LAND TENURE SYSTEM IN IRAN: HISTORICAL PERSPECTIVE

The Sassanian period is very important from the point of view of administrative and cultural development during the Pre-Islamic Iran. But we do not have enough data to form a clear idea about the development of various political, social and economic institutions of the Pre-Islamic Iran.

Unfortunately, we have no precise knowledge of the nature of Sassanian land tenure system. However, the feudal nobility had to pay taxes and were obliged to perform military service. Next in the hierarchy after the feudal nobility were the heads of the villages known as dihqans, who derived their power from a hereditary title from the local administration. They were the representatives of the government vis-à-vis the peasants and their function was collection of taxes. The feudal nobility and the dihqans were not the only land owners. The priests also derived their influence from their territorial possessions. The peasants who passed their time on their land with the duty

of the local administration were attached to the soil and were made to perform labour service.

Agriculture was the main source of revenue. The revenue collector used to collect revenue and he was also responsible for the supervision of agriculture and irrigation.

The Arab conquest of Iran is very significant in Persian history. Iran became the part of Muslim land and the new theory of state common to all Muslim territories came into being.

Various local customs continued to be observed under Muslim rule. The tax system resembled the earlier Sassanian practice in many respects.

There are a few aspects of Persian life where the influence of Islam cannot be traced. As regards the matters of land, Islam contributed to the development of landed property and land tenure. Water and pasture were common to all Muslims. The existence of private property

The Muslim jurists divided the land conquered by the Muslims into three categories:

(a) those conquered by force and abandoned by their inhabitants.

(b) lands acquired peacefully because their owners had abandoned them.

(c) lands coming into Muslim ownership by virtue of a treaty but remaining in the possession of their owners on conditions that they would pay Kharaj.

Regarding the disposal of land in the first category there were differences of opinion among different schools of jurists.

Lands which were in the second category paid Kharaj; such lands could not be sold or mortgaged. Lands in the third category were of two kinds:

(i) those which were immobilized and continued to pay Kharaj.

1. Ibid. p. 18.
2. Ibid. p. 19.
(3) (6) those which remained in the possession of their original owner who paid Kharaj.

According to Mawardi (died in 1058) the Muslim conquests are divided into four categories: (a) land the inhabitants of which in order to retain possession of the soil, had become Muslims; (b) land reclaimed by Muslims; (c) land conquered by force and divided as booty amongst the conquerors; and (d) land the inhabitants of which had surrendered by virtue of treaty. The first three categories paid ushr, i.e., 1/10 of the crop; while the land in the fourth category paid kharaj.

From the exposition of the jurists it follows that land in Iran can be divided either according to the tax regime to which it was subjected or according to the ownership. In the first case the land is divided in two major categories.

(1) the ushr land.

(2) the kharaj land.

Ibid. P. 19.


According to the second mode of division, land falls into four categories:

1. Crownlands comprising the former crownlands of the Persian king.
2. Land belonging to the community and administered by the Imam.
3. Land held as private property.
4. Land the ownership of which was vested in the Muslim community taken by the Non-muslim owners who exercised the occupancy right.

Another form of landholding was vaqf. The underlying idea of vaqf land was that at the conquest the soil became the property of conqueror who subsequently surrendered their rights. The land then became vaqf.  

From the decline of the Abbasid Caliphate one of the important types of landholding came to be known as Iqta which covers both the assignment of land and its revenue. Since the rise of the Suljuqs the Iqta holding became the most important form of the landholding in the country. In practice the crownlands together with waste-land, dead-land, swamp land, were assigned to the Arabs as property liable to

1. Ibid p. 27.
taxation. This type of assignment was known as Iqta-at-tamlik. The holder of the Iqta was called the Muqta. Mawardi recognised two types of Iqta which he called Iqta-at-tamlik and Iqta-al-istighlal; the former representing an assignment of land and the latter an assignment of its revenue.

Regarding the assignment of land the lands could be assigned before the conquest while regarding the assignment of revenue Mawardi held it legal to assign Ushr land and Kharaj land and he considered members of the army to be among those to whom it was most fitting to make such assignment of the revenue of the Kharaj land. But such grant could not be made hereditary.

THE IQTA SYSTEM AND THE SULUQ�S

During the fifth century A.H., 11th century A.D., the military had been able to seize power and to divert the revenue from the state treasury into their own pockets as muqtas. They had, therefore, no permanent interest in their land. Thus if a strong government was to be established it was necessary to find the solution to these problems. The Suljuqi period (11th century onward) saw attempts to solve them not only by regularising the position of the muqta, but also by bringing regulation into the iqta system, which was to be the dominant feature in the field of land tenure and land revenue administration for centuries to come.

The work of the Suljuqs is of importance because it decided the main lines along which the system was to develop. The iqta system is sometimes known as feudalism. But it was basically different from the feudal system as it prevailed in the western countries. The muqta had originally no military duties, and it was only with the militarization of the state that the military penetrated into the existing iqta system. While the peasants, except.

when driven by undue burden to migrate, continued to cultivate the soil to which they were attached. The position of the owner, as distinct from that of the peasant, was more directly affected by the power of those whom the land and revenue were granted. In some cases they sold their properties because of poverty while in others they continued as owners of the soil with full rights of alienation, paying their taxes direct to muqta. This appears to have been the situation when the Suljuq migration in the eleventh century took place.

There were two major problems which the Suljuq had to solve, both of which closely affected land tenure and land revenue administration; first how to incorporate into the structure of their empire a large nomadic element, the basis of whose livelihood was the tending of flocks; and secondly, how to pay their military forces. During this period the population was divided into Turks and Non-Turks. The other division of population was into military and civil, military was commonly Turks and the civil Non-Turks. Of the composition of the settled rural population, a great deal of information is not forthcoming. Small landowners known as

dihqan continued to exist. The main feature of the land 
administration of the Suljuqs was no longer divided into 
the Darul-Islam and Darul-Harah. The conquest of land was 
often made at the expense of Muslim holders. The Imam was 
no longer the spiritual and temporal leader of the 
community.

The iqta to members of the ruling family was not 
the only type of iqta; there were also administrative 
 iqtas, and iqtas granted as personal estate. Nizamul-Mulk 
lusi, the author of the reputed iyasat Mama and the prime 
minister of the Malik Shah Suljuq, brought about a general 
unification of the iqta system but it is with the 
administrative iqta that he is chiefly concerned. The idea 
of promotion of cultivation underlying the grant of the 
original iqta is also taken care of by Nizamul Mulk. He 
states that if attention is drawn to the ruin and dispersal 
of inhabitants of any district it must be at once 
investigated and the condition of the muqta and Amil 
enquired into, so that the land should not be wasted, the 
peasant may not be dispersed and money levied unjustly.

Originally the relation of the muqta to the 
J. Ibid p. 61. 61
central government was mainly a financial one, but with the militarization of the administration their financial obligation was largely replaced by a military one. The payment of the standing army and local militia was largely made by assignment. The precise form in which payment was made is not clear; however in the case of soldiers it was in the form of draft. The iqtas of the standing army were smaller than those of the great Amirs. According to Nizamul Mulk, the rights of iqta over the population in his iqta were financial. It had no rights over the land of the cultivators. Nizamul Mulk forbade the muqta to prevent the peasant under him from coming to represent their case, threatening him with punishment and cancellation of his iqta. However, in practice the position of the peasant on assigned land appears to have varied considerably. Their freedom of movement was often restricted and they were frequently subjected to forced labour.

There was a considerable area of Vaqf land in the Suljuq empire. A certain measure of control was exercised over Vaqf by the state. It was in keeping with the general religious policy of the Suljuqs, which was to bring

1. Ibid - p. 66.
the religious organisation within the general framework of the state.

In addition to the various classes of lands it is clear that private property was also recognised by the Seljuq s. The transmission of such property was recognised by testament and by sale.

There appears to have been no regular system of land registration, the holders of land in many cases had some sort of title head in their possession, but there seems to have been no process for the transfer or cancellation of these when the property was transferred from one holder to another.

Land tax (Kharaj and Ushr) in the directly administered area was collected by government tax collectors, while in the iqtas it was collected by the muqta or his representative. It was collected both in cash and kind, the assessment being based on the amount of the crop. In addition to the land tax other dues were levied both by the Central Government and by muqta. The nature of...

2. Ibid pp. 133-159.
these varied. In some cases they were levied as regular taxes, while in others as extra ordinary taxes.

The condition of the peasants in any given area depended primarily on the personality of the local official to whom the Central Government had delegated authority. The peasant had the possibility of demanding redress from the Central Government. But often there were practical difficulties in doing so. The governor or muqta often prevented them from making such demands. Sometimes the peasants were subjected to immigration and flight.

With the overthrow of the great Suljuqs and the invasion of Khurasan and the neighbourhood by new groups of Ghur, the condition of the settled people in that area deteriorated, the country was laid waste, and the settled population subjected to new inroads by the nomads.

In sum up, the great Suljuqs period should be regarded as an important period in the history of land tenure; with the advent of the Suljuqs the concept of the autocratic sovereign was fused with the concept of the ruling khan, who was regarded not only the ruler of the

people, but also enjoyed proprietary rights over the territory which he ruled. But defecto possession of land became the most important factor in deciding the ownership of land, since the military power was largely in the hands of the Turks. It was they who became the owner of vast areas of land. In so far as local administration and the relations between the land owner and the peasants were concerned, the traditional practices appear to have continued.
THE MONGOLS

The immediate effect of the Mongol invasion of Persia in the thirteenth century was widespread devastation and destruction, and owing to the massacre and migration of population and as such, land became vacant. Most of populated and cultivated land became dead and unclaimed land. The conquered lands were looked upon as the Yurt or the Mongol family in which their flocks and those of their followers grazed. In due course, land fell into the following classes: Yurt, Divani, Inju, Ougaf and Milki.

The first was a continuation of the practice of the steppe and did not imply proprietary rights over the soil. Inju land was crown land which was allotted to the ruling family; divani land was state land, so the difference between divani and inju was not apparent; milki land was private property.

The Mongol leaders continued to own considerable flocks which annually migrated from summer to winter. This was a constant source of anxiety to the settled population.

in the neighbourhood of their pasture.

both the ruler as well as their minister possessed large flocks and lands.

The Mongols imposed a number of levies and taxes. There were two ministers called Qubchur and Qilan. Qubchur was the tax collector, the minimum of 100 herd and the rate of tax was one percent. According to Barthold, Qilan was in charge of villages. In the Urzik of Ch'avan Khan regarding lqa in the Mongol army it is stated that the lqa have been assigned to those old men who are included in Qilan and called upon for service. In the new order for Kahan more under Rashidud Din state on cultivable land mentioned at the same time as exemption from Qilan. Local officials known as barje were appointed to collect taxes.

It was that the revenue of the province was in some cases formed in such that the revenue farmers would double the amount of the sum for which they had contracted but they paid nothing to the treasury. As a result when money was needed for the army or for the

1 The most trusted vazir of Ch'avan Khan who was the author of the first world history called Tawarikh-i Anvar Scholair and Scientist of his time.
protection of the frontiers it was necessary to have recourse to confiscations and to make extraordinary levies. Another custom which was against the well-being of the peasant and the country-side in general was that of writing draft on provincial districts. As financial disorder and official corruption increased, it became more difficult to realise these drafts and it became usual to collect the sums through the military expeditions. Such was the extortion practiced by officials that on the approach of the tax-collector the peasants would leave their village. Rashidud-Din, Vazir of Ghazan, relates that anyone who visited the villages of Yazd could not find a single person from whom to enquire the way. Ghazan Khan realised the difficulty of immediate reform and decided to go slowly. The first measure was to prohibit the writing of draft on the peasants by the lower grades of tax collectors. He ordered the revenue collectors to go to provinces and make a list of the property of all villages. He realised that insecurity of tenure was one of the reasons for all prevailing decay. So he attempted to secure the positions of the peasants and landowners in their title to the land by a series of measures. He conferred proprietary right when the occupation was
undisputed Inju lands. The lands were assigned to the male heirs of princes to obviate the need of making levies on the population. Instead of writing draft to soldiers he decided to transfer to them the lands on which these drafts were to be made as their Iqtas. His condition was that if the military were provided with Iqtas they would achieve their desires and would no longer be a burden on the treasury. These Iqtas were assigned to the commanders of thousands who in turn divided the land among the commanders of hundreds. This distribution was then communicated to the Central Government.

Shahzad Khan in his effort to increase the property of the country and to bring dead land back into the cultivation, classified them into three groups; first were those lands having water facilities, nothing was taken in the first year but subsequently the cultivator had to pay some dues annually; second were those lands where a moderate amount of labour was needed to provide water; third were those to be reclaimed lands where, a dam had to be constructed or an underground irrigation channel to be provided.

The general tendency throughout the period was that the taxation be increased either by raising the rate or by the imposition of new levies. Ghazan's attempt to control this tendency was substantially successful. He tried to bring about the reform, and officials and land owners such as Rashidud-Din did some thing to reclaim land and increase productivity.

A striking feature of the Mongol period is the great increase in the size of the private estate and private fortunes. During the Suljuqs the large areas of land were under the control of the muqta, but they were in the nature of provincial governments rather than private estates. But under the Mongols, the civil officer-acquired vast fortune derived from land.

The composition of the land owning class under the Mongols underwent considerable change. First were the members of the ruling class who held considerable areas of land. Secondly, there were large-landholdings by prominent officials. Thirdly, there was the former

2. Ibid - pp. 243 - 240, 71)
Landowning class. The extent to which it survived varied in different areas.

To sum up, the Mongol period marks a further movement away from the Islamic theory. It also saw an increase in large holdings and a decline in productivity and prosperity. The hostility between the peasants and the ruling class was heightened and the gulf between them widened. However, the period between the decline of IL-Khan and the rise of the Safvids brought little new in the field of land tenure and rural organisation. But the government had moved away from the idea of the Islamic theory, so the tendency towards arbitrary action increased. The various demands made upon the rural people included dues levied on each plough land, a tax levied on the produce varying from 11 percent to 20 percent and taxes on vineyards. There were a number of dues levied such as a percentage upon the harvest, a tax on mills and levies on feast days. In short the main burden of taxation fell on the peasants. Although exemption was granted to the holders of Soyrughals from the payment of various dues, it was most likely that the holder did not collect these and similar other dues from the peasants.

The Safvids

The rise of the Safvids in the sixteenth century marks the beginning of a new history of Iran. In the sphere of land tenure a new content was given to the farms. The old institutions moulded by Islamic practice and modified by the practice of the steppe were infused with new devices by the absolutions of Shiism. The position of the ruler was reinforced by the theory of divine right. Absolutism in religion affected the whole range of social and political life. In the field of land tenure, the theory of the ruler as the sole landowner became more definite. Its practical application was modified by circumstance. The inability of the Safvids to provide themselves with adequate military forces led them to alienate large areas from the direct control of the state. At first drafts were made on revenue for the military leaders, and finally it became a defecto private property.

It appears that the theory of the ruler as the

solo land owner did not receive complete and unqualified
acceptance. In practice private persons enjoyed full rights
of ownership of land. The recognition of private property
in effect is further corroborated by the fact that private
persons could also constitute their lands into Ougaf. There
were thus three main classes of land, 'the Crown lands, the
Ougaf land and estates in possession of private persons.

By the time of Shah Abbas a change in the basis
of Safavid power had taken place: he recruited the regiment
from non-tribal elements for his support. But the creation
of these new forces depending directly upon the Shah raised
the problem of how they were to be paid. The military
composed of regular troops maintained by the ruler, and the
militia in the province were paid by land assignment made
from the Khalisich land. As in the case of earlier military
Iqta the hereditary principle was recognised, and these
assignments were transmitted to the holder's heirs. In
the case of the army the assignments were made to groups of
soldiers to avoid the difficult, for collections by
individual assignees. In some cases collection was made
direct from the assignment, in other cases from the
1. Chardin, J. Voyage dur Charalier Chardin, Paris 1811 p.419
In early times Crown lands were alienated by temporary or life grants to officials and others, while in part they were retained under the administration of officers who received their revenues on behalf of the Shah.

Some feature of the early Iqtā al-tamlik and Iqtā al-i-tighal were retained in the Safvid tāyul. The old conceptions which had underlain the grant of the Iqtā al-tamlik, namely the promotion of the cultivation of land, can still be found. In return for the grant, the grantee had to provide a military contingent.

The term tāyul also covered assignments of land to officials in lieu of salary. The estimate of the revenues of the areas assigned for the payment of salaries were not subject to inspection of the Shah's officials. They were considered the property of those to whom they were assigned. The grantees treated the inhabitants as they pleased.

There were two main classes of land, namely Vīqf land and estates in possession of the private persons. Many

1. Ibid., p. 250.
areas were constituted into ouqaf for charitable purposes, especially for the benefit of Shia shrines, notably the shrines of the Imam Reza in Mashhad and his sister Fatimah in Qumm.

In so far as estates, in the hands of private individuals are concerned, these were held by their owners on a ninety-nine years' lease. On the lapse of this period a new lease for the same period was issued on payment of one year's revenue. During this period the holder could settle and dispose off the land as he pleased. Some hereditary grants termed as soyurghal, were made out of Vaqf land to eminent families among the religious classes. These grants passed from generation to generation. Soyurghals were also granted out of dead lands or crown lands which carried with them certain immunities from taxation. The original grant was frequently in perpetuity and it was not necessary to demand a new order everywhere. It seems likely that on death of the original grantee it was necessary to obtain confirmation of the grant. Sometimes an increase in prosperity would warrant immunity from any future demand.

1. Chardin, J. Voyages due Charalier Chardin, Paris 1811 p. 419
2. Ibid. p. 233.
It appears that exemption from taxation was also granted to individuals. These immunities were personal and did not attach to their lands as such.

The renting of property was fairly common, especially in the case of *vaqf* lands and crown lands. Crown lands directly administered were under the charge of the Vazir of the Capital.¹ He was to find the peasants for every place in the crown lands which had lacked peasants to promote its cultivation. The duties of the Vazir were to collect the peasants, to increase cultivation, to repair buildings and to protect the peasants from violence and oppression from any quarter.

There was a special Mustoufi who dealt, among other matters, with the accounts of these estates. He wrote drafts on and assigned the revenues from the crops, and collected by the Vazir, and cleared the accounts of the peasants. The administration of the *Qūf* in the provinces was the duty of a special Mustoufi. One of his duties was to examine the accounts of the peasants and tenants and to issue to them receipts.²

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² Ibid - p. 120.
There was an important change in the position of the Qazi and juri diction of the customary law courts. The Shari'a Court and the Qazi were made subordinate to the customary law court and diwanbegi (the army military hierarchy). The diwanbegi began controlling all Shari'a Courts and acted as the executive power for the decision of the Shari'a Court.

The most notable change in the composition of the landlords was that, besides the usual change consequent upon the rise of a new dynasty, was the gradual transfer of lands held by the members of religious classes. Originally, they held their lands mutably as nafqaf or by way of hereditary grants called guraghals. In due course, much of this land had become private property. In some parts of the country notably in Azerbaijan and Isfahan, the religious classes continued to form an important element in the landowning class. About the condition of the peasants little information is available. Aising to C. Chardin, land around Isfahan paid 66 luma per jariib. Instead of the usual crop sharing arrangement the peasants paid a cash rent. They worked on the land owed the seed and

harvested the crop. All the expenses of cultivation were the responsibility of the peasants.

In the neighbourhood of Isfahan if the Shah provided the seed and water, and the peasant oxen, manure, labour and additional servitudes, the peasant received one-third of the harvest. If the Shah provided oxen and agricultural implements and remitted the servitudes the peasants' share fell to one-quarter, and if the Shah provided the labour also the share of the peasant did not exceed one-eighth. This latter agreement was thus, properly speaking, not a crop-sharing agreement at all, the one-eighth representing wages paid to the peasant for his labour. On rice, millet, cotton, beans, fenugreek, melon and pumpkins, the share of the peasant, even if he provided all the costs of cultivation, was two-fifths. On opium his share was eleven twenty-eight. On Sayfi crops the peasant paid the landlord's share in cash at current prices to which were added 15 percent. The landlords' share of shatyi crops was paid in kind with additional 1½ mahmudi per hundred men. In addition, the Shah received 2 percent in cash on the value of all crops. The landlords always had the worst of the bargain with the peasant in a crop-sharing agreement,
and Chardin decried many abuses; he alleges they used to obtain a larger share than was their due. He states that peasants lived in tolerable comfort, and compares their conditions favourably with that of peasants in the more fertile parts of Europe. He further states that they wore silver ornaments and sometimes gold, and were well clothed and had good footwear. Their houses were well provided with utensils and furniture (presumably carpets). On the other hand they were exposed to rough treatment on the part of officials. Further they were subject to heavy demand in the way of forced labour, particularly in crown lands and lands held by great nobles.

1. Ibid - p. 127.
THE AFSHARID OF THE QAJAR PERIOD

After the reign of shah Abbas-II (1642-1677) the Safavid empire declined. During the reign of Husaini Mahmud (1694-1727) the Afghan revolted and in 1722 under Mahmud, they captured Isfahan, the Safvid Capital.

The period of Afghan domination is remarkable for ruin which it brought about especially in Isfahan and the neighbourhood. In 1729 Isfahan was recovered from the Safavid and Nadir Shah put Tahmasb on the throne and some months later defeated the Afghans near Shiraz and finally in 1732 he assumed power himself.

The Afsharid period is not of great importance in the history of land tenure and land administration. It brought no lasting changes. The general tendency was towards a tightening control over the administration and the resumption of tuyuk, dayarghah. Greater care was exercised over the matter of divan taxes. The army under Nadir Shah was to some extent paid in riyal. He discouraged his Amirs from acquiring property. The importance of the

period from the point of view of distribution of land revenue administration lies in his policy with regard to Ouqaf and his tribal policy. During the last years of his reign he issued a decree for the resumption of Ouqaf, as a result of which a considerable number of Ouqaf were taken over and entered with Khalisheh estate in the land register. Where the benefactors of a vaqf and the Mutawalli were strong they did not surrender the vaqf. However, Nadir Shahi's successor Ali Quli Adil Shah revoke the decree and gave back some of the confiscated estate. Generally Nadir Shahi's rules was hard on the population. The constant campaigns resulted in heavy taxation. The state of the peasant and common people was by no means satisfactory. However, Mashhad which was his capital was in a flourishing condition.

After the decline of Afsharid rule Iran enjoyed a brief period of relative peace during the later years of Karim Khan Zand. But there was no change in the administration; the tendency was towards direct administration by the official of the state rather than to

the practice of making assignments to the military leaders.

The death of Karim Khan in 1779 was followed by a period of anarchy and the emergence of Aga Mohammad Khan Qajar, the founder of the Qajar dynasty.

The Qajar period sees in some respects a return to the Suljuq practice of the Government by the ruling Khan and his family. Once more provincial governorships were given to members of the ruling family. They inherited from the Safvids the absolute nature of the monarchy and the attribution of sanctity to the person of the monarch calling him the Zil-Allah, the shadow of God.

After the reign of Aga Mohammad Khan the tendency under the Qajar was for large area of country to be alienated in the form of tuyuls and for the indirectly administered area to grow as against the directly administered area. The term tuyul as in the Safvid period covered a variety of grants. In some cases it was a grant in the revenue attached to certain officers, in others the tuyul was grant of Khaliseh land in lieu of salary and it was perhaps the dominant form of tuyul in Qajar times. The

general tendency was for such tuyul to become hereditary. Various officers became the hereditary right of certain family. As the control of the government weakened so the tendency grew to convert tuyuls into private property inheritable and saleable. The ranks of land owners proper thus increased. Originally these official had collected taxes on behalf of the government from the peasants; while the tuyuldar had been granted the right to collect the taxes of the certain area in lieu of the salary; the land owners too collected certain dues by sharing the property.

Possession of land was not economically beneficial to the holder. It however enabled him to keep a body of armed retainers which in turn gave him considerable power. In other words the government had deferred to the large land-owners in the areas in which they had land. This again gave the land owner social prestige as well as political power. Thus throughout the Qajar period the land owning classes were the most powerful element in the kingdom.

Large areas of the Qajar Kingdom were tribal


under them there was a redistribution of tribes and a weakening of one group and strengthening of others. During the period there was a tendency for tribal groups to be moved from one part of the country to another. For the most part the tribes in so far as they were semi-nomadic were left subject to their own leaders who were responsible to the government for the collection and payment of tax. In other lands where the tribe was recognized there were considerable local variations in the tribal area. Local administration was regulated largely according to the customary law which was administered by the shah's lieutenant, the ruler of province, the qazviri of village and other local official or village head men. These decrees were enforced very effectively. They were prompt and arbitrary in their decision. The heads of villages were allowed to inflict slight punishment and impose will upon the jurisdiction of the Urfa courts could not by the nature of the case be clearly defined but the general tendency was to increase in their jurisdiction. But decisions in land and other cases were placed within the competence of the qazviri. However in some cases the peasant was
deprived of an appeal for redress in an impartial tribunal.¹

The general and the established rule for payment of taxes was that the taxes were paid in cash and in kind in equal proportion, but in practice the actual proportion varied. The poor villagers paid entirely in kind while the land owners preferred to pay in cash.

Whereas vaqf land decreased in extent, Khalisheh land formed an expanding category of land. At the beginning of the Qajar times there were considerable Khalisheh territories which were subsequently increased. During this period some estates became known as Khalisheh jat-i-zabti which remained annexed to the crown until the families were again restored. The Shah, while he retained such property, allowed a portion of its produce to the relations of former owners. This allowance was known as mustamari. According to Warning one-eight of the land of the province of Fars and Iran was in the hands of the Shah. The cultivators of these lands paid a rent of half the produce. Cattles for drawing water were provided by the Shah. In events of droughts some allowances were made to the cultivators. These lands were

cultivated by the peasants on terms very favourable to the cultivators. One percent was put aside for repairs, and the remainder was equally divided between the cultivators and the king. Every encouragement was held out to cultivators to sow government deme lands. The right of crown in the lands of which it was proprietors, was one-tenth part of the produce.

However, besides the regular taxes, the landowner and cultivators had to pay extraordinary taxes levied for a variety of purposes civil and military. To quote Malcolm: 1

"If an additional is made to the army if the king desires to construct an aqueduct or build a place - if troops are marching through the country, and require to be furnished with provision - if a foreign mission arrives in Persia, if one of the royal family is married, in short, in any occurrence more than ordinary, an impost is laid, sometimes on the whole kingdom, at others only on particular provinces. This is regulated by the nature and extent of the occasion and by regard to its local or general policy."

In short, the picture of the land revenue system, and administration of the early Qajars is one of maladministration, oppression, and insecurity.
THE SECOND HALF OF THE NINETEENTH CENTURY:
THE EVE OF REFORM

In the latter part of the Qajar period certain new developments can be seen. Though the old problems continued to persist, such as the military weakness and administrative inefficiency, there was a growing discontent and demand for reform. Like other parts of Islamic world Iran too was influenced by the pan-Islamic movement of Syed Jamalud-din Afghani. This demand for change became increasingly vocal after the Shah's concessions to foreign companies and culminated in the constitutional revolution of 1905 and 1906. As for the land system and the status of landowner and peasants, the Qajar period marks the final breakup of the old system of land holding. But the process of change was gradual. Though there was growing demand to bring about a measure of reorganisation during the second half of the nineteenth century, there is no evidence to show that the ruling class in general appreciated the need for reform.

The main source of the wealth of the country at this period, as earlier, was the land and its produce, but

The method of assessment varied in different parts of the country. Some areas were over-assessed while others under-assessed. Khalishch land still occupied a considerable area of the country, but because of being in a state of decay it made little contribution to the revenue. Thus the general tendency was for the Khalishch land to be converted into private property. In view of general decay prevailing in Khalishch land, decrees were issued for their transfer. They were made subject to a relatively higher rate of taxes. These Khalisehs became known as khaisejati intiqali. The holder was able to transfer to his heirs but could not sell the land. However, their value was in general less than that of Arbabi land. During the reign of Nasirud din Shah a decree was issued for the sale of all Khalishch land except that in the neighbourhood of Tehran. At the beginning of his reign there were 1,000 villages in the neighbourhood of Isfahan, some of which were private properties, some Ouqafi and some Khalishch which had fallen out of cultivation. After some time a new assessment was made and these lands were placed into two categories: Khalischayi Ouqafii and Khalischayi Arbabi.

2. Ibid pp 50-51.
In the latter part of Nasirud-Din Shah's reign much of the Khalishe in the neighbourhood of Isfahan was sold, and during the reign of Muzaffarud-Din Shah the process was almost complete. However, the court was in need of money, and so various types of lands were declared Khalishe which were likely to be sold in favour of the state. As a result of all this, the situation became confused. Even old ribabli land was declared Khalishe and land was regrouped into the following categories:

1. Amlak-i-divanah which was in the hands of government officials cultivated directly but the state of let to peasants.

2. Amlak-i-zabti, states temporarily confiscated by the state for punishment.

3. Amlak-i-intiqala (i.e. Amlak-i-Sabri)

4. Amlak i hazor. The vicissitudes undergone by Waqf property in this period were little less than those undergone by Khalishe land. However, in the latter Qajar period, the appropriation of Waqf funds and their conversion into the private property was unknown.

A great deal of the country was alienated from the direct control of the government in the form of ziyal. These were allotted both out of Khalishe land and of private

References: Mahmood Marzattasun Khan, Shykh Jabir Anarj, Israkh Isfahan, lehri 1944 pp 51-60.
property. In some cases a certain area was tuyo allotted to a particular government office. But it is relative extent of land granted as tuyo or of the different form of landownings. Another important class of land in Qajar times was tribal land, but there was not a clear delimitation between tribal land and non-tribal land, one merged into the other. In certain areas, some peculiar practices in regard to land tenure also prevailed. In some parts of Khuzistan the whole district would become the right of the Vāli or the Šaikh of the day and because of this no one would like to develop the land. The nomads and seminomads were also a great problem. In the area through which they migrated, extensive damage was frequently done in the crops and no adequate measures were taken to protect the settled people and the semi settled elements. Pasture were allotted to certain tribes in their summer and winter quarters in part payment from the military contingent which they were required to furnish. A tax was also levied upon families according to their wealth. Special levies were paid by the leaders of the tribes to the ruler at the new year 1.

But to establish control over the tribal area was indeed one of the most difficult problems faced by the Aus. In general at this period they attempted to rule the tribal through the tribal chiefs, but the control was very precarious. The government official known as Il Khan and Il-beg were appointed over the larger tribes, they collected government taxes and were generally responsible for tribal affairs. They were in most cases appointed from the tribes themselves. There were considerable numbers of tribal groups of various origins in Lurs, some settled, some semi-settled and some entirely nomadic. The two main groups were the Kharmsh and the Qashqai. The former group was composed of five tribes: three Turkish and two Arab. They lived largely by plundering and highway robbery. Control over these tribes was of a precarious nature in most of the cases. There was no leader over the whole tribe. The llulmane, like other tribal groups, were a element making for insecurity but as in the case of other tribal groups they were often subject to operation and provocation. In some of the frontier areas in the northeast, various tribal groups held land free in return for the military contingent. The Khan held his lands free of revenue, but it was subject to the payment of a yearly
tribute in the shape of presents of money and horses, but some of these tribal chieftains were exempt from the payment of revenue on condition of military service. The provincial contingents outside the tribal areas were levied on a somewhat different basis. It was necessary upon each area, in addition to tax assessment, to provide so many soldiers or, in some cases, a sum equivalent to the wages of so many soldiers.

In theory the loyalty of these soldiers was to the local land lords. Formerly the duty of service was placed upon the muqta or wakhee and not upon the land as such. He was granted an in-tax to defray the cost of the contingent he was bound to provide as his service. Such contingent was first loyal to him then to the sultan.

So far as local administration and the administration of justice was concerned there was little difference from the earlier Qajar period. In villages, the land owner was judge of all disputes among the villagers. But in the village held as wulfe the wulfe or exercising similar authority, the revenue administration was under 2

Ibid p 164.
The Mustoufi of each province prepared a revenue assessment which was entered in a special register. The revenue was used to defray regular local expenditure. The villages were assessed in lump sum. The division of this among the individual peasants was made by the local authorities. In making these assessments, water, land, the availability of labour etc were taken into account. The unit on which the tax was assessed varied in different areas. For example in some villages of Fars the assessment was made by the plough, the rate varied from 4 Tuman to 16 Tumans according to the quantity of land. The divani villages were more heavily assessed than Arbabi. The Arbabi could make some kind of resistance while the majority of poor tenants could not resist effectively. In the plains of Pushahr and lars where wells were used to irrigate the land, the state levied a tax known as Sarchorkhi on each well. There were private properties even in Khalisah villages. In Yerd however, the assessment of village was based upon a calculation of its water supply. In addition

2 Ibid p. 249.
3 Ibid p. 250.
to the regular land tax the population also had to pay occasional taxes.

In the later part of the Nasirud-Din Shah’s reign steps were taken for unifying the tax administration of the country, increasing the revenue, and ensuring that the revenue reaches the central treasury. The next step was taken in 1889 when a new land survey was carried out under the Ministry of Finance. By this survey land was divided into various categories and taxation was assessed on the basis of produce per ten thousand (10,000) square yard (zer). The categories were: (1) Crown lands (amlaki Saltanati) consisting of building, gardens, factories, stores, forests, special state preserves, telegraph offices, embassies and similar properties (2) Common property (amlaki ummuri) such as: water tank, drinking places, public hospital etc. (3) Real estates consisting of baths, caravan sarais, shops and similar properties (4) Private property (amlak Keaeeeh) consisting of houses, gardens, orchards and cultivable property. Taxes were to be levied in this way. At harvest time an official was to go to the village and from every kind of grain, pulse and grass, 10 percent was

to be taken in kind: from tobacco, melons, opium, cotton, sugarcane etc. 10 percent cash was to be collected in installments. Various other dues were also to be levied. One man per 180 male Muslims in each village was taken in military service. All males from 16 to 50 years of age were bound to give some days' labour on the roads, and those who could not give labour made payment in cash. The religious classes, school teachers, soldiers and police were exempt. levation was levied in lumpsum on each village, both in cash and kind. Each village had to provide a number of soldiers. However, so far as assessment and collection of revenue was concerned considerable variations appear to have persisted.

The relation between the peasants and landowners varied considerably from district to district. In some cases the land was permanently apportioned, in others it was redistributed among the peasants. In Fars for example the lands of the villages were divided into various tracks, known as sadrae according to position and local advantages. In the southern part of the country irrigated land were annually

1 Ibid pp 169-70
distributed. In some areas however, the peasants had more permanent tenure.

In Shiraz and Lar the cultivators paid 2/3 of the crop to the landowner while in some other parts they paid only 1/3 of the produce. In Nishapur the landlord took 2/3 of the produce and was responsible for payment of all due to the land. In Azarbayjan the rights of a proprietor in the land which he owned or Khalisheh or Vaqti land amounted to 1/10 of the yearly produce in case of dayam (that is unirrigated) land, while in the case of irrigated land he received a little extra for the water; but when the proprietor furnished seed and cattle he generally received 2/3 of the produce. The peasant in Iran was effectively tied to the land. This dependence was further increased when military service under the Qajar became a charge on the land and not on the individual. As long as the peasants could appear to the courts provided over by the Qazi which was independent of the landowner, munta or inyulda, he had some possibility of redress. But as time passed the religious institution was incorporated into general structure of the state. Under the Mongols land

1. Ibid p. 171.
dispute, in some cases were referred to court presided over
by Qazi. Under the Safavid, the independence of the Qazi
was reduced; the suyuddars and the holders of hereditary
suyurghal were in many cases, given full power to decide
all cases in the area granted to them. This tendency of the
extension of the jurisdiction of the local landowner and
suyuddar and to concentrate all power in their hand
continued in Qajar time. The result was further increase
in the dependence of the peasant.

Meanwhile, other influences began to be realized
contract with foreign countries was increasing. It was
strongly felt that some change was necessary if Iran was not
to be left behind by the technical superiority of European
countries. In the later part of the nineteenth century the
young Turk movement and pan-Islamic movement of Jalalud-
din-Afghani had great impact. Further, the ever-growing
financial stringency was exercising the minds of both the
ruling classes and the intellectuals. The latter rectified
the tendency of the rulers to attempt to solve financial
difficulties by the grant of commercial concession to
foreigners because in their opinion such grants would reduce
loss to the economic and political integrege of foreign
powers. They sought a large share in the government of the country. The various movements and tendencies came to a head into constitutional resolution 1905 and 1906 and resulted in the grants of constitution of Muzaffarud-Din Shah by 1906. With this began a new period in the history of Iran so far as land tenure is concerned. The break in legal theory was perhaps greater than in practice. Power still largely remained in the hands of the land owner and the tribal khans, and it was not till the reign of Raza Shah that this was materially changed.\(^1\)

\(^1\) Ibid pp 176-177.
THE CONSTITUTION: THE RISE OF REZA SHAH

The grant of the constitution in 1906 marks a new period in the history of the relationship of the various landowning classes. The constitution recognized the sanctity of private property and that no owner could be deprived of this land except by sanction of the Shari'a with certain limitation. One of the first actions of the National Assembly in 1907 was the appointment of a committee to examine the question of financial reforms, which was closely linked with land tenure and the land revenue administration. The committee recommended four measures of reforms:

1. It greatly reduced, and in some cases abolished, the pensions and grants which were paid to a large number of persons of rank and princes of royal house.

2. The sums which local governors levied over and above revenue assessment for their expenses, were added to the regular assessment and provisions were made for the expenses of provincial administration.

3. The system of tughal was abolished
4. The conversion rates were abrogated. The abolition of this practice considerably increased the national income.

THE RISE OF REZA SHAH

After the First World War Reza Khan, who later became Pt. Sh. Pahlavi emerged as the most powerful personality in Iranian politics. Reza Shah first devoted his attention to the formation of an efficient national army, and undertook a series of campaigns against various tribal leaders to ensure the authority of the central government. But he subsequently realised that military reform cannot be carried out without some measures of financial and administrative reforms. In the National Assembly, a bill providing for a survey of all landed property and fixing of a uniform tax on land had been introduced. Despite this, the financial machinery was in a state of disorder. The financial legislation enacted by the National Assembly was generally not enforced. Land disputes were numerous, many khulâsch villages had fallen into private hands. There were also irregular taxes imposed, and exaction of}

1 Survey of International Affairs 1915 p. 525
Gradually some sort of order was introduced into the finance of the country. Thus in the winter of 1925, financial agencies were set up in certain districts of Kirman, Fars and Kurdistan and the financial administration of the whole province of Khuzistan was taken over. The law of January 1926, established a uniform land tax throughout the country. Irrigated and unirrigated land was to pay three percent of the gross produce. The tax was payable on each item once only and the taxable value on various articles was to be fixed annually. The effect of this law in practice was to increase the burden of taxation on peasants. In February 1931 by the law of Sixth Island 190 foreign trade was made government monopoly and various other monopolies were subsequently established under the general authority given by this law. Under these monopolies, the government in the case of wheat, bought the product at a fixed price. This measure was beneficial to the peasants since it assured them of a market for their crops at known prices.

A Department of Registration had been established. Further legislations were passed fixing the changes to be made for registration. The law of Mihr (1308/1929) made the registration of real estate compulsory within a period of two years after the setting of an office of the Department of Registration on 26 Irwand 1310/1937. A further law concerning the establishment of registration department was passed. In the regulation for this law provision made for the registration of any property by others. Special provisions were made for the institution of Uqaf of the responsibility for this resting with the Mutawalli.

In certain cases there had been some difficulties in deciding ownership owing to the fact that several people accused right over a property concurrently. Attempts were made to remove the difficulties by issuing the letter by the Director General of registration. Where a village was jointly held, it could be registered as a joint holding known as Musha. The individual holdings might be defined in which case it was known as Mutrus. When a village was Mutran, agreement concerning the exploitation of the land and water had to be concluded with all the owners. The hirdere or harim of Khurshid Malik village owned by several
persons were normally registered jointly in the name of
owners of the village concerned. Rights of ownership had
been further reinforced by legislation concerning
disposition and recovery. The law of Urdibihisht
(1309/1930) concerning the method of preventing
disposition permitted the security officials, the police,
the governors and district officers, to prevent
disposition of property. Where cases of disposition
concerned agricultural land the interests of a third party,
namely the crop-sharing peasants, were also involved.
certain conditions were laid down to provide for such
contingencies.

Under Riz Shah changes were brought about in
new law concerning Kad Khuda (village headman) was passed.
According to this law the Kad Khuda was the representative
of the landowner and was responsible for the execution of
laws and regulations. In each village or group of villages
Kad Khuda was to be appointed. He was to look into the
agricultural matters in accordance with the orders of
landowners. He could decide minor cases in the village and
was thus guardian of the interest of the landowners.
The law of 16th Aban 1316 (1937) concerned local administration affecting the division of the country and the duties of the governor (Farmandar) and district officers (Bakhshdar). Articles 21 laid down that in every district (bakhsh) a district council was to be formed. The duties of the council were:

(1) to investigate into the condition of each township.

(2) to supervise the provisions for public health and other public needs.

(3) to form agricultural companies.

(4) to give guidance in agricultural training to peasants and landowners.

The increase of production and productivity was a matter of great interest for the government of Iran. On Aban 25th 1316 (Nov. 1937) the law for agricultural development (Qanuni Umran) was passed. Under it the owners of lands were bound to bring them into cultivation. The duty for the better provision of Waqf property was of a Mutwalli. Under this law provision was made for creation of Qanat, reclaiming of waste lands, maintenance of irrigation channels, improvement of housing, the making of
roads and establishment of public health posts. In short the period from 1906 onwards observed marked changes both in the structure of administration and in Iranian society.

THE CIVIL CODE

In addition to the various measures discussed above a body of law concerning land was also promulgated in the Civil Code. The Civil Code was more precise in its division of property into two kinds, movable and immovable property. Under immovable property were included certain articles which were not, properly speaking, immovable property. Thus fruits and crops were deemed immovable. Similarly trees and their branches young plants, and cuttings were immovable.

Chapter two of the Civil Code described the various rights which were exercised over property or may accrue to person from its possession. These were three, the right of ownership, the right of use in fruit, and the right of easement in the property of another. Concerning ownership it was stated that every owner had unlimited rights of occupation and enjoyment of his property except in matters.

1. Ibid P - 193.
in which the law had made an exception. Under the right of
usufruct, rights for pre-erected period and
right of occupation were recognised for a period. Under
right of easement, wherever one had channel, for
running water through the land or house of another person.
the owner of the land or house could not prevent unless he
could prove it was not being used as a right 1

Harim (Borders). According to Islamic law the
ownership of a property involves a right of its border.
The civil code defined the rules about such border. The
borders of a quantity of land were the boundary of the
property. Had also of the water channels, the streams etc
which were necessary for the full enjoyment of the land 2.

Gifts

The question of gifts was dealt with briefly in
the Civil Code. Delivery of possession was essential for
completing of gift. It was revocable even after deliver,
unless (a) donor was the parent of the recipient; (b) some
exchange was given for the gift. (c) the gift was no

1. Ibid p 196.
2. Mawardi: Abdul Harun Ali bin Muhammad Mawardi, Al Ahkam
lager is the possession of the recipient; (d) some change had occurred in the instance of the gift.

Preemption

The right of preemption was also discussed in the Civil Code. It was important in view of the relatively common occurrence of jointly held property. The Civil Code limited the right of preemption to immovable property owned by two co-heirs, if buildings and trees without land were sold, the right of preemption was not established.

Bequest

Islamic law limits to one third the property which can be disposed of by bequeath. The Civil Code similarly stipulated that only one third of a testator's property could be disposed of by bequests without consent of the heirs of testator.

Inheritance

The civil code incorporated the main provisions of the Sharia law of inheritance. Heritable right was based on

and on sabab. Fixed shares were allotted to the various classes of heirs. The rules for the combination of these shares and orders of the succession were regulated. Where there were male or female heirs, each male had double the share of female: the wife inherited only on movable property.

Dead Lands

According to Islamic theory legal governments belong to Imam or his deputy. It had been assumed that such privileges as belong to the Imam in matter of land, had developed in the temporal government since government as the successor of Imam was the representative of the people. What was owned by the community was also wasted in the temporal government. Reclamation of the dead land for agricultural purposes involved three conditions:

1. The heaping up of the earth delimiting and isolating the land intended reclaim. 2. The bringing of water to the land 3. ploughing and levelling. The Civil Code preserved the main feature of the Islamic tradition concerning their reclamation. Article 141 defined the

1 Ameer Ali, Lectures on Muhammadan Law, Calcutta 1885 pp. 11, 12
action direction towards the reclamation of land as those which made dead land exploitable by means of operation. Article 142 defined the preliminary steps, which were known as talir as to cultivate land.

Crop sharing Agreement

The Civil Code dealt with contract for agricultural and harvesting purposes. Both were crop sharing agreements. The former was defined as a contract by virtue of which one of the two parties gave other a piece of land for a specified time so that he would cultivate it and divide the proceeds. A second type of contract known as musaqat, concerned a transaction which took place between the owner of trees and similar things and another party known as Amal to return for a specified undivided share of the produce. According to the Civil Code it was subject to the same provisions on the contracts for agricultural purposes known as musaqat.

It is thus apparent the influence of Islamic law.

in the Civil Code in so far as land questions are concerned had been strong, but little attempt had been made to supplement the old one and very little attention had been paid by the Civil Code to the regulation of the relation of landlord and tenant. In general the scales were weighed in favour of landlord and little protections had been afforded to tenant.\[1\]

1. Ibid p. 56