CHAPTER-III

I. Introduction
II. Inams - Definition and types
III. Settlement of inams
IV. Inam Committee of 1932
V. Conditions of tenants in inaam lands
VI. Summing-up
CHAPTER-III

PRIVILEGED LAND HOLDERS AND TENANTS

INTRODUCTION

Privileged land holding in Indian History is a widely debated issue. The colonial masters in a bid to strengthen the political edifice, began to re-arrange the pockets of privileged groups in parts of Mysore, where the 45.9% of the state land comprised of Inams and Jagirs. These lands claimed to be of historical origin, continued to enjoy special privileges till 1951.

Inams, Privileged Land Holders and Tenants

An Inam is a grant by government for the personal benefit of an individual or individuals or for religious, charitable or other purposes, or for service rendered to the state or to an individual community.

Between 1750 and 1800, a large extent of land was granted as Inam, by parties who were least competent to make such alienations. Lands, thus granted were held free of assessment or was made subject to a jodi or light assessment or quit rent.

Inams can be traced to a very remote antiquity in Southern India. The gift of land was regarded as the most meritorious of charities by Hindu Shastras. Therefore, every Hindu Sovereign was ambitious of distinguishing his reign by the extent and value of the lands he alienated in Inam to the religious sections of the community.

Land grants were made is solemn and impressive manner (1). They were engraved on copper plates or slabs of stone and were declared irrevocable.
Land Revenue Code (L.R.C.) defined an Inam as an assignment, in favour of an individual or individuals, or of a religious or a charitable institution, wholly or partially of the right of the government to levy land revenue.

Inams may be classified under the following heads.

Classes of Inams

i) Personal Inams
   a) Inams for personal benefit.
   b) Brahmadeya Inams.

ii) Religious (Devadya) and Charitable Dharmadeya Inams.

iii) Kodigi Inams.

iv) Service Inams.

v) Miscellaneous Inams.

i) Personal Inams

a) Inams for personal benefit
   Under the head of "Personal Inams", are included all Inams held for personal benefit and this is comparatively a large one. Majority of them are lands granted to Brahmins for their livelihood. As most of them were enfranchised, many of them have changed hands since then. The Yelandur Jagair is included under this class.

b) Brahmadeya Inams or Cash Inams
   The cash Inams are chiefly what are known as Malnad cash payments where the Inams were regarded as assignments of the revenue and were accordingly settled as ready money grants.
ii) **Religious (Devadaya) Inams**

    Devadaya Inams are very numerous, belonging to the religious institutions. Shringeri Jagir with an area of 44 sq. miles belongs to this category.

    a) **Dharmaday Inams**

    Dharmadeya Inams are those granted to charitable institutions and comparatively few title deeds have been issued by Inam Department under this head. Most of the Inams in this category are given out of waste lands.

iii) **Kodigi Inams**

    Kodigi Inams were granted free or on light assessment in consideration of, "construction and up-keep" of tanks. Lands granted were certainly wet lands.

    These were assessed and treated as ordinary Kandayam Lands.

    Kodigi Inams were in the first instance dealt with under Rule V-A of the General Inam Rules and were not interfered with so long as the works were kept in good order. But in 1875, the Kodigi tenure was abolished. In 1876-77, the Chief Commissioner promulgated certain rules for the enfranchisement of these Inams.

iv) **Service Inams**

    Service Inams comprised lands granted to miscellaneous police, Revenue and Commercial Services as distinct from village service by former kings and included Deshpande, Deshmukhi, Deshkulkarni, Setty, etc.
Where the service had been commuted prior to the Inam Settlement these Inams were treated as subsistence grants and were the service and considered no longer required or as of nominal nature, the Inam was emfranchised after levying a quit rent.

Village service Inams comprised Inams granted to artisans and others for services rendered to the village community. At the time of village settlement, they were confirmed hereditarily subject to the continued performance of the service for which they were granted. On proof of the non-performance of the service, the Inam tenure was cancelled.

Khayamgutta grants were tenures intended to promote cultivation under the incentive of a permanent assessment based on the then existing revenue. These tenures were granted mostly during Maharaja’s tenure (1810-1813) on "Shraya" tenure, the gutta being allowed to attain its maximum in the course of 3 or 5 years. All Inams confirmed as Kayamgutta were heritable and transferable.

In the Malnad area, the original Inam was not a grant of land as a rule but the assignment or remission of a certain amount of revenue due to government on land, that land being sometimes in the occupation of the cash grantee and sometimes in the occupation of another person. In the latter case, he paid the amount of cash grant to the person in whose favour the cash assignment was made. In 1872-74, special rules were passed of the settlement of this class of Inams.
Under the orders of Dewan Poorniah, a survey called "Akshaya Paimaish" was carried out on all Inam lands. Under this, two statements were prepared, one showing the extent of land, of each description and the other exhibiting the extent of each field as measured.

But the survey was neither accurate nor perfect. Primarily, it was restricted to certain parts of the country only, secondly, only Kandayam lands were divided into fields and not the lands that were under "batayi" tenure and those which were under waste. The survey was conducted on a rough and general principle (1).

Poorniah’s Inam accounts were prepared "Isamwar" and "Taluqwar" but not for the village and they constituted the original "Jari Inamti" accounts, or a record of valid grants, confirmed by due authority.

He also dealt with excesses discovered in all personal Inams over and above three kantirayi Pagodas in value.

A large number of Inams were also created during the period of Maharaja Krishnaraja Wodeyar III (1811-1831). Large alienations were made in addition which a good money lands and villages were granted on Khyamgutta tenure permanently (2).

**Settlement of Inams**

Inam Commission was constituted in 1864. It consisted of an Inam Commissioner, a special assistant, and three other assistants. Initially all of them were invested with Judicial powers, but this power was withdrawn in 1872, when the department was reorganised (3).
In 1868, a set of rules were issued for the guidance of the Inam Commissioner, in the investigation and settlement of Inams by the government. Government of India gave their sanction in August 1868 (4).

These rules were based on the theory of the "reversionary right" of the government and the governing principle adopted to test the validity of Inams was that only such of them were to be confirmed which satisfied either of the following two conditions (5).

1) Competence of the granter irrespective of the duration of the Inam whether 50 or less than 50 years old.

2) The duration of the Inam for 50 years or more irrespective of the competence of the granter.

The settlement was conducted on the following principles.

1) Where the sanads have been granted by the Maharaja and his predecessors, were they have been conveyed with full powers of alienation and were hereditary, then the Inams should be treated as heritable and alienable property.

2) Where sanads emanating as above, did not convey full powers of alienation, the Inams should be enfranchised by the payment of a quit rent equal to $1/8$th of the assessment of the tenure.

3) Where the sanads have been granted by the incompetent persons and where they are less than 50 years old, a compulsory quit rent equal to $1/2$ of the assessment should be imposed. In doubtful cases, the quit rent to be imposed should be $1/4$ of the assessment.
Up to 1872, the determination of the value of Inam villages for purposes of enfranchisement followed the Madras Inam Rules, and was based on the old assessment recorded in Poornaiah’s Jari Inamti accounts, with such additions as were deemed just on account of the right of the state to prospective cultivation of waste land and the old valuation in Inamti accounts was adopted when the accounts of present rental furnished by the Inamdars fell short of it or could not be relied upon (6).

But upon the representation of the survey and settlement Commissioner in 1872, that the procedure above described based on imperfect data would be injurious to the government, in not securing the full amount of quit rent and local fund cesses, a survey of whole Inam villages with the exception of those for which title deeds had been issued prior to 1872, for ascertaining their correct valuation was sanctioned by the Chief Commissioner in February 1874, for purposes of Inam settlement (7).

As the survey could not keep pace with the Inam enquiry the system of charging the ad-interim quit rent, upon the best data forthcoming was devised on the understanding that this settlement was to last only until the village was valued by the survey department (8).

In 1881, the government on the complaint of the Inamdars, directed that the survey assessment on the lands under cultivation with 25 percent of prospective improvements together with a reasonable pasture rent, on the unarable waste, would be a fair valuation of adopt (9).
As whole Inam villages including Khayam Gutta villages were dealt with in accordance with these orders and final title deeds were issued. The operations of the Inam department which dealt with money grants also in addition to land grants were brought to a close in 1881.

Settlement once made by the Inam Commissioner, according to rules laid down, no Judicial Court was competent to question the validity of the settlement (10).

Quit rents payable under rules laid down, were to be levied in the manner in which ordinary land revenue was recoverable and "the claims of the government to such quit rent shall have precedence over any other debt, demand, whether in respect of mortgage, judgement, decree, execution etc. against the lands or the holders thereof" (11).

In 1919, Inam department was amalgamated with the Land Records Office and the Superintendent of Land Records was also the Superintendent of Inam settlements. A committee was appointed in 1932, for suggesting measures for the amelioration and improvement of conditions of the tenants in Inam and Jodi villages of the state.

In 1866, the survey valuation of whole Inam villages was Rs. 6,05,205 as against the Jodi of Rs. 1,94,585, while the survey valuation of minor Inams was Rs. 6,16,669 as against the Jodi of Rs. 1,74,080 (12).

In 1901, the survey valuation of all inams was more than 11 lakhs and the Jodi and the quit rent equalled 5 lakhs. If further extension of cultivation and increase in rates of assessments, the total assessments on all Inams would be about Rs. 16.5 lakhs in 1947-48.
The net loss to the government was about Rs. 11.5 lakhs per annum. As a result of the persistent discussions in Representative Assembly and Legislative Council for the considerations of Inam villages and its conditions, two Committees were appointed in May 1915 and May 1916, but as the deliberations of these Committees did not lead to any useful results, a Commission consisting of 7 members was appointed in 1918, July, to examine the whole question.

On the recommendations of this Commission, government passed orders in July 1925. Certain modifications later on introduced due to urge from Inam-dars Association for a reconsideration in 22nd January 1927.

The Mysore Land Revenue Code (L.R.C.) was amended by an act of 1928, article XVII to implement the recommendations of this Committee. The Act gave relief to tenants of Inam villages in the following manner (13).

1) The Deputy Commissioner was empowered to exercise the powers under sections 63 and 64 of the L.R.C. in respect of lands situated in an alienated village while holder was not empowered by Commission to exercise such powers.

2) Forfeiture under section 54 of L.R.C. was declared not to effect the rights of Kadim or permanent tenants.

3) A new rule was added to the L.R.C. to the effect that presumption of permanent tenancy will be issued in the following cases.

   a) Where a tenant has been recognized as a permanent tenant by landlord or by a court in a suit to which the landlord was a party.
b) Where the tenant has made permanent improvements for the better cultivation of the holding, to the knowledge of the landlord and has been in undisturbed possession of the holding continuously for 12 years.

c) Where, in the absence of a contract regarding the nature of and duration of the tenancy, the tenant has established that he has been in continuous possession on payment of fixed rent for a period of 12 years or more.

d) Where an alienation made to the tenant, has not been contested by landlord for 12 years from the date of the service of notice.

A new section (1) empowering government to take over the management of alienated villages on account of gross mis-management during the period of minority or unsoundness of mind of the holder was later added (14).

Provision was made for the introduction of settlement into an alienated or Kayamgutta village on the application of the persons. It was also laid down that the tenants other than Kadim tenants was to remain as tenants even after introduction of survey and settlement and not to become its occupants (15).

The G.O.s dated 2-7-1925 and 22-1-1927 issued following directions (16).

1) Inamdars should be held solely liable not only for the jodi but for the water rate also.

2) Inamdars may be given a commission of 12.5 percent for collecting water rate.
3) Ryots in Inam villages should be treated in the same manner as ryots in government villages as regards their responsibility to the restoration and maintenance of water works.

4) Inamdars to be given powers for enforcing the rules of getting the ryot's portion of maintenance work done.

5) Inamdars were to be given powers to deal with unauthorized occupation of land.

6) Inamdars had no powers to dispose of the gomal lands.

7) They were to be given the benefits of taccavi and forest privileges (17).

Inam Committee of 1932: In spite of the strict measures, the relationship of the Inamdars with their tenants did not improve. Most of the tenants continued to groan under their Inamdars. They still thought that their position was insecure and compared to ryots in government villages, they suffered a lot (18).

The Inamdars on the other hand, complained that tenants were very irregular in the payment of rent forcing the Inamdars frequently to civil litigation for its recovery and that they were busy setting up Kadim tenancy rights where one did not really exist (19).

In June 1932, a resolution urging that a mixed Committee of officials and non-officials be constituted with a view to study the conditions and prospects of tenants of
Inam and Jodi villages of the state and to recommend suitable measures for their amelioration and improvement was moved in the Legislative Council and accepted by the government.

A Committee with 3 officials and 3 non-officials was appointed to,

1) Examine the rights and liabilities of the Inamdars and their tenants under the existing Law and to make recommendations with regard to the improvement of the position of the tenants vis-a-vis of the landlord.

2) To examine the question whether the provision regarding the taking of Inam villages under government management are sufficient and how they can be extended.

3) To examine the desirability of undertaking legislation to enable government to acquire the rights of Inamdars for payment in cash or award of compensation in other manner.

This Committee made the following recommendations (20).

1) Survey and Settlement shall be compulsorily introduced into all Inam villages, subject to condition that the total income of the Inamdar from his tenants, permanent of kadim, in cash or in kind, or in both, shall not be reduced below what he was getting before the settlement.

2) All batayi lands shall be assessed at the settlement rates of assessment prevailing in the locality.
By these regulations, the scope of government take-over of management was enlarged. The 12 years limit was increased to 20 years.

One of the recommendations of this Committee provided that grant of remission of half wet assessment in government villages for failure of rains was to extent to kadim and permanent tenants in Inam villages. The amount of remission was to be distributed between the government and the Inamdar in proportion of jodi and jari (21).

The District Boards came to wield much control over Inam villages, while supervising the works of wells, schools, communications etc, because they used to collect local and other cesses from the villages(22).

Payment of balance of arrears was made a condition. No arrears had to be delayed, till the close of kist season.

Inamdar was at liberty either to do the work for himself or to employ any other agency on payment of salary, the work of a Shanbog. 'If the village was to have a Shanbog, that Shanbog has to maintain the accounts of lands of his remuneration called "potgi", was to be paid by the government.

Under the Act XXI of 1940, the arrears relating to an alienated or khayamgutta village into which survey and settlement have been introduced could be recovered by summary process under L.R.C. if the application was made within 6 years (23).
The Alienated Villages Purchase Act of 1944, enabled the government to purchase an alienated village at the request of the holder at a price agreed by the holder. (24)

**Conditions of tenands in Inam lands**

There has been a general feeling that the action taken by government on the recommendations of the Inam Commission of 1918, and the Inam Committee of 1932, has not resulted in any substantial improvement in the condition of the ryots of Inam villages, so it was argued that all Inams and Jagirs should be completely abolished (25).

A large number of tenants in Inam villages were mere tenants-at-will subject to rack renting and ejection at the pleasure of the Inamdar and hence they had no initiative to cultivate their lands and further effect improvements upon it (26).

Moreover, these tenants were barred from any remission in the years of failure of rain or such other adverse seasonal conditions. This was the main reason for ryots all the time running into debts (27).

The ryot’s privilege to gomals, pastures and trees and tanks was also undefined and precarious. This often led to the ruinous litigation and harrassment of the cultivators. They paid comparatively higher rents to the Inamdars than the tenant in the government villages (28).

The District Boards and such other local services were not utilized by the Inamdars, thereby checking any road to progress and improvement and were in a sense cut off from the government connection. (29),
Even after the passing of the 1939 Act of Inam Villages, there was no considerable acceleration in the rates of introduction of Survey and Settlement into the villages. This, most of the time enabled the government to introduce the Survey and Settlement without consent (30).

The Alienated Villages Purchase Act, empowering the Inamdars to sell their Inam villages to government at a price agreed by them, was taken little notice of by the Inamdar. So any measure of the government to improve the conditions of the ryots in Inam villages was of no remarkable utility, because, still, majority of the ryots held their position in a precarious manner.

Introduction of Survey and Settlement at a greater pace was not adoptable, because, Survey Settlement could afford some relief only to the kadim tenant and not to the tenants-at-will.

When the Inamdar became an intermediary between the cultivator and the government, the cultivator was deprived of the beneficiary activities promulgated by the government, because the Inamdar was in no way could discharge the functions of a government, neither could he introduce any remarkable measures of improvements.

This was one of the reasons for the backwardness of the Inam villages. The neglect of irrigation works, insecurity of tenure and lack of credit facilities, resulted in the indifference cultivation in these villages, with consequent reduction in production.
The village panchayat scheme was totally a failure in these villages. Comprehensive schemes of Rural Development, were still to make their way into these villages. The existence of Inam villages in between government villages proved a obstacle in introducing uniform land improvement schemes (31).

Moreover, the existence of Inam villages led to multiplicity of tenures in land and it was desirable to simplify the land tenure system as a first step towards agrarian reconstruction. Inamdars were thus a serious hindrance to the development of Inam villages.

The Committee for the Revision of the Land Revenue System in Mysore in its report stated that elimination of the intermediaries in an Inam village can be satisfactorily achieved only by the abolition of Inam tenures through acquisition of all the ryots of the inamdar as an intermediary, by government, on payment of compensation (32).

Regarding the alienations of Inams, the Inam Rules IX of 1872, laid down that the Inams alienated by the original holders or their heirs should show satisfactory proofs either from entries in the public account or original grantees (33).

Land Inam Rule VI clause "D" stated that "When alienations are recognized their enfranchisement will be compulsory and not optional" (34).

Secretary's Order dated 5-9-1872 stated that Alienations of Inam lands made subsequent to the date of the promulgation of Inam Rules viz., 14-12-1867, will not be recognized unless such Inams are of the nature described in Rule VI, Clause "A", or enfranchised under clauses "C" and "D" (35).
Another Order issued prior to this, dated 29-4-1872, stated- "In cases in which the sanad of the late Maharaja under which an Inam is held, conveys in its body the powers of alienation but the words giving such power omitted in His Highness, the Maharaja's autograph(36).

So in these doubtful cases, the Inam Commissioner was given full powers to acquire them.

Inams attached to village servants were alienable whether by sale, gift, mortgage or otherwise. But this rule was restricted to alienations that were made after 9-9-1835 and not before that.

All service Inams alienated before this date for which no service is performed by the alienee were enfranchised on 1/2 quit rent.

Inam lands were also liable to pay irrigation cess (I.C.) and Local fund cesses (L-F-C). Land Inam Rule XXVI dated 7-9-1871 laid down that all Inams lands are liable to the Irrigation Cess and L.F.C. on their recorded and "Survey Assessment Valuation" (37).

The Irrigation Cess was made liable to be paid on all wet Inams whether irrigated from government or private source of irrigation.

As regards the levy of I.C. in Inam villages, which have not yet been settled, the valuation was based on Survey assessment, in this regard Bombay Act III, Section VII of 1869 was applied to Mysore.
The Villages Panchayats Regulation became operative from 1-2-1927 according to government Notification dated 5-10-1926. But it was considered impossible for the Village Panchayats within the time available, to be sufficiently established to undertake the assessment and collection of taxes: It was directed in Government Order dated 5-10-1926 that Mohatarfa might continue to be collected by Jamabandi Officers, and credited to the Panchayats concerned (38).

This arrangement applied to Sircar Villages and Inaṁ Villages, where the right to levy Mohatarfa was vested with government. As regards Inam Villagers, where the proceeds of Mohatarfa were enjoyed by the Inamdars, it was held that the public spirit of the Inamdars and their desire for the sanitary improvement of their villages might in a large number of cases induce the Inamdars to follow the example of government and to give up voluntarily, the collection of Mohatarfa.

Enquiries made accordingly exhibited that some of them are not willing to forego. Urging their objections directly and through the Inamdars Association, attention was drawn to the point that the religious and charitable institutions which are dependent on this source of income would suffer (39).

It was alleged that Government wanted to take power to levy some other tax in lieu of Mohatarfa. It was a case of change of name and not a case of abolition of a tax, which government deem they could order and it also resulted in no relief so far as the ryots were concerned (40).

While passing the orders on the recommendations of the Inam Commission of 1918, Government directed that the
responsibility of Inamdar and tenants in regard to the restoration and maintenance of tanks in Inam Villages should be enforced on the same principle as in Government Villages and that the Inamdar should be given the power of enforcing the responsibility of the ryots for the annual maintenance work. But no effect could be given to these orders till now, for want of necessary legislation on the subject.

The Inam Committee appointed in 1932, having urged the matter once again for consideration. Government directed that necessary regulation should be undertaken in this regard.

It is proposed to amend the Irrigation Regulation so as to make chapter VIII of the Regulation applicable to tanks in Inam Villages also.

Section 34 was proposed to be amended so as to extend the rule about the enforcement of customary labour to an irrigation work in an Inam village also, though such work is not constructed, maintained and controlled wholly or partly by government.

The ryots in Inam Villages cultivated the lands on waram tenure, they had no permanent occupancy rights they were under the mercy of the Inamdar who, being the absolute proprietor, might turn them out at any time even after getting tanks restored by them and employ others instead (41).

The proposed measure was therefore, not in the interests of the ryots in Inam Villages; but on the other hand, it benefitted the Inamdars (42).
The Inam Commissioner also recommended introduction of Survey and Settlement into all Inam Villages (43).

The ryots in the Inam Villages were at the mercy of the Inamdars who were the absolute hakdars of the lands. The Inamdars retained the best lands for themselves and gave only inferior lands to the ryots and that too on waram tenure beyond paying jodi due to government they did nothing.

The Inam Committee of 1932, also recommended that after the abolition of Inam tenure the plantations of timber, fuel etc. should be vested with the Government (44).

**SUMMING-UP**

In conclusion one can say that the political significance of Inam settlement was to secure the allegiance and loyalty of the elite groups, who were capable of maintaining tranquility among peasant classes. Preservation of such of these Inam holdings was also aimed to consolidate colonial control over the state.

The relationship of the Inamdar with his tenancy was exploitative and oppressive. The continuance, of privileged landed groups was a deliberate strategy to avoid sweeping changes in the social life and to quieten any agitative element raising voice against colonial super power. The Inam lands of charitable nature were run as a rule by free labour. It was only by 1951 that the Inam Village Bill was passed followed by the Mysore Alienated Villages Act in 1952. Until then, no serious measures was taken up to ameliorate the conditions of the tenants in those areas. The study gains more relevance because the continuance of these privileged nobility neutralized the very essence of ryotwari settlement in Mysore.
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