CHAPTER- II

WORKING OF THE SYSTEM

Pattern of Landholding Distribution

The land holding distribution simply denotes the holdings of land related to
the control of a region or having possession rights on a compact area. The land
holding distribution of any locality presents a conspicuous picture of statistical
records of all holdings, i.e., the cultivating rights and possessionship. Although in
some cases, it also presents the nature of existing proprietorship and their
occupancy rights on land. The holding of land gives description of all the existing
rights of ownership and possessionship of estates.

In *Mahalwari* areas, it presents the records of existing proprietary rights of
every Mahal or villages. The land-holding distribution of *Mahalwari* region,
where the land was directly engaged with the village community, depends
primarily on *Khatauni-Jamabandi*, which contains the records of all the
cultivating rights.\(^1\) The proper pattern of land-holding distribution of an area
helped very much to present the nature and feature of existing land revenue
system.

The study of land-holding distribution in *Mahalwari* areas were having
prime significance because here, the settlement was directly made with the *Mahal*

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\(^1\) W. H Moreland; *The Revenue Administration of the United Provinces*, Renaissance Publishing
House, Delhi, First Published 1911 (From Allahabad), Reprinted 1984, p. 96
or estate also called village which presents the holdings of whole agricultural or cultivating lands with or without some waste area, belonging to or attached to it. Most of the times, it had a central site for the dwelling-houses congregated together, but, at some occasion small homesteads and farm buildings also found which separately formed the holdings.\(^2\) The village or *Mahal* was treated as a fiscal unit of assessment having great importance for administrative concerns, and was hardly ignored even in the region of Bengal provinces where the revenue administration not directly influenced by the villages but controlled by the landlords.\(^3\) An official holding of land assigned either by a *Lambardars* or *Muqaddams*, or *Tehsildars*, or *Taluqdars* etc. who were controlled the existing pattern of land cultivation.

There were mainly two types of land-holding distribution were existed in their peculiar village forms. Under the first, the villages comprised a number of individual cultivating holders who cultivate the land themselves with the aid of their families. These holdings or lots of plots have separate units as fiscal engagements. Here the cultivators do not claim to be joint-holders of the whole area, not do their holdings represent shares of what was in it a total which belongs to all of them.\(^4\)

\(^2\) B. H Baden Powell; *Administration of Land Revenue and Tenure in British India*, Ess Ess Publication, 1907, New Delhi, p. 66

\(^3\) Ibid., p. 67

The second form of village holdings might be described as similar in many respects to the first, but with one essential feature super-added and others modified in consequence. The distinct feature of this form was that there was an individual or a family which had to claim to be superior to other cultivating landholders and in fact to be the owner or landlord of the entire area within the ring-fence of the village boundary, as already existing, or as established by their own foundation.\(^5\)

Basically, the land-holding distributions under the *Mahalwari* system were based on the records (i) of rights, and (ii) of assets.\(^6\) Records of these rights were prepared through the agency of *Patwaris*, village accountants or ledger keepers. He keeps the records of rights of every villages or estates and also the records of its holders. The initiation of any new land revenue system was very much influenced by the pattern of land-holding distribution because it reflects the features of existing land tenures of the region. The distribution of land-holding dignified the status of land-holders of that particular area. The records of existing right of every *Mahal* or estate gives a detailed information of various land tenure forms of different locality, must produced before settling down any new land revenue system.\(^7\)

The Regulation VII of 1822 was the first law which defined the different existing land tenures of India during the English East India Company rule. This

\(^5\) Ibid., p. 71  
\(^6\) Moreland, op. cit., p. 34.  
\(^7\) Radharomon Mukherjee; *History and Incidents of Occupancy Rights*, Neeraj Publishing House, Delhi, First Published 1919, Reprinted 1984, p. 78.
regulation prescribed the specification of all persons enjoying the possession of property in the soil and estate. The regulation declared that all future engagements of land revenue settlement was temporarily settled in all areas and should be preceded by a “records -of- rights and obligations of persons possessing an interest in the land or in the rent or produce there of.”

The ownership and occupancy rights of land were of yeomanry character and free from the parasitic nature of Zamindari rights. The land may be cultivated either under the category of khudkasht (residential cultivators) or under the category of pahikasht (non-residential cultivators). The holding of lands or Mahals either heritable or transferable depends upon their arbitrary rules. Most of the Mahals were under the charge of a lamberdar who was the chief of a co-parcenary bodies or the village community.

W. C. Bennett, under whom the official gazetteer of land settlement were prepared, asserts that castes of Indian society played a very important part in the distribution pattern of land-holding during the first half of the nineteenth century. The holding patterns of land have a great impact which changed the whole structure of nineteenth century agrarian and rural society.

The land-holding distribution in Mahalwari areas was primarily determined on the basis of shajra and khasra records. Shajra and Khasra records

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8 Ibid., p. 78
were the two documents of settlement operation and assessment in the North Western Provinces. The shajra or the field map (usually on a scale of 16 inches or sometimes 8 inches, that is, just half) and khasra or the index to the map or descriptive register of fields (a parcel of land lying in one spot in the occupation one cultivator or by a jointly body of cultivators) numbered according to the series of numbers on the shajra.\(^{10}\) The holding pattern of land brought drastic changes in the nature of economic and social structure of pre-colonial India or early colonial establishment.\(^ {11}\) However, there was no uniform and universal system followed under the Mahalwari operation but different land tenures working at different places with different names and according to their local existing conditions. It is interesting to that the land-holding distribution in these regions could be understood through the study of different existing land tenures working under different holding patterns on the basis of their regional peculiarity. The holding pattern of the areas demarcated the shares or holdings of land through its divisions or allotments to the cultivators.\(^ {12}\) Shares and holdings of land were recorded with the reference of genealogical tree. There were separate holdings of ‘sir’ land


\(^{11}\) Cohn, B. S., *Structural Change in Indian Rural Society*, 1596-1885, in Robert E. Frykenberg (ed.) *Land Control and social Structure in Indian History*, Manohar Publication, First Published 1969 (Madison, University of Wisconsin), Revised Indian Edition 1979, New Delhi, pp. 53-54.

\(^{12}\) Powell; *Land system*, op. cit., p. 105
recorded as customary holdings; fixed and acknowledged. All the holdings of land were recorded in ‘khewat’ or khatauni registers.\(^{13}\)

The land tenures gives full description of the land-holding distribution, i.e., possessisship of land which open the scope to study the prevailing condition of village society in Mahalwari region. The arbitrary rule of land-holding distribution controls the whole structure of cultivating pattern and presents a vivid picture of landed gentry and aristocracy. The land tenures of Mahalwari region may be divided into three different groups, viz., proprietary tenures, intermediate tenures, and cultivating tenures.\(^{14}\)

**Proprietary tenures**

In this tenurial system, the land was to be hold by a single proprietor called ‘Lambardar’, the representative of the village co-operative body and primarily responsible for the rent payment. It had numerous varieties of particular features and peculiarities.

**Taluqdari Tenure**

This type of proprietary tenures prevailed in the region of Oudh where the proprietary rights vested in one person holding many feudal privileges.\(^{15}\) Under this system, the tenures were settled or made with the whole estate or taluqa which

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\(^{13}\) Moreland; op. cit., p. 86

\(^{14}\) William Crooke, J.R Reid, G.A Greierson ; *A Concise Encyclopedia of North Indian Peasants Life*, Edited by Shahid Amin, Manohar Publication, New Delhi, 2005, p. 163 , (hereafter this source had been cited with its editor’s name Shahid Amin)

\(^{15}\) Amin, op. cit., p. 163
includes several Mahals or villages. Raj Sattasi (87 or Eighty-seven) of Gorakhpur division was a fine example of Taluqdari tenures which was one of the biggest Taluqdari estate comprising eighty seven (87) Mahals. These tenures basically have two types of villages or Mahals, viz., (a) taluka, and (b) khalisa. The revenue dues of taluka villages were paid directly by the petty Rajas often called Taluqdar or Big Taluqdars, whereas in the khalisa villages, the raja and those to whom they have alienated their rights had the status of independent Zamindars who paid their revenue dues directly to the British government.

**Zamindari Tenure**

Under this system the whole land of the villages or estate was held and managed commonly. Here the rents should be kept in a common stock, and the balances of the total rents were divided among all the proprietors according to a fixed law after the deduction of Malguzari (government revenue) payment and other village expenses (or Malba).

**Pattidari Tenure**

In this arrangement, an accurate register of all the co-parceners, not merely the head of divisions, such as Puttees, Thokes or Behrees, but also of every person who occupied land, disposes of its produce or receives rents, as proprietors, or as

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17 Asia Siddiqui; Agrarian Change in Northern Indian State, Uttar Pradesh, 1819-33, Oxford at Clarendon Press, 1973, p. 42
18 Amin ; op. cit., p. 163
agent for one or two proprietors holding the lands and disposing of its produce or receives the rents of it in common possession.\textsuperscript{19} In that system a village was totally divided on the basis of ancestral shares and so that revenue liability as appears in the list of distribution was a fraction corresponding to the land fraction.

It was of two types, viz., Perfect or \textit{Mukammal Pattidari}, and \textit{Ghair} or \textit{Na Mukammal} or Imperfect Pattidari. In \textit{Mukammal Pattidari}, the land was divided and held or shared in severalty by the different \textit{pattidars} or proprietors, each person managing his own land and paying his share of the government revenue. Here, the whole land of a village area was divided between the different co-shares or group of co-sharers with a definite fraction.\textsuperscript{20} The profits of the areas are not the concern of common division. The rents payable by certain tenant were assigned to a particular \textit{Patti} or division and collected by a nominated manager called \textit{Lambardars}. The settlement of Mathura district was a perfect example of \textit{Mukammal} tenure. Whereas, in \textit{Gair Mukammal Pattidari}, some part or portion of land were held as \textit{Pattidari} and divided among its co-shares. The profits of the undivided land were being shared approximately in the same way as those of the divided land.\textsuperscript{21} The Government revenue and village expenses were paid from the

\textsuperscript{19} Minute of 1st July 1819, Holt Mackenzie, Para-688, in \textit{Revenue Selections}, 1818-20, \textit{North Western Provinces}, p.142

\textsuperscript{20} Nevil, \textit{Imperial Gazetteer}, op. cit., Vol- I, P.111; also see Powell, \textit{Land system}, op. cit., pp.103-104

\textsuperscript{21} Nevil, \textit{Imperial Gazetteer}, op. cit., Vol- I, p. 111
common stock of village community and on the other hand all deficiency was fulfilled by the contribution from the sharers called bachh or birar.

**Muqaddami Tenure**

This tenure was existed in paragana south haveli of Gorakhpur division.\(^{22}\) It also associated with mandidari tenure. In this system, a muqaddam or managing headman was appointed as intermediary between the cultivator and zamindar to collect the rent and given the permission to keep certain share with him. It was a form of **Mufassal settlement** or engagement.

**Birtia Tenure**

The Birtia was hold by deed called Birtputta from the superior zamindars or taluqdars; some of these deeds were considered to confer an independent right of property of soil/land.\(^{23}\) It was prevailed in eastern Awadh and Banaras division of ceded and conquered provinces where generally a big taluqa existed. This tenurial system was also called ‘Subordinate tenure’ created by big taluqadars of Gorakhpur district before the takeover of the region under the ‘Subsidiary Alliance’. There was a class of grants under which full proprietary rights were given to the holders, who were known as birtia very similar to Muqaddam. The term ‘Birt’ stand for cession where tenure was made for men for money payment for the services rendered by their heir who died at last in the battlefield also called

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\(^{22}\) Amin, op. cit., p. 163

\(^{23}\) Report of the Board of Commissioners, H.R Newnham, Kanpur, 1816, in Revenue Records of the North Western Provinces, 1818-20, p.176
‘marwat birtia’\(^{24}\). The \textit{marwat birtia} was very popular in the region of North Western provinces. There were some other forms of Birtia tenure existed with different names like \textit{Jiwan Birt}, \textit{Barchhibandi Birt}, \textit{Marawat} or \textit{Khunbaha Birt}; \textit{Sankalp Birt} also called \textit{maufî} tenure and \textit{Khush-hast Birt} etc. This tenurial system of land engagements, which have a greater influence on the agrarian relation of the region had disappeared by the last quarter of the nineteenth century.\(^{25}\) Revenue documents from Gorakhpur Zilah Records throw ample evidence on the decline of the \textit{Birtia} tenurial system.

**Bhaichara Tenure**

The term ‘\textit{Bhaichara}’ stands for the custom of brotherhood which simply gives the description of land-holdings on the basis of equal artificial lots. Basically, it was a developed form of \textit{Pattidari} tenure where lands were shared on the principle of equalized artificial lots or holding rights.\(^{26}\) In this tenure, the land was divided into a definite plot and not defined as a fraction of the whole. The rights and interests of each co-sharer of \textit{Mahals} were determined not only by his ancestral shares, but also by custom or possession.\(^{27}\) The land revenue was generally paid by a chief representative of the ‘co-parceners’ called \textit{Lambardar}.

\(^{24}\) Basti Settlement Report, J. Hooper, p.34 Cf., H.R Nevil; Imperial Gazetteer, op. cit., p.110

\(^{25}\) Amins, op. cit., p. 164.

\(^{26}\) Azamgarh Settlement Report, 1834, Edward J. Thornton, p.63, also see Powell; Land System, op. cit., pp.140-42

\(^{27}\) North Western Provinces Act, \textit{J. Crosthwaite}, 1873-74, Section- 44. Cf., C. J Connell; Land Revenue Policy in Northern India, p. 48
However, *Bhaichara* tenure was not always being similar to *Pattidari* tenures. It had difference at some extent when the land was commonly held undivided but its produce of the *Mahals* was divided according to shares based on the principles of genealogical division of descendants.\(^{28}\) The true sense of ‘*Bhaichara*’ tenure was not appeared there because it merely denotes the ancestral shares of the estates. When an estate came under the category of *Bhaichara* tenure while the commanding sharer dies, then his holding was to be divided among his sons or others heirs in the light of law and custom of inheritance. It can be notice that this system was prevailed largely in Azamgarh. On the other hand this system also, existed partially also at Agra and its adjoining region.\(^{29}\) There was only one difference between the *Bhaichara* and *Pattidari* tenure and that was the occasional re- partition of the holding by the custom of the tenure and they were liable of the proportional assessment.\(^{30}\)

The *Bhaichara* tenure refers to a special method of the land allotments and rates of rent distribution that was prevalent in some of the communities in which most of the land was partitioned among individual members of the co-operative society of proprietary bodies.\(^{31}\) Villages were owned by the descendants of a

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\(^{28}\) Cohn; op. cit., p. 102


\(^{30}\) Minute of J. Colebrooke, dated 12th July 1820, in Revenue Selection Records, NWP, 1818-20, pp.207-08

\(^{31}\) Siddiqui; op. cit., p. 16.
common stock and the whole land was occupied by the proprietary brotherhood and the revenue was assessed at certain fixed rate. Remarkably it is noticed that by the 1850s this type of land-holding disappeared from the Banaras.

**Bhejbarar or Bacchbarar**

This type of land tenure prevailed largely in the Bundelkhand region. The shares of brotherhood were liable to periodical or occasional adjustment. It was a method which purpose was to equalize the revenue-burden\(^{32}\). *Bhejbarar* stand for proportionate share with list of revenue-payments. The balances of revenue and expenses of the villages deemed by the fraud or insolvency of a sharer were made by a ratable contribution or *bacch* from the other co-sharers.\(^{33}\)

**Gatabandi**

This was opposite of the *pahabandi* and corresponds to *khet batai* or *khetbat* which was mostly prevalent in the region of Lower Doab districts of Bareilly and Banaras\(^{34}\). In this arrangement the fields owned by individual proprietors were scattered through many villages.

**Chirbatota**

Characteristically it was a kind of zamindari called *Haq-i Thakuram* mainly prevalent in Jhansi districts of Bundelkhand region. Under this tenorial system, the semi-independent chiefs were allotted land by Sindhia family of Maratha

\(^{32}\) Banda settlement Report, Mr. Rose, 1864, p. 34, National Archives of India, New Delhi; also see Powell, *Land system*, op. cit., p. 143

\(^{33}\) Crooke, op. cit., p.134

\(^{34}\) Ibid., pp. 134-135
confederacy in lieu of their rights (i.e., haq).\(^{35}\) This type of rent was payable only in the case of excess value of chiefs share called Ubari or Oobari means quit rent, may also stands for extra charge.

**Dih Holding**

The holding of land created either from decay or desertion of the building which had been earlier covered with houses and declared as waste land but now made available for cultivation\(^{36}\). In the past, it was a part of inhabited land.

**Nankar Holding**

This type of holding specially prevailed in Oudh region. The holding was assigned to the chief proprietors as an allowance for their service in collection of land revenue\(^{37}\). These proprietors were awarded with the title of Nankar and were given rent free land in lieu of such allowance.

**Biswadari Tenures**

It was tenure of independent village community with ‘inferior proprietors’ called Biswadars who were holding the land under a superior proprietor\(^{38}\). It prevailed mainly in Aligarh and Mainpuri district of North-Western provinces. It was also prevailed marginally in the region of Delhi Residency and Gorakhpur district. The local petty Raja’s were settled with the principle that the Biswadars

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\(^{35}\) Powell; *Land System*, op. cit., pp. 155-56

\(^{36}\) Crooke, op. cit., p. 135

\(^{37}\) Irfan Habib; *The Agrarian System of Mughal India, 1556- 1707*, Oxford University press, First Published 1963, Revised Edition, 1999, New Delhi, p. 182

\(^{38}\) Powell; *Land System*, op. cit., p. 164
or inferior proprietors had to pay an assessed rate which covered not only the
government share, but also the taluqdar’s (or superior proprietors) malikanah
allowance.\(^{39}\)

**Garhibandi**

That was a tenure where the former proprietors acquired their lands at
nominal rates and defied the government. It was found particularly at some places
of Bundelkhand region. It is conspicuous to note there was a Ryotwari form of
Mahalwari System in this region.\(^{40}\)

**Intermediate Tenures**

There were various arrangements made under this tenure:

**Arazdari**

Largely found in the Gorakhpur Division. The holder had obtained possession of a
plot by purchase or gift which he holds as rent free called *maafi or lakhiraj* land.\(^{41}\)
The proprietors were paying only their share of the government tenure.

**Mandidari**

It was a high class of occupancy tenure prevailed in eastern districts of
North Western Provinces which may be bequeathed or sold.\(^{42}\) This type of tenure
was found at particular pargana of ‘Bhauapur’ in Gorakhpur district.

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\(^{39}\) Aligarh Settlement Report, 1834, E.J Thornton, p. 63, NAI, New Delhi, Cf., Powell; *Land
System*, op. cit, p. 159

\(^{40}\) Amin, op. cit., p. 165

\(^{41}\) Crooke, op. cit., p. 136

\(^{42}\) Ibid., p. 136
**Patawan or Patahuapan**

Those holdings were allotted to the peasant by the government for the recovery of land revenue arrears. The allotments were considered for the repayment of a loan and interest. It was mainly carried out in pargana Sidhua Jobna of Gorakhpur district.

**Cultivating Tenure**

Bareli district of North Western Provinces was having the major area under this arrangement. The settlements were made with the concern of intermediary like *muqaddam* or *pardhan* between the proprietor and cultivator. The intermediary had been assigned the duty to collect the rents from the proprietors on behalf of company administration and they enjoyed some privileges and immunities for their services. In Bareilly, the ‘raqmi’ or an intermediate cultivators class exists somewhere between the *muqaddam* and the ordinary tenants. *Muqaddams* hold it for some specific reasons at slightly lower rates than the ordinary tenants.

**Chhapparaban**

In this holding the cultivators were divided into resident *rayats (khudkasht)* who were cultivating their own village and non resident *rayats (pahikasht)* who

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43 Amin, op. cit., p. 166
44 Amin, op. cit., p. 166
45 Crooke, op. cit., p. 137
cultivating the land of villages other than his own.\textsuperscript{46} This type of tenure specially found in Bundelkhand region. Here, a class of cultivator called Shikmi or sub-tenant below the ordinary cultivator again present who carried this tenurial system.\textsuperscript{47} There was also a tenant called Bolahdhar who was assigned the land of villages on the basis of verbal agreement with the proprietor or the village community that existed.

\textit{Lakhirajdari}

According to the Regulation XII of 1793, there was a kind of land which was recognized as free from revenue assessment.\textsuperscript{48} Those categories of land came under lakhirajdari arrangements. The proprietors of Lakhiraj (or empty land) were called as Lakhirajdar. Subsequently, their possessions were under threat and on the other hand the government pressurized them for financial assistance.

Conclusively, it can be said that the land holding distribution in Mahalwari region was divided among the co sharers of villages according to the constitution of landlord or joint villages by three different methods.\textsuperscript{49}

\textsuperscript{46} Minute of 1819, Mackenzie, op. cit., para.159, p. 67; also see Powell; \textit{Land System}, op. cit., p. 181
\textsuperscript{47} Amin, op. cit., pp. 166-67
\textsuperscript{48} Regulation VIII of 1800, Section-4, in \textit{Revenue Law Report}, NWP, 1867, Govt. Press, p. 367a
\textsuperscript{49} Powell; \textit{Administration of Land Revenue}, op. cit., p. 76
The Ancestral or family based share system:

The first and foremost type of land holding distribution based on the principle of ancestral fractional sharers. In that system, each member of the co-sharing body was taking the fractions from the whole land, according to the genealogical table of his family.\(^{50}\)

Special customary system of sharing: There were number of special customary type of sharing and holding, viz., (i) sharing in equal lots made up artificially of various enclosed strips of land, (ii) sharing by plough, (iii) sharing with the reference to shares in water, (iv) sharing on the basis of shares in wells and tanks.\(^{51}\) The village was taken as a complete fiscal unit but its shares were obtained by classifying the land by making up a suitable number of lots which were distributed among the families owning or occupying the village.

System of De-facto Holding:

Under this system of holding, there was no specific rule or principle of sharing although a de-facto holding was recognized.\(^{52}\) It defines some peculiar and unique principle of possesshionship. Every cultivating family had been advised to cultivate the soils according to its potentiality and capability what they hold. This type of holding came into existence either by the existing custom or may be due to the loss of sharing system that once existed. All joint villages or landlord

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\(^{50}\) Powell; *Land System*, op. cit., p. 124

\(^{51}\) Powell; *Administration of Land Revenue*, op. cit., pp. 76-77

\(^{52}\) Powell; *Administration of Land Revenue*, op. cit., p. 77
(whatever theory of their origin would be) necessarily have been formed in one of three ways:\footnote{Powell; \textit{A Short Account}, op. cit., p. 77}

(a) They were the bodies that succeeded jointly (according to the law and custom of inheritance) to a village at first held by someone who was a common ancestor.

(b) They were bodies created by a certain number of families belonging either to an immigration or conquering clan which had settled and allotted the area on its own customary methods.

(c) They may be a merely co-operative colonizing group, formed under the circumstances which led them to establish cultivation on the joint stock principle.

In the first law, the principle of inheritance should have directed the shares, while in other tribal custom or sentiments about equality, or peculiarity of soil and climate should have determined the holding allotments.

The system of de-facto holdings may not be the same in all Mahalwari areas or villages but varied according to its peculiar local existing conditions.\footnote{Powell; \textit{Administration of Land Revenue}, op. cit., p. 86}

More often, it was of two types viz.; first, there were some villages where the village body of co-shares had come to regard itself as united landlord and yet not tracing the system of sharing. This may have adopted as a rule because land was
fairly equal in value with abundance, and so each family hold what they had to

cultivate. This system of land holding was known as ‘Kasht hasb –i- Muqaddar’

which means cultivation according to peasant’s capability and potentiality.\footnote{Ibid., p. 87} Here, a man acquired holdings as \textit{dad-i illahi} or the divine gift means he could not be

hold accountable for the extent of his holding or its origin.\footnote{Powell; \textit{Land System}, op. cit., p. 109}

(ii) In second case, the holdings of land may be come out due to the
collapse of an earlier prevailing system of sharing. Often, such principles had come out gradually due to non-existence of definite sharing system in the past.

There were some specific varieties of land holdings in North Western

Provinces which came out accidentally due to collective ownership.\footnote{Powell, \textit{A Short Account}, op. cit., pp. 91-92} This type of holding was a proof of the existence of the institution of village community. The main forms of them were the following:

\textbf{Holdings on Tribal Basis:}

There were some villages, held directly on a tribal concern basically a type of joint holdings formed with the sense of clan unity.\footnote{Powell; \textit{Administration of Land Revenue}, op. cit., p. 92} The basis of holdings was ‘equal exchange system’ to establish equality in the villages. The village wise system of British Punjab was the best example of it.

Some villages held by ‘\textit{cultivating fraternities}’ where had been no territorial rule and no aristocratic title in the family or clan or group, but began as
small household group settled on a wide area which gradually turned into a large clan community. Some villages formed like a number of buds shooting out from one parent stem, and then separating into so many full blown new villages or Mahals. In some cases certain primary, secondary, and tertiary divisions of the whole estate area have been established with few family members developed into descendants by the time of its maturity.

There were some high class holders in villages with clan feeling against the ‘cultivating fraternities’, where one individual or two together founded the village estate; and here a fully developed ‘joint family’ with its consequent law of joint-inheritance produced a joint community. The shares of the holders would be divided according to the ancestral base and background indicated in the ‘genealogical tree’. This form of holding based on three things, viz.; the sole owner, undivided holding, and finally of complete or partial severance of the holdings. The ancestral share system of this form of holding proved to be a cause of dissatisfaction among the sharers as time goes on. Further, its holding form was modified by external agency.

There was a kind of village or holding having certain features of ‘joint holdings’, e.g., the common responsibility for the land revenue payment; described

59 Powell; Administration of Land Revenue, op. cit, pp. 92-93
60 Powell, A Short Account, pp. 92-93
61 Ibid. p. 92
negatively on the basis of its peculiar local existing condition.\textsuperscript{62} This type of holding was the result of local based voluntary association of cultivators who combined themselves for the sake of protection into a ‘joint body’.

There were some ‘separate villages,’ of which we do not know originality where the co-shares have been given right to hold a certain separate area and their possession was based only on the known measure of right.\textsuperscript{63} The official classification had a special head for these villages of de-facto holding.

There were some ancestral villages of single ownership existed in \textit{Mahalwari} areas by 1840s. The growth of village community from a single ancestor or founder may best be illustrated by taking up the simplest possible case of an imaginary village, and tracing it for a course of development.\textsuperscript{64}

The utilitarian philosophy of land-holding was to be vested with \textit{rayats} and actual \textit{Zamindars} that were tolerated only on sufferance. Only 1/10th of ‘rents’ was to be allowed for private appropriation in either case.\textsuperscript{65} James Mill asserts that the \textit{Mahalwari} pattern of land holding distribution was based on the concept of cross checking of utilitarian rent theory and \textit{rayatwari} form of land holding.\textsuperscript{66}

The holding rights of some specific area have been under the control of joint body of a co-sharing descendant. They were all jealous of equal right and

\textsuperscript{62} Powell, \textit{Administration of Land Revenue}, op. cit., p. 94
\textsuperscript{63} Minute of Mackenzie, op. cit., paras- 579-80, in Revenue Selection, 1818-20, pp. 124-125
\textsuperscript{64} Powell, \textit{Administration of Land Revenue}, op. cit., p. 78
\textsuperscript{65} Imtiaz Hussain, \textit{Land Revenue Policy in North India: The Ceded and Conquered provinces}, 1801- 1833, Calcutta, 1967, p. 238
\textsuperscript{66} Ibid., pp. 237-39
dignity as descendants in common of the same land and for a long time they would not divided the estate. They appointed a manager who was probably a head of committee or household to control the common affairs.\textsuperscript{67} Each family would have certain area of village as its own special holdings (or \textit{sir}) for which he pays nothing.

The principle divisions of land and its holdings were known as \textit{Pattis} and their sub divisions were known as \textit{thokes} and \textit{thokes} were further divided into \textit{behris}.\textsuperscript{68} Therefore, different names were given to village owners such as \textit{pattidars, thokedars}, and \textit{behriwars} on the basis of their shares. The divisions of land-holding have closely been linked with the principle of household or family division. Each \textit{Patti, thoke} or \textit{behri} which was initial basis assessment demarcated and indicated amongst different families according to the fractional shares in land held by each.\textsuperscript{69} But the state demand was assessed and fixed according to their cultivated holdings not by their fractional shares. It may be explained with two circumstances, viz.; firstly, as the number of descendants varied, and, secondly, the lands have been divided as between sub-divisions on the basis of its quality not merely on areas. In the case of inferior lands, a larger share in terms of areas have been allocated or allotted.

\textsuperscript{67} Powell, \textit{Administration of Land Revenue}, op. cit., p. 79

\textsuperscript{68} Minute of H. Newnham; dated 6\textsuperscript{th} June 1816, \textit{in Revenue Selection, 1818-20}, NWP, p. 224

\textsuperscript{69} Ibid., 224
The extent of land-holding among different families within a sub-
division might not be equal always.\textsuperscript{70} The quality of land holding often jolted and
got disturbed due to inequality in the process of division among the number of
descendants. In the pre-British village society, a natural adjustment was very
common due to the nature of property rights existed in land. The availability of
waste lands among the families contributed very much to inequality in the process
of land-holding distribution. Wastelands were the common property of the village
community which may sometimes partitioned between sub-division and
sometimes left for the utilization of joint-body of the households.\textsuperscript{71} The first form
of tenure was termed as \textit{Pattidari} and the second was called \textit{Bhaichara}.

The holding of a particular region marked a significant set-up in the
process of land revenue fixation for the state.\textsuperscript{72} The inequalities of actual holdings
were corrected through the periodical redistribution of landholding among the
different households. The land-holding of individual sharer tended to become
unequal or unable to bear its share of the government revenue and the sharer was
entitled to claim repartition of the lands so that landholdings might correspond to
the revenue assessed on each family.\textsuperscript{73} The company government always

\textsuperscript{70} S. C Gupta; \textit{Agrarian Structure in Uttar Pradesh in the Late 18\textsuperscript{th} and 19\textsuperscript{th} Century}, in T.
1960, p. 27

\textsuperscript{71} Gupta; \textit{Agrarian Structure in Uttar Pradesh}, op. cit., p. 27

\textsuperscript{72} Ibid., pp. 27-28

\textsuperscript{73} Ibid., p. 28
intervened in the process of land-holding distribution because it has a direct link with the security of their own revenue which was threatened in the absence of such re-distribution.

It is noticed that there were some less known small holdings of land prevailed in Mahalwari region. At some places, the holdings were determined on the basis of plough called jotai. Here, division was assumed, where a certain area of pargana was allotted to local cultivators on the basis plough’s strength and capacity what they possessed and his extent of ‘plough units’ corresponding to the number of ploughs owned. This type of holdings prevailed very often in the villages where an associated or co-operative body exists.

There were some major defects in the process of land-holding distribution in the Mahalwari operated region. No uniform and proper pattern of land-holding distribution exists in this region before the Act of 1859. Peasants were lived in fear of rack-renting and confiscation. There were number of malpractices involved in the process of land-holding distribution. At most occasions, occupancy rights were heritable not transferable. Sub-letting was allowed in transferable occupancy with certain restrictions. While in heritable occupancy, tenants have certain rights to hold the land and were not liable or permit to evict except for default in paying rent.

74 Powell, Administration of Land Revenue, op. cit., p. 85
75 Ibid., p. 85
76 Nevil, Imperial Gazetteer, Vol-I, op. cit., p. 111
The uniform law or rule of occupancy rights have been framed only after the passing of Occupancy Act i.e., the Act X of 1859. Till this Act the settlement officer had assigned the duty to record whether any particular tenant had occupancy rights or not according to the custom of the region.\(^77\) The passing of Act X of 1859, gave a legal recognition to the conception of a right of occupancy in province for the first time. The Act have provision that all the cultivators who had held their present land continuously for twelve years should be deemed to have a right of occupancy and that cultivators admitted in future and allowed to held for twelve years should acquire the same right on the conclusion of that period.\(^78\)

A landholder who parts with his proprietary rights obtain occupancy rights in his home farm at a privileged rate of rent (i.e., 25%) below the rate generally payable for similar land in the neighbourhood by non-occupancy tenants.\(^79\) This was called ex-proprietary right. In this system, a cultivator required the prospects of holding the land for a reasonable term of year so that he was able to raise the importance and worth of the area on its peculiarity. The ordinary cultivating peasants treated their land as a source of future income as well as for the present and so they were eager for its gradual improvement. A fair prospect of continuity of land tenure was the first and prime essentialities for the maintenance

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\(^78\) Moreland, op. cit., p. 56.

of the productive brigade of the country. The land will be fairly treated either under infinite system such as the right of occupancy or under leasehold or \textit{pattah} system ensuring continuity for fixed term of reasonable length.\textsuperscript{80} The holding right could be passed from a bad cultivator or an ordinary Brahman to a \textit{Jat} or \textit{kurmi} who were the natural cultivators. The holding rights of land were often given to perspective bidders who offered highest amount of terms but preference would be given to local inhabitants.

Transferability and partition of joint holdings were facilitated under the accelerated settlements of the later 1830s.\textsuperscript{81} Now, proprietary titles to individual shares could be used as mortgage security. In the districts like Aligarh where village \textit{maliks} exposed their proprietary title to public sale for revenue default, even though they found no purchasers.\textsuperscript{82} After the settlement of 1840, the definition of separate interests gave a new certainty to proprietary titles making then a desirable form of investment by outsiders. The provisions of Act X of 1859 were re-enacted in 1873, and again in 1883 with amendments in detail intended mainly to check evasions of the law.\textsuperscript{83} The British Government tried to prevent the fresh occupancy rights by the introduction of regular system of ejectment being


\textsuperscript{81} T. R Metcalf, \textit{Land, Landlords, and the British Raj: Northern India in the Nineteenth Century}, Oxford University Press, Delhi, 1979, p. 58

\textsuperscript{82} Metcalf, op. cit., p. 58

\textsuperscript{83} Moreland, op. cit., p. 59
made of every cultivator in the 11th year of his tenure. In some cases, cultivators were actually compelled to leave their land and were provided with other land in exchange. Ejectment notices were served and not contested and in most cases there were practical continuity of holdings because cultivators trusted their landholder. The evils of ejectment were not practically great as the statistics of their operation suggested, but existed at some extent.

The holding rights of land have been altered completely by the Tenancy Act II of 1901. In this Act, an interesting provision was made regarding the leasehold system as an alternative to the right of occupancy. There were lot of changes were made in the procedure of ejectment which made it simpler under the new Act. Earlier, the procedures of ejectment were more difficult and more expensive.

The pattern of landholding distribution in Gangetic Doab region, i.e., the area of Mahalwari operation was totally different from the Bengal holding pattern of land distribution. It is observed that big landholding were prevalent in bulk through out the region, while in Doab region large landholding were few in number and confined to some particular regions only. The structure of the village communities, and the lack of sufficient resources to sustain a renter class over the substantial areas of the provinces especially towards the west, effectively barred

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84 Moreland, op. cit., p. 60
85 Ibid., p. 60
86 Metcalfe, op. cit., p. 53
such a consolidation of holdings.\textsuperscript{87} Khudkasht or resident rayats were usually settled in their holdings and assigned their fields for cultivation which they were not allowed selling or transferring by the zamindari overlordship.

**Mode and Method of Assessment:**

The assessment method of any land revenue settlements irrespective of region or locality described the structure and set-up of land revenue management of that particular region. Simply, it means the procedure and method of land revenue realization and collection. It was very different from the magnitude of rent. The land revenue assessment procedure of any region could be deals on the basis of two primary documents, i.e., (i) the record -of- rights and (ii) record -of- assets. The record -of- rights was the most important and a must required table for the assessment procedure of land revenue\textsuperscript{88}. In the ceded and conquered provinces, no definite correlation stood between the assessment of land revenue and gross produce.

Till 1805, the whole region of Mahalwari operation, i.e., North-Western Provinces experiencing the permanent zamindari system of land revenue with minor modification according to the demand of its local existing condition.\textsuperscript{89} Afterwards, the administration of the English East India Company tried to

\begin{itemize}
\item \textsuperscript{87} Metcalf, op. cit., p. 53
\item \textsuperscript{88} Moreland, op. cit., p. 70
\item \textsuperscript{89} Regulation IX of 1805, Cf. R.C Dutt, The *Economic History of India Under Early British Rule*, Vol- I, Publication Division, Ministry of Information and Broadcasting, Government of India, 1960, p. 115
\end{itemize}
maximize her income from the land which was a pressing need after the end of monopoly in opium trade with China and also due to various expeditions of expansionist zeal. To meet the pressing exigency, they introduced various summary settlements of land revenue like triennial and quinquennial at local level but did not got success and so finally gone with Thirty Years Settlement to ensure a regular and permanent income for the company administration. Under triennial and quinquennial settlement, the assessment was made by consulting the rent-rolls of the existing year and that of the preceding years, which gave a rough idea of the actual revenue which the lands were capable of bearing. By 1806, the assessment of land revenue was uneven because tehsildars were given duties to collect revenue on the incentive basis. They received payments in percentage. In the process they tried to collect extra revenues for their own. The procedure followed under the operation of summary settlement proved very harsh and had negative effect on peasants. The government share was so excessive (more than 90%) under these summary operations that peasants never felt relaxed but overburdened. In practice, those assessment procedures proved to be defective and were based on over assessment principle.

Before the Regulation VII of 1822, there were no uniform pattern of land revenue assessment prevailed in the region of ceded and conquered province and the assessment were sharply enhanced at frequent interval. The British

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90 Hussain; op. cit., p. 39
91 Ibid., p. 46
government failed to carry out a detailed statistical inquiry about the cultivating class and their soils which was prescribed purposefully in the Minute of Holt Mackenzie incorporated through the Regulation VII of 1822.\textsuperscript{92} Under the Regulation VII of 1822, the rents ascertained and recorded with the rates established by the time of settlement engagements which was an essential part of the assessment.

The Regulation laid on improved method of assessment which includes a complete record -of- right of all kinds, a full account of the rates of cash rents, and the method of division of produce where a survey and maintenance of village records and the establishments of revenue courts were initiated. Under the Regulation, the settlement officer were instructed to determine the net-rent theory of every piece of land with a reference to its actual ‘produce and capabilities’ for assessing the government demand or share from that particular area.\textsuperscript{93} The Revenue Board proposed a detailed ‘field to field’ procedure of assessment under this Regulation.

To attain the task, the settlement officer had been appointed with the duty to enquire carefully into the extent of productiveness of the land which affected its power of yielding rent or surplus required for the wages of labour and the replacement and the use of stock. When a settlement officer revising the land revenue settlement, they were required to ascertain the total extent of land of a

\textsuperscript{92} Metcalf, op. cit., p. 59.

\textsuperscript{93} Regulation VII of 1822, Section -7, Clause-2, \textit{in East India Papers, Vol- III}, p. 373
Mahal which was cultivated or uncultivated, the extent of land which was under
the category of waste but capable for cultivation, the qualities of soils, their
productive potentiality, the nature and value of the crops grown on them, and their
respective costs of cultivation and thus arrived at the rent yielding capacity of
different soils.\textsuperscript{94} The assessment of land revenue was totally based on the fraction
of the total estate assets.

In all Mahalwari tracts, the assessment processes were more or less based
on the actual rental value of the Mahals’ total produce.\textsuperscript{95} Rental value means of the
rates of rent actually paid in each village, which was paid at the time of settlement
without any reference to what they may subsequently became by the effect of legal
enhancement. The principle of assessment possessed a distinguish features which
given much emphasis on the local investigation and conditions of agriculture.\textsuperscript{96}
Under the new regulation, a comprehensive scheme of detailed local inspection
was prescribed for the assessment of land revenue. The method of assessment and
the valuation of land keep on changing which was perfected and corrected
gradually. The Regulation attempted to value the net produce of all kinds of soil.\textsuperscript{97}
In order to make a process of land valuation under the Regulation VII of 1822, the
settlement officer with a laborious attempt tried to trace out the total produce of

\textsuperscript{94} Resolution, 1 August 1822, Para-22, in \textit{Revenue Selection (1822-23)}, pp. 5-6.
\textsuperscript{95} Powell, \textit{Administration of Land Revenue}, op. cit., p. 178.
\textsuperscript{96} Siddiqui; op. cit., p. 67
\textsuperscript{97} Powell, Administration of Land Revenue, op. cit., p. 179
land and valued it in cash, then deducts the cost of production from that value and then finally arrived at the net-produce concept.

The Regulation VII of 1822, prescribed that the assessment should be so regulated as to leave the zamindars and others a net profit of twenty per cent on the amount of total ‘jama’ payable by them respectively, while his lordship understands it to be prevalent notion among settlement officers whose opinion were entitled to respect that allowance in favour of zamindar who should in no instance fall short of thirty or thirty-five of the government ‘jama’ and after all may not this be considered as capital by which improvement is to be accomplished. The procedure of land assessment under Regulation VII of 1822 never be exact and correct and certainly no equal valuation would resulted because the principle of assessment would not still be universal and varied according to its localities and peculiarities.

It was Robert Marttins Bird, a principal adviser of Lord William Bentinck, Governor-General, on revenue matter, first tried to develop a method of assessment with a concern of peoples comfort. When the settlement was revised by the settlement officers, the mode of assessment carried out under the previous land settlement must be dropped. The assessment was not interrupted unless and until the ‘assets’ (i.e., the basis of revenue calculation) were affected to the extent

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98 Letters of Lord William Bentinck to the Board of Revenue, 7th April, 1831, in Revenue Selection, Allahabad, 1872, pp. 106, 255-56

99 Powell; A short Account, op. cit., pp. 179-80
of 10% increase or decrease since the last settlement. The assessment method followed under the settlement of 1822 was devilled by over assessment.\textsuperscript{100} The settlement officer was always under pressure and scrutiny to raise the government demanded share in total produce but could not resist the temptation to screw the assessment up to highest figure.

The assessment of any estate or holding have been carefully prepared by the settlement officer, scrutinized by the commissioner, and finally sanctioned by the Board of Revenue, was nevertheless open to an appeal to commissioner, whose order was final but subject to revision by the Board of Revenue according to rates.\textsuperscript{101} The assessment of the district as a whole or of a single estate was also confirmed by government, and the state had the power to revise any assessment before confirming it. The Board of Revenue under the chairmanship of Lord W. Bentinck agreed to abandon the detailed field -to- field principle of 1822 Regulation which was formally known as detail to-aggregate , in favour of its opposite, working down from the top i.e.; from aggregate -to- detail.\textsuperscript{102}

The Regulation IX passed in 1833 under the supervision of R. M. Bird which has been considered as the real beginning year and established full- fledged Mahalwari system. This Regulation was passed with provision to improve the existing assessment procedure of 1822 Regulation. However, the Regulation IX of

\textsuperscript{100} Metcalfe, op. cit., p. 61.
\textsuperscript{101} Powell, \textit{Land System}, op. cit., p. 81.
\textsuperscript{102} Metcalf, op. cit., p. 62.
1833 not fully altered and overthrown the principles established under the Regulation VII of 1822. But merely simplified, abbreviated, modified, and improvised the existing assessment method of 1822 and rendered work possible and practicable. The method of assessment taken under the Regulation got approval only in the conference held at Allahabad in the supervision of R.M. Bird under the presidentship of then Governor-General. The principle of assessment proposed under the new regulation for the settlement officer with the two important criteria in mind, viz.; (1) the government revenue for the next thirty years, and (2) to prepare a complete record of all existing rights in land.

The new method of assessment started under the new Regulation was an outcome of refinement process in the thirty years settlements. In the process of assessment and collection of land revenue, the settlement officer was given a prime duty to obtain the information regarding actual ‘assets’ and ‘rates’ existed in Mahals. The assets mainly consist of the total rents actually received, together with the calculated rental value of lands held by the proprietors themselves. In determining the assets, full attention was given to estimate the actual produce which was calculated through numerous basis and methods. The ‘assets’ was simply ascertain by obtaining a correct rent-roll. The exact ‘assets’ of a Mahal was never be ascertained and obtained with certainty. By 1832, Mr. Bentinck, passed

103 Joshi; op. cit., p. 50
105 Powell, Administration of Land Revenue, op. cit., p. 178
two minutes regarding the north Indian revenue administration to simplify its assessment procedure.

The method of assessment was defined as follows:

‘The area under settlement was divided into assessment circles which comprises a number of villages or Mahals more or less of the same character. The various classifications of land were then fixed within that circle and estimate had to be prepared of what was called the matured area of each class. The matured area means, the area sown, excluding the area on which crops have failed. In order to determine that area, the records were consulted over all the years following the previous settlement, and a period of 5 to 10 years was selected which was typical of the whole period. Crop experiments were then conducted in order to estimate the average yield of all the principal crops. By multiplying the yield and the matured area the total yield was obtained.’

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The new method of assessment was designed to meet the state demand with the practice of letting land value to tenants at customary or on contract basis by which cash rents of each mahal, growing rapidly but had not yet became universal. Now, the mode of assessment was entirely dependent on the money or cash rental. The assessment would be preceded by and built upon, a professional survey and measurement of village lands together with the compilation of permanent record - of- rights.107 In the Regulation, the assessment procedure was laid down on the records of rights compiled under the supervision of the settlement authorities by patwaris, who held a dufter under the control of zamindars. The settlement

107 Metcalfe, op. cit., p. 63.
officers became relaxed with new regulation because now they did not having too much burden and arduous task on their soldiers to calculate the assessment of each field based on its potential net-produce, but would rather assess an entire Mahal at one time on ascertainment of the aggregate cultivated area and his general acquaintance with its peculiar features.\textsuperscript{108} The record –of- rights were held to establish the recognized proprietary (or malikanah) rights of the zamindars and the rents recorded as payable to the zamindars by the cultivators of his Mahal which became the basis of all land revenue assessment in future. Therefore, the new regulation, the government share was fixed at equitable proportion of 66\% or 2-3rds of the rental value of the total produce.

The progress of land revenue settlement under new Regulation was directly related with the stages of progress made in the method and practice of assessment. Basically, there were three different methods of assessment prescribed as following:\textsuperscript{109}

(a) The ‘aggregate -to- detail’ method,

(b) The ‘theoretical rent-rate’ method

(c) The ‘actual rent-rate’ method

\textbf{The Aggregate-to-detail Method:}

The first method was followed in the early days of 1833 where a considerable tract or circle, often a pargana was taken as an area which was first

\textsuperscript{108} Metcalfe; op. cit., p. 62

\textsuperscript{109} Powell, \textit{Land System}, op. cit., p. 42.
ascertained on the basis of what the previous amount of land revenue from the region had been either under the native government or under the last regular settlement.\textsuperscript{110} This method was a need of timely recognition of the impossibility of fixing a precise assessment. The revenue officer fairly charged the government share on the basis of previous statistical records, knowledge of prices, and so forth. The aim was a fair assessment based on comparative and analytical data which became the basis of holdings distribution.\textsuperscript{111} In case of dissatisfaction, he could modify his figures, and by working them on backwards and forwards, got out sums which gave fair results.

The settlement officer was advised after roughly assuming a fair-	extit{jama} or total sum for each village, to determined the new ‘\textit{jama}’ of the \textit{pargana} by adding together his separate, and then to re-distribute that total over the several villages.\textsuperscript{112} In that arrangement the government demand should not have exceeded above two-thirds of the ‘net produce’ of an estate but no fixed rule had been prescribed. ‘Net Produce’ means the average surplus which the estate may yield after deduction of the expenses of cultivation. This method gave a general guide only for estimating the amount of the land revenue for the pargana or estate but did not prescribe any particular process for calculating.\textsuperscript{113} A fair rent paid by peasants though sometimes falling short of ‘net-produce’ generally in practice and

\begin{small}
\textsuperscript{110} Powell, \textit{Land System}, op. cit., p. 42 \\
\textsuperscript{111} Hussain, op. cit., p. 214 \\
\textsuperscript{112} Powell, \textit{Land System}, op. cit., p. 43 \\
\textsuperscript{113} Ibid., p. 43
\end{small}
for the purposes of assessment was taken as a sufficient near approximation on the land. The whole basis of assessment was, thus, the produce (assumed) that every landholder had sublet for his land to a tenant who pays a share of the produce. The share of the produce which the tenant retains for himself was regarded as the cost of cultivation and no detailed calculations were made for depreciation of cattle, cost of ploughing, harrowing, reaping etc. In general, ‘net-produce’ means the profit of cultivation in the case of land held by cultivating proprietors, or the gross rental on lands held by tenants. The revenue officer was cautioned against treating the actual net-produce as a certain basis of assessment and he was also warned not to attempt to ascertain the net produce of every estate.

The prime duty of settlement officer was to calculate the potentialities of the pargana and to fix land revenue which would left a fair profit to the proprietors and create a valuable and marketable property in land for each estate. By this method, the revenue officer first grouped his villages into suitable circles where the conditions were the same according to soils advantages and disadvantages. They grouped the villages into canal-watered villages, low moist, land villages, and high lands with deep wells etc. One group of villages would be near by road and easily accessible to market another at remote site. Then these officers had to listed out all the village lands in cultivated, cultivable waste, and uncultivable, with details of irrigation possibilities and potentialities. He made

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\(^{114}\) Report of Land Revenue Commission, op. cit., p. 44

\(^{115}\) Siddiqui, op. cit., p. 72
assessment at each mahals on the basis of its merits not as part of assessment circle. He had statistics of increase in cattle, and population, and knew how far cultivation had extended during the previous years. By adding all these together, he would get the \textit{pargana} total. At last, these estimation checked by drawing out acreage rates for different kinds of soil. The aim of new method was a fair assessment based on comparative and analytical data.\textsuperscript{116}

This method gave a general guide for estimating the revenue for the \textit{pargana}, but did not prescribe any particular procedure for calculating it. A fair assessment could not be obtained with certainty by any fixed arithmetical process and advised the settlement officer to proceed openly on the assumption that the operation was not one of arithmetical calculation but of sound judgment and discretion. If a settlement officer tried to fix the village ‘\textit{jama}’, he would let his rates in variety of ways in order to see the suitability for the particular village he was assessing.\textsuperscript{117} When the settlement officers were fixing and distributing the estimated demand for the whole ‘\textit{pargana}’ then special circumstances and capabilities of the individual ‘\textit{mahal}’ must have been kept in mind. The assessment of easily cultivated land would have to be raised and that figure might have been attained by adding a fair sum for the perspective advantage. This method was generally applicable to all \textit{Mahals} and fairness of assessment would be tested easily by its principles.

\textsuperscript{116} Hussain, op. cit., p. 214.
\textsuperscript{117} Powell, \textit{Land System}, op. cit., pp. 44-45.
Theoretical or Calculated Rent-Rates Methods:

This method was considered a much simplified, abbreviated and modified than the previous one. It improved the accuracy of village agricultural statistics which rendered the procedure practicable and applicable. Under this method the magnitude of rents was strictly assessed in terms of cash. The settlement officer adopted this method because they felt that the means of paying in money being more attainable and it became easier to levy cash revenue rather to manage revenue collection in kind. But it was only in the districts where these settlements were extended and there money rates were substituted for grain rates on such a principle. The value of land was not quite important in this process but to assess a fixed annual charge per plough. Through this method, the British tried to introduce a just and wise policy to recognize or confer the proprietary rights in land and also the ‘competition for land-holding’ because some particular farm considered more profitable than the other though it had same plough rates. However, the rates taken under this method with regard to the value of produce and the extent of land under the cultivation were quite high and often represented the entire profits left for the cultivators only enough to survive.

According to this procedure the state demand of land revenue was a fixed at moderate share of the proprietor’s annual assets and produce. The ‘assets’ of the estate consist of (i) the money rents received from tenants, (ii) the rental value of

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118 Powell, Land System, op. cit., p. 47
119 Ibid., p. 48
land held by the proprietor, or allowed by him to be held rent free, and (iii) sources of profits or (sair) such as income from jungle products, fruits, fisheries, and interim, as pasture land. The proportion of ‘assets’ taken by government was 66% or 2/3rd in the Regulation IX of 1833 was reduced to 50% in the Saharanpur principles of 1855. It allowed the reduced valuation method.

The Actual Rent-rates Method

This method of assessment was entirely based on the latest modification of the rules. The new method was gradually perfected in the North-Western provinces between the years 1855 and 1878 during which the districts composing the province came successively under the settlement. The new method of assessment was drafted under the Saharanpur rules of 1855 became the pillar of all future assessments of land revenue. The new revised rate of assessment was the basis on which the government rental demand was fixed. The rental value which recorded in the patwaris account for each Mahal was to be compared with deduced ‘rent-rate’ and adjusted if it proved too much in excess of assets recorded for the majority of the Mahals. In the case of below standard ‘rent-rate’, the zamindars were provided with the incentives to increase the amount of cultivation for their Mahals. The new scientific standard method of assessment increased the scope of governments claim on the ‘rental-assets’. The actual proportion taken

120 Powell, *Land System*, op. cit., p. 49
121 Whitecombe, op. cit., p. 123
122 Ibid., p.123
could be safely reduced from 66% to 50% without any fear of loss in revenue. This new mode of assessment envisaged ideally. The Compilation of detailed statement of field-to-field accuracy defined not only the rental assets of each Mahal but also its territorial basis.\footnote{Whitecombe, op. cit., pp. 123-24}

Rowland Money, a junior member, at the board of revenue in 1864 noted that how the ‘estimated’ demand immediately became an acceptable replacement for ‘actual’ in the compilation of revenue accounts, “the exact assets cannot be ascertained with any certainty” here too.\footnote{Ibid., p. 125} In this method, the rental assets of an estate, and the land revenue reasonably assessable on Mahals, could be estimated. According to this method, the maps and records of each field were to be updated at regular intervals. Consequently, patwarsi were bound to secure and produce accurate village statistics.

The valuation of each village was prepared by applying the standard rental-rates to the different category of land, but this valuation was used only for the assessment of certain cases; that was chiefly intended to assist the settlement officer in comparing one village with another, and in judging whether the rents recorded in the official rent-roll of a particular village were genuine or complete.\footnote{Powell; op. cit., p. 63} The new procedures was more or less like the older one and the method of assessment ordinarily made on ‘corrected rental’ because a calculation
had made a proper rate to lands not paying rent. But ‘corrected rental’ formulae not always produce fair valuation but obtained merely by valuing the whole cultivated area at the average rate paid for that part of it which was held by tenants. So, the settlement officer was allowed to correct the rental in other ways too.

R.M Bird, argued on behalf of one basic canons of Ricardian philosophy of rent that ‘lands equally productive should be equally taxed, whatever they are made to produce’. The productive power of the soil should be assessed rather than the actual crops grown at one time, with the aim of encouraging cultivation of more valuable commodities.\(^\text{126}\) Bentinck already rejected the detail to aggregate assessment and felt that soil assessment procedure was the only way to encourage a more productive agriculture.

The assessment procedures of the Regulation IX of 1833 also came increasingly under scrutiny as the settlement progressed. Although, Mr. Bird, who had firm support for the detail -to- aggregate method at some extent, but had argued for the use of cash rents actually paid, rather than some abstract of ‘net-produce’, as the basis for determining the level of assessment.

Though, the 1833 settlement’s assessment procedure was called a scientific procedure but the official revenue manual of the province of 1848 recorded that assessment method of 1833 appeared ‘often erroneous, imperfect and

\(^{126}\) *Minute of 20\textsuperscript{th} January 1832*, Lord W. Bentinck, in *Revenue Selection (1822-32)*, p. 370
Bird’s proposal of assessment was based on actual rents paid in cash which was an outcome of natural development. A new law had been passed in 1855 under the rules of Saharanpur regarding the assessment of land revenue by which the government of English East India Company abandoned the aggregate-to-detail method in favour of the separate assessment of each village on the basis of its prevailing rent-rates. At last, all the land revenue assessments procedure for the estates or mahals proved to be severe. The severity of British mode of assessment was one of the main causes of the embarrassments for north Indian landowners. The alleged severity of assessment under the company administration may either mean that the exactions of a payment of half the rental of an estate was in itself too heavy demand or that the local government and their assessors fail to act up to the directions of superior authority, and either in ignorance or from a deliberate choice, fix a demand, which is in fact considerably above half the actual rent-roll of the assessed property. The severity of land revenue assessment and collection from Mahalwari region displayed through the catastrophe of 1857 revolt in which Indian peasants participated in bulk.

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127 Metcalfe, op. cit., p. 72
128 Metcalf, op. cit., p. 73
Role of the Village Community

As Mahalwari System of land revenue settlement was directly settled or engaged with the proprietary bodies of co-sharers who were often famous with the term “village community”. Basically, the system was properly carried out by the institution of village community. The role of village community in the mechanism of the Mahalwari settlement was too important and became immense in its working. The significance of the institution of village community became vital in the working of the Mahalwari system of land revenue operation because, most of the times, the settlement was directly engaged with the body of co-sharers or proprietary bodies under a chief or head of village[s] or mahal[s] called lambardar\textsuperscript{130}. This institution played the role of greater significance in public relief works like sanitation, famines and irrigation. A Lumberdar or Lambardar, who was a representative of village community like today Mukhiya or pardhan of a village, generally a male eldest of the household or family or sometimes of a clan or tribe, having supreme authority and command to represent a village community.

The institution of the village community played a prominent part in the mechanism and mode of Mahalwari system of land revenue settlement because it introduced with a proper investigation of that particular locality where it ought to be started. Acquiring the detailed information of local existing condition of the region and society was the first and prime concern for the settlement initiation.

\textsuperscript{130} J. C Joshi; \textit{Lard William Bentinck: History of Economics, Administration, social, and Educational Reforms}, Deep & Deep publication, New Delhi, 1988, p. 44
which a settlement officer got aware by the information comes only through the proper channel of the institution of village community. According to Sir Henry Summer Maine, the recognition of the village community as an institution or organization has been the greatest achievement of the English East India Company administration\textsuperscript{131}. He placed it as the best thing to be maintained by the British administration in India.

The term ‘Village Community’ has been used in historical writing even though its proper definition and obscurity remains in elusion. Simply, Indian village community denotes cultivating groups of agricultural population very much similar to primitive community of Western Europe possess feudal power. The village itself a settlement essentially a gathering of peasants and agricultural classes live together for the better security and for the convenience of exchanging essential goods and services among themselves. They lived together for the betterment and improvement of society. Mahal or Village itself a community because it denotes a group of lands held under one title or name\textsuperscript{132}. The management and administration of a village itself formed an organization called ‘Village Community’. Baden Powell holds the view that the term ‘Village Community’ as applied in India has been generally taken to imply not a local group of landholders only but something of communistic type as regards the

\textsuperscript{131} Henry S. Maine; \textit{Village community in the East and West.}, B. R Publishing Corporation, New Delhi, First Published 1913, Reprinted 1985, Lecture IV, p. 108

\textsuperscript{132} B. H Baden Powell; \textit{The Indian Village Community}, Oxford University Press, London, 1896, Reprinted by Cosmo Publication in 1977, p.3
property in land\textsuperscript{133}. In a single sentence, he said that it is body of men (co-sharers) held together by the land that they occupy. He further termed it as Rural Communes or Village Corporation of India.\textsuperscript{134} Indian Village Community possesses a status of Sub-divisional town but never attained the status of Big-towns like of European world. However, they have strong resemblance with European big towns like completeness. Nurul Hasan describes the institution of village community as the “intermediary zamindars”, contracted with the state to realize the revenue of a given territory.

Under the \textit{Mughal} Empire, the structure of the village communities constitutes a fiscal unit played significant role in the land revenue administration especially in the process of ‘hasil’ and ‘jama’ arrangement.\textsuperscript{135} The institution of the village community was an important organization which existed in a strong shape before the establishment of the British rule in India. There were a close harmony between the principles of Indian Land revenue System and the structure of the village Communities during the early stage of the establishment of British rule in India.\textsuperscript{136}

Mr. Holt Mackenzie, Territorial Secretary to the Board of revenue, who was the founder of the Mahalwari System, had laid the provision to engage the village Communities directly in the land revenue administration in his famous

\begin{itemize}
\item \textsuperscript{133} Powell, \textit{The Indian Village Commuinity}, p.341
\item \textsuperscript{134} Ibid., p.3
\item \textsuperscript{135} I. Habib, op. cit., pp. 145-47
\item \textsuperscript{136} Gupta, \textit{Agrarian Structure in Uttar Pradesh}, op. cit., p.37
\end{itemize}
memorandum of 1st July 1819. In this memorandum, he drafted a detailed internal constitution about the role of the village Communities in the operation of Mahalwari System of land revenue Settlement.\(^{137}\)

The importance of the village Community displayed from its joint body of co-sharers. The most influential remark about the Significance of the village Community and involvement in the land revenue administration has been given again by Holt Mackenzie in his minute of 1826.\(^{138}\) This memorandum have special mention about the role of the village community and presented a detailed and elaborative proposal before the company administration that how we directly involved the existing village institution in the process of land revenue collection and assessment which ease the realization procedure of revenue.\(^{139}\) Mackenzie made the role of the village community too important in the land revenue administration of northern India when he engaged the settlement directly with Mahals or villages proprietary bodies. He described about the all existing tenures and customs prevailed at that time Mahals or villages of India. He had given special power to the institution of the village community to deal and solved the disputes and difficulties resulting from the implementation of British regulations related to the land settlements. It was the most important duty and power assigned

\(^{137}\) Memorandum of 1 July, 1819; Holt Mackenzie, op. cit., para-552-53, p. 125, in Revenue Selection, 1818-1820

\(^{138}\) Gupta, Agrarian Relation op. cit., p.225

\(^{139}\) Minute of 19th October, 1826, proceedings- 632-56, pp.192-200
to the institution of village community. This community played effective and influential role in matter of patta or lease deeds distribution.\(^{140}\)

The institution of the village Community was the outcome of the proper management of tradition and customs prevailed in the villages controlled by a village chief or head called Lumberdar.\(^{141}\) The village chief or heads have power to punish the guilty of crimes they also have the duty to report about the cultivators and chastising petty delinquents to the extent of a few stripes and forcing the ryots to pay their rents. The characteristics of the institution of the village community varied according to its existing tenure System and with its peculiar local condition.\(^{142}\) Most of the time, the community of any village or of a particular area was famous with its local existing tenurial System like Bhaichara or pattidari Community, Zamindari Community and taluqdari community combined formed an agricultural Community in all Mahalwari regions.\(^{143}\)

Mr. Mackenzie developed a more Systematic and improved plan about the role of village community, in his minute of October 1826, under which they have been assigned them the duty of collection, record, and report about the running land revenue settlement.\(^{144}\) The institution of the village Communities played a

\(^{140}\) *Minute of 1\(^{st}\) July 1819*, Holt Mackenzie, para-552, p.125, in *Revenue Selection*, NWP, 1818-1820

\(^{141}\) Gupta; *Agrarian Relation*, op. cit., p- 117

\(^{142}\) Gupta; *Agrarian Structure in Uttar Pradesh*, op. cit, p. 22.

\(^{143}\) *Minute of 19\(^{th}\) October 1826*, Mackenzie, Para- 65-91, P-192 200

\(^{144}\) Memorandum of 19\(^{th}\) October 1826, Holt Mackenzie, op. cit., paras-637-53  p.227
greater part in the administration of village setup which strengthens the control of central power over the villages and village activities. These institutions worked as a Corporation body during the early age of British Empire.

According to Baden Powell, the Indian village Communities was nothing more than the extension the joint family set-up which was running under the Control of one eldest paternal head.\textsuperscript{145} Karl Marx observes that castes in Indian Society were a special outcome of the existing village community which was strengthened through the Jajmani practices and services. Henry Summer Maine hold a notion that the village communities in India were a primitive and natural Social organism which prevalent from the very beginning of Vedic age civilization\textsuperscript{146}

The institution of the village Communities worked as a municipal organization and key figures of village economy. The group of independent holder especially Khudkasht Ryots (resident cultivators) of a village jointly formed a Community called the village Community. Henry S. Maine believed that ‘the village Community’ of North Western Provinces was the direct outcome of undivided patriarchal family of India which was very similar to Roman Primitive household structure possesses power of quasi-judicial and quasi-legislative and also performing the duty of a chaukidar or village police.\textsuperscript{147} In north western

\textsuperscript{145} Powell; op. cit., pp. 20-21
\textsuperscript{146} Maine; op. cit., pp.104-115
\textsuperscript{147} Ibid, p. 114
Provinces the community transformed the economic structure of society though the common ownership of the soil or land into a caricature of itself. At the same time, he asserts that the Indian institution of the village Communities was very different from European feudal community. W.H. Wiser, in a field work on Uttar Pradesh, asserts that the Indian village community was very similar to Jajmani System and sustained by proper Jajman or ‘Service Man’\textsuperscript{148}. He observes that Indian village communities were the product of direct relationship between the hereditary ‘experts’ or ‘specialist’ and their individual or particular client or jajman. Wiser claims that it is a community worked as social unit and helped lot in the making of new land revenue System during the consolidation of British Empire in 19\textsuperscript{th} century.

John Mathai in his book “\textit{Village Government in British India}” asserts that the institution of the village community was very much similar to the organization of village panchayat.\textsuperscript{149} They were probably not fixed tribunals, but were appointed for the adjudication of each particular dispute for which their services were required. However, the interference of the village communities in public disputes and struggles were not always is a subject of demand, and their verdicts were not always be full and final, but its interference was demanded in notorious and serious cases. The resemblance between “the Village Community” and the


\textsuperscript{149} J. Mathai, \textit{Village Government in British India}, Low Price publication, Delhi, First Published 1915, Reproduced 1993, p. 35
‘Village Panchayat’ might be clear from one statement or Mr. Holt Mackenzie which he delivered in a lecture before the select committee of 1831-32, where he said that “The Panchayat can scarcely in its native shape and said to bear a district analogy to jury, being in fact, mainly a body of men to whom a cause is generally referred; they are not bound to decide, there is no issue given to then to try; they are under no direction, and are left to scramble out of their case as best they can.”\textsuperscript{150}

Holt Mackenzie agreed with J. Mill’s fervent supposition that “The Parasitic nature of rent receivers, i.e., aristocratic people proved too expansive in the process of revenue realization”. He pointed out that why should state itself could have not collect the rent directly by involving the village communities. These village Communities were performing the ‘duty of guard’ in collecting the rent and preventing the state from collecting the excess allowance by framing \textit{rayabandee} or register of cultivators.\textsuperscript{151} All these features were based on the nature and forms of property in land and its produce under a particular revenue System and disappeared as soon when the system was changed to examine the structure of the village communities and the rights and privileges of its various classes. In the Resolution of 1822, the rights of all different parties involved in the cultivating

\textsuperscript{150} \textit{Parliamentary Papers, Select Committee, Mackenzie’s Speech in Parliament} (House of Commons), 1831-32

\textsuperscript{151} Stokes; op. cit., p.118
activities were carefully to be ascertained with a view to prevent the *taluqdar*s from the oppression of village community.\(^{152}\)

Holt Mackenzie, Robert M. Bird and James Thomason were influenced by the paternalistic creed of Indian society. The set-up of those days Society refrain them vigorously from the enforcement of individual proprietary title and individual revenue responsibility.\(^{153}\) They upheld the institution of the village communities through the custom of joint proprietorship or of joint revenue management. They did not want to dissolve the institution of co-sharing village bodies in hurry because they feared of sharp bad reaction against the company Government as social effects. When Holt Mackenzie advocated for the village settlement in the ceded and conquered provinces, he gives greater importance to the existing institution of the village communities in the matters related to the right to revenue engagements and proprietary title. He laid a principal by which landlords who were responsible for the payment of revenue to the government. The System was totally pillared on the co- sharing village brotherhood which together formed a community. In the minute of 1819, Holt Mackenzie have a prime target to preserve the ancient right especially the right of the village communities with a slight bias against the superior holders.\(^{154}\)

\(^{152}\) *Resolution of 1st August 1822*, para-173
\(^{153}\) Joshi; op. cit. p- 47
\(^{154}\) Joshi, op. cit., p.47
The *Mahalwari* System was settled often with the village communities who held the land under common tenancy. The village communities were settled as the sole proprietors sometime termed as *lambardar* who jointly represent the co-sharing body. A *lambardar* was a principle negotiator between the cultivators and the government. The existence of the village communities in the North Western provinces was very significant. In ceded and conquered provinces, the institutions of the village community were sub-ordinate to intermediary class which was based on the important pillar of the running land revenue System. The village community of the ceded and conquered provinces in the first half of the 19th century comprised of several horizontal social layers with different right and claims.\textsuperscript{155}

The British considered the *Taluqdars* as a grasping interloper, a danger to the state, and a curse to people and their society. Mr. James Thomason, who issued the Direction for the Settlement officers in 1844, had pledged full supports to the institution of the village community and given advice to the Company Government that it was the only body in the country need to be maintained. \textsuperscript{156}

Sometimes, the village community described as a proprietary unit which means group of holding, the term ‘community’ is properly applied for the group of landholders who were employed to indicate the relations which group of

\textsuperscript{155} Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p.25

\textsuperscript{156} Eric stokes; *The Land Revenue System of the North Western Provinces and Bombay Deccan 1830-80: Ideology and Official Mind*, in Burton Stein (ed.), *The Making of Agrarian Policy in India, 1770-1900*, Oxford University Press, Delhi, 1992, p. 97
cultivators possess when located at one particular place, bound by certain customs, with certain common interests and possessing within the paragana or circle of their village, the means of local government, and of satisfying the wants of life without much reference to neighboring or near village. Both the village community as well as company administration displayed a great degree of knowledge in the arts of preserving the internal social order of the village and its external relations. The company government allowed the village community a right of pre-emption which gives power to them to keep the stranger out of the village in the case of default mortgage.

The study of the village community would help in the examining the trap of economic and integral relationship of villagers. The village community has mutual right and obligation to each other. Mr. Holt Mackenzie, who has already advocated for the growth and maintenance of the organization of village communities in his minute of 19th October 1826, defined the use and importance of the organization before the parliament in the select committee, 1831-1832. He argued that the involvement of joint holding communities in revenue matters were common for the settlement of right between the different village communities then among the member of the same community. Mackenzie wanted

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157 Powell; The Indian Village Community, op. cit., p.9
158 Parliamentary paper, Select Committee, Speech of a Member of parliament, House of Commons, 1831-1832
the active involvement of the village community was progressed only with the development of the cultivating Communities.\(^{159}\)

Mackenzie laid a principle by which proprietary right should generally be vested in the institution of the village community. According to him, Private Property right of the soil lies in the institution of the village community and the nature of proprietary right of the community was extremely limited.\(^{160}\) The village communities acclaimed by British administrators as ‘little republic’ were characterized by Karl Marx as solid foundation of oriental despotism, stagnate, and contaminated by distinctions of caste and slavery. The land was ‘tilled in common’ and produce was divided among its members in proportion. According to Marx, the institution of village community which he termed as village corporations and with whom all the powers of property rights in land vests.\(^{161}\) The simplicity and strength of resulted in self-sufficiency and self-dependency, unalterable division of labour, and unchangeableness and reproduction on old pattern. Redistribution of land and joint farming and division of the produce among the members of plough, labour, and stock contributed by several families were the conspicuous features of these villages which were dominated and controlled by the village community. Big joint families had a natural gain over the

\(^{159}\) Minute of 1826, Holt Mackenzie, op. cit., paras-653-689, p.191-201

\(^{160}\) Ibid., paras- 652- 681

\(^{161}\) Karl Marx; Lord Canning’s Proclamation and Land Tenures in India, New York Daily Tribune, June 1853, p.181, in Marx on Colonialism
petty families in any existing institution of village communities which gave rise to inequalities between the rich and poor.

By the end of 18th century, the village community was existed and formed through the amalgam of different castes, races and communities. But during the expansion period of British Empire, the nature of rights and privileges of various groups within the village community were governed by something else not only by the condition of castes.\textsuperscript{162} By 1830 and 1845, the rights and privileges of different groups were determined by their professional skills and functional relationship to the village economy and the nature of work done by them. The body of economic life which united these heterogeneous groups belonging to different castes and religions were many and strong. One of the most important and unforgettable features of this community observed by Marx was its autonomous and self-sufficient character with the simplicity of its organization which maintained the village as an independent unit of society and contributed greatly to the unity and stability of the system over hundred years\textsuperscript{163}. Charles Metcalfe noted very interesting remarks about the existence and working of this institution in following words:

“...The village communities are ‘little republics’, having nearly everything they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution; Hindu, Pathan, Mughal, Maratha, Sikh, English, are all masters in turn; but

\textsuperscript{162} Kumar, op. cit, pp. 36-37

\textsuperscript{163} View of Marx, cf. Mukherjee; op. cit., p.156
the village communities remain the same. In times of trouble they arm and fortify themselves; a hostile army passes through the country; the village community collect their cattle within their walls, and let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the force employed be irresistible, they flee to friendly villages at a distance; but, when the storm has passed over, they return and resume their occupations. If countries remain for a series of years the scene of continued pillage and massacre, so that the village cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of fathers, the same site for the village, the same position for the houses, the same lands, will be re-occupied by the descendents of those who were driven out when the village was depopulated; and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength sufficient to resist pillage and oppression with success”.

The union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all revolutions and changes which they suffered, and it is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence.

These village communities have certain mutual right and obligations which made them a living and active institution. The economic unity of this institution was never undermined by conflicts resulting from differences in cast, race, or religion. Here different communities followed different rules of its own community in respect of inheritance. The economic life of the villagers was

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164 Charles Metcalfe’s Minute; dated 7th November 1830, in Select Committee Report, House of Commons, British Parliament, 1832, Volume-III, Appendix No. 84, p.331

165 Gupta; Agrarian Structure of Uttar Pradesh, op. cit., p.22
subject to uniform and universal common laws of the village communities worked on the principle of ‘Jajmani system’\textsuperscript{166}. According Jajmani Principle, all members of the community were bound to supply their products or services for customary Payment so often in kind. The skills and excellence of a person were determined by their hereditary occupation. These communities also included a group of common village servants, who rendered common services to all member of the village.

The existing custom and traditions regulated obligations and emoluments\textsuperscript{167}. The village Communities played a prominent part in land holding distribution. For example, they did not permit transfers of landholdings to pahikasht or non-residence member of a village without its prior consent. The Indian Village community was virtually a self contained and self sufficient economic at subsistence level mainly because its share of revenue claimed by the company government was too much.\textsuperscript{168} It was a subsistence economy producing with a soul motive to fulfill the basic necessities of day-to-day life. These institutions of the village Communities were established according to family ties on the basis of cultivating fraternities.\textsuperscript{169} This self- sufficient unit of production based on hereditary division of labour and caste cohesion among the peasants was an ancient institution that evolved in stage through tribal territory, communal

\textsuperscript{166} Roy, op. cit., p.38
\textsuperscript{167} Gupta, Agrarian Relations, op. cit., p- 35
\textsuperscript{168} Report of Land Revenue Commission, op. cit., p. 34
\textsuperscript{169} Powell, The Indian Village Community, p-7
landholding by the clans and periodical redistribution of land among peasant in the various phases of savagery, barbarism, and civilization.

The famous fifth Report also mentioned about the existence of the village communities in India. The community possessed a notorious charter in the society. They were exercising the duty of a quasi-judicial, quasi legislative and of village police officers. The village community of India was on outcome of virtual landlord System of existing family and the direct management of village or groups of village, smaller and larger depending on the circumstances and their multiplying heirs. In the early age of British consolidation in India the village communities was very much similar to the manorial system of feudal Europe. These communities were stereotyped mainly based on the old traditions, and custom of society. Serfdom and slavery existed very frequently in Indian Village Community from the very early days.

The village communities were the group of agricultural holdings, formed a village or mahal which had its own artisans, blacksmiths, Cobblers, Carpenters, etc. who worked for the community paid by the whole village men when the grain was divided after each harvest. The internal constitution of the community or agricultural holdings group was not always be a uniform or universal. The

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170 Powell, *The Indian Village Community*, p.3
171 Karl Marx; *The Future Results of British Rule in India*, New York Daily Tribune, June 1853, Marx on Colonialism, p. 86
172 Thomas Fortescue; *Report o the Revenue System of Delhi Territory, dated 28th April 1820*, in Records of the Delhi Residency and Regency, 1911, p. 80
members of the village community termed as Teutonic groups which appears to have valued the village waste chiefly pastures for their cattle and always proved profitable because its cultivated portion of land altered into an arable market.\textsuperscript{173} The British land revenue System not set a framework of ‘Waste Land’ division among the member of the village communities.

The institution of the village communities in India strengthens the whole existing village-domain but it never gave impetus growth to feudalization which was a peculiar emergence of Medieval Europe administration.\textsuperscript{174} It was a voluntary association of cultivators which worked for the welfare of village people and society. The character and composition of the Indian village community was of changing nature and very much depended on the existing tenurial system. The institution of the village community played unforgettable role in the process of development of public works department.\textsuperscript{175} They were giving full ‘support to the members of the village in the domestication of animals and irrigation. These communities played active part to meet the simple administrative need of the village these institutions played a key role in the local administration and village organization with a designation of special duties to local officers. The erection and maintenance of public welfare goods like wells, ponds, tanks, channels, roads and government buildings was the prime target of the village community.

\textsuperscript{173} Maine, op. cit., p. 116
\textsuperscript{174} Ibid., p. 122
\textsuperscript{175} Mathai, op. cit., pp. 113-31
The establishment and maintenance of the channels, wells, ponds, tanks and canals was the most striking and important work of the community which enabled the members of the village to get sufficient water supply for the purpose of agriculture as well as for the domestication of animals.\textsuperscript{176} These communities have separate lots of land cultivated according to their own customary rules. The nature of the village communities of Mahalwari region was something different and pro-indiviso.\textsuperscript{177} These institutions of the village communities provided a good support in the establishment of co-operative societies in India.

It also extended the growth of education in India through the establishment of primary schools in village especially Patwari schools to trained the company’s intermediaries like lumbardars, patwari, qanungoes, tehsildars and chaukidars. These officials have great importance in the running of village economy paid either by rent-free lands or by the assignments of grain out of the total village harvest. The village community could be deemed formed, wherever some institutional or social network arise with in the village involving its entire population in some form of co-operation could be considered as an essential characteristics of the village community in India.\textsuperscript{178} Self-sufficiency was the most important and striking characteristics of the village community was based on the integration of agriculture with handicrafts, not with in individual households but in

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\textsuperscript{176} Mathai, op. cit., p. 113
\textsuperscript{177} Maine, op. cit., p. 107
\textsuperscript{178} Maine, op. cit., p. 113
\end{flushend}
the village as a unit of organization. The most striking feature of the communities often emphasized on their stability which was sustained over the centuries in spite of ‘constant dissolution and refunding of states. This institution was the most important and striking features of Indian village sites which was a compact and homesteads lie close together.

The village community was almost transcendental, surviving all changes, and constantly reproducing themselves with the same name, same interest and within same limits as well. According to the law, these institutions were termed as ‘a little state in itself ‘containing all the tools of self government and self organization. In the whole North Western Provinces, the British government wanted to guard the Indian village against fast rapid social changes brought on by the free play of economic forces through the maintenance of joint proprietorship and joint revenue management and also by giving the revenue communities the rights of pre-emption. The institution of the village community propagated a Hindu-Muslim unity and brother-hood among all classes of the society in all Mahalwari regions because it involved all classes in the mechanism of land revenue administration.

179 Gupta, Agrarian Relation, op. cit., p. 36
180 Report of Land Revenue Commission, op. cit., p. 34
181 Minute of Charles Metcalfe, dated 7th November 1830, in Revenue Selection, NWP, 1832-33, Allahabad, 1873, p. 331
At last we conclude with the assumption that it played significant part in the whole administration of land revenue system which was totally annihilated by the British administration through the introduction of Land Revenue system.