

Land Tenure System in India

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Abstract

This study delves into the intricate landscape of India's land tenure system, offering a comprehensive analysis of its historical evolution and the contemporary challenges it faces. India, a land of diverse cultures and traditions, has a rich tapestry of land ownership and rights intricately woven into its social fabric. The study begins by examining the ancient agrarian practices that laid the foundation for the current land tenure system, highlighting the influences of various ruling dynasties and colonial powers that shaped land ownership patterns. The study then moves into the aftermath of independence to examine the steps the Indian government took to implement land reforms for fair land allocation and social justice. A critical evaluation of these efforts will be presented to assess their success, limitations, and effect on numerous stakeholders, including minor farmers, marginalised communities, and landless labourers. Throughout the paper, the social, economic, and environmental implications of the current land tenure system are explored. This study adds to the corpus of knowledge on land tenure regimes and offers insights that could be helpful to nations facing comparable land-related challenges.

Keyword: Land Tenure System, Mughal Period, British Period, Land Reform

Introduction

Land, landholding, control, and management of land are always brought up when talking about the rural socioeconomic structure in India. It's because the majority of rural populations rely heavily on agriculture for their bread and butter. Land is one of the basic factors for the production of food and other agricultural products (Chakravorty, 2013; Lee, 2019; Washburn Hopkins, 1898). Land demonstrates itself to be an essential requirement for any type of development activity. It is essential, even for obtaining natural resources and agricultural products. Thus, the land and its resources are vitally important to the entire planet. However, there are nowadays a wide range of environmental and human variables that put strain on the world's existing land resources, whether it is the explosive rise of the population or the necessity for economic development via the utilisation of natural assets and the resulting degradation of the land. All over the world, land is related to property (Chakravorty, 2013; Dekker, 2003; Desai, 1959; Mohanty, 2001).

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A system in which one person owns the land, cultivates the soil, and controls the terms of land possession is a tenancy system is often referred to as a land tenure arrangement. Even though it is used on a regular basis now, the term tenure has not yet been completely specified by any law. The Latin word "*teno*" (meaning "to hold") is the source of the English word tenure. Land tenure is therefore defined as the structure and terms under which a person may own land, including the rights granted to tenants by landlords to own, manage, and use the land. Land tenure is relevant when discussing land-related issues, as this system signifies way more than just the rights to ownership of land (Habib & Fukazawa, 1987; Shipton, 2001).

In the following section of the article, the study focuses on historical developments that persist in our understanding of the manner in which the land tenure system functioned during the pre-Independence period in India. It is based on evidence gleaned from historical and contemporary sources, particularly information pertaining to secondary sources such as books, articles, and official Mughal and British documents. This information in our study indicates the complexities of the land tenure system and the socio-economic impact on society.

Land Tenure System in Ancient Period

In ancient period, land was seen as a natural gift, and nobody in particular possessed it. It was widely used by members of all indigenous communities. Into the Vedic era, there was no concept of state ownership of land in ancient India, when Hindu kings ruled (Hopkins, 1898). Instead, it was believed that land belonged to the village as a whole, or to the commons. But Post-Vedic era, land has considered as property of king and the village community used to give a part of their produce to the king in kind for the king and its administration ensured their protection and wellbeing in return (Ludden, 1985, 2004; Powelson, 1987). It was almost like a pledge made by each town to the king that they would contribute a sum of money or a portion of their harvest.

Land Tenure in Mughal Period

Historical data demonstrates that this land administration system was in effect even when the Mughals were in power. When the Mughals arrived, the method was modified and implemented using specific amendments. Sher Shah Suri (1540–1545), a foreign the emperor from Central Asia, was the one who introduced this simplified system of land tenure. It was during the reign of Emperor Jalaluddin Akbar (1556-1660) that changes were made in the land revenue process by one of his revenue experts named Todal Mal (Moreland, 1929; Sundaram, 1929). He is recognized as one of the renowned revenue specialists who developed a thorough system for assessing land revenue. He was one of Emperor Akbar's nine jewels. According to the Mughal land revenue setup, the Zamindars and Jagirdars were given the authority to collect taxes from peasants who worked as tenants or tilled the land. The Zamindars had the liberty to pass on their authority of tax collection from the peasants to their heirs (Gupta, 1993; Mohanty, 2001). Additionally, they might give or sell those rights to anyone they pleased. They also held judicial authority, which indicated that they possessed a level of state authority, giving them a greater social standing in the area.



As a result, they have the position of lords in their province. They also possessed the authority to hold Zamindari Adalats, or judicial procedures. In addition to having influence and status, courts also developed into a means of making money through the imposition of penalties and the acceptance of gifts. They even had some degree of influence on the civil and criminal justice systems. The issues and complaints involving unpaid bills, small disputes, and thefts were handled by a group of zamindars known as the chowdhurys. He might adjust the case by imposing paltry fines (Habib, 1987). Following the Mughal era, the British era likewise placed a lot of emphasis on land taxation as one of their main sources of income for their economy. Sixty percent of their entire revenue was collected in 1841, or more than half, from land taxes. Later on, though, as the British government allocated more funds for raising tax revenue, this percentage was reduced. For the policymakers of that era, the importance of land look like as method of tax collection in the past had made it the greatest essential subject of discussion and debate. The terms “land revenue systems” or “land tenure systems” are used by the scholars to explain the provisions that the British administrators chose for collection of tax over land by the peasants (Habib & Fukazawa, 1987; Sundaram, 1929).

Land Tenure System in British Period

The impact of colonization struck hard the land revenue system as the British administration introduced their economic motives in India (Bakshi, 2008). They transformed the notions of land ownership and the land tenure system, in order to maximize the benefits from the land resources. The rural economy and social institutions underwent transformations as a result of the demand for substantial public funding. Therefore, even though land revenue and land tenancy differ, it may be claimed that the British created the groundwork for a modern state in the 19th century by surveying land and establishing the revenue (Frykenberg, 1969). For the first time, the British government imposed a new tax system that disregarded the customary rights of the villagers and village community to be self-sufficient over their property. As a result, the land was no longer owned by the community and was instead regarded as private property.

Three land tenure systems existed at the time of independence as remnants of the British administration: the Ryotwari (independent single tenure system), the Mahalwari (joint village/ village community) system, and the Zamindari (landlord tenure) system. As a result, there emerged the concept of a middleman between the government and the tenants (A. Sharma, 2022). This had an impact on the history of the agrarian system. By initiating an ongoing process of escalating tax demand, the government apparatus led the peasants' hearts to tremble and become tumultuous in ways they would never easily forget. The only people granted land ownership by the government under the Ryotwari settlement system were the Mirasidars, and tenants' rights were completely ignored. The only villages where the mirasidar systems did not exist were those where the people with landholding and tenancy rights could settle land tax claims.

Another system, the Zamindari system, which predominated in Bengal, gave the zamindars the power and authority to levy land taxes on the farmers (ryots)



(Mohanty, 2001). The zamindars are the main tax collectors in the area and possess vast lands with many settlements on them; all they have to do is give the government a certain portion of the taxes they get. Over time, changes might be observed in the size of each landholding size group that suggest alterations in particular portions of India's agrarian village structure, even though the overall effect of the changes in landholding size seems to be negligible (Habib, 1987; Habib & Fukazawa, 1987). Large landholders from higher castes, such as Brahman and others, gradually migrated to urban centres in southern India, which in turn decreased their percentage of land holdings in the village areas. To become major landowners, several moneylenders, traders and other non-agricultural individuals, however, expanded their land holdings and now permit the tenants to labour on their land in rural regions. Generally, there was no notable expansion of huge land ownership as a result of these adjustments. Desai analysis that the landowners of British period were divided into landowner, middle- land owners and the lower strata of landowners (D. Bandyopadhyay, 1986; R. Bandyopadhyay, 1993; Banerjee & Iyer, 2005; Desai, 1959).

Ryotwari Land Tenure System

One of the land tenure systems, the Ryotwari system, was created by the East India Company. The term Ryotwari comes from the word "Ryot," which describes a peasant who farms or cultivates land. This system reflected the direct connection that existed between the colonial government and the ryots, or individual landholders. (Baden-Powell, 1882, 1892; Powelson, 1987). Under the Ryotwari system, the right to sell or transfer property belonged to every enrolled peasant, provided they paid their land taxes to the British government on schedule. In addition, he might charge the tenants to use his property. The Ryotwari system was regarded as superior to other land tenure systems, such as the Zamindari or Mahalwari systems. Whereas the Ryotwari system had proportionate tax revenues for the land, the permanent settlement system had fixed tax revenues.

It indicates that a specific portion of the total estimated annual crop rate was used to compute the tax (Baden-Powell, 1882, 1892). The share is often selected in accordance with the monetary worth of the land efficiency, and it varies from one location to another. Previously, the tax share would undergo periodic changes. The Ryotwari system was initially instituted in Madras and then in the province of Bombay by Sir Thomas Munro in 1802. In Rajasthan also the Ryotwari system existed as land tenure system in the princely states of Jodhpur and Jaipur (Sundaram, 1929). This approach was applied over a sizable region and described for around 38% (or one-third) of all the farmed land as well as about 51% of the territory that was under British rule. The Ryotwari system proved to be beneficial for the British government as there was an increment in the revenue income from 32.90 million pound in the year 1861 to 41.80 pounds in the year 1874 within Madras province only (Appu, 1996).



Mahalwari System

In the north of India, specifically in the regions of United Province, Central Province and Avadh, and later in Punjab, a different form of land tenure known as the Mahalwari form was adopted. This settlement's area was smaller than that of the previous systems; it only took up 5% of the total cultivated land in British colonial India, which made up 31% of the country's total area. Under this system of land tenancy, the term “mahal” represented the village or estate and all the villagers were jointly accountable for paying the tax or land revenue (Appu, 1996; Baden-Powell, 1882, 1892; Powelson, 1987). It implied that either the village communities themselves might cultivate the village land for their own needs or that they could lease the property to outsiders for a fee. As the settlement time and land revenue fixations varied throughout the many Mahalwari areas, there was no symmetry in either. The village headman had the authority to collect taxes and deposit the money in the treasury. He was appointed on a commission basis by the British administrators and was given five percent commission in return, termed as ‘panchatra’ (Habib, 1987; Habib & Fukazawa, 1987).

Jajmani System

Beteille (1974) mentioned that the Indian society has huge disparities in terms of economy and property wherein there is structured inequality between people who own lands and the landless people and this shows the extent of polarization that prevailed in the Indian society. Jajmani system was the one of the important traditions in the agrarian social structure in India. A unique system of occupational and ceremonial liabilities was found in 1930s by William H. Wiser (1936) that for which he discussed hereditary duties that reciprocated at a particular place by two or more families and was particularly based on caste difference (Bernhard, 1988). There were fixed two types of castes: one was the service caste that offered services and the other was the client caste that in return of the services of the service caste, provided them with certain stipulated remuneration (Rao, 1961). The method was passed down via families in the service caste and required each family to serve a certain client family. Wiser called this arrangement the Jajmani system. This system was supposed to be very much prevalent in northern India prior up to the nineteenth century but according to the dominant opinions, it started disappearing in the twentieth century (Bernhard, 1988; Rowe, 1963). The services provided, in particular lower castes communities such as Chamars, who were required to supply their services and receive payment from all the village landlords in profit for their assistances, can be seen as an early example of the jajmani system that dates to the middle of the nineteenth century. The payments were either given by cash directly at the time of harvest or indirectly in kind with the produce of village land (Beidelman, 1961; Commander, 1983; Gould, 1930, 1964; Lewis & Barnouw, 1956; Rao, 1961).

Land Reforms in the British Period

The landowner was split up and dispersed throughout the British era, and the tenant fell into poverty. The pace and nature of agricultural development are significantly influenced by the land reform system that the cultivator operates under (Oldenburg,



1990). Despite recent improvements, the country's agrarian structure still negatively impacts the farmer's status and ability to make investments (Joshi, 1974a). Furthermore, the size of the agricultural unit is frequently significantly smaller than what is necessary for progressive agriculture. (Joshi, 1974b). Jagir, a particular type of landownership, is granted by the state to a person who either had some intimacy with the king or earned it as a reward in terms of his astonishing services (Baden-Powell, 1882). Thus, the jagirdar acted the role of an intermediary between the farmers and the state, collecting inflated revenue from cultivators but being obligated to deposit a certain fixed sum with the state.

Furthermore, the jagirdar acts as a middleman in all social networks and development events inside the state. Khalsa was another type of ownership; it was land set aside specifically for the state or the king, with no middlemen to mediate disputes between growers and landowners. State officials used to collect the land tax in cash or in kind. The impact of British conquest and control had a significant impact on India's unique agrarian socioeconomic system. When the British conquered India, it had a plethora of villages. Each Hamlet had a social and economic existence that was nearly autonomous, atomistic, and self-sufficient. The village symbolised a restricted civilization ruled by caste and community laws. After the British period, this tenancy system became increasingly disturbed and fragmented, affecting Indian society's social structure (Chakravorty, 2013; Roy, 2019).

Land Reform after Independence

At the time India gained independence, a strong public view had formed that semi-feudal landlordism was the biggest barrier to national economic development. The system of land tenure is based on the concept of "landlords" that the British people started by appointing intermediaries who, on behalf of the state collected revenue from the peasants and received their share from the amount collected as remuneration (D. Bandyopadhyay, 1986; Banerjee & Iyer, 2005). While the intermediaries served a variety of purposes throughout the states, it was through them that the British government in India regulated the land tenure system during colonial times. During the pre-independence era, the system of land tenancy had three categories, and two of them, the systems of revenue collection, had intermediaries who were held accountable for gathering tax from the farmers; however, the latter category of land revenue collection did not have any mediators, and the rent was to be paid directly to the state by the cultivators (Hanstad et al., 2008). The mediator's authority over the lands became one of the main triggers for peasant exploitation. Furthermore, the prevalent, huge poverty in the rural population was acting as a significant constraint on the rural market, limiting the rise of the contemporary market. Therefore, the Indian National Congress, which was the premier political party of the country at the time, ranked land reform as the highest priority after independence (Chakravorty, 2013). Following independence, the first five-year plan provided impetus for land reforms to be enacted, allowing peasants to secure ownership rights without the involvement of middlemen. Land reforms began with cultivator-centric goals that sought to remove intermediaries. The most



significant component of land reform was tenancy reform (Rajasekaran, 2004; H. R. Sharma & Hussain Malik, 2019).

Conclusion

The present study demonstrates the historical details of India's land tenure system. It explains the nature of Indian landownership in ancient. In the ancient era, all land was considered as royal property. For maintaining land settlements and expanding agricultural production, various form of tenure system, new equipment and methods for measuring land were introduced by the Mughals. The Mughals gave their Zamindars and aides access to land. It is true that land tenure systems evolved by the British were genetically related to the which were extant under the Mughals in the late eighteenth and nineteenth. From its start, British rulers' land policy was inextricably related to the financial constraints of the country's colonial control. The British categorised the land tenure system into three categories during the time of colonisation era: the Zamindari System, the Mahalwari System, and the Ryotwari System with the objective to generate more money. The British land tenure system was established as a result of landlordism, which included a large group of affluent landowners who supported the British government in India. Land concentration in the hands of the rural elite grew, landlessness and land hunger among farmers increased at an alarming rate, and parasitism flourished under all of these land tenure regimes. Caste-based farming practises were the foundation of the Jajmani system. Following land reform, farmers and members of lower castes had greater ability to purchase land, which they utilised for both their own use and the use of other groups. Consequently, the group's dependence reduced and they gradually shifted to the Jajmani system. After independence, land reform policy underwent a fundamental shift, gaining fresh ideas and goals. After the Independence, starting twenty-five years, the five-year plans programmes focused on the removal of intermediary tenures, tenancy entitlements, the imposition of a ceiling on land holdings, and the integration of land ownership.

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