Chapter VI

MISCELLANEOUS TENURES

On their occupation of Assam the British found mainly three categories of land which claimed exemption from the payment of revenue, namely, devottara, dharmottara and brahmottara. Lands allotted for the support of the temples and the worship of gods were called devottara grant. Such lands were of two categories — bhogdani and pykan; the former was granted exclusively for the maintenance of the deity and the latter was assigned to pykes attached to temples. Lands granted for the support of charitable and religious institutions like Satras, Namgarh etc. were called dharmottara grant. Lands allotted to Brahmins for their maintenance either in recognition of their services as priests in temples or as rewards of their past services were called brahmottara grant.¹ The practice of alienation of land for religious and charitable purposes goes back to great antiquity. The oldest documents sanctioning the grants for the support of temples and priests attached to them were those made by Dharmapala and Vanamala who are said to have reigned Kamarupa between 1000 and 1200 A.D.² The next oldest titles to land were the sanads or documents granted by the

¹. FPC., 1833; 30 May, No. 93; Barua, F.C., Report on the Lakhiraj and Nisf-khiraj Survey in Kamrup, para 1.
kings of Delhi or the local governors who ruled over the Eastern Provinces. In most cases the latter simply confirmed the grants made by the Rajas of ancient Assam. Of course, they granted lands for the support of the mosques over the tombs of saints. Since the beginning of their rule, the Ahom kings also made considerable grants of land for religious and charitable purposes. In the early days of their rule such grants were made for the worship of their own deities. But after their conversion to Hinduism they made large grants of land for the maintenance of the temples and the Satras as well as for the support of the Brahmins. In addition, they also allotted a certain number of pykes with brahmottara grants. Such grants were conspicuous by their absence in pre-Ahom period. Instances are not rare when the monarchs made some grants of land even for non-religious purposes. Such grants were called nankar and were generally allotted to meritorious persons, skilled artisans etc. Of the numerous Satra Gossains of Assam, the Gossains of Auniati and Dakshinapat had about 22,000 and over 12,000 acres respecting of dharmottara lands made by the Ahom kings. Under the Ahoms, the aforesaid grants were first

1. Ibid.
3. Barua, F.C., op.cit., para 1
issued under Pratap Singha (1603-1641) and closed with the death of Purnananda Buragohain in 1816.¹

Grants of land for the above purposes were exempted from payment of revenue in perpetuity. Each grant was accompanied by a royal charter or title-deed, mostly written on copper-plates whereon the names of the doner and the donee, the purpose of the grant, its exact location with boundaries etc. were specifically recorded with date and seal of the doner. The record was preserved with utmost care by the original donee and his successors; and in case of dispute the grantee was required to produce the same as a proof of his right over the donated land. A copy of such grants was also maintained in the royal archives called Gandhiaghar. Generally rent-free grants were made in rupit or best type of rice land. When such lands were not available where a grant was intended to be made, a proportional quantity of other categories of land was also allotted. The principle followed in that case was to allot twice the quantity if the land was baotali (inundated), and three times if feringati (dry). The same principle was followed in the allotment of land to pykes attached to temples.²

¹ Tamuli Phukan, K., Assam Buranji, p. 33; Mills, op.cit., Appendix H.
² Mills, op.cit., Appendix H; Jenkins to Mills, 13 June, 1853
LAKHIRAJ AND NISF-KHIRAJ TENURES

On inquiry Scott found that the Ahom Rajas had occasionally imposed a tax on all lakhiraj* (rent-free) lands except those granted for the maintenance of the temples. Purnananda Buragohain is reported to have had levied a house tax or kharikatana on the grantees in order to defend the country from the Burmese. After the conquest of Assam the Burmese continued to levy this tax with all severity. Following this practice, Scott in his first settlement levied the same tax and subsequently increased it to annas seven or eight a pura, except in case of devottara bhogdani land which was exempted from assessment. Lands donated to idols attached to large dharmottara estates or Satras were also included in the category of devottara grants. In Kamrup alone there were 386 Satras and 37 temples, each having certain quantity of land and pykes attached. In case of dharmottara lands, the revenue was collected through an officer called "Shusteria (Satria) Barua", while collection of taxes on every person attached to devottara lands was entrusted to each of the managers of the temples.

*The term lakhiraj is derived from two Arabic words - "la" and "khiraj" - the former means "free" while the latter denotes "revenue". Hence lakhiraj means revenue free.

1. RDP., 1834; 25 August, No. 20; FPC., 1833; 30 May, No. 93
2. Ibid.; Barua, F.C., op.cit., para 7
3. Report on the Revenue and Judicial Administration in Assam, Shillong, 1835; Bogle to Commissioner, 1st September
Scott, however, desired to abandon the tax on such lands as were held on valid documentary evidences. The unsettled state of the country and the paucity of European officers prevented him from doing nothing more than preparation of a register of all lakhira lands in Kamrup. In Upper Assam, a similar investigation was conducted by a Panchayet consisting of the Barbarua and four other persons of rank under the supervision of Captain Neufville and Lieutenant Matthie. But it appears from the report of the Commissioner that the investigation was not conducted with much regularity. In the absence of records of that inquiry which were reported to have been lost in the fire that had occurred in the Sibsagar Court in 1840, it is not possible to make an assessment on the working of the Panchayet.

T.C. Robertson, who attempted to conduct a similar investigation after the death of Scott, could not do more than issuing a proclamation requiring the claiments to produce their documents within 5 February, 1834. When Jenkins demanded the lakhirajdars to pay tax, the latter objected on the ground that similar grants were exempted from payment of taxes in Bengal,

1. RDP., 1834; 25 August, No. 20; Jenkins to Macsween, 19 June
2. RDP., 1839; 19 September, No. 55: Mills, op.cit., see district of Sibsagar, para 31
3. Mills, Ibid., Appendix H; Jenkins to Mills, 13 June 1853
4. RDP., 1834; 25 August, No. 20; Jenkins to Macsween, 19 June
Bihar and Orissa. They represented that the kharikatana as well as the land tax imposed on them was only as a temporary expedient to meet an emergency. As a protest against the half-hearted and dilatory proceedings of the government in regard to the settlement of their claims, some of the lakhirajdars of Kamrup stopped paying their rent and became defaulters. This led to the Collector of Kamrup to seek the permission of the higher authorities to sell the estates for arrears of revenue. The Commissioner who was, on the other hand, sympathetic to the claims of the lakhirajdars forwarded the matter to the Government of Bengal. He pointed out that the claims of the rent-free holders were upheld by Scott who had granted a remission of two-thirds of the revenue in favour of the grantees, and that the validity of the claims was confirmed by a practice of eight years and also by the proclamation of Robertson. In recommending the claims of the lakhirajdars he pointed out the futility of instituting an inquiry into the authenticity of every claim, as most of the documents were lost during the Burmese invasion. He, therefore, advocated the adoption of an alternative principle, viz. allowing

1. Ibid., Bogle to Jenkins, 14 June
2. RDP., 1838; 10 July, No. 78; Matthie to Jenkins, 20 July 1837
3. RDP., 1834; 25 August, No. 20; Bogle and Jenkins, 14 June
4. Ibid.; Bogle and Jenkins, 13 May
5. Ibid., Jenkins to Macsween, 19 June
all claiments who were found to have holding lands since 1826 to hold half of their lands rent-free, and resuming the rest in order to settle them at full rate. 1

In reply the Government of Bengal wrote that "there was no reason to believe that Mr Scott intended to give up any of the lands claimed to be held rent-free which he brought under his moderate assessment, and if he did he could not have done so without the sanction of the Government previously obtained." It was intimated to the Commissioner that all rights to exemption from payment of revenue emanating from any former government were cancelled by the conquest of Assam. It was, therefore, up to the government to take into consideration any such tenure; but a compliance with each claim must rest solely on the indulgence of the Government on a consideration of reports of each case submitted by local officers. 2 But under no circumstances such indulgence would be extended to any land that was not held or possessed before the Burmese conquest or to any land held rent-free for services which were not then performed. At the same time to institute inquiry into all classes of rent-free tenures the Government of Bengal appointed Captain Bogle Special Commissioner, under Regulation III of 1818. He was empowered, subject to the control and orders of the Commissioner, to assess at full rates all lands held in

1. Ibid.
2. Ibid., No. 22; Macsween to Commissioner, 25 August
excess of what was not held and possessed on bonafide grants before the Burmese invasion. The final decision of extending or withdrawing the favour in concessional rates would, however, be taken by the Government only after receiving a report from the Special Commissioner. The Commissioner was, of course, authorized to use his discretion to suspend the orders for bringing any particular land at full rate if he considered it proper to do so. Pending the lakhiraj inquiry Scott's moderate rates were ordered to be continued as before.¹

The works of investigation extended over several years and was not completed before 1860, although the special power conferred upon the Commissioner was withdrawn by the Government of Bengal in 1852. Major Jenkins, who continued the inquiry after the transfer of Bogle in 1836, did not act in consonance with the orders of the Government of Bengal. Instead of referring the cases which had come before him for the final orders of the higher authorities, the Commissioner made a broad distinction between devottara lands and lands known as dharmottara and brahmottara. In case of devottara lands, he confirmed them revenue-free if he found them bonafide and valid; in all other cases of genuine grants he confirmed the grantees' right on payment of half the rate imposed on rent paying land, until

¹. Ibid.
final orders of the Government. Lands found to be held without any valid title were resumed and settled at full rates.¹ Since no report was submitted to the higher authorities on the conclusion of the proceedings of the Commissioner, the holders of dharmottara and brahmottara grants continued to hold their lands at half the rate imposed on khira, or full revenue paying land. On the basis of information supplied by the Commissioner Mills, in his Report on the Province of Assam, mentions that in the whole valley 7,48,168 bighas of land and 5,262 pykes were confirmed and 3,86,115 bighas of land and 360 pykes were resumed.²

The question of the status of this class of tenure holders was again taken up in 1872 when a long correspondence began which was not finally closed till 1879. In that year the Government of India recognised the practice of realising half the prevailing rates from them, and their estates were declared to be heritable and transferable.³ Prior to 1871 the holders of both rent-free and half revenue paying lands were called lakhirajdars—a term which actually referred to only such grantees as were entitled to total exemption from revenue. In order to distinguish the holders of half revenue paying estates

¹. Report on the Administration of Assam, 1882–83, para 163
². Mills, op. cit., para 87
a new term "nisf-khirajdars" was added to the revenue terminology in 1871. In the Assam Land Revenue Regulation, which was enacted in 1886, this class of tenure holders were called landholders whereas the lakhirajdars were treated as proprietors.

The lakhirajdars enjoyed all the benefits of a permanently settled estate with an additional advantage that they paid no revenue to the government. The nisf-khirajdars, on the other hand, were on the same footing as the decennial settlement holders at full rates, having a permanent, heritable and transferable interest in their lands, subject to the payment of land revenue at half the rates assessed on khirej land. A nisf-khirajdar might be a manager of a temple (doloi) or a high priest (gossain) of some religious institution (Satras) or a simple Brahmin performing religious services to the deities of a temple or a Satra; or lastly, he might be a pyke performing mininal services at a temple, though cases in which a pyke was a nisf-khirajdar were very rare.

Evidently, the lakhiraj inquiries instead of solving the problem created a division among the grantees who had so long been on a footing of equality. The inquiries were not

1. Report on the Administration of Assam, 1882-83, para 167

2. Ward, op.cit., p. Lxxv

3. Ibid. At the close of 1880-81, there were altogether 2,001 nisf-khiraj estates, covering an area of 3,33,716 acres. Report on the Revenue Administration of Assam, 1880-81, p. 12
only conducted in a "lax manner" but also took unusually a 
long time to decide the cases that had been registered. No 
consideration was shown to a large number of claiments who had 
lost their title-deeds during the confusion that had proceeded 
the British conquest of Assam. This injustice was especially 
manifested in the case of Upper Assam where no further inquiry 
was instituted on the claims of the grantees whose title-deeds 
were burnt in the fire that had occurred in the Sibsagar Court 
in 1840. When Mills visited Assam in 1853, numerous petitions 
were presented to him claiming to hold land, some rent-free and 
some at half rates. They complained of the injustice done to 
them by not instituting an inquiry, worth the name, into the 
validity of their claims as had been done in other districts. ¹ 
It might be that some took advantage of the destruction of the 
records in the fire by advancing false claims. But "justice 
demands", as Mills says, "that suits should at once be regu-
larly instituted and disposed of upon the best evidence docu-
mentary and oral which can be adduced."² The settlement of the 
cases was further delayed on account of the transfer of all 
cases from the jurisdiction of the Collector to the court of 
the Commissioner in violation of the orders of the Government

¹ Mills, op.cit.; see district of Sibsagar, para 26
² Ibid., para 31. Out of 512 claims which had been regis-
tered after the destruction of the Sibsagar Court in 1840, 
only 277 cases were disposed of and no step was taken to 
investigate the remaining 235.
of Bengal which directed the Collector to investigate them. But the cases thus forwarded remained undecided for a long time. At last, although the Commissioner sent the cases back to the Collector in 1847, he did not adopt measures for the speedy adjudication of all the suits instituted by the Collector. The condition of the holders of the debottara grants became all the more deplorable when in 1842 the services of the devottara pykes were directed to be commuted for an assessment on land. In consideration of the indigent circumstances of the holders, most of whom were men of education and respectability, the local authorities recommended to compensate them in money as had been done Kamrup. But the proposal did not receive the approval of the Board of Revenue on the ground that the priests did not have any well-founded title to the perpetual service of the pykes in question.\(^1\) The injustice done to these holders was pointed out by Mills who wrote,

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\begin{align*}
I & \text{ do not think that we have dealt fairly with the priests; each claim should have been fully investigated, if the assignment of paicks for the services of the temples were, like any other grant of land, found on inquiry to be a valid assignment, it should have been respected, and an arrangement should have been made to consign lands, equivalent to half the poll-tax formerly paid by the paicks to the priests.} \\
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\(^1\) Ibid., para 35  
\(^2\) Ibid., para 36
The attitude of the government towards the claims of the grantees remained unaltered. The injudicious action of the government produced bitter discontent amongst the managers of the temples of Upper Assam, and "no wonder", as Barpujari puts it, "... that some of them wholeheartedly joined hands with Maniram Dewan in his tirade against the British Government."¹

DARRANG RAJA'S KHATS

Besides the lands claimed exemption from assessment for religious and charitable purposes, Scott found certain categories of land claimed to be held rent-free by the members of the family of the Raja of Darrang. These land constituted part of the territory formerly ruled by their forefathers as independent sovereigns. After their subjugation to Ahom rule they were allowed to hold judicial control of the country, and were remunerated by adequate grant of pykes and lands in conformity with the practice of the government.² The lands claimed to be held rent-free fell under three categories, viz. (a) khat, (b) pyke land, and (c) lands assigned to a temple. The khats were lands held by the Rajas and the members of their

¹ Barpujari, op.cit., p. 210
² RDP., 1839; 15 January, No. 152; Jenkins to Halliday, 31 August, 1838
families as private farms from long past. On taking possession of their country the Ahom king redeemed all revenue payments on this category of land. For a long time there was no particular investigation into the distribution of the land under their occupation. In 1734 Raja Sib Singha (1714-1744) ordered for a survey of these estates in order to ascertain their extent, and to determine to whom they belonged. The result of this survey was recorded in a pera-kagaz (register of survey) which revealed that altogether 8117 puras of arable lands were held by fourteen members of the different branches of the Darrang royal family. In this survey no notice was taken of waste or village lands which were also held rent-free. In his first settlement of Darrang, pending an inquiry into the right of full exemption, Scott assessed these estates at half the rate imposed on full revenue paying land on the same principle that he followed in taxing other lakhiraj lands. The pyke lands were those which were granted to them rent-free as remuneration to their service to the sovereign. The third category of lands were those which were said to have originally assigned to the support of the pykes attached to a temple.

Like cases of other lakhirajdars the claims of the Rajas of Darrang remained undecided for a long time, and for

1. Ibid. At the time of lakhiraj inquiry the land in question was held by twenty six members of the Darrang Raj family.

2. Ibid.
want of a final settlement of their demand the family sunk into great distress. On inquiry it was found that the privilege of the Rajas to hold their khats revenue-free was established from the register (pera kagaz) left by the Ahom rulers. In 1838 the Commissioner submitted a definite proposal for the final settlement of their khats and pyke lands in perpetuity at one half of the prevailing rates on the analogy of the resumed estates in Bengal, and recommended a periodical adjustment of the rates at an interval of twenty years. The proposition of the Commissioner with regard to first category of land was considered by the Government of Bengal to be judicious. Regarding the second category, the Government of Bengal on principle opposed to the grant of any concession for lands held for services which were no longer performed at the time of investigation. However, in consideration of their rank and poverty the Government of Bengal authorized the Commissioner to conclude a settlement with them for all lands of the first two classes at half the ordinary rates for a term of twenty years, and "so in perpetuity."¹ With regard to land claimed rent-free on account of religious establishments, the Commissioner was authorized to make over two hundred twenty puras of land to hold rent-free for the support of the pykes in charge of the temple "Devighar."²

¹ Ibid., No. 154
² Ibid.; RDP., 1836; 1 March, No. 40
In 1859, when there was a resettlement, it was found that large areas of land had been passed out of their hands by private sale. Since these lands were granted for special uses, the Commissioner began to settle the alienated lands at full rates. The Board of Revenue, however, disfavoured the proceedings of the Commissioner, as they found on inquiry that the purchasers had been made to understand by government officers that they would be allowed to retain these lands at half rates. The Government of Bengal, while agreeing with the Commissioner that lands granted for special use ought to be subjected to the imposition of full rates, made an exemption in favour of lands alienated prior to January 1859 on the ground that the transfer of land before that date had taken place under a misunderstanding of the intention of the government, as no condition bound them not to sell their lands. In 1879-80, these estates were resettled for twenty years. At that time there were thirteen estates, covering an area of 17,907 acres.

CHAMUA ESTATES

Reference has already been made that the local authorities with a view to create a class of large landholders granted

1. RDP., 1860; 7 June, Nos. 18-19
2. Ward, op.cit., p. lxxvii
the privilege of paying revenue direct if the annual revenue of an estate amounted to rupees fifty and above. The holders of such estates were called chamuas or chamuadars in Kamrup.¹ Like the mouzadars they used to enjoy a commission at the rate of ten per cent on the assessment.² Previously they were assessed on the basis of the measurement papers submitted by them. Later, this privilege was withdrawn.

KHIRAJ-KHATDARS

Like the chamuadars of Kamrup the large landholders of other districts of the valley were called khiraj-khatdars. In Nowgong district there was a large estate known as Auniati khat covering an area of 1,993 acres. Like a chamuadar the holder paid his revenue direct to the treasury. Pattas for the land were issued by the government to the cultivators. The khatdar received no patta, but a commission of ten per cent on his collection. On the death of the khatdar the land would be settled direct with the cultivators, each patta being treated as a separate holding.³ In Lakhimpur district there was also a large khat which was precisely on the same footing as the

1. Report on the Land Revenue Administration in Assam, 1874-75, para 12
2. Ward, op.cit., p. lxxxvii
3. Ward, op.cit., pp. lxxvii-lxxxviii
Khat in Nowgong. It was assessed on the same cultivated portion at the ordinary district rates. The khatdar received ten per cent commission on his collection from the cultivators. The total area of this khat was 149 acres.¹ In Kamrup district there were two khatds, namely Jalukbari and Phatasil khatds. Their total area was 815 acres, yielding a revenue of Rs 757. These khatds were also assessed at ordinary rates on the cultivated portion only.²

In the district of Sibsagar there was another class of khatds, called Naga khatds. These khatds were small patches of lands that were held by the Naga tribes. Unlike the khatds of other districts the Naga khatds were revenue free and were cultivated for the holders by the Katakis.³ The quantity of land so held was 496 puras.⁴

TEN-Twenties of Sibsagar

After the resumption of Upper Assam rent-free grant known as khatds occupied by the nobility were brought under assessment. At first these were assessed at the rate of annas

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¹. Ibid., p. lxxviii
². Ibid., p. lxxviii
³. Report on the Land Revenue Administration in Assam, 1875-76, para 4
⁴. Mills, op.cit.; see district of Sibsagar, para 40
eight per pura, and was raised to rupee one in 1843-44, without any perceptible increase in the resources of the country. This measure, coupled with the emancipation of slaves, hit the former aristocracy hard. A large number of them being without any employment maintained their livelihood by cultivating their khats with the help of hired labourers. They found it extremely difficult to meet the increased demand on their khats, and consequently many of them had to abandon their holdings, since the yield was not worth the price paid for. To give relief to the hard-pressed nobility Captain Brodie, the Collector of the district, with the sanction of the Government of Bengal, remitted in 1844 half the amount of revenue to those who paid rupees twenty or more, and a deduction for the excess over ten to those whose total revenue was below rupees twenty.\(^1\) Though intended for the relief of the Ahom nobility the indulgence was later extended to every cultivator without discrimination. Instances were not rare when the interested parties with the connivance of the revenue officers threw their lands so as to make up the quantity of holding to secure the indulgence.\(^2\) The loss of government revenue as a result of the increase in the number of recipients, therefore, caused the Commissioner to institute, in 1852, an inquiry under Captain Holroyd, the Collector of Sibsagar.\(^3\) The investigation subsequently conducted by Captain Holroyd revealed that the

\(^{1}\) Mills, \textit{op.cit.}; see district of Sibsagar, para 15
\(^{2}\) \textit{Ibid.}, Appendix C; Jenkins to Holroyd, 17 February, 1850
\(^{3}\) \textit{Ibid.}
boon had been abused and the amount of remission increased from Rs 7,164 in 1844-45 to Rs 8,273 in 1852 with corresponding increase in the number of recipients from 1,125 to 1,279.\textsuperscript{1} To remedy the evil any further grant of remission on this account was stopped and the indulgence was allowed to be continued only during the life time of the holders; and on the demise of the persons to whom the indulgence was granted the lands held by them were liable to reassessment at full rates.\textsuperscript{2}

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1. Ibid.; Holroyed to Commissioner, 10 June, 1853

2. Report on the Land Revenue Administration in Assam, 1875-76, para 3. By the year 1875-76, the total revenue remitted on this account dwindled away to Rs 927.