY RIGHTS AND TENURES

In this chapter an attempt has been made to analyse the revenue rates imposed in the district under the settlements of the various settlement officers. Added to this topic is the question of proprietary rights which was a sensitive subject. This was a complex question as to who was the real owner and the prerogatives he enjoyed. The various tenures which existed in the district was a variegated one with no one system prominent. The great multifarious tenures, disturbed by the new system of administration shook the age old systems prevalent and thereby causing disturbances in the social, economic and sentimental order of the simple people.

Revenue Rates

Land revenue was a form of public income derived from time immemorial from the law and custom of the country. In its primary form it represented the portion of the cultivators grain heap retained by the state for public use. (1) In the 16thC the plan of taking the share of the state direct from the grain heap was abandoned and cash rates were substituted for payments in kind, the cash rates being fixed for a period of years instead of being subject to alterations annually. (2) During the period of Mughal supremacy, these cash payments were realised direct from the cultivator. (3)

Owing to the destruction of records, the earlier
It appears that the early settlement officers seemed to have employed produce rates, at which they arrived by calculating the average produce and cost of cultivation and the profit in each class of soil. These rates were compared with the actual rates found in adjoining districts of Bundelkhand. Similar villages were grouped together in circles and from the average rates obtained separate rent rates for each village was established.

The local practice was to pay rent in cash at so much a bigha according to the crop sown and not according to the soil. Ascertaining the system of rotation and the actual area of each class of soil under each crop and estimating the average produce and net profits of that crop the assessing officer translated the crop rates of each village in soil rates. They then divided the villages according to their capacities and advantages into these classes and drew out the average rates for each land of soil in each class of village in each paragana.

The average soil were worked out by taking into consideration the value of the produce, deducting the expenses of cultivation and assuming the half of the resultant as rent. From the existing rent rates in the soils, 1/3rd was subtracted to form the revenue rates. The assumed aggregate rates for each class of soil was based on the area of cultivation in the district, recorded at the time of settlement, by combining the various rates proposed for such soil in each paragana.
Variations depended on custom, certain rates were customary for certain soil rates in one part of a district and lower or higher rates for about the same in another part of district. Even though the soil may have been the same the people adhered to the existing custom. Classification was most inaccurate as it was formed rather on the relative profitableness of the villages rather than on the relative goodness of their soils.

As mentioned earlier, the documents pertaining to the revenue settlement in the paraganas Moth, Gurotha and Bhandar have been destroyed. There is a note of Gordon which states that he had based his calculation on the 'produce Rate Theory' i.e. the rate of revenue in the neighbouring districts was ascertained and then he worked out the average rent rates for each kind of soil. (12) This note bears testimony to the fact as to how he deduced the revenue rate on the mar soil for Moth tehsil. The text is reproduced below:

"Thirty seven seers of wheat are required to sow one acre of mar, the outturn is 247 seers and the average price of wheat for 12 years was 25 seers per rupee, therefore the gross outturn was worth Rs. 9-9-7. Deduct for seed Rs. 1-7-8. Interest Rs. 0-6-0 and food, labour etc. Rs. 3-3-11. The balance Rs. 3-3-11 represents the rental assets, of which one half is taken as Government revenue". (13) Other paraganas were assessed by other assessment officers, viz. Mau and Pandwaha by Daniell, Jhansi by Davidson. They used the soil rates. Daniell used the nominal
village after taking into consideration the nature of soil. (14) Subsequent officers like Davidson calculated rent rates on the average ascertained soil rates of each class. He calculated the rent rates for the villages which had good mar and kabar soil an average ascertained soil rates of each class. Those which had poor soil, rates were fixed on a lower rate then the mar villages. (15)

Impey and Meston at the time of the 2nd settlement based their assessment on the classification of soil and therefore villages were classified on natural soil tract. The reason for forming such circles was perhaps to group together villages to which a uniform set of rates could be applied. (16) For calculating the standard circle rates the actual rents of holdings of uniform soil were the rates prevalent in most villages was taken as the standard rate. (17) As the standard of measurement in the district varied immensely from place to place, a simplified method of calculation of rate per acre was accepted.

In Lalitpur too, the assessment of land revenue was based on the nature of soil and rent was paid in cash according to the class of crop. (18) For the convenience of working, the villages were divided into 3 or 4 classes and then the average rate for each kind of soil in each village was calculated. The revenue differed from place to place depending upon the nature and fertility of the soils. (19)

However, it appears that the application of the rates
The assessment could not be stringently tested by average rates or in which a settlement officer could assume that the same rents paid in villages could be equally paid to either villages for similar land. Several circumstances prevented this among which was the prevalence of large 'Thanaka' basis or rents fixed in lump sum generally at a lower total then the crop rates would amount to and the prevalence of 'pahikasht' i.e. of the cultivators holding land in a different village, from that which he inhabited. A custom which arose from the scarcity of cultivation and indicative of want of permanence in the habits and tenures of the country. (20)

Based on topographical divisions, Hoare grouped the villages into circles at the 2nd regular settlement of Lalitpur. However, there was no change in the classification of soil. Hoare divided the villages into 3 categories. (21)

(a) those who had suffered from semi-permanent deterioration were assessed on the figures of the year of record.

(b) they were settled summarily for 5 years on the estimated assets of 1897-98. (22)

(c) those which were normal villages, The assessment was based on the average assets of the years and the full jama was to be executed in 3 years time. (23)

At the time of the final settlement of Jhansi in 1903, Pim introduced the fluctuating assessment which has been described in the last chapter. The need arose to apply this so that the district which had suffered innumerable calamities and a large area had remained out of cultivation. (24) To give relief
remained in force till 1937. However, this suggestion could not be executed, but it brought home to the authorities that it was necessary to distinguish the cultivated land and to exclude the fallow area for the assets. The cultivated land alone was valued at full rate for the purpose of assessment. Fallow land was valued at low rates. Consequently, the revenue was subject to adjustment every five years whenever there was a fall in rent exceeding 10% in the cultivated area or if there was a fall of over 15%. This system remained in force till 1947.

Further, two sets of rates were calculated for the areas which were rented on the 'thanka' lump rent system. Of these one was the 'turreta' (irregular land) and the second was the 'har' land. The rental of the established cultivation was arrived at by deducting the valuation of 'har' land from the rent of the whole cultivated area.

Following are some examples to show difference of rates:

**Hamirpur paragana** - mar - Rs. 4-12-2 per acre.
**Mahoba** - Rs. 3-4-0 " "
**Bansic** - Rs. 0-10-0 " "
**Moti soil ranged from 2-8-0**
**Doormit** - Rs. 2 to 8 annas
**Pathare** - Re. 1 to 4 annas. (27)

**Demerits:**

Though the rates were calculated and evaluated after investigation and were applied to every village but considering the general economic condition of the district, they were found to be too high in a very large number of cases. In every
ascertained rates couldn't be justified on arithmetical grounds. The difference between the value of deduced revenue rate and the proposed jamas were evident for each village. In equalities in the rental rates of similar kinds of soil too occurred.

The difference between rates whether ascertained or assumed for what was nominally the same soil in different paragans e.g. paragana Banda in ascertained rates varied from Rs. 5-7-11 to Rs. 7-4-5. Further all rates for the same soil had not been uniform in Bundelkhand. The cultivation was not uniformly maintained so that average standards could not be ascertained and an average cultivation was the only base on which rates could be determined.

Rates in inferior lands were sometimes were too high. There was a proposal to base the assessment on standard rates with modifications but these were unsuitable for various soils. Further erratic evaluations of rates led to no uniformity in the various villages. The particular village rates per paragana were applied to the number of bighas given in the records, then from the rental thus obtained a deduction of 40% was made. This calculation would have been more valuable had it been possible in all cases to determine the proportional size of the village and government bigha. There was no standard and in the village except the Government one, certain fields were said to contain a specific number of bighas without reference to any positive measurement for the relative size of the bigha would often differ in the same village and according to the goodness of the soil.
which were not accurate, authentic or reliable. The result of these rates upon the cultivated area furnished a jama. The deduction of 1/3rd from the gross rental produced a high demand which was impractical. The fallacy lay in supposing that these rates produced to the same extent every year but the point to notice was that they would fluctuate every season being subject to the weather though the rates had been reduced in view of seasonable calamities, they provided little or no relief to the cultivator. Again the government tried to appease certain sections of the population to secure their support e.g. concession were given to Bundela villages with reputation of notoriety. They were assessed lightly in comparison to the villages of industrious farmers where the assessment was unduly high. This exposes the double standards of the British administration.

To add to the woes of the Bundelkhand cultivator the exaction of revenue was enforced with severity. Concessions were hardly ever made some in cases of 'kans' ravages in famines which devastated the area. On non payment of revenue the lands were mortgaged which left the people with little option but to give up their property, and live a life of abject poverty or take to dacoity in the ravines.

**Proprietary Rights**

History of Proprietary rights in Bundelkhand was somewhat complicated but was interesting because it showed how proprietary
Prior to the British rule, under the native rulers there was little or no recognition of proprietorship in land. The villages were maintained by the several communities who occupied them. They were independent but they were bound by the common land of village of partnership. The only right of the cultivating communities was the mere cultivating right which was acknowledged. In some cases, we found that the thakur communities were allowed a quasi proprietorship.

Under the Maratta rule, proprietary right in the soil was held to be vested in the Raj or State. (28) Sale of land was unheard of and in case of mortgage, it was the produce of the land that was mortgaged rather than the land itself. Proprietary rights were only in exceptional cases acknowledged and even when acknowledged they were little respected. The government was the landlord, collecting its rent from the tenant and paying to the headman. (29) It was only the headmen called 'mehtey' who could receive the 'mehut'. (30) It was through him that the management was conducted and rents collected. In return for the service they received either a direct payment in cash or in a 'drawback' or decrease in the rent. (31) The 'haq' mehut or 'haq chakhuri' took shape either of money dole paid in cash or deducted from the rental or of a grant of land and was payable for rendering military service. (32)

Speaking broadly, there was no distinction between revenue and rent—what each man paid for "his land to the
holder who deducted a portion of it as his due right and looked for its dues". (33) Thus it almost came to be that prosperity would thus have been recognised as closest to imperfect rights and responsibilities. The terms of landed property which were insecure and the demand made by the Native governments was so excessive that the money lender did not cease to obtain possession of the debtors assets. (34) Moreover, there was no fixed period of uninterrupted possession which entitled a man to what was called a right of occupancy prior to British rule. Rents had been fixed after valuation of crops, known as 'Dekha Farkee'.

When the British took over they at first calculated the demand to leave the now recognised landholders merely a sum to recompense him for his services. This mehut allowance and the custom of distributing was on the basis on which proprietary rights in the district steadily developed. (35) Though the state was the sole acknowledged proprietor of the soil, the proprietary title was reserved until the time of the regular settlement.

Under the summary settlements between 1843-44 to 1860-61, the revenue paying estates belonging to Scindia were all held by farmers or leases where tenures depended solely on the fact of their ability to meet the government demand. They were not recognised as proprietors. Proprietary rights were conferred on the Thakurs and from 1868 on the headman (mehtey) of village communities who were in most cases descendants of the original founders of the village. (36)
Much weight was given to the old cultivators those who owned land. Since 1840 those who owned land were recognised as proprietors of their holdings liable to pay revenue. Old cultivators who failed to established their right were treated as tenant proprietors so long as they proved that they were in possession of their holding for about twelve years. (37) It has been argued that instead of the proprietorship which developed in Bundelkhand, the one which evolved in southern Mirzapur under which the cultivators were recognised as proprietors of their holding and headmen constituted a "patel" with certain rights of management and perquisites, but with no proprietary powers over the other cultivators, would not have been better suited. (38)

The proprietary body had a very ill-defined idea of what their rights were under the British administration. There were two classes of proprietors - inferior and superior. (39)

a) Superior were those implying the payment by the inferior of a fixed sum to the latter.

b) Inferior proprietors were owners of land paying land revenue through the lumbardars of their holdings. They in no respect differed from the owners of resumed revenue free plots. In the absence of a fixed period of uninterrupted possession which entitled a man to what was called a right of occupancy was known, but the "old cultivators" or "poorana jotdar" acquired their rights either as descendants of the men who took lands into cultivation when first the village was founded or they acquired their rights by digging wells etc. The old cultivator could sell
Under the head of proprietary rights the old cultivators (Kadeem Kashtayys) who had been recorded as proprietors of their holdings prior to the settlement the hereditary right of cultivators had not been formerly recognised but after the settlement occupancy title had been granted to all who had held continuous possession of their holdings for twelve years. (41) Hereditary tenures which had become stable as occupancy owning to the rights conferred by the United Provinces Tenancy Act. (42)

**Proprietary Castes:**

**Jhansi:** Predominant castes were the Bundela Thakurs who had lost their position to the Thakurs who held 1/3rd of the area. Brahmans owned 1/5th; Rajputs held 38.56% of the total area. They were the old hereditary rulers. (43) A considerable part was still in the hands of Lodhis, Kurmis and Ahirs. It is to be noted that Bundela Thakurs were inert landlords. Many of them flourished by money lending transaction.

**Karwi:** In Karwi the Brahmans were the largest proprietary class owning 53% followed by Thakurs owning 11.9%. (44)

**Hamirpur:** Hamirpur prescribed a different picture with 50% of the tenants area was held with occupancy rights. (45)

**Banda:** Thakurs and Brahmans were the proprietary classes.

**Tenants**

They were those who had never received a share, whether
privileges such as by village custom would rank them with others who were acknowledged to share holders. (46) Generally tenants were divided into four classes. (47)

i) holding at privileged rates or paying a low rent in one lump sum called "thansa" or "thanka" on their holdings. (non-occupancy tenants).

ii) Tenant holding at fixed rates at a fixed lump sum, on their holding and not liable to enhancement. (mouroose tenants). 1864 statistics showed occupancy percentage at 14.01%.

iii) Tenants holding at village rates or by thansa and liable to enhancement (Ghair mouroose) - 13.6%

iv) Tenants - at-will (non-occupancy) were those which included men of many inferior castes. They comprised 30.5% (49)

The comparatively small amount of land held in the tract by occupancy tenants was attributed not any opposition of the proprietor but to the fact that in a district of such uncertainties of season the tenants themselves cared little or nothing about such rights that they constantly threw up their land for bad seasons or 'Kans'. (51)

To add to their woes, the merciless administrative measures of the British and the over-assessment it was found that only 1/4th of the cultivated area was found to be in the hands of cultivating proprietors. (52) A very large proportion of the district was retained by co-parency communities who not only
considerable area as tenants in the pattis of other co-

Generally speaking throughout the whole of Bundelkhand it was not land but tenants who were at a premium. The district was dependent on the cultivating castes to a large extent. The landlords were forced to treat the tenants compassionately and to allow them considerable latituded in the amount of rent they preferred to pay for the first years of the cultivation.(54)

Cultivating Castes :

In Karwi the Kayathas, Muslim, Kurmis occupied the cultivating classes.(55) In Banda in addition to the Kurmis there were the Kachhis who occupied less than 3% of the cultivated area.(56) The status of the cultivating body was in this district same as in other parts of Bundelkhand. In Jhansi the Kurmis, Ahirs, Lodhis were small proprietors as well as Jajhriyas.(57)

The conception that the state was the owner of the soil appeared in the expression "ownership of land" in India the meaning was somewhat different from that commonly used elsewhere. Originally, the occupant of the land possessed the right to hold and till it subject of the payment of a part of the produce to government and the government possessed the co-relative right to a share of the produce called "land revenue". This controversy whether the government really owned the land or not has become in a great measure academic. The state reserved the right to have
the state asserted its power of refusing to renew the engagement with the land holder in possession. In severe cases it secured the same end by fixing the revenue on a scale which left the cultivator no margin of profit. But this right had practically fallen into abeyance. As a matter of fact the refusal of the government to a recognise the holder in possession or to assess a reasonable demand upon him.

The concept of rights of occupancy did create problems for the Bundelkhand cultivators who in simplicity fell prey to unscrupulous money lender in times of economic distress. Had the cultivators a limited tenure in the soil, they would have been unable to sell or mortgage their property and thereby save themselves from ruin.

It was a peculiar feature of this district that so large a quantity of land was held by the proprietors themselves and that there were so many tenant holdings at fixed rates. The position of the tenants too has not been well defined. Under the marattas no distinction had been recognised between landlords and tenants, all were cultivators, paying rents to the states. A form of record of proprietary and tenant rights and the history of the latter was recorded, and men who were recorded as tenants at the settlements of 1866, were of two different kinds. The question of collection of rents, what rents were to be collected by the proprietor and the rents of occupancy tenants was a matter of controversy.
Tenures

All land in British India was held subject to the payment of land revenue to the state unless the state had definitively waved its right to collect such revenue. A description therefore of land tenure relative to the state resolved itself with a description of the person by whom land revenue was paid. Early tenures in Bundelkhand consisted of large villages, which were divided into 'thoks' or 'behris' and it was the 'behriwar' who collected the revenue from his inferior sharers. It is interesting to note that for the good extraction for the government they were rewarded with the title of 'Mukhia'.(58)

Other forms of land tenure are as follows:-

Pahikasht or Mazkuri: Amongst the other original forms of tenure the pahikasht system or cultivation by non-resident cultivators prevailed to a large extent throughout the district especially in the Lalitpur area.(59) These cultivators were those who resided in another village and cultivated lands which the inhabitants either had not the means or did not find it worthwhile to cultivate. It was the worse quality of land. A Khudkasht ryot would leave the rakar lands of his own village to be cultivated by a pahikasht ryot, while he cultivated himself
Ubari or Talukdari: The tenure was intricate in the sense that these were the revenue free or jagir tenures. They had been granted under the Maratta rule in reward for 'services'. The ruling power annual payment much below the full demand during the life of the grantee. The British supported the Ubardars in order to win their support.

Bhaichara: This was very typical to Bundelkhand. It signified '4 brothers', when applied to land tenure it indicated that the cultivators of the village paid alike with the extent to their cultivation. Mainly it represented the efforts of a fluctuating population to cultivate any particular village to the maximum with the advantage of having to pay the government the original quota fixed on him. It is to be noted that the proprietors of Bhaichara estates had a common interest in other lands and that the mode of sharing the profits in such estate was by sharing the proceeds of the lands. As long as the system of Bhaichara sharing the surplus rates at estates continued, the ryot, the proprietary interests were inseparably connected.

Jagir, Maafee and Chir Holdings: These were lands which were the revenue free estates and were based on the partition treaties made between Scindhia and the ex-Raja of Banpur. The total average of such land was nearly 96,856 acres thereby exposing that revenue free estates were numerous in Bundelkhand district.
Kuabandi: This tenure was on the very poor land, but the irony is that holders of this tenures paid dues on time to the government.

Dekha-Parki: Whereby the standing crop was appraised for revenue determination. (70)

Pauth: Was a peculiar tenure which affected both proprietor and cultivators - a system of rotation under which plot of land passed in annual succession to different co-sharers or cultivators. It was chiefly found in small alluvial mahals, where land could not satisfactorily be distributed amongst the various pattis. (71) Where the area of alluvial land was extensive it divided generally among the co-sharers.

Jamai tenant: In Banda the privilege of cultivating land at the revenue rates had survived and contributed a cultivating tenure which had been imposed by the British laws. (72) The Jamai tenant was the survivor of the ordinary resident tenant who in the former days paid only the revenue rates.

Patwari Tenure: Patwari tenures were those in which the estate was held by several co-sharer each of whom was responsible for his due share of the revenue. (73)

Bhejberar Tenure: Prior to British to take over of Bundelkhand this form of tenure had attracted so much attention but had since, practically disappeared and the words bhejberar and bhaichara possessed only their 'inert' meaning. The bhejberar tenure was the simplest and most elementary form of proprietary
right, the co-sharer had simply the right to cultivate as much land as he could, and for this he paid the quota of the demand due upon his lands. (74) It resembled very closely a Russian commune for in both cases the working power of a man’s family came to be the measure of his holding. The most advantageous point was that this kind of tenure could long survive the fixation for a term of years of assessment which allowed a clear margin of profit after the payment of revenue. The repeated transfers of proprietary rights under British administration unnecessarily tended to weaken ancient customs. Bhejberar system was consistent with the idea of a permanent transferable property to be held under a fixed invariable assessment.

Zamindari: The zamindars who had generally since the beginning of the 18thC been allowed to contract for the revenue of large areas of the country were the only really well established revenue machinery. (75) By and large the zamindar’s were not the tillers of the soil but they had a claim to a share in the produce. A century’s growth had given them such a hold that they had not only become virtual landlords, that to ignore them was not possible. (76) It was the most common of the tenures. Under this all the co-parencers enjoyed a share in the general profit of the estates, according to the measure of their ancestral right and which was expressed in fraction of a rupee. In Bundelkhand zamindari was the most common tenure. 2/5th of the estates in the district were owned by single families or individuals and this consequently brought up the number of zamindari villages to considerably more than half of the whole area. The nature of
Thus it is evident from the above that there was no one conspicuous tenure in this region in the latter half of the 19th century.
2. Ibid.
3. Ibid.
5. Ibid.
6. Ibid.
8. Ibid. p. 120.
9. Ibid.
10. Atkinson. op. cit. p. 337.
11. Ibid.
12. Jenkinson. op. cit. p. 86
13. Ibid. p. 87
14. Ibid.
15. Ibid.
16. Ibid. pp. 100-101
17. Impey and Meston. op. cit. forward note No. 75 of 1885 p.8.

18. Drake Brockman. op. cit. p. 147.
19. Ibid. p. 147.
21. Ibid.
23. Ibid.
52. Ibid.
53. Ibid.
54. Ibid.
55. Patterson. op. cit. p. 27.
57. Jenkinson. op. cit. p. 87.
60. Ibid.
64. Ibid.
65. Ibid.
66. Ibid.
68. Ibid.
69. Ibid.
70. Neale. op. cit. p. 73.
71. Cadell. op. cit. p. 11. and also Humphries op. cit. p. 42.
73. Ibid.
74. Ibid.
76. Ibid.

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