

History of Land Tenure System in India (upto Permanent Settlement in Bengal)

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Ancient

A) Vedic Period:

- i) In the Rigveda, the principle of private property was recognized.
- ii) Vedic literatures, Upanishads and Arthasastra of Kautilya (323 BC) give details of ancient Indian Land system and agriculture.
- iii) The individual holdings or plots with clear demarcation were called *Kshetras*.
- iv) The head of the family was proprietor of such holding, which was heritable.
- v) The individual holdings were partitioned among the heirs of the head of the family.
- vi) There was system of survey, settlement, assessment and collection of revenue on land as per land use.
- vii) Government demand of land revenue usually amounted to one-sixth share of the produce.
- viii) Land revenue was generally paid in kind to the Government (King), realized by a hierarchy of revenue officials. Written land records called *Nibandhas* were maintained village-wise, which was the primary unit of revenue administration.
- ix) The system of payment of land revenue in cash for specific requirements in addition to kind was introduced during the Gupta period (320-650 AD)
- x) The Sena Kings of Bengal introduced payment of revenue in cash in the 12th & 13th centuries.

x) As such, in the ancient days, there were laws on land, which were mainly derived from the principles enunciated in the Vedas, Upanishads and Arthashastra of Kautilya, which were followed in the Hindu Land-system in India.

Mediaeval

Muslim Rule:

A) Pre-Mughal Period -

- i) The pre-Mughal Turkish Sultanate generally followed the existing Hindu Land-system but the Govt. demand of land revenue was sometimes changed
- ii) Alauddin Khalji raised the land revenue to $\frac{1}{2}$ share of the produce from land and properties were confiscated for non-payment with other cruel punishments.
- iii) Subsequent rulers were more lenient as agriculture suffered due to such atrocities.
- iv) Sher Shah introduced a more rational Land revenue system in the form of assessment of revenue by a uniform land measurement system instead of an ad-hoc sharing of crops. He introduced a new land measurement system and classification of land for correct assessment of revenue. However, Sher Shah's reign was short lived.

B) Mughal Period:

- i) Great Akbar adopted the Sher Shah model of land revenue administration and made it more elaborate and effective with the help of Todarmal.
- ii) *Ain-i-Akbari* and *Akbar Nama* contained the laws on land and land revenue.
- iii) The land revenue was categorized and the maximum was $\frac{1}{3}^{\text{rd}}$ share in case of very good well irrigated land and less for other classes.

iv) After Akbar's rule, Aurangjib raised the assessment to $\frac{1}{2}$ share again to meet his military expenses, which resulted in deterioration of agriculture as farmers gave up and absconded.

v) Decline of the Mughal empire affected the revenue administration badly.

During Muslim Rule, specially under Sher Shah, individual ownership of land was recognized as before, land records were prepared village-wise and pattas were issued and land revenue was assessed and fixed and in a way land was permanently settled to the farmers. The same system was followed and more improved by way of reforms in land revenue administration.

But, there was seldom any system of direct collection of revenue from the farmers. The village heads or superior authorities acted as the collectors of revenue in all the ages, whether in the ancient India or mediaeval India.

Modern

A) Rise of British Power:

i) The British first came to Cuttack in India in 1632 as traders and established two factories at Balasore and Harishpur.

ii) The East India Company managed to obtain zamindari of three villages Calcutta, Sutanuti & Gobindapur in 1698 from the Mughal Rulers followed by further acquisition of zamindari of 38 villages, including permission to build Fort William.

iii) Winning the Battle of Plassey in 1757, and subsequently the Battle of Baxur in 1765, paved the way for expansion of British Empire in India.

iv) Obtaining 'Sanad' for 'Dewani' ie power for revenue administration in its area of zamindari from the Delhi

Durbar in 1765, along with its considerable military strength, the British had taken their first step towards establishing British Rule over India.

v) As the Company did not have the machinery to directly collect land revenue from the raiyats or cultivators, they created a class of revenue farmers, to whom land was settled on highest bid.

vi) Warren Hastings became Governor General in 1772 and he, on orders from the Board of Directors of the Company, land was settled to the highest bidders for five years (quinquennial settlement). A Board of Revenue was set up and the post of Collectors (exclusively British) was created to oversee the revenue collection.

vii) The arrangement of quinquennial settlement turned out to be unsatisfactory, and from 1777, annual settlement of land was resorted to.

viii) Lord Cornwallis took over as Governor General in 1786 and found that the revenue earning was precarious and fluctuating due to the annual settlements. A decennial settlement was done with the zamindars or intermediaries in 1789. By this time the East India Company had extended its hegemony over Bengal, Bihar and Orissa in Eastern India.

xi) In 1793, the decennial settlement was made permanent with the zamindars or intermediaries, by invoking Permanent Settlement Regulation of 1793 in Bengal, Bihar and Orissa. The Zamindars, who were mere collectors of revenue so far, were declared absolute proprietors of the soil and that the revenue payable by them was fixed in perpetuity. They were not liable to eviction except on the ground of nonpayment of revenue.

Bengal Permanent Settlement Regulation, 1793

(Salient features)


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A) It was the normal usage prior to the promulgation of the Permanent Settlement Regulation, to change the assessment of revenue with an increasing demand from the zamindars, independent talukdars and other actual proprietors of land from time to time. They had little power to manage their land.

The Article VI of the Permanent Settlement Regulation, 1793 contained the most important provisions of the Regulation as follows:

- The Zamindars, independent talukdars and other actual proprietors of land were given absolute right to manage their own estate.
 - The revenue assessment made in the last decennial settlement was made fixed for ever to bring stability in revenue collection for the government and more security for the proprietors.
 - These steps were taken for giving an impetus to the proprietors to improve cultivation in their estates by bringing more cultivable waste land into cultivation and for better management of their land.
 - To exercise moderation towards their dependent talukdars and raiyats for the purpose of improvement of their capacity for timely payment of revenue.
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- The revenue assessed and fixed for ever has to be paid strictly as per time schedule and no claims for suspension or remission, on account of drought, flood or any other natural calamity, will be entertained, the defaulter being liable to dispossessed form his estate by sale of the whole or part of his land, as per assessment of arrear of revenue.
- The proprietors will not be liable to eviction except on the ground of non-payment of revenue.

B) Rights reserved for the Government under the Regulation:

- As the assessed revenue had to be deposited within fixed time schedule, in case of failure of punctual discharge of public revenue by the proprietor, the government had the right to put up the land of the defaulting proprietor on public sale in part or whole, for realization of arrear rents.
- The Government had the right to impose all sairati or internal duties, which were previously enjoyed by the proprietors, who were entitled to compensation for the loss of their revenue on this account.
- The Government had the right to enact such regulations, which would protect the interest of the subordinate talukdars, raiyats and other cultivators of the soil.
- The Government had the right to impose police allowance, separate from the assessed revenue, on the proprietors for defraying the expenditure on maintenance of the police force for the protection of the interest of the proprietors.

Status of Raiyats in Permanent Settlement Regulation, 1793

- i) Estates were Permanently settled with Intermediaries or Zamindars by Lord Cornwallis for a more stable collection of Revenue**
- ii) The Raiyats did not have statutory rights on the land they cultivated or possessed, with no fixed rent system**
- iii) No proper land records registering the Raiyats were maintained by Govt.**
- iv) Numerous tiers of Intermediaries or Zamindars created between the Govt. and the Raiyat**
- v) Increasing burden of Rent on the Raiyat**
- vi) No protection of Raiyats against the autocracy of Landlord or Zamindars**