CHAPTER-III
THE DYNAMICS OF PROPERTY AND LAND RIGHTS

Rights in land was a complex issue because of the diverse nature of the area which was hilly in nature. The first land revenue settlement was done by G.C. Barnes and he wrote in his report that:

‘the hills from their seclusion and poverty had remained comparatively un molested. The frame work of the land system was here presented in its original simplicity and those various and complicated tenures which had grown up with the innovations of conquest and the progress of society in our lower provinces were in this neighbourhood almost unknown.’

Barnes agreed that there existed two separate properties in the land. The first was the state’s right to a share of the produce, and the second was the cultivators hereditary right of cultivation and claim to the remaining produce. Before examining the details we need to understand the early history. In this context, Lyall suggested that instead of the term ‘state’ it would be better to use the term ‘raja’. The Kangra district consisted of the area between the Ravi and Sutlej rivers which had been annexed by the Sikhs. According to Lyall, prior to Sikh rule, each raja was the landlord of his entire principality more explicitly than in other parts of India. In the principality a single landholding was divided into circuits, which was a group of holdings under a rent collector. The British argued that the cultivated land was held directly to the raja. The raja could remit the rent or give it in jagir to another person. The grazing dues were also payable to the raja. The agents, who collected these dues and rents, were employees of the raja. A large number of rights such as right to land, grazing, working a water-mill etc. were

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1 Barnes, Kangra SR, 1850, p. 18.
granted by the raja. Anyone enjoying this right was a *warisi* but not a *malik* or owner.²

Non-agriculturists including artisans in villages held their *lahri basi* (house garden plots) from the raja and not from the village community. Services were also given to the raja by everyone including the landholders.³

1. *Jagirdari System*

When the Sikhs took control of the area, the traditional rulers were rewarded for the active control of their territories and granted *jagirs* instead. The British continued with this system, and several *jagirs* were allowed to survive in Kangra.

The following table gives the details:

<table>
<thead>
<tr>
<th>Name of Grantee</th>
<th>Area in acres</th>
<th>Annual Income (Rs.)</th>
<th>Place</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raja Partab Chand Katoch</td>
<td>————</td>
<td>36,000</td>
<td>Partly in Kangra and Nadaun</td>
<td>The income included Rs. 1,000 of Banwaziri</td>
</tr>
<tr>
<td>Raja Jodhbir Chand</td>
<td>————</td>
<td>33,000</td>
<td><em>Pargana</em> Nadaun</td>
<td>————</td>
</tr>
<tr>
<td>Raja Ram Singh of Siba Jagir</td>
<td>————</td>
<td>20,000</td>
<td>Haripur</td>
<td>Pay a <em>nazrana</em> of Rs. 1,500 a year</td>
</tr>
<tr>
<td>Raja Shamsher Singh of Haripur</td>
<td>————</td>
<td>20,000</td>
<td>--- do ---</td>
<td>————</td>
</tr>
<tr>
<td>Mian Isri Singh</td>
<td>————</td>
<td>2,404</td>
<td>Nurpur</td>
<td>————</td>
</tr>
<tr>
<td>Mian Suchet Singh Pathania</td>
<td>————</td>
<td>1,668</td>
<td>--- do ---</td>
<td>————</td>
</tr>
</tbody>
</table>


² Lyall, *Kangra SR*, 1872, pp. 25-26. The Raja took a share of every kind of income, the best hawk caught in a net, the largest fish caught in a weir, a share of the honey of the bee-keeping, and best of the fruit of the trees, even trees planted by a man in his own field were to be royal property if of certain valuable kinds.

Raja Partab Chand Katoch was the head of the Kangra family. The previous raja had a *jagir* of Rs. 33,000 in the *taluqa* of the Mahal Mori. He had lost this possession due to his role in the insurrections of 1848-49. The *jagir* estate of Mahal Mori belonging to Raja Parmod Chand alone was valued at Rs.33,000 per year.⁴ Raja Jodhbir Chand was the illegitimate son of Raja Sansar Chand. Jodhbir Chand’s sister was married to Ranjit Singh, who made him a raja and granted him his *jagir*. Ram Singh was the former ruler of Siba. His *jagir* comprised the whole of his hereditary possession, for which he paid a nominal annual tribute of Rs. 1,500 to the government. Raja Shamsher Singh represented the Haripur family, who was given Nandpur as his *jagir*. Isri Singh and Suchet Singh were Pathania Rajputs of the same family as the chiefs of Nurpur.

Some other *jagirs* also survived. *Mian* Muluk Chand Katoch of Bijapur *taluqa* Rajgiri, had a *jagir* worth Rs. 2,500 per annum and the former Raja of Kutlehr had a *jagir* of Rs. 10,000 yearly value situated not in Kangra but in the neighbouring district of Hoshiarpur.⁵ Jaswan was also an important *jagir*. Ragunath Singh of Jaswan claimed proprietary right over all land with in the said *jagir* which was at that time the property of government. Cash rates were fixed in the three villages of Nagauli, Daulatpur and Khad. Had he remained the *jagirdar*, quite possibly, cash rates might had been eventually fixed for other villages of the *jagir* also.⁶ The *sanad* of 1848 elaborated that the relations between the raja and villager would be decided by officers of the British government.⁷

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⁴ Ibid; p. 34.
⁵ Ibid; p. 33.
⁶ Deputy Commissioner Kangra; *Jagir of Raja Jaswan*, File No. 4 (40) B.No. 10, State Archives H.P, 1877. p.15.
⁷ Ibid; p.16.
Naduan Jagir was another important jagir. O’ Brien who made the land revenue settlement in 1892 tells us that, since Sikh rule tikas were interspersed among the jagir tikas. In all the jagir tikas and in the parts of shared tikas where the revenue went to the jagirdars, the raja of Nadaun was mentioned as the superior proprietor. Where the revenue went to government, the zamindars were mentioned as the sole proprietors.  

During the settlement of 1893, the rights of different categories of people with interest in land were fully recorded. The raja was considered the superior proprietor of all land in his jagir. He was granted a talukadari allowances of 15 per cent (later it reached 17.65 per cent in Nadaun and 20 per cent in Dada Siba and Guler Jagir) on the assigned revenue as a mark of his status. An important right was that of succession in his capacity of ala-malik to the lands of any peasant-proprietor (adna-malik) who died without heirs.

2. Religious Grant

Religious grants of land in perpetuity had traditionally been made to support temples and shrines. The famous shrines of Jawalamukhi and Kangra were entirely self-supporting. The offerings were a valuable inheritance for the temple priests and also yielded a large revenue to the state in pre-colonial times.

3. Size of Land-Holding in the Kangra

The average size of the landholding was estimated by Barnes in the Kangra District. Each agricultural holding was not more than 4.63 acres though it varied from pargana to pargana.
Table No. 3.2

<table>
<thead>
<tr>
<th>Name of Pargana</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kangra</td>
<td>3.70</td>
</tr>
<tr>
<td>Naduan</td>
<td>7.23</td>
</tr>
<tr>
<td>Nurpur</td>
<td>4.65</td>
</tr>
<tr>
<td>Haripur</td>
<td>4.38</td>
</tr>
<tr>
<td><strong>Total Average</strong></td>
<td><strong>4.63</strong></td>
</tr>
</tbody>
</table>

Source: Barnes, Kangra Settlement Report, 1850, p. 31.

Nadaun had the highest average holding of 7.23 acres, while Kangra Proper had the lowest at 3.73 acres. Later Lyall observed that, "family means sometimes one household, but oftener a group of kinsmen the descendants of a common ancestor holding shares of an ancestral estate, and lived on it in several houses."\(^{12}\)

There were 37,399 such families of landholders in Kangra Proper in 1872. Their holdings were divided into 79,810 separate lots. In the *parganas* of Kangra and Dehra, less than one-third of the holdings could be traced beyond the grandfather of the landholders. In Nurpur and Hamirpur about one-third can be traced further. The number of shares in land was much greater than the number of separate lots. Brothers and cousins often held their land without partition.\(^{13}\)

Lyall also assessed the average area and revenue of a proprietary holding and the average area of a tenants holding for each *pargana*.

Table No. 3.3

<table>
<thead>
<tr>
<th>Name of Pargana</th>
<th>Proprietary Holding</th>
<th>Tenants Holding</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average area in</td>
<td>Average area in</td>
</tr>
<tr>
<td></td>
<td>Acres</td>
<td>(Rs.)</td>
</tr>
<tr>
<td>Kangra</td>
<td>.04</td>
<td>08</td>
</tr>
<tr>
<td>Nurpur</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Dehra</td>
<td>07</td>
<td>08</td>
</tr>
<tr>
<td>Hamirpur</td>
<td>07</td>
<td>07</td>
</tr>
<tr>
<td><strong>Total Average</strong></td>
<td><strong>7½</strong></td>
<td><strong>08</strong></td>
</tr>
</tbody>
</table>

Source: Lyall, Kangra Settlement Report, 1872, p. 60.

\(^{12}\) Lyall, *Kangra SR*, 1872, pp. 19-20. A family that lived near the boundary of two *mauzas* frequently held land separately in both; so also families that lived high up in the mountains commonly had separate holdings of rice land in *mauzas* far below in the valleys.

\(^{13}\) Ibid; p. 20.
In Kangra there were on an average two shareholders in each holding; so that each proprietor owned two acres only. Each tenant's share of his farm was only one acre. In Talia Santa of Kangra the average area of a proprietary holding was a mere 2½ acres but the average assessment was as high as eight rupees. In taluqa Rangarh, with little irrigation, it was three acres and assessment was five rupees. In Nurpur too the average holding was similar to the rest of the district.

In Dehra, holdings were mostly sub-divided in taluqas Haripur, Mangarh and Balihar and were between three and four acres. In Kanga Proper as a whole 6⅔ acres of arable land were jointly owned by two brothers or cousins, and three acres cultivated jointly by two brothers of a tenancy.¹⁴

Prices had increased very greatly. There was a common saying that a rupee would buy a pakka maund (40 sers) of grain at the time of the Barnes' settlement in 1850, and that in 1892 it would buy only kacha maund (16 sers). Prices had, therefore, increased two and a half times. If a holding produced only enough to feed its owner, then irrespective of the price of grain, he could not sell his produce in the market. This also meant that the revenue could not be increased even if the prices increased greatly. Nadaun Jagir had very small holdings and there were 8,146 in the whole jagir. The average size of a holding was 3½ acres and the average land per shareholder was 2½ acres. The best land produced 10 maunds of rice and 6 maunds of wheat in a year. This meant that the produce of 2½ acres was 37 maunds 13 sers in a year. This was a very small amount and meant that after feeding the family there was not much left to pay the land revenue.¹⁵

¹⁵ Ibid; p. 10.
In Middleton’s time (1910-15) the average proprietary holding in Kangra tehsil was 1.64 acres of cultivation but although holding were very small, the cultivated area of per family of five people was 2 ¼ acres. The average size of holding of cultivated land of each circle of Kangra was described in Kangra District Gazetteer (1924-25) as under:

Table No.3.4

<table>
<thead>
<tr>
<th>Name of Circle</th>
<th>Average size of holding (in acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rehlu</td>
<td>1.65</td>
</tr>
<tr>
<td>Kangra</td>
<td>1.53</td>
</tr>
<tr>
<td>Palampur</td>
<td>1.63</td>
</tr>
<tr>
<td>Bargroan</td>
<td>3.46</td>
</tr>
<tr>
<td>Ramgarh</td>
<td>2.09</td>
</tr>
</tbody>
</table>

Source: Kangra District Gazetteer, 1924-25, p. 388.

The size of holding in Kangra tehsil was largest in the two southern taluqas i.e. Baragraon 3.46 and Ramgarh 2.09 per acres, while the smallest size of holding in Kangra Proper was 1.53 per acres. Anderson had estimated that each family consisted of five persons. Such a family in Kangra had about 2 ½ acres in Hamirpur, as much as 6 acres. This was almost four-fifths of an acre for each person. The land was mostly cultivated by the proprietors. If it had not been for the prejudice of some Brahmins and Rajputs against ploughing, the area under khud-kasht would have been much higher.

The holding average was only 2 ½ acres of cultivated land in Dehra and 3 ½ acres in Hamirpur, while the amount of cultivated land held by each individual shareholders or owner was 1 ¾ acres and 2 ½ acres, respectively. In the Palampur tehsil, the average size of holding was only just over 2 acres.

16 Middleton, Kangra Tehsil SR, 1913-15, p. 11.
18 Ibid; p. 387.
In the Kangra tehsil, 65 per cent of total cultivated area, was held by owners in 1892, while in 1914 it had decreased to 54.58 per cent. In Nurpur tehsil the proprietary holding had an average cultivated area of 4.33 acres. It was assumed in Nurpur that 90 per cent of the population was of the landowning classes and that a family averaged 5.8 acres.\textsuperscript{19}

The area of Kangra region which was much adjoined to the Punjab, the landholders had a stronger feeling of property in the soil and it was there that the largest hamlets existed. In the irrigated valleys, the family and family holding were small. Lyall reasoned that it had happened because Malaria from the rice fields had downsized the families from increasing. He gave another reason for this, which was that rent of the rice-lands was very heavy.\textsuperscript{20}

It was noted in 1924-5 that Kangra Sub-Division had reached its lowest point on cultivation. The people, if they had relied only on their land for a livelihood, would have starved. Many of the small proprietors and tenants practiced some other trade and occupation, or sent out a family member to work for wages. Among the better classes nearly every family had a member employed in service in some other part of India.\textsuperscript{21}

4. Nature of Land Tenure

The first British official to administrator the district was Barnes. He wrote that, ‘the tenures in the hills were rather simple in nature. The state was regarded as the proprietor. It levied rent in money or in kind, depending upon circumstances. The peasant had the right to cultivate.’ The British officers argued that there was no

\begin{footnotes}
\item[19] Ibid; pp. 387-88.
\item[20] Lyall, Kangra SR, 1872, p. 22.
\end{footnotes}
intermediate class to appropriate a share of the revenue. The cultivators paid the revenue directly to the government treasury and there were no intermediary to be paid.\textsuperscript{22}

Lyall has provided a description of the land tenures of the hill \textit{mauzas}. All the \textit{mauzas} in Kangra Proper seemed to belong to three classes. The first category was made up to \textit{mauzas} formed of holdings of detached fields with no boundaries in the waste. The second was the \textit{mauzas} formed of hamlets with boundaries in the lesser wastes only. Finally, the third group was of \textit{mauzas} formed of hamlets with boundaries including all the wastes.

Each \textit{mauzas} was made up of several hamlets and according to Barnes, each hamlet had separate boundaries that it jealously guarded.\textsuperscript{23} These hamlets were called \textit{graons} or \textit{gaons}. In some areas the word \textit{larh} was also used. It was suggested that where the family had grown large the increased member of houses came to be called \textit{graon} or village. Where the member of houses did not grow, the words \textit{larh} or \textit{basa} (meaning homestead) were used.\textsuperscript{24}

5. Kinds of Agriculturist

Lyall had mentioned the types of agriculturists in the Kangra region. The \textit{lahris} were peculiar to the hills; the house of the people which aspired to the name of \textit{naggar} or town were more or less detached. The small piece of land out side of the house, which was used as a flower or vegetable garden called \textit{lahri} and in another word \textit{lahru sowaru}. This whole area of the house and garden was called the \textit{lahri basi}. However, these gardens did not exceed a few poles in area as a rule, but sometimes in the case

\textsuperscript{22} Barnes, \textit{Kangra SR}, 1850, p. 66.
\textsuperscript{23} Ibid; p.16.
\textsuperscript{24} Lyall, \textit{Kangra SR}, 1872, p. 22.
of poor Rajputs or Brahmans the lahri was considered bigger. The same name lahri was also applied to the one to two small fields (often standing apart to the house) which were generally held by the kamins or families of low caste, who supported themselves mainly by handicraft. The holders did these services in lieu of paying rent, only in a few cases where the lahris were large, the services were regular, for example in the case of the chamars in some parts of Guler. They cut grass for the rajas family, and their services were on regular basis. But when the lahris were small, it was irregular. These lahris of all types were not charged rent in the same way as the landholder’s fields, but were not always held-free. They were charged with a cess known as lahriana at the rate of one rupee per lahri or even one rupee per kanal. But there was no fixed and regular rule for lahris basi.

The question was raised in 1853-54 for the proper treatment of them during the enquiry of rent-free tenures and it was decided that they might be considered to be abadi land or land under houses and therefore, not chargeable with land revenue. Barnes called them village artisans and servants. They worked for the land holders and in return received fixed grain fees at harvest, according, to the work they had done. They had no claim on the lahris on which they worked.

Ibid; pp. 35-36. The proper lahri or sowaru was the garden plot attached to a house or basi formed when the house was built and held on the some tenures. Another class of lahris were held by cultivated tenants only, not by artisans or labourers. Such lahris were of course held by the individual land holder not of the state. In some parts of southern Hamirpur, where there were something like village proprietorship – where in fact the land holders title was not so clearly limited to the area of his cultivated fields – the shopkeepers and artisans, lived by or on the fields of a land holders present him eight pie to two annas as a nazar on sairi day. This was considered to be a rent-free ground. In some places a landholder will gave a kamin a small plot out of his field to be held rent-free under name of lahris on the condition that the kamin assisted him in the begar or impressed labour. (p.no. 36)

Ibid; p. 36.
6. The Position of Tenants

Tenants who cultivated portions of the land of ordinary landholders, or of the raja were quite well known to the people of Kangra. Such tenants were called as opahus. The Kangra peasants were not however, familiar with tenants who held the land of the community or a group landholders of a mauza as a whole. According to the British officials, this was because there was no concept of a collective property in the wastes held by the mauzas. Official British opinion was that the idea of property being owned by the mauza emerged under Sikh rule when the kardar granted waste land for cultivation, and when under British rule the village headman was authorised to give patta nautor (reclamation leases). As a result, considerable land was broken up after the settlement of 1850. This land was brought under cultivation mostly by men of the mauza, but also by outsiders. In either case the new cultivator viewed himself and was considered by his neighbours as a proprietor and not a tenant of the community.27

An interesting point was made by Lyall regarding the difference between the hill and lowland tenures. The difference according to him was because of social reasons. The landholdings castes in the hills – the Thakurs, Rathi, Kanets and Ghirths, were either indigenous to the hill areas or of mixed race. The Rajputs, Brahmins, Khatris etc, according to Lyall were descendants of invaders who settled in the hills. On the other hand, the common belief was that the inhabitants of the plains were entirely of Aryan descent. As they invaded north India, they expelled the original inhabitants who were driven into the forests and mountains. This, according to Lyall, marked the difference between the hills and plains.28 Another obvious cause for the difference in tenures was the topographical and geographical difference.

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27 Ibid; p. 25.
28 Ibid; p. 27. Certain peculiarities in the present religious idea and custom prevailing in the hills had some resemblances to facts recorded of the tribes found in other parts of India. There
7. Categories of Tenants

According to Lyall the next line of tenants cultivated the land with the landlord's plough. He says that, 'between the kama who was a mere farm servant and the regular opahu or tenant farmer, a class of men who farm the land with plough and oxen furnished by the landholder.' Another category of tenant known as basiku opahus, (especially those cultivating the land of Brahmans and Rajputs, who did not cultivate themselves) believed they had a right of occupancy. Three requirements highlighted the position of the basiku opahus. Firstly, the tenant had to settle down on the holding he cultivated. Secondly, he was required to build his house on or near the land, unlike the opahu, who lived in the village and was not a basiku. Finally, even though there was no written deed or verbal agreement, the implication was that the tenant would remain on the land as long as he farmed well and paid the rent. So tenants were known by various names in different areas. The share of the tenant in the total produce varied. It was usually half the produce that was left over after the government levy had been paid. The amount taken by government was either half or a third. In Palam Valley such tenants were called pluk-pholu, which Lyall thought was a tenancy adequate only for a single soul only. The custom was for the landholders to engage with men of this class at the beginning of the year for the year only, giving them something at that time by way of sai or earnest money.

The true tenant farmer or opahu on the other hand, used his own livestock and implement. Those living on the land they cultivated were called basnus or basiku

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29 Ibid; p. 44.
30 Ibid; p. 46.
31 D.C. Kangra; Tenants Rights in Kangra District; File No-6 (3) 1910; H.P. State Archives, Shimla, pp.17-18.
opahus. If he lived in the village but not on the land, he was an opahu or an adheo or a kirsan. A tenant who came from another village to cultivate was hal-chuk, bhatri, opra or dudharchar opahu. These opahus usually paid a fixed rent in grain and cash (ruru) and shared the total produce with the owners according to the custom of the locality. In most areas the proprietor got half a share even on unirrigated lands. But there were also places, where the landowners got only two-fifth, one fifth, one-third and in some cases one-fourth. On good irrigated lands, however, they got more than a half.\footnote{Ibid; p. 45.}

8. Obligations of the Tenant

The tenant was required to give three days work in the year on any other land of the landlord. This service was called jowari. One day jowari (called halatar) was required for ploughing; another jowari (called daretar) was called for reaping the crop, a third jowari (called karoti) was required at mowing time. The landlord provided the tenant food for the day. Jowari was provided by tenants in Kangra, Hamirpur, and parts of Dehra. Towards the lower areas like Nurpur, Induara and Kheirun it was less clear. The landowners in the latter areas extracted labour from the tenants in a less organised manner without any fixed norms.\footnote{Ibid; p. 45.} The tenant was required to carry the baggage of the landholder on journeys or to work in his house on important family functions. In return he was provided food. Only tenants who were permanent residents and held a whole farm, were required to so this. Outsiders who cultivated a few fields for a season would not be expected to provide any service.

It was also a general custom in some areas for the tenants to present to their landlord on some days, offering of a dish of walnuts or a bunch of plantains. If the
tenant was also an artisan, he presented an article of his manufacture, such as pair of shoes, a bottle of oil, a bedstead, etc.\textsuperscript{34}

9. Eviction of Tenants

In pre-colonial times, due to the absence of an elaborate judicial administration in Kangra, the rajas were the authorities to whom the tenant appealed in case he was evicted. The state officials were then expected to intervene and persuade the proprietor to instate the tenant. No compulsion was used or needed in this regard and the two parties often arrived at an agreement.

There was another viewpoint on this issue which was expressed to the British officials by the former rajas of the district. The latter argued that previously they themselves were the real land holders \textit{(malik)}, the present proprietors were the tenants \textit{(asami)} and that the raja had nothing to do with their tenant’s or \textit{opahus}. The raja, they said, would not have interfered to prevent their eviction. The matter would have been addressed to a self-constituted village jury or \textit{panchayat}.

The lack of tenants in pre-colonial times required the proprietor to coax their tenants to settle down permanently in their farms. This shortage of tenants was in itself, a sufficient guarantee to the tenant that he would not be evicted, except for some very grave cause. Besides, if he was evicted, he could easily find another farm or even get land from the state and become a proprietor himself. Dispute about eviction were, therefore few and it is difficult to produce many instances to show how such disputes were decided.\textsuperscript{35}

As far as the actual act of eviction was concerned, the custom was that if a landlord had put in a man to cultivate the autumn crop, he had to let him hold on for

\textsuperscript{34} Ibid; p. 45.

\textsuperscript{35} Lyall, \textit{Kangra SR}, 1872, p. 47.
the spring crop also. If he was put in before the spring crop he could him evict after it was harvested. The reason was that cultivating the autumn crop was quite expensive and difficult and it was therefore, thought that the tenant should be allowed to obtain the second harvest, the produce of the labours and manure he had put in for the first. Where as in some places, where the spring harvest was the most important this norm was reversed.\(^{36}\)

It also emerged from the enquires made by Lyall that a *basiku opahu* (a tenant who resided on the land he cultivated), who had been settled only for a short time (unless he received the *basi* or homestead ready-made from the proprietor) was not to be evicted, except for grave fault. It was also a great sin (*pap*) to evict one of old standing (whether his father or grandfather had got the *basi* ready-made or not). In fact, when Lyall conducted several meetings in 1865 of landowners in four *parganas* of Kangra, they were all of the view that *basiku opahus* should be considered hereditary (*maurasi*) tenants and that this should also apply to tenants of 35 years standing.\(^{37}\)

10. Right to Hold and Cultivate Land

Lyall noted that the hereditary claim to posses and cultivate land was called *warisi*. This term also applied to hereditary rights to official posts such as *chaudhari* or *muqqadam*. Hereditary ownership of land was a complex question. Barnes felt that *waris* was the term used for descendants of the original settlers. The *waris* had to ensure proper cultivation of land and regular payment of revenue. Failing this, the

\(^{36}\) Ibid; p. 45. The general custom was expressed in a popular rhyme: *Jiski sairi, ushiki niai, jis ne bhari, ushi ne biai*. English version His autumn, his spring harvest, his betrothed, his bride.

\(^{37}\) Ibid; p. 47.
government could transfer the tenure to another person. But the original claim was not easy to abolish. After the establishment of British control a large number of people, who had fled due to Sikh oppression, recovered their land simply by returning to the village and proving their title to the land.  

There were also Brahman and Rajput landowners, or persons engaged in trade, who did not cultivate the land themselves. The cultivation was usually done by domestic servants who had no claim in the land. Sometimes, however, the cultivator was someone who had cultivated the land for many years and thus acquired the prescriptive right to cultivate. He received half the produce for his labour, and the landholder could only take what remained after paying the government demand. As a result, two different kinds of hereditary claims developed on the land. These were more complicated than the straightforward relationship between the cultivator was directly paying the revenue to the state.

11. Proprietary Rights

Barnes was inclined to think that earlier there was no proprietary right vested in private parties. Government alone was the absolute proprietor. However, the tendency for institutions to remain in one family, gradually converted a temporary benefit into a ‘permanent, hereditary and transferable right.’

Lyall examined the issue of property in the soil. In cultivated lands there were two separate properties. The first and paramount was the right of the state to a share of the gross produce. The second was the hereditary right of the cultivator to cultivate and claim the rest of the produce. The latter right was known as a warisi or

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39 Ibid; p.19.
40 Ibid; p.19.
inheritance, but this depended upon the proper cultivation of the land and regular payment of the government dues. Failure to do this gave government the right to transfer the tenure temporarily to another. The claim to recover the land within a certain period was enjoyed by the previous cultivator. The right could not be sold because the tenure was not complete. According to common understanding, the land belonged to government. The tenant only had the right to cultivate.\textsuperscript{41}

Therefore, Lyall considered the tenants right a \textit{warisi} (inheritance) not a \textit{maliki} (ownership). The latter position seemed to be enjoyed by the raja, but this varied in each principality. In some, cultivators had very few rights and little protection against the raja. Though a good raja never evicted a cultivator without good reason, there was no protection against a bad raja for a poor cultivator. A family of good caste or social standing was, however, better placed.\textsuperscript{42}

Proprietorship in the Punjab plains was often claimed on the basis that the ancestor of the present cultivators had either settled the village or taken it by conquest. Such a claim was not made by the peasants in the hill areas. The landholders here said that their original title came from \textit{pattah} or deed of grant of the raja. The \textit{pattahs} were given for certain particular fields or plots. The name and area of the plot and the rent payable were often mentioned in the \textit{pattah}.\textsuperscript{43}

\textbf{12. Waste Land and Right in Wastes}

Lyall recorded that the waste land was all state property. No private person could hold any wasteland that he had given to another for cultivation. The man who first cleared

\textsuperscript{41} Lyall, \textit{Kangra SR}, 1872, p. 22.

\textsuperscript{42} Ibid; pp. 22-23.

\textsuperscript{43} Ibid; pp. 22-23.
a field held it either as a tenant of the state, or as a field proprietor. He could not be an opahu. Under Sikh rule however, even a petty kardar or village official could encourage a man to break up waste land with the aim of becoming a proprietor. The land was then entered in the revenue records in his own name. Even if he had broken the land on behalf of someone else, but could prove that the land was waste when he got it, he was certain to a right of occupancy.

In Kangra, as long as the wasteland was not broken up for cultivation, it belonged to state. On the other hand the present proprietor would not have been able to acquire it if he had not got the help of the tenant who carried out the actual task of breaking the land. As a result Lyall had argued that the property right of the landowner and the occupancy right of the tenant began from the same date. In the time of Anderson’s Settlement Report (1882) the division of waste land was of different categories. But he also noted that the category called graon-ki-banni was well defined. Anderson felt that village landholder should be granted some collective right collectively in wasteland of the graon-ki-banni class, which was not divided amongst the landholders.

12.1 Shamilat-Deh (Common Land)

Barnes says in his Settlement Report that, a cause of discontent among the villagers or shareholders was common land (shamilat-deh) that was not divided according to the hereditary share of proprietors or by any other rule. Rents were taken and collected together and distributed to the shareholders. Influential proprietors took a large share, while the weaker ones were given small shares. Barnes had partitioned the land according to the number of shares. All productive land was divided amongst co-

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44 Ibid; pp. 48-49.
partners, and Barnes did not consider the concept of shamilat because it was often the reason for dispute between co-owners.\textsuperscript{46} Shamilat-deh was joint or common property of the village. When Lyall conducted the land revenue settlement of Kangra area in 1872, he has given some important declaration of interest in waste lands in the \textit{iqrarnama} for all villages as follows:

‘In it (the waste) all inhabitants of our village will as before, graze their cattle, cut grass, collect dry wood etc; so also will the inhabitants of such and such a village, to whom a right of use belongs by custom. No single land holder can keep a grazing ground to himself or enclose waste as a hay-field. Trees in any field or garden belong to the owner of the land. The right of cutting or selling big trees in forest and waste belongs to government; but we the landholders of the village can cut small timber required for agricultural implements with leave of the lambardar, and if we want big timber for building, we shall get permission to cut from government. The inhabitants of such and such a village have also by custom a right to get wood from the forest in our village as they have none in their own. The grazing tax paid by the Gaddi shepherds, who were in the habit of coming to our forest, belongs to government.’\textsuperscript{47}

Only the cultivated land was measured and entered in the names of the sub-proprietors. The \textit{kharetar} (grassland) was not usually measured but it actually was in the possession of sub-proprietors as their cultivated land. The remaining wasteland had been declared the rajas property subject to certain right of user. None of this land could be broken up without the raja’s permission.\textsuperscript{48}

There were, however, some exceptions to be found. In the Dada Siba jagir some open wastes were not the raja’s property but because they were large and productive, the raja had taken them over. These were known as sarkari banjar. Land was leased to the zamindars who paid for grazing their cattle and their rights of user

\textsuperscript{46} Barnes, Kangra SR, 1850, p. 66.
\textsuperscript{47} Lyall, Kangra SR, 1872, p. 28.
in the waste. The right to cut the grass (*sar phar kahi*) and to graze over these areas was leased annually to the neighbouring villages because they claimed the first right. ⁴⁹

13. Right of Use in Waste

The right to use the waste land was called a *bartan*. Most of these were the right to pasture cattle or sheep and goats; the right to cut grass or leaves of certain trees for fodder; to cut horns for hedges and to break off or pick up dry wood for fuel. There were other privileges that existed but required the permission of a local official. There were the right to get free of charge timber for roofing or for farm purposes; green wood for fuel at marriage and funeral ceremonies and also splinters of pine for torches etc. ⁵⁰ If a cultivator from another *mauza* began residing on the waste land that he had newly broken, he became entitled to the same *bartan* (right of use) in that surrounding waste land as the oldest inhabitant of the new *mauza*. ⁵¹

Soon after the settlement of 1850 the Chief Commissioner of the Punjab decided that all waste lands were the property of the village communities (actually *khewatdars* or landholders mentioned in the rent-roll of each *mauza*). No land was to be appropriated for cultivation without their consent. Trees in the forests, however, belonged to the government as they were of considerable value. Moreover, if the forests were handed over to the village communities, forest conservancy would not have been possible. The communities were initially given the right to collect grazing

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⁴⁹ Ibid; p. 24.


⁵¹ Ibid; p. 25.
fees from Gaddi shepherds, but the shepherds objected to this because their grazing areas did not overlap uniformly with village boundaries.\textsuperscript{52}

Lyall clarified the matter thus:

'\textit{the landholders or khewatdars of each mauza were proprietors of several holding of arable land, and co-proprietor (in proportion to the amount of land revenue paid by cash) of the waste lands. On the other hand the state was the proprietor of the forest or wild growing trees in waste lands. In the forest therefore, that was in waste land more or less covered with tree or bush- the state and the landholders had separate properties, neither of which were free for the property of the state in the trees was subjected to the right of \textit{the} land holders and other residents of the village to obtain the necessary quantities of wood for fuel, and other timber for farm implements and building purposes; and the property of the land holders in the soil was subjected to the right of the state to preserve the tree. Moreover, the state, intransferring the property in the soil of the waste to the owners of fields, necessarily did so with reservation of existing right of third parties, therefore, the right of the Gujars of their soanas or cattle walks, and of the Gaddi shepherd to their sheep runs remained unaffected by the change; so also do the right of common belonging by custom to the people of one mauza in waste of another mauza.}\textsuperscript{53}'

The record of right consisted basically of the rent-roll or \textit{khewat} in which the rent was payable and the numbers or names and areas of the fields held by each land holder were mentioned. The waste was not mentioned in this roll. Also part of this record was the \textit{iqrarnama} that mentioned the customs connected with the land and the bye laws agreed upon between the land holders themselves and also between them and the government.\textsuperscript{54}

\textsuperscript{52} Ibid; p. 30. Also see Baden-Powell, \textit{Land-Systems in British India}, Vol-2, p. 546.

\textsuperscript{53} Ibid; pp. 30-31.

\textsuperscript{54} Ibid; p. 28.
14. Kharetars

Lyalls tells us that all the people grazed their beasts in discriminately in waste lands. However, certain parts of such waste was used every year by individuals as hay fields (kharetar). Any one passing through the country between June and October could see defined plots with long and thick grass. There were the kharetars of the landholders, which grew hay and grass for thatching. These plots were protected from grazing cattle during the period when grass was grown. For the greater parts of the year only local people could tell where the common waste began or the kharetar ended. Both were grazed over indiscriminately. The kharetars had fixed boundaries. The same plots were preserved every year. Most landholders had their kharetars which was usually in the waste nearest the house and fields of the holder, but it could also be near another hamlet in a different mauza, or forest or high up on the hills. Those without kharetars sometimes grew grass in a corner of a field, or preserved the grass on the terraces and banks of their fields.

In pre-colonial times a peasant would often hedge some waste land for a time in the rainy months when grass was plentiful. Over the year, his successors would establish right over it and a kharetar would come into existence. Other kinds of kharetars would be granted by the rajas or his officials. For instance, in some villages where grazing land was scanty there were families of labanas who held large kharetars but little cultivated land. These men kept numerous oxen for carrying goods

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55 Ibid; p. 36. The grazing in common of a kharetar, after the hay was cut would not disprove of individual ownership of the soil for the cattle ordinarily graze in common over the cultivated fields when the crops were off the ground. Nevertheless, it was time that the general idea was that with regard to his kharetar a man was owner in the case of kharetars in the forest or open grazing grounds; on the other hand in the case of the garhu kharetars near the house or amidst of a family, it inclined the other way.
and the rajas had given them large kharetars because their oxen were often used for carrying stores.

In Barnes Settlement Report kharetars were not separated from the rest of the waste lands. Technically then they would be part of shamilat-deh or common property of the village, but in practice the claim to the hay was as clear as any other property.\(^66\)

15. Mortgages and Lease of Land

Hereditary rights could be transferred by gift or mortgages. Mortgages were rare except where production was good. Even after mortgages, the peasant continued to cultivate the land but paid out the profit he earned. Only in times of dire necessity did the holder of the mortgage cultivate the land through his servants, to obtain a greater surplus. Gifts occurred when the incumbent had no heirs. He could not however, alienate his land to the prejudice to his lawful inheritors.\(^57\) The history of mortgages of Kangra area is shown in following table:

<table>
<thead>
<tr>
<th>Period</th>
<th>Number of Mortgages</th>
<th>Acres Mortgaged (in Acres)</th>
<th>Mortgage money per Acre (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1870-79</td>
<td>1,373</td>
<td>7,011</td>
<td>19</td>
</tr>
<tr>
<td>1880-89</td>
<td>2,927</td>
<td>16,466</td>
<td>15</td>
</tr>
<tr>
<td>1890-99</td>
<td>5,479</td>
<td>23,256</td>
<td>22</td>
</tr>
<tr>
<td>1900-04</td>
<td>3,043</td>
<td>6,842</td>
<td>34</td>
</tr>
<tr>
<td>1905-09</td>
<td>3,912</td>
<td>9,572</td>
<td>32</td>
</tr>
<tr>
<td>1910-14</td>
<td>3,553</td>
<td>8,576</td>
<td>37</td>
</tr>
<tr>
<td>1915-16</td>
<td>4,275</td>
<td>6,709</td>
<td>46</td>
</tr>
<tr>
<td>1916-17</td>
<td>3,280</td>
<td>6,538</td>
<td>57</td>
</tr>
<tr>
<td>1917-18</td>
<td>3,805</td>
<td>6,812</td>
<td>59</td>
</tr>
<tr>
<td>1918-19</td>
<td>4,766</td>
<td>7,811</td>
<td>71</td>
</tr>
<tr>
<td>1919-20</td>
<td>5,441</td>
<td>11,878</td>
<td>41</td>
</tr>
<tr>
<td>1920-21</td>
<td>5,498</td>
<td>9,999</td>
<td>58</td>
</tr>
<tr>
<td>1921-22</td>
<td>4,703</td>
<td>9,474</td>
<td>65</td>
</tr>
<tr>
<td>1922-23</td>
<td>4,243</td>
<td>28,914</td>
<td>66</td>
</tr>
<tr>
<td>1923-24</td>
<td>3,266</td>
<td>7,881</td>
<td>62</td>
</tr>
</tbody>
</table>

Source: Kangra District Gazetteer, 1924-25, p. 263.

\(^66\) Ibid; p. 36.

\(^57\) Barnes, Kangra SR, 1850, p.18.
In 1890-99 the numbers of mortgages were 5,479, and area under mortgage was 23,256 acres. The value per acre was Rs. 22 in Kangra region. However, these figures were for nine years collectively. With the passage of time these numbers increased year by year. In 1918-19 the value of land under mortgage per acre was at highest point Rs. 71. In 1922-23 the numbers reached 4,243 under mortgage with an area of 28,914 acres, and rate was 66 per acre. These figures were only for one year. The area represented in the above table was 16 per cent of the cultivated area in Kangra under mortgage. All the areas mortgaged were not cultivated land. The total area under mortgage was slightly in excess of what it was in 1892. The most common reason for mortgaging the land was indebtedness due to high bride price paid and for expenses of wedding ceremonies. To some extent it was because of expenses on death and birth ceremonies. These figures show that the conditions of the people of Kangra area were not in prosperous position.

The Punjab Alienation Land Act, 1900 restricted the mortgage of land by agriculturalists to non-agriculturists. Mortgages were most common in the Kangra, Palampur and Hamirpur tehsils. The redemption of mortgages was as follows:

### Table No. 3.6

<table>
<thead>
<tr>
<th>Period</th>
<th>No. of Redemption</th>
<th>Acres Redeemed (in Acres)</th>
<th>Mortgage money per Acre(Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1870-79</td>
<td>157</td>
<td>845</td>
<td>25</td>
</tr>
<tr>
<td>1880-89</td>
<td>999</td>
<td>6,802</td>
<td>99</td>
</tr>
<tr>
<td>1890-99</td>
<td>3,044</td>
<td>11,711</td>
<td>20</td>
</tr>
<tr>
<td>1900-04</td>
<td>2,512</td>
<td>6,192</td>
<td>45</td>
</tr>
<tr>
<td>1905-08</td>
<td>3,181</td>
<td>5,781</td>
<td>66</td>
</tr>
<tr>
<td>1909-14</td>
<td>2,808</td>
<td>5,028</td>
<td>79</td>
</tr>
<tr>
<td>1915-16</td>
<td>3,756</td>
<td>6,793</td>
<td>92</td>
</tr>
<tr>
<td>1916-17</td>
<td>3,171</td>
<td>4,822</td>
<td>98</td>
</tr>
<tr>
<td>1917-18</td>
<td>3,483</td>
<td>5,201</td>
<td>122</td>
</tr>
<tr>
<td>1918-19</td>
<td>4,289</td>
<td>5,778</td>
<td>142</td>
</tr>
<tr>
<td>1919-20</td>
<td>4,077</td>
<td>6,498</td>
<td>137</td>
</tr>
<tr>
<td>1920-21</td>
<td>3,449</td>
<td>5,699</td>
<td>165</td>
</tr>
<tr>
<td>1921-22</td>
<td>3,770</td>
<td>6,088</td>
<td>162</td>
</tr>
<tr>
<td>1922-23</td>
<td>3,929</td>
<td>6,412</td>
<td>169</td>
</tr>
<tr>
<td>1923-24</td>
<td>3,806</td>
<td>6,458</td>
<td>164</td>
</tr>
</tbody>
</table>

Source: Kangra District Gazetteer, 1924-25, p. 263.

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58 Kangra DG, 1924-25, pp. 263-64.
In 1870-79 the redemption was 157 out of 1,373 mortgages and was 845 acres redeemed out of 7,011 when the value per acre was Rs. 25, which was Rs. 6 more of mortgage value. In the years of 1890-99 redemption numbers were 3,044 out of 5,479 mortgages with the value of Rs. 20 which was Rs. 2 less of mortgage value. In 1918-19 redemption was 4,289 out of 7,811 acres when value of land per acre was Rs. 142. In 1922-23 the value of redeemed land was Rs. 169 per acre, which was at highest value of all years.

16. Sales of Land

Colonial officials argued that the hereditary right in the soil was never sold. The peasants never regarded their tenure of a kind that they could transfer it finally to another. Most settlement officers believed that the sale was quite strange to them. Their understanding was that the land belonged to government and that they only had the right to cultivate it. They could not sell what did not belong to them. The pre-colonial government also never dispossessed a waris arbitrarily. The sales made in Kangra are mentioned in table as follows:

Table No. 3.7

<table>
<thead>
<tr>
<th>Average Sales per Annum</th>
<th>No. of Sales</th>
<th>Areas Sold (in Acres)</th>
<th>Price per Acre (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1870-79</td>
<td>588</td>
<td>2,457</td>
<td>25</td>
</tr>
<tr>
<td>1880-89</td>
<td>1,207</td>
<td>8,606</td>
<td>23</td>
</tr>
<tr>
<td>1890-99</td>
<td>2,491</td>
<td>11,703</td>
<td>30</td>
</tr>
<tr>
<td>1900-04</td>
<td></td>
<td>5,525</td>
<td>73</td>
</tr>
<tr>
<td>1905-09</td>
<td>2,408</td>
<td>5,763</td>
<td>79</td>
</tr>
<tr>
<td>1910-14</td>
<td>1,912</td>
<td>4,407</td>
<td>104</td>
</tr>
<tr>
<td>1915-16</td>
<td>2,394</td>
<td>5,955</td>
<td>103</td>
</tr>
<tr>
<td>1916-17</td>
<td>2,094</td>
<td>3,389</td>
<td>125</td>
</tr>
<tr>
<td>1917-18</td>
<td>2,345</td>
<td>4,056</td>
<td>125</td>
</tr>
<tr>
<td>1918-19</td>
<td>2,629</td>
<td>3,793</td>
<td>155</td>
</tr>
<tr>
<td>1919-20</td>
<td>2,919</td>
<td>5,182</td>
<td>207</td>
</tr>
<tr>
<td>1920-21</td>
<td>2,605</td>
<td>5,361</td>
<td>150</td>
</tr>
<tr>
<td>1921-22</td>
<td>2,852</td>
<td>4,838</td>
<td>222</td>
</tr>
<tr>
<td>1922-23</td>
<td>2,664</td>
<td>5,477</td>
<td>218</td>
</tr>
<tr>
<td>1923-24</td>
<td>2,236</td>
<td>4,432</td>
<td>253</td>
</tr>
</tbody>
</table>

Source: Kangra District Gazetteer, 1924-25, p. 262.

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59 Barnes, Kangra SR, 1850, p.19.
These figures pertain to the whole district. They show striking effects of the Punjab Alienation of Land Act of 1900, which prohibited the alienation of land by agriculturists to non-agriculturists without the Deputy Commissioner’s approval. This was rarely given. The average amount of land sold per annum dropped to about half (1900-04). Despite this, the average value of the land sold was more than double. Before the act was passed, the land of the zamindars had passed to shop-keepers. Most of sales took place in Kangra and Palampur tehsils. Many sales were also made by resident Gaddis of Dhauladhar areas to Gaddis from Chamba or elsewhere. The belief behind this was that person acquiring the land would acquire extensive and permanent grazing rights in the forests of the main range. Because of these transactions, a small amount of cultivable land was sold at a high price but it put greater pressure on the forests and affected the original right holders. Retired army officers also bought land at a very high price. In the Palam tract, irrigated land sold at as high as Rs. 400 per acre or less, though elsewhere much of the unirrigated land was sold at Rs. 50 per acre or less.60

In some cases where the land was leased from government and it was not clear who had the proper title: the cultivator or the lessee, one half the right was given to the cultivator and other half was equally divided amongst them. Each paid a share of the revenue and enjoyed the remaining surplus. This practice was specific to Kangra pargana and was called adh-sali or half revenue. This meant that the parties were joint-leases. This subordinate right to cultivate could not be transferred by gift or mortgage, but only by inheritance.61

60 Kangra DG, 1924-25, p. 262.
61 Barnes, Kangra SR, 1850, p. 19.
The Brahmans, Rajputs and Mahajans were involved in trade or service. They obtained land grants or leases of fields in their own name. By offering loans of money to buy cattle etc, they persuaded poor men to settle down on the land and cultivate it as their tenants. It was not difficult to get land on lease from the state in the rice tracts because much of it lay waste because the assessment was heavy and money was very scarce. Many of the poorer people preferred to work for a prosperous landowner and pay him a share of the actual produce and leave him to pay the state demand.  

17. Adh-Salis and Sanjhi

Lyall says that the term *adh-salis* and *sanjhis* applied to two parties who had interests in one land-holding. The tenant cultivator paid the (*sat*) owner’s share of the produce to the proprietor who in turn undertook to pay the revenue to the state. In some holdings, the cultivators and non-cultivator divided the *sat* between them and paid an equal revenue share. In this case it was difficult to distinguish between the proprietor and the *adh-sali* in this partnership.  

While the term *adh-sali* meant a partnership in the payment of revenue, the term *sanjhi* was partnership in the payment of revenue and cultivation. Proprietors with more land than they could themselves manage took a friend into such a partnership. They divided the produce and payment of revenue equally between themselves or put in an equal number of ploughs to cultivate. Even here it was not easy to differentiate between *sanjhi* and the proprietor.  

Barnes fails to mention the *sanjhi* though he refers to the *adh-sali*. Because of the difficulty of distinguishing between the proprietor and the cultivator in these two

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62 Lyall, *Kanga SR*, 1872, p. 44.

63 Ibid; p. 49.

64 Ibid; p. 49.
cases, it was noted by Lyall that the entries in the revenue records in this respect were
vague and unreliable.\textsuperscript{65}

During the time of Lyall it appeared that the proprietor was regarded as the
true master of the land. It was presumed that the proprietors admitted the \textit{adh-salis} or
\textit{sanjhis} of his own free will to the partnership. So the proprietor could dissolve it
when he liked. If, however, the interest of both parties in the land began at the same,
for example if one of them got a lease of fields from the state, and immediately
associated the other with himself, then both parties might be regarded as proprietors
or at least as permanent partners.\textsuperscript{66}

18. Land Rights in Kulu

It was argued by the early colonial officials that according to local law, the land in
Kulu belonged to the raja while the peasants were his tenants. Each peasant was a
tenant only of his cultivated fields. From this grew the concept of \textit{warisi}.

19 \textit{Warisi} or Hereditary Tenant

The \textit{warisi} (hereditary tenant right) in Kulu was not as strong as in Kangra.
Nevertheless, eviction from land was regarded unjust and was, therefore, rare. One
can say that the peasants had a right of property in their fields.\textsuperscript{67} In Kulu Proper some
tenant paid rent to temples but they also held some rent-free lands. In Saraj most of
the rent-free land was held by \textit{pujaris} (priests). But in Kulu Proper musicians and

\textsuperscript{65} Barnes, \textit{Kangra SR, 1850}, p. 19.


\textsuperscript{67} Ibid; p. 81.
artisan also held such land. The rent taken was generally in fixed amounts of grain, butter, oil, etc. with a little cash added. Some tenants paid in cash only.\textsuperscript{68}

\textbf{19.1 Classification of Tenants}

There were two classes of tenants in Kulu: (1) tenants holdings under individual landlords and (2) tenants of temple lands. Amongst the first category, those paying rent in the form of a share of the produce (usually amounting to one-half) were called \textit{gharu}. Tenants who paid a fixed rent in cash or grain were called \textit{utkru}. The tenant brought their own cattle and supplied the manure. It seems, however, that neither the \textit{gharus} nor the \textit{utkrus} possessed rights of occupancy.\textsuperscript{69} Lyall has described the second category of tenants i.e. those who paid rent to the temples. Irrespective of the length of their standing, they had an interest in their holdings, quite similar to that of a proprietor of land paying revenue to government. So long as they paid the customary rent, they could not be evicted.\textsuperscript{70} There was also some land held by cultivating Brahmans (who had originally been given a rent-free grant by the rajas). There were tenants who could claim protection and they appeared to be ignorant of whether they could be evicted, or have their rents raised sometimes in the future.\textsuperscript{71}

\textbf{19.2 Hereditary Tenants}

Lyall also found in a few village's \textit{khewatdars} who were described in the \textit{iqarnama} papers as hereditary tenants (\textit{maurisi}) and not proprietors. They were by custom entitled to share in profit or loss and miscellaneous income with the proprietors. Nor did they pay anything more than their rateable share of the revenue or that plus only a small customary fee. Lyall felt that the term \textit{maurisi} failed to describe the true status

\textsuperscript{68} Ibid; pp. 84-85.
\textsuperscript{69} Diack, \textit{Kulu SR}, 1898, p. 8.
\textsuperscript{70} Lyall, \textit{Kangra SR}, 1872, p. 85.
\textsuperscript{71} Ibid; p. 90.
of these men. He, therefore, ordered an enquiry as to the origin and nature of the tenure. It was found that in many cases these men were awarded the status of proprietors with the consent of the other landlords of the village. In other cases, they remained tenants. In a few cases, they were not recorded proprietors at the first settlement, because they lived elsewhere and did undertake begar or forced labour with the men of the village. Instead of recording them as absent proprietors, their land was wrongly described as common property of the village.

Barnes realized that these occupants were entitled to a superior position than ordinary tenants with right of occupancy, equivalent to that of a sub-proprietor.72

19.3 Nature of Land-holding in Kulu

The form of the land holding in Kulu differed from that of Kangra. Proprietors in a Nadaun hamlet were always, or almost always kinsmen, who held the fields in shares. The fields were almost always in a ring fence. In a Kulu hamlet the land owners belonged to distinct families. Even where there were all kinsmen, the title of each household to its fields appears to have been unconnected with kinship. Each family had its holding or share of one. Such holdings were arbitrarily allowed from the arable lands of the whole country. The fields were not in a ring fence.73

All cultivated land was previously divided into lots. Each lot was presumably calculated to provide subsistence for one household. All this gradually changed and fields changed hands. New fields were added from the waste. According to Lyall, the original theory seemed that in return for rent or service to the state each head of the household was entitled to a share of arable land to support one household. Lyall suggested that no man wanted more land as land was a means of subsistence, not a

72 Ibid; p.136.
73 Ibid; p. 81.
source of wealth. The majority in society consisted of largely equal peasants who were at the most split into two or three grades only. The plot of land given for subsistence was not meant to be divided and was to be handed down by the original household, unchanged from generation to generation. If a holder had several sons, they were expected to take up separate lots, while the paternal house and land passed to elder son only.\(^74\)

19.4 Size of Landholding

In pre-colonial times, the landholders were of two classes. The first group provided military service, and the second performed menial service. The former consisted of Kanets and a few Brahmans. The latter were daghis who belonged to the lower castes.

The first kind of holding was known as a jeola, and its standard size was twelve bhar of land. Usually, six bhars were held rent-free in lieu of service as a barto jeola. The rest formed of a hansili or revenue paying jeola for which a tax was paid to the state. If a family holding only one jeola prevailed, two men for service it was equal to two bartos, and thus the whole jeola became rent-free. A family was entitled to hold as many hansili jeolas it desired, provided rent was paid for them. To hold two or more was, however, exceptional. The daghis holding was known as a cheti, and contained from three to five bhars of land. The whole of it was rent-free in lieu of service.\(^75\)

Annual papers known as chik-bahis used to be made out in pre-colonial times.\(^76\) The jeola were classified according to the kind of service that was due from the holders:

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\(^74\) Ibid; p. 81.
\(^75\) Ibid; p. 81.
\(^76\) Ibid; p. 82. New lands broken up from the waste and not included in the jeolabandi were entered in these books as nauhansili or beshi land.
Joela garihiya ----------------- Garrison service in forts
Jeola chahka ----------------- Service as soldier in cantonments
Jeola hazrika ---------------- Service as orderly to the raja
Jeola tarpagar---------------- Service as constable

In the case of the daghis and chetis, each family had to furnish a man to bring in grass or fuel to the palace and to groom the rajas horses. Men of the first category also had to carry loads wherever necessary. The men providing military service were formed into regiments (misls) with commandants called negis. Even the daghis of each kothi had regularly appointed officers for each branch of service.77

There were some rent-free holdings in Kulu that were held either by illegitimate descendents of the rajas, or by panditani Brahmans. They were both proprietors of land as well as assignees of the revenue. A maufidar seems always to have ultimately become a proprietor in Kulu. In fact, he was sometimes regarded as the proprietor from the moment of the grant.78

It was estimated that the average Kanet cultivated holding in Kulu and Saraj was four acres of land. The size of this holding was deceptive because many proprietors held land in two or more phats. Brahman holdings were three acres. Most of the lower caste people were returned at the census of 1891 as daghis in Kulu and as kolis in Saraj. They owned eight per cent of the cultivated area. A daghi holding average of two acres.79

Between 1945-52, when Bachittar Singh conducted the revenue settlement of Kulu Sub-Division, he observed that land in the sub-division, was ‘a means of

77 Ibid; p. 82.
78 Ibid; p. 86.
79 Diack, Kulu SR, 1898, p. 6.
subsistence, and not a source of wealth'. The holding per cultivated area was according to the following table:

<table>
<thead>
<tr>
<th>Name of Assessment circle</th>
<th>Cultivated area per holding (acres)</th>
<th>Cultivated area per shareholder( acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kulu Proper</td>
<td>1.9</td>
<td>1.5</td>
</tr>
<tr>
<td>Rupi</td>
<td>2.5</td>
<td>1.9</td>
</tr>
<tr>
<td>Inner-Saraj</td>
<td>1.7</td>
<td>1.6</td>
</tr>
<tr>
<td>Outer-Saraj</td>
<td>2.1</td>
<td>1.8</td>
</tr>
<tr>
<td>Lahaul</td>
<td>1.0</td>
<td>0.8</td>
</tr>
<tr>
<td>Spiti</td>
<td>3.5</td>
<td>4.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2.1</strong></td>
<td><strong>1.93</strong></td>
</tr>
</tbody>
</table>


The above table gives the size of each holding and the area of a holding per shareholder in the various assessment circles of the sub-division. The average size of holding in Kulu area was 1.7 acres. The produce of a holding was sufficient for the maintenance of the proprietor and his family because the family had other miscellaneous sources of income from which it paid the land revenue.\(^\text{80}\) The cultivated area per holding was very much lower in all the circles. The average over the six circles works out to 2.1 acres. The corresponding average of cultivated area per share-holders was 1.93 acres. Seventy-eight per cent of the area was cultivated by owners, twelve per cent by tenants not liable to ejectment, and nine per cent by tenants-at-will amongst whom rents in kind were more common than rents in cash.\(^\text{81}\)

### 19.5 Waste Land in Kulu

Unlike in Kangra, each family in Kulu did not reserve plots of waste around its homestead for hay. Every man could cut grass in the waste. The plots known as *phat*

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\(^{81}\) Ibid; p. II.
or gaban, however, were not open. These were grass plots of steep hill side that were generally in the forests above the level of cultivation. They were regularly divided amongst the land holders.\textsuperscript{82} If waste land was cultivated, full revenue rates had to paid after four years.

In 1870 Lyall had presumed that the property in waste in Kulu would be similar to that in Kangra. He, therefore, invited the Kulu peasants to define the boundaries of the hamlets and thereby partition the smaller wastes. The peasants accordingly put up hamlet boundaries without dispute, but when these were closely examined it appeared that the waste was seen by the peasants as the property of the state. There were no generally recognised hamlet boundaries even regarding grazing. Lyall then concluded that proprietorship of waste in Kulu differed materially from those in Kangra Proper. As a result the waste in Kulu was not declared the property of the communities. Waste land was therefore, assumed to belong to the state.\textsuperscript{83}

According to Lyall’s interpretation, the arable lands and some small patches of wastes amongst the fields and enclosures were the property of their respective holders. Their names were entered in the \textit{khatauni} (list of proprietors) of each kothi. This property was jointly liable for revenue payment to the state. The remaining area of \textit{kothis} was unenclosed waste and forest, stream, roads etc. This was the property of the state that allowed certain rights of customary rights of use to communities or to individuals. Waste land could not be broken up for cultivation, or appropriated without government permission. For the forest conservancy, the state retained the right to preserve or prohibit exercise of rights in the forest. It had the right to send in

\begin{footnotesize}
\begin{itemize}
\item[82] Lyall, \textit{Kangra SR}, 1872, p. 86.
\item[83] Ibid; p. 88.
\end{itemize}
\end{footnotesize}
flocks to graze in the waste, subject to not disturbing pre-existing rights.\textsuperscript{84} Lyall felt that peasants should not be given property right in the waste because once this was done, it could not be undone. This was to be done after experience was gained in Kangra Proper, and after the forests were demarcated and classified and a system of forest conservancy established. Lyall argued that it was easier for the peasants to understand the traditional system, and that ‘the law dispensed by the courts in a number of cases clashes with the popular feeling of right’.

Lyall regarded waste land as a very different thing from \textit{nazul} land, which was originally private property and had lapsed or been forfeited to the state. He saw it as a trust on behalf of the people of Kulu, which had come to the British government as the successor to the rajas. It was suggested that if any alteration had to be made for the benefit of the government, such as an increased supply of timber to the plains or colonisation, some compensating advantage should be given to the people of Kulu.\textsuperscript{85} By the 1872 settlement all unoccupied waste lands in the Kulu Sub-Division had been declared (with reservation of the existing rights of use of the village) to be the property of the state.\textsuperscript{86}

\textsuperscript{84} Ibid; pp. 89-90. In Beckett’s land revenue settlement report of Garhwal it will be seen that the tenures of waste, as Lyall comprehended it in Kulu and that existed in Garhwal were identical. The two states were in fact remarkably alike, and the character and customs of the people were very similar. Lyall mentioned that he did not see this report until after he came to a decision as to the proper interpretation of Barnes settlement records of Kulu. Because Ramsey gave reasons for not separating the right of the state and the public (that was not demarcating a part of the waste as government property and conferring the rest upon the villages) which applied equally in Kulu.

\textsuperscript{85} Ibid; p. 90.

\textsuperscript{86} Diack, \textit{Kulu SR, 1898}, p. 20.
19.6 Sale and Mortgage of Land

Though tenants could mortgage their land, opinions differed as to their right to sell it. No landholder in Kulu appears to have had the right to sell. Sometimes the tenants were also required to perform certain services in addition to the payment of rent. During the colonial period we notice that some amount of land was being sold by landholders. In prosperous phatis the average price of land was as high as Rs.100 an acre. In the higher villages little land was transferred. Farmers got income from their flocks and moreover, the land was too remotely situated to get a good price. More daghis sold land and the British officials argued that daghis were interested in money rather than land.87

19.7 Shamilat (Village Common Land)

In Kangra Proper it was quite clear that the unmeasured waste and forest area was considered shamilat-deh or common property of the village. This does not seem to be the case in the Kulu records. On the contrary it appears that in Kulu records the waste was declared to belong to government.88

19.8 Hay-Fields (Kharetar)

In Kulu, the steep exposed hillsides, that were uncultivable and were without trees were covered with different kinds of grass suitable for hay. Each village and family had a share of such grassland. The grass was cut in September or October and allowed to dry for some time and stored at home. It was sometimes hung from tree branches to dry. Hill sides were also set on fire in winter. This provided ash manure for the new growth. But permission had to be obtained from local officers for this, and was given only if there was no danger of the fire spreading to forests.89

87 Kangra DG, 1898, p. 104.
88 Lyall, Kangra SR, 1872, p. 81.
89 Kangra DG, 1898, p. 74.
19.9 Jagirs in Kulu

Waziri Rupi, was held in jagir by descendant of the former rajas of Kulu. It covered large valleys on the left bank of the Beas. The jagirdar had a customary right to receive land revenue and also certain kinds of forced labour from the people in his jagir. They provided free porters to carry his baggage when he moved through their respective villages. Since the jagirdar lived outside the limits of his jagir at his palace at Sultanpur, eight men were expected to be always present there. Regarding this begar, the Financial Commissioner thought that some kind of begar should be prohibited, and that instead the revenue should be increased correspondingly. At the time when these changes were being considered, the Jagirdar Rai Dalip Singh died. Man Singh, his illegitimate son was recognised as the successor by the government though some limitations were imposed regarding begar.90

19.10 Nautor in Kulu

Nautor was basically government waste land that had either been brought under cultivation or for house construction. There was no clear rule regarding nautor in Kulu. It was Lyall who described nautor in the Forest Settlement Manual as the ‘grant on payment of nazrana of an interest in the land in undemarcated waste owned by government as defined in patta’.91

After the regular settlement of 1850, the negis could give patta-nautor permitting individuals to cultivate wasteland. In 1896, however, all the waste lands was declared as protected forest, and the powers to allow the clearing of waste land for cultivation were delegated to the Assistant Commissioner.92

91 Bachittar Singh, Kulu SR, 1945-52, p. 47.
92 Ibid; p. 47.
The forest settlement of 1896 laid down that no undermarcated protected forest in Rupi could be cleared for cultivation without the permission of the Rai. Bachittar Singh noted that during the settlement period of 1945-52 much of the land that could easily be broken for cultivation had already been brought under nautor leases. Subsequently, not much had been left to be brought under nautor.

The customary rules recorded in the wajib-ul-arz allowed that no land revenue be charged for the first two years on nautor land that was broken at considerable expense. This period could be extended even to four years in case of bathal land and five years in the case of ropa lands. The land revenue assessed of these lands was taken by the jagirdar in the case of Rupi Jagir. In the Jagir Kothi of Lahaul and Spiti it was taken by the nono.\(^{93}\)

19.11 Endowments of Temples

The temple could be divided into three classes. The first of those were the Kulu deotas which included the numerous deos and devis, rishis, munis, jognis and nags. The second class of temples were the thakurdwaras. Theses were large well built temples with stone idols. These were orthodox Hindu shrines and managed in a similar manner as the temples in other parts of India. The third category of temples were those established by bairagis and gosains. The idol was placed in a room in a house not differing outwardly from an ordinary peasant house. In this the bairagi or gosain lived like an ordinary peasant, surrounded by wives and children and cultivating the rent-free land himself.\(^{94}\)

The custom in each temple differed. In some temples, a large part of the endowment was held in barto assignments by the servants. In other temples no such assignment existed and all were paid from the granary or bhandar. A few of the

\(^{93}\) Ibid; p. 49.

\(^{94}\) Lyall, Kangra SR, 1872, pp. 84-85.
pujaris were Brahmans, but the majority were Kanet Zamindar. The office of pujari was generally considered hereditary when held by Brahmans. The musicians also generally held hereditary office but the position of kardar and chela were not usually considered hereditary.95

It will be seen from the above extract that temple endowment lands were occupied by tenants of two classes – the first was tenants holding barto or rent-free in lieu of service and the second tenants paying rent.96

19.12 Tenure of Alienated Lands Temple Endowments

Considerable land was granted by the Kulu Rajas as endowments in perpetuity to temples and idols. In 1872 this kind of land was about one-fifth of the whole cultivated area of the Kulu. By endowing land, the raja theoretically divested himself of his proprietorship and conferred it upon the idol or shrine. The cultivators, thereafter, paid rent and did service for such lands to the shrine and not to the raja. Neither the priest nor the servants of the temple nor the cultivators of the fields claimed proprietorship of the endowment lands. They did, nevertheless, claim a hereditary tenancy of office or of cultivation.97

19.13 Temple Tenants

In Kulu region the devta was considered the proprietor of the land and the cultivators were his tenants. The temple tenants were of two categories. The first were called bhato or service tenants as kardars, pujari, etc. They held the land rent-free in lieu of service rendered to the temple which was generally hereditary. The gur or chela was not hereditary, he was appointed by the devta. The musicians of devta were also

95 Ibid; p. 84.
96 Ibid; p. 85.
97 Ibid; p. 83.
hereditary. They accompanied the devta when he went to any place. The second class of tenants paid cash or grain rents. The amount paid by a tenant of the second category was usually a fixed amount of grain, butter and oil. This was normally a small amount. In some cases grants to temples were resumed and the tenants then paid the revenue due on their tenancies to the headman of the kothi directly and paid nothing to the temple. They could not be ejected as long as they paid the rent. They could mortgage but not sell the land. They had to work for the devta when any building was under construction or when he went anywhere (to a local fair or concerned devta, etc.) supplied their own food, except when they work as Thawis.98

Interestingly, all these tenants could mortgage the land they held but only for the terms of their office. They could not sell the land.

19.14 Eviction of Tenants

Lyall noted that often no tenants could be found in Kulu and proprietors tried to give it as a gift to save themselves from the burden of paying revenue. Regarding eviction, the custom was that the proprietor had to give notice at the time when one harvest was cut if he did not want the tenant to cultivate the next. With respect to land which gave two harvests a year, if the tenant had manured the land for one harvest, he was allowed to cultivate the next harvest as well.99 In this connection the Rai of Rupi Waziri could dismiss the kardars (first category of tenants) and he has the chief voice in the appointment of pujari.100

98 Diack, Kulu SR, 1898, p. 43.
99 Lyall, Kangra SR, 1872, p. 90.
100 Diack, Kulu SR, 1898, p. 43.
19.15 Holding of Fields in Lahaul

The holdings in cultivated lands in the khalisa kothis were, as in Kulu regarded as allotments subject to feudal service as in Kulu. These fields or jeolas had originally been all equal and subject to the same amount of rent or taxes. They were liable to furnish one man for service or forced labour when summoned by the ruler of the country. They were also indivisible. A household owing two jeola had to pay double taxes and take a double share of the service, if it held a half only. It was rated in strict proportion. After a period of time no room for further extension of cultivation was left. However, with the passage of time the proprietors of the holdings did not remain the same. Some fields were increased by gradual encroachment on the waste and a few others changed hands. Sale of land was unknown otherwise the changes might have been greater.

In 1891 when Diack conducted the settlement of Lahaul, he noted that the average size of a holding was 1.77 acres. Forty five per cent of the holdings were small i.e. less than one acre each; forty five per cent were more than one acre but less than four acres; and ten per cent were large i.e. exceeding four acres. The area returned as cultivated was almost equal area to the meadow where grass was grown for hay.

In Lahaul inheritance was by primogeniture upon marriage the eldest son became the head of the family and succeeded to the family estate. He was then the

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101 Kangra DG, 1898, p. 29.
102 Lyall, Kangra SR, 1872, p.107. There was of course any amount of waste land in Lahaul, but no cultivation was possible without irrigation and the land so situated that it can be irrigated by existed channels or channels easily to be made had long been fully occupied in the lower and less inclement parts of the country.
103 Ibid; p.107.
104 Diack, Kulu SR, 1898, p. 7.
*khang chhenpa* (big house man) and his farther, who dropped to the position of *khang chungpa* (small house man) was either given a small house and plot of land within the family holding or continued to reside in the main house as a dependent. When his grandson married he may have had to retire to a still smaller house and plots of land (*yang chung*). The average size of a *khang chhen* holding was five acre and of a *khang chung* holding one acre. Younger sons did not succeed to any share of the estate. They joined a monastery when very young. In 1945 in Lahaul, the average size of a holding was 1.7 acres. The cultivated holding per shareholders was the lowest because the population in Lahaul per acre was the highest.

### 19.16 Rights of the Thakurs and Subordinate Land-Holders in Jagir Kothis

The *Jagir Kothis* in Lahaul (1872) were three in number: Kolong (or Todpa) held by Thakur Tara Chand; Ghumrang, held by Moti Ram; and Gondla held by a boy, whose name Lyall has not mentioned. As far as arable land was concerned in these *kothis*, the whole produce of certain fields was taken up by the Thakurs. This land was cultivated by the farm servants, assisted occasionally by the regular landlords. This was known as the Thakurs *garhpan* or home farm. As a general rule, the greater part of it was situated in villages near which he lived. Other fields were held rent-free as maintenance by his *dotoen* i.e. junior branches of his family. Rent-free fields were also held by his *chaksis* or family retainers, or by his *kang chumpa* or farm servants.

Most of fields in Lahaul were in *jeolas* of the *yulfa* or villagers. They were subject to the payment of *tal* i.e. rent or revenue, the performance of *begar* for the state, and of certain periodical services to the Thakur. An average *jeola* had about

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fifteen lakh, or five acres. A *dotoen* holding (mentioned earlier) was usually equal to one or two *jeolas*. A *chaksi* holding could be between a half and one *jeola*, or less. A few fields known as grazing were generally held rent-free by a family of blacksmiths or *lohars*. This was not in lieu of service because they were paid separately for this, but an inducement to them to settle down. Similarly, the *hensis* or musicians held some rent-free land under the name of *bezing*, the *jyotishes* or astrologers under the name of *onpozing*, and the *vaids* or physicians under the name of *manzin*. There were certain patches of waste land known as *dang piri* which were, like the cultivated fields, the property of individuals and included in their holding; they were situated below the water channels or on the sides of the fields and with the help of irrigation produced abundant crops of hay.108

19.17 *Nautor in Lahaul*

In 1946 one set of *nautor* rules were framed for the *jagirs* and another for the rest of Lahaul. The Assistant Commissioner was given powers to grant *pattas* of *nautor* in the *Khalisa Kothis*, while the *jagirdars* were allowed to break up land for cultivation in their own *jagirs*.109

19.18 *Mortgage and Sales in Lahaul*

In the Thakur families, the rule of primogeniture prevailed. Brothers who lived with him were maintained by him. If they set up house for themselves they got a small allotment of the *garphan* upon which they maintained themselves. All younger sons were entitled to equal shares of their father’s holding. In practice they seldom divided their holding and lived on with wife, land, house in common. In Pattan, where the Hindu element dominated, the holdings were larger and more productive and many

brothers had married separately and divided the house and land. Comparatively, very few people divided their holdings in Gara and Rangloi.\(^{110}\)

Interestingly, in the absence of sons, a daughter succeeded to her father’s entire estate provided, she had not married before her father’s death and moved to her husband’s holding away from home. She could live with her husband in her father’s house. Even if she was unmarried she could hold the land and house for life as a maid. She could also marry later and take her husband to live with her.\(^{111}\) In Lahaul only 3 per cent of the cultivated area was held in mortgage and only 2 per cent was sold between 1891 and 1898. The transfers occurred because of losses in trade. The discovery of sapphires in Padal prompted many Lahaulas to invest in these stones and make a profit by selling them in Kulu or in the plains. They mortgaged their land to raise money for the speculation. Many of these mortgages were merely temporary alienations of land for a term of years on the agreement that the enjoyment of the land of that term by the mortgage will liquidate the debt and at the end of it, the land will be restored to the mortgagor without payment of the mortgage money.\(^{112}\)

Diack conducted the settlement of Lahaul in 1891 and he tells us that in Lahaul the sale of land was almost unknown at the time of the regular settlement in 1850, or even at the revision of settlement of 1871. But with the development of trade and spread of the knowledge of the law, transfers became more numerous. Even though only 3 per cent of the cultivated area was held in mortgage and only 2 per cent had been sold before 1891, the high price obtained for land in this Lahaul \textit{Waziri} was very noteworthy.\(^{113}\)

\(^{110}\) Lyall, \textit{Kangra SR}, 1872, p.112.

\(^{111}\) \textit{Kangra DG}, 1898, p. 35.

\(^{112}\) Ibid; p. 35.

\(^{113}\) Diack, \textit{Kulu SR}, 1898, p.12.
19.19 Land Rights in Spiti

Spiti had five kothis: Todpa, Barjik, Sham, Chuzi and Pin. The first four were in the main valley, the fifth included the Pin Valley and was separated from the rest of Spiti by high mountains, except where the river emerged through a deep narrow gorge. The name Todpa means head of the valley, Barjik the centre, and Sham the lower end. These kothis divided the main valley between them accordingly. The name Chuzi implied endowment or assignment to religious uses.\textsuperscript{114}

19.20 Nature of Tenure of Waste and Arable Lands

The tenure was the same as in Lahaul. Each field belonged to a separate estate or house that was supposedly conferred by the state but was now independently held.\textsuperscript{115} The custom of primogeniture prevailed only on those allotments which were not subdivided. There were no Thakurs in Spiti. The gialpo or ruler of Ladakh was theoretically the lord from whom in theory all was held. The rights of the state and the landlords in both waste and arable lands were the same as in the khalisa kothis of Lahaul.\textsuperscript{116}

The waste land of Spiti was even more valueless. The waziri had no forests and the Forest Act could not apply. The barren nature of the terrain, the fixed nature of the population and the scarcity of water for irrigation meant that the cultivated area increased only by an insignificant amount.

Some plains or plateaux though capable of being irrigated and cultivated were kept as fodder reserves and grazing grounds. These were regarded as the property of

\textsuperscript{114} Lyall, \textit{Kangra SR}, 1872, p.114.
\textsuperscript{115} Ibid; p. 114. \textit{Zing-kam} was a local word used to described such an allotment. A \textit{zing-kam chongpu} or full allotment various from three or seven acres in extent according to quality of the soil. Some few families only held a half allotment or \textit{zing-kam fitka}.
\textsuperscript{116} Ibid; p. 114.
specific villages for the grazing grounds of the Thang-Mar near Hanse, the Serpholong opposite Kyoto, and the Phaldar near Hal. However, a grain rent was paid by the villagers for their use to the chief or nono. Two maunds of barley per annum were paid in for the first and seven maunds for the other two. Waste land could not be brought under cultivation without the permission of the nono as the representative of government.\footnote{Kangra DG, 1898, p. 95.}

19.21 Holding of Field in Spiti

Most of the arable land consisted of the holdings of the talfas or revenue-payers. Each of these was a separate estate and had different kinds of occupation. Each estate had the kang chimpa (great house) who was the head of the family. He was responsible for the revenue, the begar, and the share of common expenses of the whole holding. Primogeniture meant that he was the eldest son even though his father may still be alive. Local custom required the father to retire from the headship of the family after his eldest son came of age and got married. The father retired to a kind of down house with a plot of land attached to it. He was now called the kang chumpa (small housemen). The land attached to the small house varied in different estates. If it was big the kang chumpa paid in cash and grain, about equal to its rateable assessment.\footnote{Lyall, Kangra SR, 1872, p.116.}

In most holdings a small plot was occupied by the lama brother or uncle of the head of the family. It was ploughed and sown by the head, but the lama provided the seed and got the whole produce. Each family had lamas as the younger sons customarily entered the monasteries. This maintenance land of a lama was called tao or tazing and reverted to the original estate on the death of the lama.\footnote{Ibid; p. 116.}
19.22 Non-Revenue Paying Holdings

Some fields at Dhankar attached to the old fort were the property of the government. The nono, arranged for their cultivation and took the produce. His duty was to repair the fort.¹²⁰

19.23 Property of the Monasteries

Cultivated land was also owned by monasteries on which they paid no revenue. The land of Dhankar monasteries was cultivated by six tenants who were land holders in Dhankar, and paid half the produce as rent. The land of Pin monasteries was cultivated for free by the nono of Pin. The men of chuzi kothi were the special clients of the monks and cultivated the lands of the other monasteries. However, the monks were expected to give something to the men actually cultivating the land. Many villages also had one or two fields known as lhazing (god land). These were attached to the village Lhakang or temple and regarded as the common property of the village. A tenant of this land could be evicted by a vote of the community. Land holders sometimes collectively cultivated these fields and the whole produce went to the temple expenses. In many villages fields known as yurzing (canal land) were used to provide for a feast held at the time of annual canal repairs. These were also the common property of the community. Some persons, known as yulfa, reclaimed land from the waste with the consent of the village community. In short, therefore, there were very few people without fields. All paid a small fee towards the revenue of the village by way of hearth-tax. They could not be evicted, because the land was given to

¹²⁰ Ibid; p.116. The phraseology of the deed of grant was curious. It was drawn up and attested by officials with high sounding titles, signed and sealed, with promises that the grant shall endure till the feathers of the raven turn white and the snow on the mountains black.
them to induce them to settle permanently in the village.\textsuperscript{121} The \textit{patta} for cultivating new land (\textit{nautor}) was granted by the \textit{nono} of Spiti or a superior officer as mentioned in \textit{wajib-ul-arz} of each \textit{kothi}.\textsuperscript{122}

\textsuperscript{121} Ibid; pp. 116-117.