



fields watered by occasionally flowing hill streams or torrents.<sup>1</sup> Tradition points to the tribal land having been originally divided out by the chief (*tumāndār*) of the tribe.<sup>2</sup> 'Each member has held his lands ever since in complete independence.' It is interesting to notice the indications of ideas of right in land, as enshrined in certain common local terms. Thus land held on the tribal-shares is called *pat-ṣṭr*; and a share acquired by gift among a number who have combined to provide irrigation for new land is called *dak*. In the country of wells, a plot acquired in virtue of sinking the well is called *sil* = brick—i.e. title derived from the structure.' So we have the rather ominous tenure of *ghaṣab*, or land obtained by forcible seizure; and there are some others.

### SECTION III.—CLAN-VILLAGES AND 'CULTIVATING FRATERNITIES' IN UPPER INDIA

The tribal-settlements just described are quite unique in their peculiarities. Nothing exactly like them is found elsewhere in India. Nevertheless, we can see that certain features of the tribal organisation—the separate areas of clan and sections, the desire for equality, and the general tendency to adopt a distribution of shares *per capita*, at least after certain main divisions based on the original ancestral descent are passed—these features reappear in all tribal and clan settlements as far as the *land* is concerned, though with local variations. The distinction also between the close-kindred and the wide, or more extended, kindred, as regards the groups forming villages or forming the clan-population of larger areas, is an equally universal feature of the tribal-stage. We have therefore to include within a general class of 'tribal- or clan-villages' a great many more besides those specialised as the 'frontier clan-villages.' But we shall expect to find the best instances of such villages among the tribes of Upper India, in the plains of the Panjāb, in the North-West Provinces, and in Oudh. As a matter of fact, we are able to gather a number of examples from the

<sup>1</sup> Fryer's *S. R.* p. 77, and see note at p. 262, *ante*, regarding *dagar* cultivation.

<sup>2</sup> Among Bilūchis, *Tumān* is the tribe.





less familiar tribes, Ghakar, Āwān, and the like, in the Panjāb; and again, as connected with non-monarchical Aryan clans, and with Jats and Gujars, both in the Panjāb and beyond it. In the first place we frequently come upon groups of villages (and sometimes large areas which have only recently broken up into villages) distinguished by bearing the designation of *ṭappā*, *‘ilāqa*, &c., and we usually find them to be held by groups of families of one clan. But though some of these groups are not more than, say, two to five hundred years old, and others date back as far as that re-distribution of Aryan settlements of which we have spoken,<sup>1</sup> many are still old enough to make it doubtful what was the original method of their formation. On the Panjāb frontier we had no doubt about the settlement representing a clan *already formed as such*. In the cases which we are now to consider, some may doubtless be recognised as coming under the same head. But in the majority of cases it is evident, or at least is probable, that though *now* there is a clan occupying a contiguous area, the origin was in a small family—perhaps no more than one or two brothers with their sons and some followers, who, finding a wide area of land at their disposal, managed to retain possession of the whole, and have now filled it with the multiplied families of their descendants, in such numbers, and retaining such a general connection, as to form a clan.

In these cases it is very likely that the areas covered by the holdings were only called *‘ilāqa*, *ṭappā*, &c., at a later period, and possibly for the first time by the Mughal Revenue-officers. I do not think it possible to separate the two cases completely; and an incomplete attempt to separate them would be worse than frankly taking them together as they come, and leaving the reader to see which origin he thinks most probable in each instance. This difficulty is regrettable, because there may very probably be some difference between the manner in which a clan ready made, so to speak—having its branches and kindred already complete—will occupy and allot a conquered territory, and that in which the gradually growing houses and kindreds will spread over it. But in both cases there is one thing that separates such settlements from purely individual foundations, at least in the greater number of instances. They always exhibit some

<sup>1</sup> Page 121, *ante*.





traces of clan union throughout the area, and rarely or never follow the *pattidārī* principle of sharing: many of them also exhibit a peculiarity in the mode of allotting the land equally, and of valuing the several holdings for the equal distribution of burdens and charges. In these cases we have no evidence of any custom of redistributing or periodically exchanging the holdings; indeed, in the case of a clan gradually growing up on the spot, it would not be likely. We have a small settlement at first, and, as each new family grows up, the additional land requisite for its support is allotted, or perhaps is simply taken up out of the general area without any formal process whatever, and without reference to fractional rights, only to numbers and actual requirements. The whole area gradually becomes covered by the household holdings, within the original main divisions. Naturally, then, the later formed holdings would not be exchanged with the older.

There is, indeed, one other case in which villages may appear to constitute a clan-settlement, when really there is nothing of clan-sentiment in the tenure. It is when a Rājput, or similar rulership, has gone to pieces, and the members of the defeated family and its relatives have managed to cling to a sufficient number of holdings, all pretty close together locally; and so now, having multiplied into village groups, they may suggest a clan origin. Should such an origin be true in any case, however, *where the bhāiāchārā tenure, in the true sense, is also observed*, there will certainly be very little harm done if it is included as virtually a clan-settlement. But where in such cases the several villages are composed of families holding on the *ancestral fraction* or *pattidārī* tenure, then they will most properly be excluded from the present section.

To summarise these remarks briefly: in all the cases included in this section we shall notice (1) not only the contiguity of a number of villages, all of one clan, and covering a considerable area, while in some cases the clan-area is not really divided into villages at all; but (2) we shall find the same desire for equality, so that the customary method of sharing gives to each household whatever land is necessary for its actual numbers; only it takes care that each holding shall contain a similar proportion of the good, bad, and indifferent soils, and





that a plan of equal sharing of burdens, in proportion to the holding, shall be followed. It is to groups of this character that the Settlement Officers of the North-West Provinces more especially apply the term 'old cultivating fraternities.' The 'collective' ownership appears here also to consist in a sense of general union arising from the natural bond of kindred, leading to the acceptance of a joint responsibility for the Revenue-charge, in a sense of general clan- or family-right to the whole area, and to any undivided waste within it, and, most of all, in a feeling that every member has an equal right to share and share alike. The whole group of holdings is never, as far as my observation extends, held 'in common,' at any rate after the families have expanded beyond those first grades of descent which have fixed the major and secondary divisions of the whole area.

The actual forms in which the allotment of the land is made are the following :—

(1) The whole area is divided at once into separate single holdings. Major and minor groups of relations may exist, but are not indicated by divisions of the area.

(2) The whole area is divided into large blocks (sons of founder), and these into secondary and tertiary divisions (grand-sons and great-grandsons). The later divisions often cannot be compact, by reason of the holdings being made up of plots distributed over the different soil areas. After the last separately designated division, all the later and existing families appear to take *per capita* according to what they want, as long as any land remains available.

(3) The whole area was retained undivided; a central or parent village represents the cultivation of the original family. All round, new hamlets have been added on, which gradually 'ripen' into separate villages till the whole area is taken up.

In Nos. 1 and 2 'villages' gradually separate, but under accidental circumstances, and often under the influence of modern survey and revenue arrangements.

### (1) *Illustrations from the Panjāb Districts*

We proceed to pass in review the various districts which give examples of this tenure, commencing with the Panjāb and proceeding eastwards.



The first occurs in the JIHLAM district, along the banks of the river of that name. In one part are tribes of Ghakar, Āwān, and Jhanjūa; the latter are Rājputs, and probably established a sort of territorial rule, and their villages are the usual result of the decadence of that dominion; the further mention of them is therefore reserved to a later section. The Ghakar seem to have despised agriculture, and their settlements show the village residence of the tribesmen, and separate settlements of other cultivating castes, forming hamlets (*dhok*, *çak*, &c.) in the neighbourhood. There are several clans or branches, each with its own name, and the chief seats or mother-villages of each clan are generally called *mandi*. Of these there are now six generally recognised in the district.<sup>1</sup>

In the Chakwāl Tahsil of this district we have five '*ilāqa*' of three tribes of doubtful origin—the Mair, Kasar, and Kahūt. The first named possess two tracts, Haveli and Bādshāhāni, in the centre; the Kasar have two in the north, Bubyāl and Chaupeda, and the remaining one is the Kahūtāni. Their tradition is that their forefathers came from Kashmīr, or rather from Jamū, with the Emperor Bābar, and that they received this, at the time uninhabited, country in grant.

Still more remarkable is the case of the small tribes of Lillā, Phapra, and Jālap, believed to be allied to the Jat stock. They inhabit each 'a well-defined area in the plains below the Salt Range, and none of them is ever found outside its own boundaries.' The territory of Lillā is described in the first Report (1864)<sup>2</sup> as forming one single 'village,' now broken up into four separate parts; and it appears that the whole area of 22,000 acres has been populated by a clan growing out of the household of a single ancestral settler.<sup>3</sup>

<sup>1</sup> *Jihlam S. R.* 1883, p. 28.

<sup>2</sup> Quoted in Tupper, *Cust. Law*, ii. 29.

<sup>3</sup> Unfortunately in neither of the excellent *Jihlam S. R.* is any detail about Lillā to be found. No notice is taken of what the shares in land are, or how they were allotted. More information is also needed about the other great areas mentioned in the text—e.g. Lawā is an Āwān settlement, with four or five rival *çaudharī*, or chiefs. It is marked by strong factions among the co-sharing clansmen, who certainly have all of them separate holdings. That this is a '*bona-fide* single estate held by one joint and undivided body' is simply incredible. Probably it merely





The Āwān locations are even more in point. This tribe, consisting of peasant proprietors, is always reckoned as such, and not among the *sahu*, or 'gentry.' They occupy the whole of the Tallāgang Tahsil, being distributed over large clan-areas. Lawā contains 135 square miles; Thohā-Mahram-Khān, 86 square miles; and Kandowāl, in the dry part, or *thal*, of Pind-Dādan-Khān, has 27 square miles. In Lawā there is one chief residence site (*ābādī*) containing 5,000 inhabitants; but there are several 'hamlets' also. This large village-site, as well as the great area maintained as a 'single estate,' is attributed to 'the homogeneous farming population with a large share of democratic equality.' In fact, however, the 'estate' is to some extent the result of physical conditions, for the land is dependent upon the rainfall, and the tables show that in the *whole Tahsil* only only about 2,600 acres of land are protected by wells. The country is 'upland, of broad, gentle undulations,' with light sandy soil on the crests and loam in the hollows. Under such conditions, the area of each holding is necessarily large, and is naturally uniform in advantages. The land ploughed up for spring crops is kept separate from that used for the *khurīf*, or autumn crop; and the latter also can only be worked part at a time, because the rest is exhausted (*budhī*), and must lie fallow.<sup>1</sup> Each 'ploughland' is, therefore, allowed to consist of *nineteen acres*; and the large combined area of separate individual household shares, each of so many 'ploughs,' is better suited to the sentiment of the people and the conditions of agriculture than a number of separate villages of the average size. The Āwāns must have been for a long time in occupation, since in the days of Abu-l-Faẓl, one of the *mahāls*, or official divisions of the Sindh Sāgar Doāb Sirkār, was called the '*Mahāl Āwānān*.'<sup>2</sup> It is certainly a clan-settlement; but the evidence leaves it doubt-

means that the area was not divided into *villages*, and that, though the individual family holdings are enjoyed in severalty, the whole body did not object to be regarded, from the revenue administrative point of view, as a single jointly responsible estate, owing to the general clan feeling which disposes the whole to unite against outsiders, however keen may be the feuds within.

<sup>1</sup> *Jihlam S. R.* Compare pp. 52, 90, and 106.

<sup>2</sup> *Ajīn-i-Akbarī*, ii. 823 (Jarrett's Trans.).





ful whether it was occupied by a clan already formed, or whether the present numbers have resulted from gradual growth out of an original small group.

In the next district of GUJRĀT we have a Rājput dominion of a Rājā and chiefs of the Chib clan and a surviving group of village-estates. These do not belong to the present section. But the district at large shows signs of genuine tribal locations; one portion of it being known as the *Jatātar* and another as *Gujar*.<sup>1</sup>

In the course of time there has been some admixture of *Āwān* and other villages, but the general features of the tribally occupied tracts are still discernible.

'The Jats and Gujars are subdivided into a great number of families each called by its own name, which is generally that of some ancestor who became in his time so powerful, or otherwise noted, as to leave his name to his posterity. It would not appear, however, that any new divisions have been separated off from the main stock for the last one hundred or one hundred and twenty years. . . . Most of the clans number but few families, sometimes owning but a single village. But to this there are some notable exceptions among the Jats. The *Varāich*, *Tārar*, and *Gondal*, clans are very strong and hold a superior status.'<sup>2</sup>

In the neighbouring districts there is a still greater admixture of villages; but clan-groups may still be discerned as colonies, of *Bājwā* Jats in Siālkot, of *Āwān* clansmen in others. In Gujrānwālā there is a group of eighty-one villages of the *Çāttā* (Rājput) clan,<sup>3</sup> all in this instance proceeding from the foundation of one original adventurer who had emigrated from his home further East; and there is a large group (106 villages) of the *Bhatti* tribe, around *Pindi-bhattiān* as a centre.

Leaving, however, this part of the country, and coming to

<sup>1</sup> In my *L. S. B. I.* ii. 670, there is a map showing the Gujar area coloured *pink* and the Jat *green*; I take it the district name Gujrāt is really 'Gujar-atar,' like the term *Jatātar*.

<sup>2</sup> The *Gazetteer* (2nd edition) of *Gujrāt*, p. 60, &c., gives a very good idea of the number of clans and their pretensions to descent from all sorts of grandees.

<sup>3</sup> There is a more detailed account in *L. S. B. I.* ii. 672.





the region between the Biās and Sutlej rivers, we find in the JĀLANDHAR district many Jat tribes divided into *got*, or clans, and *al*, or minor-clans. 'But,' writes the Settlement Officer,<sup>1</sup> 'large tracts of country each occupied by villages of one *got* are not found here, as they are in other parts of the country. The nearest approach to such a state of things is met with in the Philaur Tahsīl, where there is a cluster of *Sihotā* villages about *Kuletā* (*Barāpind*) itself a very large estate belonging almost entirely to this clan.<sup>2</sup> The Rājputs, of whom the *Ghorewāha* clan is the most numerous (nearly 9,000), are found in the tracts nearer the hills; their villages are only partially aggregated. Here we have the tradition of a growth from a very small origin. Two brothers came from Rājputāna on a pilgrimage to a sacred place in the lower hills (*Jawālamukhī*). Meeting with the Pathān king *Shahābu-d-dīn Ghori*, they presented him with a fine horse, and in return the monarch gave them a grant of as much land 'as each could ride round in a day.' Each brother selected one side of the river Sutlej; one threw his spear (*selā*) where the village of *Selkiāna* now is, and the other his bracelet (*kangan*) at *Kanganwāl*, to mark the limit reached. The family gradually expanded,<sup>3</sup> and the branches and sections were indicated by the terms *chat*, *makān*, and *muhī*, which I have met with nowhere else.<sup>4</sup> Mr. Purser points out the impossibility of the dates and other details of the tradition; but its general circumstances, and the origin of the landlordship in a royal grant (growing into a set of villages jointly owned by groups of the clan), are very probable. There are other Rājput clans of the same kind. Passing over certain groups of Āwān and Gujar, I will only mention that a tribe of *Arāñ* (or *Rāñ*) make up about one-seventh of the agricultural population; they are divided into fifteen *got*. They have many scattered

<sup>1</sup> Purser's *S. R.* 1888, p. 73 ff.

<sup>2</sup> The *Sihotā* Jats are 2,392 in number. Several clans are considerably more numerous, but they are found in scattered villages.

<sup>3</sup> One brother returned to Udaipur, leaving the other in lordship of the whole estate. Mr. Purser suggests that the *chat*, of which there were nine, marked the shares or lordships of the leading men, and the *makān* were inferior territories.

<sup>4</sup> At least as regards the series of terms. The Chibs in Gujrāt call their clans *mūi*, or *mūhī*.





villages, but in some parts there are also connected groups.<sup>1</sup> Their tradition is that they were once Hindu Rājputs, descendants of Rāi Jaj, ruler of Sirsā, in the South-eastern Panjāb, and that they became Moslems about the close of the twelfth century; the name is said to be derived from the title 'Rāi' borne by their ancestor. Another numerous tribe, the *Sainī* (14,000), also trace their origin to a few ancestors who came from their home in Mathurā (North-West Provinces) in defence of the Hindus against the first Moslem invasions, and they multiplied in their new home. As regards the district generally, Mr. Purser remarks that the existing village bodies are not able to trace their descent very far; only 355 villages out of 1,324 are remembered to have been founded for twelve or more generations.<sup>2</sup>

Crossing the Sutlej river, it will be sufficient to take three typical districts—Lūdiāna, Rohtak, and Karnāl. Excellent reports of each exist, and the writers have gone fully into the tribal question.

In the LŪDIĀNA *S. Report*, after some interesting remarks on the alteration of the Jat type caused by difference of mode of life, occupation, and location, Mr. Gordon Walker<sup>3</sup> writes: 'To the east of the district, and especially in the Samrāla Tahsil, the multitude of *got* (*gentes*) among the Hindu Jats is a very remarkable feature. Not only do adjoining villages belong to different *got*, but inside each village will generally be found two or three sections (*patti*) of distinct origin.' This is accounted for by the manner in which the country was colonised. In the history of each village it will be seen that the founders came in comparatively recent times from different parts of the country and belonged to different *got*; they united merely for convenience, the vague tie of belonging to the same general tribe being sufficient. In the south and west of the district, on the other hand, we do find that the Jats in some instances settled in larger homogeneous bodies. The reason for this apparently is that in the eastern parts the imperial authority was always strong enough to protect its subjects, who settled down in small village groups as they came; while in the west it was less felt,

<sup>1</sup> *S. R.* p. 82.

<sup>2</sup> *Ibid.* p. 85.

<sup>3</sup> *S. R. Lūdiāna*, 1884, pp. 45 ff, 79 seq.





and people of one tribe had to collect in large contiguous villages for protection. For example, the *Gharewāl* Jats had a group of fifty villages near the town of *Lūdiāna*.<sup>1</sup> The *Gil* Jats have a group of forty villages in the *Jagrāñ* Tahsil. They commenced as a small body, some 200 or 300 years ago, coming on an uninhabited space (the *Jangal 'ilāqa*). Among the smaller clans, the *Bhandher* own ten or eleven villages in the *Malaudh 'ilāqa*, all grown out of the descendants of one settler, who left his home because he was regarded with disfavour by the family, owing to his being the offspring of a mixed marriage. There are some *old* Rājput villages; and they mostly keep up at least the form of the 'ancestral' shares as descendants of one founder.<sup>2</sup> The Jat and the other villages spoken of all show the sense of *clan* organisation; there is aggregation for social comfort and for defence; but there is no pretension to descent from some common ancestor or the maintenance of ancestral shares. The object is for all the families to have their equal share; and the land is divided out in *hal*, or 'plough-lands,' a number being assigned to each family in proportion to its strength. The size of the *hal* varies with the character of the soil, being, as usual, the area estimated to be ploughed by one pair of oxen.<sup>3</sup> Nor are the holdings in one block, but (as usual in the genuine *bhaiṛchārā* or clan-fraternity method) 'the original distribution is generally most elaborate, the whole area having been divided into blocks according to quality, and each share getting his portion in each block—i.e. the number of *hal* for each family consisted of specimens of each kind of soil, good, bad, and middling. These shares are observed in the division of any culturable waste, and in apportioning the *malba*, or joint expenses, of the village community.<sup>4</sup> They are not now made

<sup>1</sup> This *got* affords an instance of what has been stated about Jats (p. 99, *ante*); their tradition is that the founder was a Rājput prince—Rajā Rikh, who lost caste by marrying a Jat woman. But from this 'royal' descent the *got* is still regarded as superior among the *sahu*, or gentry. The *Gil* are similarly descended.

<sup>2</sup> This will usually be found to be the case where the founder had some pretensions to territorial rank or nobility.

<sup>3</sup> *S. R.* p. 80.

<sup>4</sup> See p. 25. The fund to meet these common expenses is made up of certain rents and profits from the waste area, from *atrāji*, —a sort of house-





use of in paying the land-revenue, which is met by an appropriate acreage rate on the area actually possessed by each.

The ROHTAK district deserves mention, as it is in this part of the country that successive Settlement Officers, from Mr. (afterwards Lord) Lawrence in 1844 to Mr. Fanshawe in 1879, have noticed the perfect preservation of the 'village communities'—i.e. in the co-sharing or joint form. There are 511 'estates' in this small district, and they are also compact geographical *manza*. They owe their compactness to the fact that they are the result of the gradual fission of groups of close-kindreds as, one by one, they branched off from an original centre. Each starts a fresh hamlet, which ripens into a village, and is really held by a compact body of kinsmen. We have, in fact, the converse of what the frontier tribal-territories exhibit. *Here* we have the case of a clan expanding on the spot from a small centre, and so building up groups of close-kindred, whose holdings are defined one by one as they are taken up and naturally form villages; *there* we have the clan already existing and dividing the land among the whole body, village groups being little thought of. Out of the 511 villages, Jats, forming 12 chief and 137 minor clans, own 366. Some Afghān settlers, Brahman grantees, and others, hold villages; and the Ahīr have 26 villages.<sup>1</sup> 'The most noticeable point,' says Mr. Fanshawe,<sup>2</sup> 'is the grouping of the villages of each tribe or subdivision of a tribe in one spot. This is due in most cases to the surrounding villages having been separated off and founded from a central mother-village. . . .' Hindu Rājputs are found in the south-east of the Jhajjar Tahsil and the centre of the Rohtak Tahsil; the Ahīr are round Kosli, and so on. The Jats show the same features; the *Malik got* is settled round Ahalāna, Khānpur-Kalān, and Bhainṣwāl-kalān, and so on. Village groups so constituted must have taken time to grow up, and we are not surprised to learn that they are of older foundation than usual. Jat

tax on non-proprietors, artisans, &c., and *dharat*, a fee on weighing grain sold in the village, and from anything else that comes in from a common source of profit.

<sup>1</sup> See p. 109, *note*. The Ahīr figure considerably across the Jamnā, in the North-West Provinces.

<sup>2</sup> *S. R.* part ii. p. 18, § 17.





villages were established before Sultān Mahmūd's invasion early in the eleventh century. Here also the Jats profess Rājput origin, and to have come from the south.<sup>1</sup> The Report gives in detail the history of several such village centres. The *Dahyā* Jat, for example, have their villages along the north-eastern border of the Sāmpla Tahsīl. Their ancestor is Mānik Rāi, a Rājput *Çauhān* clan who lost caste by marrying a *Dhankar* Jat woman. His son was Dahlā, corrupted into the clan name *Dahyā*; Dahlā settled in Barona twenty-seven generations ago, and from his one original village all the others have branched off. I might repeat the same sort of story almost indefinitely for each of the other centres. The process of growth is that, as the family increases, the new households clear additional land out of the general area, and the hamlets are at first considered only parts of the mother-village, till at last they grow big enough to have entirely separate establishments; and thus a whole *ṭappā* of villages is acknowledged.<sup>2</sup> As to the original constitution of the entire area, it does not seem to have been divided into any primary sections according to the divisions of the original

<sup>1</sup> It is, in fact, in this district that the tradition occurs which has misled some writers. The Malik Jats say they are Rājputs, and come, not from Ghazni, in Western Afghanistan (which is sometimes quoted as a proof of the western origin), but from 'Garh-Gajni,' somewhere on the Dakhān frontier. I may suggest merely that, as the proper name of these Jats is 'Ghatwāl,' they may have derived the clan name from being originally Rājputs holding some frontier hilly territory (*ghāt*) in the region of the Mahi or Arāvālī hills, or some neighbouring locality in the Vindhyan country.

<sup>2</sup> Mr. Fanshawe quotes some remarks of the late Sir G. Campbell in the *Cobden Club Essays*, where the author repeats the formula, at that time unquestioned, about the tribe or the village body holding the land 'in common' first of all. Mr. Fanshawe remarks that Rohtak exemplifies this. I venture to think that it directly contradicts anything of the kind. In cases like the Rohtak villages where we have a clan-expansion, the original founder is able to maintain a general hold over a large area, the greater part of which he does not cultivate till it is wanted; his claim is only manifested by the fact that if he has many cattle, he grazes them over it. Then, as each family grows up, there is land available which it takes up, perhaps by tacit consent; this goes on till the whole area is filled up. There is no kind of 'common holding' whatever, but only a sense of unity of origin, and the solidarity of clan interests which bind the various daughter-villages together.



family; and there could, of course, have been no anticipatory division of the area into 'villages.' When each village-group has in time developed, it will have sections within itself resulting from the fact that what was at first a 'close-kindred' has now expanded into a 'wider-kindred' composed of several close-kindreds all derived from the same head; and thus are formed *pānā* and *thālā* subdivisions, as they are here called. The individual holdings are *hal* or 'plough-lands'; and here, as so often observed, while the first or earlier degrees of descent from the founder naturally allowed the then few and simple share-portions to follow the ancestral gradation, as the numbers grew, the subsequent allotment within the main sections, was *per capita*—everyone was provided for, alike, according to his requirements. For this reason, as some families increased, and others diminished in number, the holdings of land were occasionally readjusted.<sup>1</sup> As usual, at the Revenue Settlement the individual shares were treated as so many *de facto* holdings, and were assessed at the proper acreage rate; but inside the villages, the primary divisions of *pānā* and *thālā* were demarcated as blocks, and the eldest member of the eldest house in each *pānā* was recognised as its official headman. The *pançayat* consists of the heads of *pānā* with the *thālādārs*, or heads of the eldest households in the subdivisions. The *pançayat* still controls all matters of interest to the body—the cultivation of undivided common lands, the realisation of grazing-fees and house-rates,<sup>2</sup> the building of a village rest-house for guests, supervising the village watch, cleansing the common tank or pond, and settling any question of granting a rent-free plot to some pious person. I have not found any allusion in the Rohtak

<sup>1</sup> See *S. R.* p. 27. 'The local annals tell of half a dozen changes made at intervals in the shares on which each estate was held.' Mr. Fanshawe thinks this may point to the existence of a general redistribution; but this is not likely, for such a *general* periodic exchange is natural only where a clan already formed settles on land and each member is jealous of anyone getting a better lot than himself. There is no *raison d'être* for such a plan in the case of holdings added on, family by family, so to speak, to an original central village.

<sup>2</sup> The house-rates or hearth-fees (here called *kūḍī-kamīnī*) are paid as usual by non-proprietors, artisans, &c., as an acknowledgment to the proprietors for their permission to reside.





Report to the feature, common in 'fraternities,' of making the holdings consist of specimen bits of each kind of soil. Here, perhaps, the land is too uniform to need such a device.

In the KARNĀL district, bordering on the Jamnā river, we frequently observe the same feature of a family expanding into a clan: the group of clan-villages begins, first, with the establishment of a central village (*thākā*), and then by the gradual accretion of hamlets (*mājra*, or *garhī*, as they are here called), which in time become independent. But Mr. Ibbetson has noted a number of interesting details. We are near the country where the earliest Aryans began to settle (in *Aryavarta*); and we find many Rājput owners; but the causes already mentioned prevent our tracing back the existing groups to any such primitive settlement. There is also a local curious caste or tribe of *Tagā* which I must pass over. The areas occupied by the clans are called *ṭappā*, or *thambā*, and the Imperial revenue officers made use of these divisions for official purposes.<sup>1</sup> The villages are all held by groups of real blood relations, being the areas added one by one, as each new little group of households grew up and started additional cultivation on an adjoining site. The village names often bear the addition *khurd*, or *kalān*, not meaning 'small' or 'great,' as the Persian words imply, but 'younger' and 'elder.' The clan connection between the villages in the *ṭappā* is kept up by the custom that 'when a headman dies all the villages in the *ṭappā* assemble to instal his heir, and the turban of the parent village is first tied on his head.' On ceremonial occasions—funerals, &c. (*mēl-jor*)—the Brahmans of the parent village are fed first and receive double fees.<sup>2</sup> Though the *mājra*, or offshoot villages, are generally groups of the same descent, it should be added that sometimes relations of the wife's family (and therefore of another clan) are admitted to a share, and may

<sup>1</sup> S. R. § 185; the '*Āmils*, or Land Revenue Officers, made use of the heads of kindreds and families, whom they called *Ḍaudharī*, for collecting the revenue.

<sup>2</sup> § 181. Mr. Ibbetson mentions the case of a village which desired to change its *ṭappā*—i.e. not to belong to the group which was its natural sphere—because there were so many Brahmans in it whom the village had to feed! Of course it was held that a village might ignore or forget its origin, but could not change it.



possibly form one of the separate *mājra*; but the fiction of a common descent is maintained, and the person taking a share of another's land is said to be *bhātā bhāi* (land-brother). The fact is, that the theory of family property is kept up because the whole is really (in spite of occasional gifts and admissions) one large family in its various groups of kindred; and, being all settled together, circumstances combine to maintain the memory of the fact. The interior divisions of the villages are here called *pannā* (the word meaning 'lot'—*pannā mārṇā*=to cast lots). The subdivisions are *thūlā*; and the features of these divisions and of the *pancayat*, are just like those described in Rohtak.<sup>1</sup> As usual, the first main divisions of the villages follow the ancestral grades—when the descent was in its first stages. Thus the *pannā* will probably mark the 'lots' of the original sons of the leader of the newly founded extension, and the *thūlā*, the original grandsons; after that, as the numbers increase within the groups all are provided for *per capita*. We have here also the careful attention to soil varieties that marks the real *bhaiāchārā* tenure. 'The land,' writes Mr. Ibbetson, 'was carefully divided according to quality, so that each should have his fair share;' and 'the same rule was observed when a new cultivator was admitted to cultivate. The long dividing lines at right angles to the contours of the country which mark off the valuable rice land into minute plots,<sup>2</sup> and the inferior sandy soil into long

<sup>1</sup> Under the empire the heads of *pannā* and *thūlā* acquired considerable authority, because the *Āmil* worked through them entirely; the whole village was assessed at one sum, and these heads had to apportion the burden (*S. R.* § 233). It is worth while noticing that here the heads exempted themselves from duties of village watch and ward (*thūk-kar*); and each has a menial (*camār*) as a personal attendant, the *camār* getting a free midday meal in return, but nothing else. The village *camārs*, as a body, are made to give a day's free labour in each headman's field, but are fed in return.

<sup>2</sup> Special modes of division of valuable, but at the same time somewhat precarious, land on the banks of rivers and streams are sometimes observed; the plan being usually to divide into long and very narrow strips running at right angles to the stream: and these are usually re-allotted every year. By this means everyone gets an equal share of the danger of diluvion and the advantage of the successive degrees of moisture further from the river. Two instances, with a diagram, will be found in *L. S. B. I.* ii. 142, 640. Captain Dunlop-Smith has recently called my





narrow strips including a portion of each degree of quality, and the scattered nature of each man's holding, still show how carefully this was done.'<sup>1</sup>

(2) *Illustrations from the North-West Provinces*

When we cross the river Jamnā from the Panjāb into the North-West Provinces we still find some of the districts supplying instances of 'clan-settlements.' In some cases, there are aggregates of estates mostly of one clan which are merely the remnants of long-destroyed chiefships or petty kingdoms exhibiting no clan union; but what our official reports call 'old cultivating fraternities' are real clan-groups of the kind we are considering at present: they have the true *bhaiāchārā* form of allotting the land. Sometimes they are Jat settlements; sometimes they are Rājputs of clans which took to cultivating or at least to land-owning, and had no Rājā and no pretensions to territorial rule. The North-West Provinces districts are much more thickly populated than the Panjāb, and they have been subject to such vicissitudes of war and changes of rule that it would not be surprising if such 'fraternities' had become broken up and intermixed, beyond recognition, with other cultivating village-communities. The usurpation or conquest of individual chiefs, the success of the revenue farmer and the auction purchaser, too, have altered the 'proprietary community' of so many villages that we rather wonder to find any examples of the clan *'ilāqa* and the *ṭappā*. Yet we do find them in parts; mostly, I believe, as examples of the expansion of a small group into a clan. The most typical instances occur in the MATHURA (Muttra) district, bordering on the South-eastern Panjāb and the Rājputāna

attention to the same custom in the Siālkot district north-east of Tahsil Rāyā, where it is called *rassi būṭi*, or *bauṭi*—i.e. division by ropes (these being used in marking out the long strips), varying from 25 to 800 *kadam* (= 5½ feet) long and 1 to 10 *kadam* broad [*bauṭā* (H.), or in the feminine diminutive form *bauṭi*, means a slice, a piece]. This custom obtains among the Jat villages where they have a desire for good management and equal rights; while in other similar estates where it is not followed the owners are Rājputs, 'whose local customs have always been in favour of the more powerful members of the different tribes.' (*S. R., Siālkot*, 1895, § 183.)

<sup>1</sup> *Karnal S. R.* § 240, p. 96.



## THE INDIAN VILLAGE COMMUNITY

States. In the famous cities of Mathurā and Bindraban we have the centres of the Krishnā cult; and although Jat settlers occupied much land, we are not surprised to find that throughout the district Brahman grantees figure largely among the proprietary communities holding village estates.<sup>1</sup>

The district is naturally divided, by the river, into a Cis-Jamnā and a Trans-Jamnā portion. In the former, the villages are of a distinct type. Though often large, they are essentially unit estates, the result of grant, purchase, or other acquisition by a single owner whose descendants are now the co-sharing proprietary bodies, and they are held on ancestral shares. In the Trans-Jamnā, on the other hand, we meet with 'villages' of the kind under our present consideration. As a matter of fact, in these clan-areas, the 'villages' are quite an afterthought, and are indeed the result of modern conditions or of accidental circumstances.

The *ṭappā* Rāyā and *ṭappā* Airā-Kherā<sup>2</sup> offer as characteristic examples as could be desired. The Jat shareholders of the *Paçahrā* clan are all (really or by association) the descendants of one family who originated the estate on its existing area.<sup>3</sup> 'As the descendants increased and the cultivation round the old site grew, so new colonies of shareholders planted themselves in hamlets near their fields, separating off their cultivation, but still retaining their share in the ancestral *kherā*.' Airā-Kherā is a *ṭappā* covering nearly 18,000 acres, and it is now divided into 22 villages. Rāyā has 12,000 acres, now divided into 24 villages.

<sup>1</sup> Whiteway's *S. R.* 1879, p. 25 ff. This Report is specially deserving of the notice of students of village-forms, as is also the *Azingarh S. R.* by Mr. J. R. Reid. Mr. Whiteway notices also that Brahmans constantly accompanied the bodies of Jat settlers as their priests, and that they got a share, or perhaps a whole village, given them (*S. R.* p. 31).

<sup>2</sup> We shall often meet with this term *kherā*; it means the parent village or original location when the clan was yet a family.

<sup>3</sup> And the same is true of the settlements of Nohwār and Narwār Jats (*S. R.* p. 33). The origin was with two brothers—A, settled in Noh; B in Narwār. A gave his Noh village to Brahmans, and founded two more for his own family. B founded Barauth in Narwār; and now there is a group of offshoots all round, belonging to the descendants. There are various groups of Jats, some of only three or four villages; but one, in Taluqa Soñk, contains as many as twenty-one villages.





Airā-Kherā was started by one man with four sons about 200 years ago. In the lifetime of the ancestor the area was divided into four large compact blocks locally called *tarf*, one for each son; a fifth area was added for the Kasba of Sonāi, some kind of dependency, the exact history of which I do not know. The cultivation went on within each of the four *tarf* according to an understood division of the soil, so that each holding was made up of a number of strips and fields, some in each variety of soil. Gradually each *tarf* was subdivided into a number—four or five in all—of secondary groups, each having its own cluster of residences and called *thok*.<sup>1</sup> These have become the 'villages' of the official records; but the lands of the *thok* being taken, part in each different soil-area, are scattered over the whole *tarf*. Then again the 'village' groups (or *thok*) are internally subdivided into *naglā*. 'Within each *tarf*,' says the Report, 'the land of each of the four or five villages contained in it are intermingled in a singular fashion, and the *naglā* in these villages in a similar manner. The essential principle being that each *ṣak* [standard measure of holding] should contain the same relative quantity of good, bad, and indifferent soil, the properties are of necessity constantly intermingled. In some *tarfs* almost every alternate field belongs to a different one of the four or five *thok* contained in it.' In other *tarfs* long strips of land for the cultivating possession of the different *thok* were formed, and these areas were again subdivided, on the same principle, among the different *naglā*. 'And yet,' concludes Mr. Whiteway, 'with all this apparent intricacy I have hardly met with a disputed field, and not one case which was not easily and readily disposed of by the *panṇayat*, which, like other *bhaiṭchārā* institutions, exists here in great perfection.'<sup>2</sup>

As the *tarf* were compact blocks arranged to suit the wants and prospects of each main branch at the time when the numbers were few, it was not likely that each would contain exactly the same proportion of each class of soil, or that each

<sup>1</sup> It will be observed that not only do names of divisions vary locally, but sometimes in different places the same words imply a different grade of division—e.g. *thok*, which often means a smaller division of a *patti*, here means the first division within the *tarf*.

<sup>2</sup> S. R. pp. 39, 40.



would be equal in area; but it was possible to have a standard area of a certain value, so that each division might be valued to bear an equal proportion of revenue and other burdens or charges. And for this standard valuation they adopted a *çak*, which contained about 300 of the *kaççā* or locally used *bighā*, or area measures of the different soils,<sup>1</sup> each such artificial lot as nearly equal in character and value as possible. The proportion of each *tarf* was as follows:—

	B.	b.	b.
1. <i>Tarf</i> Inchrāj . . . . .	47	0	19
2. „ Rupāl . . . . .	94	13	16
3. „ Bharerā . . . . .	59	13	18
4. „ Sikam . . . . .	72	15	6
5. <i>Kasba</i> Sonāi . . . . .	39	7	19
Total . . . . .	313	11	18 <sup>2</sup>

The main divisions, as usual, followed the natural ancestral grades as far as the four sons (*tarf*) and the *thok*, presumably shares of sons' sons, i.e. grandsons of the ancestor, and the *naglā* (great-grandsons); because at the time, the members being thus limited, it was quite natural to follow the divisions of the first or original close-kindred. But afterwards, as numbers increased, the holdings were allotted *per capita* according to the actual requirements of each household as it grew up;<sup>3</sup> but each could

<sup>1</sup> The normal *bighā* is said to be *pakkā* = ripe or perfect; the local measure (usually smaller) is said to be *kaççā* = crude or imperfect. The *bighā* is divided into twenty *biswa*, and that into twenty *biswāñsī* (B. b. b. above).

<sup>2</sup> If we express the matter in fractions, it would come to this—that Inchrāj represents about one and a half tenths, Rupāl three tenths, Bharerā two tenths, Sikam two and a half tenths, and Sonāi one tenth. I do not know what the actual *kaççā* or local *bighā* is; but suppose the entire area (arbitrarily) to be 45,000 *kaççā bighā*, and the (imaginary) assessment to be Rs. 15,000; each *Çak* of 300 *kaççā bighā* would represent Rs. 100 of revenue charge, and of this Sonāi would be responsible for about Rs. 10, Rupāl about Rs. 30, and so on; or, in total, Sonāi would pay Rs. 1,500, Rupāl Rs. 4,500, and so on.

<sup>3</sup> One of the reasons which in a clan-group of this sort tended to keep attention so much to the whole clan and so little to the actual family right, was the practice (*S. R.* pp. 32, 33) not only of *karāo*, or widow marriage, but also of allowing the children of any woman taken into the house (*dharaicā*) to have an inheritance. This was extended in some cases to the children of a widow by a former husband (*lainrārā*).





bear its proportionate share of the burdens. 'On the same principle,' says Mr. Whiteway, 'a similar partition subsequently took place between—i.e. within—each *tarf* or quarter. The *pançayat* of each *tarf* adopted a *çak* of whatever number of actual *kacçā bīghās* was best adapted to their circumstances, always taking care that the relative value of each *çak* was the same, and subdivided the whole *tarf* into the four or five villages (or *thok*) in each, which again subdivided themselves as population increased into *naglā* or *pattī*, on exactly the same principle.'<sup>1</sup>

We cannot expect to find such clan-settlements equally well represented in all the various districts; the Rohilkhand country, for example, suffered too much from the Rohilla rule to have preserved such traces; but we find them here and there.

Some of the best examples occur towards the eastern end of the province. Thus, in ALLĀHĀBAD, although most of the villages originated with single owners, there are one or two large clan-areas, e.g. in *pargana* Atharban, the *Bisen*, of whom we shall hear again, had a large community; and there are some Muhammadan clans in Karāri and Chāil.<sup>2</sup>

In the Bundelkhand districts there are several good instances of clan-settlements. In the HAMĪRPUR district there is a great tract called Kherailā-khās, covering  $28\frac{1}{2}$  square miles, nearly all culturable and divided up into major group-areas and family lots. Here we have the *thok* also, which usually became the administrative village, and it is subdivided into *pattī*.<sup>3</sup> Here also was the custom of the valuation by *çak*, or standard lots. Similar 'villages' are the Patāra area of 9,394 acres divided into twelve *behrī*, here the major-division or 'village'; and so in *pargana* Jalālpur-Kherailā is a group of eleven 'villages' with an average area of 8,294 acres, and one of thirty-four with an average of 5,111 acres. These were originally *behrī* of still larger clan-areas. In the BĀNDĀ district, where the *bhejbarār*, or custom of periodically adjusting the burdens to the actual relative value of the holdings, was once prevalent,<sup>4</sup>

<sup>1</sup> See Appendix to this section.

<sup>2</sup> S. R. Porter, 1878, § 22 ff.

<sup>3</sup> North-West Provinces Gazetteer, i. 179.

<sup>4</sup> The *bhejbarār* custom—which is not directly a question of tenure,





I find mention of a great clan area, at Khaptihā-Kalān (Pailānī *pargana*), of fifteen square miles held by some 3,700 co-sharers who still occupy one large central residence. And there are other instances of areas in which the more usual plan is observed of a parent-village with offshoot hamlets, which ultimately become separate villages, although their lands might be at first much scattered about.<sup>1</sup>

In the extreme East, the BALLIĀ district shows examples where 'each clan has its well-defined location . . . which the forefathers conquered from the aborigines or reclaimed from the waste.' The *Seṅghar* (Rājput) clan owned nearly the whole of the Lakhneswar *pargana*, and held it as a 'single estate' down to the time of the Permanent Settlement.<sup>2</sup> There are now 134 villages, but some groups hold lands scattered through every one of this number.

Of the GHĀZIPUR district I have already said something when describing the population. Mr. Oldham remarks that in Akbar's time the nineteen *mahāl*, or *parganas*, were all clan-estates of Brahmans, Rājputs, &c.<sup>3</sup> They were not all compact estates, for the country was jungle, and it appears that the clan-groups selected the most easily cleared portions first, and gradually, as their numbers expanded, the whole *pargana* would be filled up, and one 'estate' become conterminous with the next. But very often it would happen that before one clan had covered a large and continuous area, another clan would occupy a portion of the same area; in that case the different areas formed separate *ṭappā*, and a *pargana* might contain several such. The founders of these clan-settlements frequently came as adventurers in small numbers. Thus Mr. Oldham gives a tradition, for which there is some confirmatory evidence, that certain three *Çāndel* brothers came as servants to a Bhar Rājā,

though connected chiefly with the 'democratic' equal-holding or *bhaiāchārā* method—is described in *L. S. B. I.* ii. 143.

<sup>1</sup> See *S. R. Bāndā*, 1881, p. 30. Mr. Cadell has explained how the tenures of this district were upset by early maladministration.

<sup>2</sup> See Wilton Oldham, *Memoir of Ghāzipur District*, p. 52.

<sup>3</sup> See the list in *Ayīn-i-Akbarī* (Jarrett), ii. 90, 162. Lakhnesar at that time had but 2,883 *bighās* cultivated.





and that they conspired and slew him and founded an estate of their own.<sup>1</sup> In some of these cases there may have been the assumption of some kind of rulership, but not always, for Mr. Oldham expressly mentions that in many instances the 'land-holding fraternities' had no Rājā or territorial chief; and he speaks of *talūgas* containing 'scores of villages, and some of them paying 25,000 rupees of annual revenue, held by hundreds, and in some cases thousands, of co-sharers.'<sup>2</sup>

In the JAUNPUR district, clans have grown up often from small beginnings.<sup>3</sup> The Rājputs shew *Rāghubānsi* (15,000), *Drigbānsi* and *Bais* (of each 13,000) and *Qāndel* (7,000). The *Rāghubānsi* was something like a territorial chiefship, as the report speaks of their holding a *beālisī* or territory of forty-two villages; but they began with a village at Tilochan-Mahādeo, 'and spread over the *pargana* from that place.' But as the clan recognised no primogeniture, the division of the territory went on as fast as the clan grew. The *Bais* colony came from Oudh and had been established for 700 years.

### (3) Illustrations from Oudh

Among the twelve districts which form this province are to be found various instances of clan-areas with their groups of villages; and it is of no consequence, as far as this phenomenon is concerned, whether the villages have or have not since fallen under the power of a Taluqdār landlord. As might be expected, the clans are mostly Rājput, and some few are Muhammadans who came with the Mughal or earlier invasions.

Evidently, the earliest clan-settlements of all must have been of Bhar, Ahir, or other non-Aryans; but of such a state of things we have now no definite trace. Even the earlier Aryan kingdoms have all passed away; and such Rājput settlements as now appear are only in a few cases so old as even probably to

<sup>1</sup> *Memoir*, p. 48. The case is very curious, as 600 years after the alleged murder, a descendant of the Bhar Rājā came forward to claim back part of the land which he understood was likely to be confiscated after the mutiny, owing to the proprietors (*Qāndels*) having harboured rebels.

<sup>2</sup> *Memoir*, p. 41.

<sup>3</sup> *North-West Provinces Gazetteer*, iv. 35.



go back to any very early location. We are here concerned with those villages which the writer of the *Gazetteer* calls 'democratic, where the superior clansmen, though they may have established themselves as lords of the soil, had no monarchical organisation, and did not establish anything resembling a kingdom. But it will be understood that in Oudh we have examples both of clans connected with monarchical States, and of 'democratic clans': and when the rulership of the former has long been broken up, and the descendants have settled as peasant proprietors in villages (either independent, or under Taluqdār landlords), it is not always possible to discriminate exactly as regards the origin. It appears, however, that the distribution of the non-monarchical clans with which we are directly concerned is, to some extent, traceable geographically. Thus I find the districts of Hardoi, Sitāpur, and Unāo, grouped together<sup>1</sup> as districts where some of the earliest settlements are found, and without any Rājās of their own. In Eastern Oudh, on the other hand, where war had to be waged against the Bharī chiefs, as well as afterwards with the Moslem forces of the neighbouring kingdom of Jaunpur, the Rājput clans seem more readily to have adopted the monarchical system, as better capable of organising attack and defence.<sup>2</sup>

The first extensive clan-colony that claims attention was that of the *Raīkwār* Rājputs,<sup>3</sup> which once extended for sixty miles along both banks of the Ghāgrā river, in the districts of Bārabānki, Sitāpur, Bahraich, and Kherī.<sup>4</sup> Some traces of this still remain. In the SULTĀNPUR district is a considerable *pargana* called Aldemau.<sup>5</sup> 'As far back as can be traced' it was divided into ten *ṭappā*. Eight different clansmen are traditionally said to have acquired a footing, under the Bharī chiefs, in these territories; in one place, a long-established group of *Kurmi* cultivators was found by the adventurers. The *Gazetteer* traces

<sup>1</sup> And I may add the Partābgarh and Lucknow districts. See *Oudh Gazetteer*, iii. 582.

<sup>2</sup> *Ibid.* ii. 222.

<sup>3</sup> These are said to derive their name from a place in the Kashmir Valley from which they are traditionally said to have emigrated.

<sup>4</sup> *Gazetteer*, i. 257.

<sup>5</sup> *Ibid.* i. 24. It was formerly included in Faizābād. The name of the place is derived from a Bharī chief called Alde.





the history of the clans which grew up and filled these *ṭappās*. One, Sakarwār, I will mention, because of a feature frequently observed. One of the grandsons of the 'founder' became a convert to Islam, and two sections resulted, one for the Hindu sons born to him before conversion, the other for those of the Moslem wife. These were distinguished as *ṭarf*; one contains sixteen, the other nine villages. Another group seems to have been later occupied by some of the *Rāj Kumār* clan, claiming descent from Rājā Prithwī (A.D. 1193) of Delhi. One of the descendants (Bariyār Singh) had four sons, and these formed the heads of as many minor clans who established themselves in various places. One came to this *pargana* and ousted or absorbed a number of smaller family locations, 'partly by purchase, partly by force.'<sup>1</sup>

In the GONDĀ district (already alluded to as affording an instance of a Rājā unconnected with any clan monarchy) there is a good example of the clan settlement, the *Gorāha-Bisēn*, 'which alone exemplified the pure democratic form, each member of the family (*gens*) being equal in position, and receiving an equal portion in the inheritance of the clan.'<sup>2</sup> This is one of the older clans 'who have no recollection of a departure from some distant home in the West,' and 'they are unable to connect their countless houses by any intelligible pedigree.' They established a number of villages belonging to the different closer kindreds, and they obtained the full right over the area by grant of the local Rājā.<sup>3</sup>

In the neighbourhood, viz. in Kheri and Rāi-Bareli, we have instances of the spread of descendants of a local Rājā, and therefore these districts do not afford illustrations under the present head. But in the HARDOĪ district we have another case in point. To this day, the district is remarkable for its small independent proprietors and the absence of Rājās or chiefs.<sup>4</sup> 'It almost seems,' says the writer of the *Gazetteer* account, 'as if,

<sup>1</sup> *Oudh Gazetteer*, i. 30.

<sup>2</sup> *Ibid.* i. 510, and see *Gondā S. R.* § 33, p. 15 and § 88, p. 51.

<sup>3</sup> See p. 300, *post*.

<sup>4</sup> *Gazetteer*, ii. 40 ff. The remarks made on the causes of the absence of Rājās and of the aristocratic spirit in this district are interesting.





owing to the climate, a bolder, and more independent spirit animated the inhabitants of Unāo, Hardoi, Lucknow, and Southern Kheri, than in Eastern and Northern Oudh.' There were a number of separate clans settled, and owing to this and other causes powerful Rājās did not obtain dominions. 'But,' proceeds the writer, 'though these things account for large principalities never having flourished in Hardoi (South-western Oudh), they do not account for large clans like the *Nikambh*, *Çamārgaur*, *Sakarwār*, and *Puñwār*, never having elected a Rājā. They show that even when a clan had mastered a compact estate the Rājā was regarded as an ornamental appendage, which might or might not be added.' It appears, indeed, that none of these clans have any tradition of their having come in force under any leader; and the writer adds: 'What took place was as follows: a single individual, or three brothers at most, settle in the country and prosper; they commence in all cases by dividing the property equally among all the sons, shewing that the idea of a *Rāj*, one and indivisible, had not entered their minds; they succeed by some process of natural selection or freak of fortune, other families give place to them, they multiply, and continue subdividing their property. If it happens that any call is made on the military prowess of the family (now become a clan), if they have constantly to fight for their property, it is not unlikely that their natural leader, the head of the elder branch, may be either nominated a *Rājā* by his clan, or be granted the title by superior authority.' The whole passage is interesting, but is too long to quote. It illustrates well how the monarchical organisation grows out of circumstances. But it will not be supposed that among the clans which have not adopted it there is no sense of the old patriarchal authority. 'There are clans in Hardoi who have their untitled chiefs, to whom in all times of turmoil their obedience is absolute.'

On the whole, both in Oudh, and the North-West Provinces, the instances of clan '*ilāqa* (or *talūqa*) and *ṭappā*, which have been formed by the expansion of families from small beginnings, are the most frequent; although we have a certain number of cases in which a clan has settled, *when already formed*. In the former case, it will be recollected that if the families have pretensions to nobility, it is quite likely that they will adopt a system of





ancestral shares, as do the individual village estates when originating in one more or less 'aristocratic' founder. In the typical clan-settlements (whether of existing clans, or by subsequent expansion), the equal sharing (*bhaiāchārā*) method is the more characteristic.

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#### APPENDIX

In connection with the *bhaiāchārā* method of dividing land, I cannot forbear alluding to a curious custom which is noted in the *Basti S. R.* (1891), §§ 93, 94 ; and Mr. Hooper informs me that it is found also in the Pilibhit district and perhaps elsewhere (near the *tarāi* country at the foot of the hills). It illustrates how this sort of division is applied in practice, and also how a *voluntary association* may have the appearance of a clan-group. I allude to the *halbandi* custom, where the whole village is let out by the small non-agricultural proprietary body to tenants who form among themselves a united subordinate village body, and I suppose have a *pançayat* to make the allotments. But the tenants are numerous, and even more ignorant and jealous of one another than the proprietors. They all cultivate separately and take separate receipts, and are often of different *status*, some being occupancy tenants, others tenants-at-will. In the old report of thirty years ago, Mr. Hooper tells me, these were considered as *partnerships* cultivating in common ; but if the scheme described was then also in force, I do not see where the feature of 'common holding' can come in, unless it is meant only to imply that the body have adopted this method of securing equal returns. Except that any man may have an extra plot (*ukhrā*) or cultivate some of the proprietor's home farm as *ukhrā*—i.e. outside the tenant partnership—the entire lands are treated as forming so many 'ploughs' (of from six to eight acres each). Thus, if the total rental is Rs. 800 and the ploughs are counted as 32, each plough will be answerable for Rs. 25. A man holds one plough or more or less, according to the cattle he possesses. But then the areas actually held must be made as equal in value as possible. For this purpose four ploughs will be grouped into a *thok* ; and with 32 ploughs there will be eight *thok* ; which practically means that there will be *eight series of fields arranged all as alike as possible*. Every separate quality of the village soil, the wheat land in the south, the more sandy lands in the north,





the lands which are near a well or tank, the patch of potato or tobacco land near the village site, the flooded winter-crop land, the high and dry land beyond, and the best part between the two, &c., all are dealt with. 'I have seen,' adds Mr. Hooper, 'a little pond divided into *pātiā* because it sometimes dried up and grew winter crops (*jarhan*).' Each will be made into eight lots, and every *thok* will have its *pātiā*, or share, made up of one of each ; and these have again to be divided between the four ploughs of the *thok* ; and as the four may be held, say, A 1 plough, B  $\frac{1}{4}$ , C  $1\frac{1}{4}$ , D 1, E  $\frac{1}{2}$ , it is no wonder that the individual fields are sometimes as small as one-fifth of an acre.





## CHAPTER VII

*JOINT-VILLAGES ARISING FROM FOUNDATION BY  
INDIVIDUALS*

THE last chapter will, I hope, have made it plain that the clan or tribal stage of society has produced a very large proportion of the village-groups in India. But the tribal stage of society passes away, and yet the joint family and its customs of inheritance remain. Individual enterprises, the rise to local power of individual families, the establishment of Royal Courts, with the grants, assignments, and ultimately the revenue-farms, which they give rise to—these are the causes of the establishment of individual lordships over village, as well as larger, estates; and are equally the causes of the foundation of new villages in uninhabited country. We are not surprised, therefore, to find that so many joint-villages in the North-West Provinces and Oudh, and to some extent in the Panjāb also, are established, not on any tribal basis, but as the joint-estates of bodies descended from the one founder. Nor is the essential character lost by the fact that, in some cases, later additions have been made to the groups; or that, in other cases, two, three, or more separate families settled together, and are still remembered in the *sections* of the village which bear their name.

Under the head of 'individual' foundation I have also included some cases where the bond of union is not descent from one ancestor, but where the body originated in a voluntary association of independent colonists, or in the cohesion of groups for mutual defence; and the several groups have established major and minor divisions in the village to account for their several interests, accepting a joint liability for burdens imposed on the whole.

It is not, of course, possible to draw a hard and fast line





between the 'tribal' foundations and the 'individual,' merely on the ground of some special mode of sharing or form of constitution. It is quite possible that village bodies really of individual foundation may have adopted the *bhaiāchārī* method of equalised holdings usually observed in clan-settlements; and the latter may sometimes adopt the method of ancestral shares, which more commonly indicates descent from a single founder. A number of villages may appear locally in a large circuit, all of the same caste or clan, and yet there may be nothing 'tribal' about their settlement; the constitution of the villages is clearly based on individual founders' pedigrees and family joint ownership, not on tribal union. Still, in spite of difficulties of classification, I think the examples cited in the last chapter will have justified their separation.

In the class of cases now to be examined it will be observed that in a special sense the *village* is an essential and a distinct area; it is the limited group of lands in which the grant, or the conquest, or the usurpation, of the individual founder took effect. Or at least the 'village' is the result of a partition of a larger domain among the descendants of one founder or over-lord. Such villages, in the large majority of cases, are, or once were, held on the 'legal' or ancestral shares following from the place of each descendant in the 'genealogical tree.' The individual founder in general is remembered as having pretensions to some title or some position of superiority, and his descendants are proud of their 'inheritance' from him, and more or less jealous of each other: they desire to maintain their rank, even though they are but peasants. I do not mean to assert that all villages of the Rājput and other dominant races arising out of individual foundations are always held on this principle; but the majority are so; and the *pattidārī* rule will be found characteristic of landholders of superior pretensions—Muhammadan grantee-families, Aryan Rājputs, and any other families of superior origin, whatever their real history. But there are cases where villages resulting from a purely individual foundation have adopted the plan of equalised holdings or some other special form of holding by 'ploughs' or other measures of land-allotment.

One other preliminary point deserves to be set down here. Villages of individual foundation are of all dates; some may be





so recent that the single owner is alive; or the foundation dates back one or two generations, so that grandsons or great-grandsons of the acquiring owner may still be alive; in others a larger body of descendants and co-heirs may be holding the village still undivided, but sharing profits and burdens in the *ancestral* fractions proper to the several members of the agnatic group—*wāriṣān-yak-jadī*, as the phrase is. The older villages, again, will long have been divided, at least as far as the main subdivisions which represent the grades of their first descent in the family group.<sup>1</sup> Hence it is conceivable that we may find instances of villages held by the *single owner*, by the *undivided body*, or by the *body partitioned*. This gives rise to the threefold division used in the official classification, which I will afterwards explain. It makes not the least difference, *from the tenure point of view*, which condition exists, or what degree of division or indivision subsists, as long as the *principle of sharing is the same*. While there is one owner he has of course the whole—he is sole ‘sharer’; where there are many, it is *per se* immaterial whether the actual fields are divided for the 8 *āna*, 2 *āna*, or  $1\frac{1}{2}$  *āna* shares, or whatever they are, or whether the profits and burdens only are shared on the same rule, the lands being left undivided. Nor does it make any difference as to the tenure whether the partition has extended to the whole of the land or has left some part still undivided, as long as no new principle is introduced.

If we now proceed to set down, for convenience of further examination, the heads under which we can group some of the *known* origins of villages depending on INDIVIDUAL FOUNDATION, it will at once appear what a large number are connected with the existence, and also the decadence, of the Aryan monarchy, and with subsequent kingdoms and chiefships established on the same model. But this is not the only head. Let us at once adopt the following list:

(1) Villages arising in consequence of *grants* by the State; the descendants of the grantee forming the joint community. These are (a) sometimes ancient, and represent religious, family, or official grants and assignments by way of maintenance, pension, or reward under old Hindu States, or later of the Mughal

<sup>1</sup> See p. 298, *ante*.





Empire, and (b) of more recent times arising out of the Revenue farming of single villages.

(2) Villages which on the *disruption of an old State*, aided by family partitioning in some cases, remained in the hands of members and descendants of the once ruling houses; these, owing to their defeat or dispersion, descended to the grade of peasant-proprietors, and as such have clung to individual villages or portions of territory; they may from the first have had a closer connection with the land by residence and direct management, and have gradually become the actual soil-owners; they are now recognised in the persons of their co-sharing descendants, as *village proprietary bodies*.

(3) A number of villages scattered all over the country owe their foundation to *single adventurers*, scions of families who found no room at home and wandered away to seek new homes elsewhere; these not being connected with the establishment of any territorial Rājāship or other formal rule.

(4) Villages formed by voluntarily associated *groups of colonists* and others, mostly of no very ancient date.

It remains only to illustrate, by actual cases in the various districts, these several heads of origin.

#### SECTION I.—VILLAGES CONNECTED WITH THE ESTABLISHMENT OF LOCAL KINGDOMS OR CHIEFSHIPS

(a) *Arising out of State Grants*.—We have already examined the origin of the Hindu State,<sup>1</sup> both when it is formed on the basis of clan-organisation—i.e. with a Rāja for the central territory and a *bhaiṇḍ* or series of kindred chiefs holding outlying territories and observing what we may call 'feudal' relations to the Rājā—and also when it is an individual rulership acquired by conquest or voluntary submission, and unconnected with any clan-organisation. The villages now to be spoken of may be said to be the more or less direct product of the Hindu Rāj (or any other State established on the same model) in the days of its prosperity, or in the course of its normal existence and administrative action.

<sup>1</sup> *Ante*, p. 192 ff.





Two points which have already been dwelt upon have to be borne in mind: (1) that the old Hindu Rājās made no claim to be actual owners of the soil of their dominions. (2) It is equally certain that in cases of local conquest, and in after times—especially when the great Deputies of the Mughal Empire set themselves up as independent sovereigns—the Rājās, Nawābs and other rulers ultimately claimed to be actual owners of every acre in their dominions.

It follows that all grants under the earlier *régime*, where they purported to convey villages already existing, were intended to transfer only the royal rights; it was not supposed that existing landholders would be ejected or otherwise made to suffer. At the same time, there was certainly no thought of legal principles or of defining the grantee's position; such a precaution would have been wholly impossible to the ideas of the time. The change of the grantee's descendants into proprietary communities was a matter of growth and gradual usurpation. Where, however, the grant was to colonise uninhabited land, the proprietary title was virtually conceded, as there was no antecedent private right to interfere. Succeeding generations would have the double customary title resulting from their inheritance of a *grant*, and of their representing the first establisher of cultivation.

Under the later *régime* all grants of *land*, as such, were proprietary grants. If such was not intended there would be express assignment of the land-revenue income only.<sup>1</sup> But even then, as such grants were often allowed to become hereditary, and as religious grants were never revocable, the

<sup>1</sup> In the palmy days of the Empire, a strict classification of grants was adopted: (1) where both the land and the revenue were conveyed (*milk*, *altamghā*, &c.), and (2) where the revenue only was assigned (*suyūrghāl*, *jāgīr*, &c.) The earlier Hindu States had no such systematic terms, but a similar distinction was practically known. In cases of conquest, land-grants were made without the least thought of the existing possessors. *E.g.*, when the Rājās of Kumāon made grants, it was understood (probably thought a most humane concession!) that the grantee was not to take actual personal possession of more than one-third of the land. On that, he was at liberty apparently to eject the old cultivators or come to terms with them as he pleased. On the rest they must be left in possession, but became 'tenants.'





opportunities for the grantee, and especially of his later descendants, to become the virtual landowners were numerous and effective.

The causes or occasions of such grants are various; religion is perhaps the commonest. Every Hindu king distinguished himself by his liberality to Brahmans and by his gifts for the support of temples and shrines. Moslem kings rewarded Sayyads, Qāzis, Shekhs and holy persons, and endowed mosques and tombs. The number of these grants is so great, and their existence so notorious, that no special notice of them is needed. They mark every phase of government, of whatever period, whether Hindu or Muhammadan.

The secular grants, however, require more specific notice. When we look back to the early Hindu kingdoms such as the *Laws of Manu* picture to us, or such as are well known by tradition—e.g. in Northern Oudh—we must remember that the villages, largely if not wholly occupied by 'aborigines' or at least mixed races including the humbler classes of Aryan connection, were in the *raiyatwārī* form, each under its '*Pātel*,' or headman,<sup>1</sup> who had his dignity enhanced by the State allowance of some his plough-lands as free from land-revenue charges. The Rājā's grain share is peaceably collected,<sup>2</sup> as well as the dues of the artisans and other village servants. And there is no tendency for the village tenure to be altered. But the Rājā will certainly have cadets of his family who have a claim to maintenance, and courtiers and other persons whom he will desire to reward or to provide for. Some of them will be given grants in the virgin waste; but very often the grant is made of the king's *rights* in an existing village; and this would include the right to bring part of the ample waste in the vicinity

<sup>1</sup> *Pātel* is the Central India (Marāṭhā) title, but it is of *old* Hindi origin; copperplate grants, of the early centuries of our era at any rate, speak of the *Pāṭalika*.

<sup>2</sup> It may be remembered that not only do all early traditions and literary allusions represent the well-established early kingdoms as favourable to the agriculturist interest, but it must have been so, because the existence of the States were so dependent on agriculture and on the revenue. And all Rājās who were not mere marauders and desirous to "make hay while the sun shone" would soon find it to their interest to protect their cultivating villages.





into cultivation for the grantee's benefit. Here is the beginning of the process by which a grantee becomes 'landlord' of the whole village and gradually turns the old 'soil-clearers' into his tenants. And when the days of wars and invasions begin, the chances of usurpers are multiplied; as the Rājā's needs increase, his grants also increase and he even makes them for a consideration; government becomes more and more lax, and the growth of local grantee landlordship progresses apace.<sup>1</sup> But even apart from the effects of actual bad government and an empty treasury (when it is so much easier to give a land grant than to make payment in money), the circumstances of an Oriental monarchy must have always tended to the multiplication of grants. To say nothing of relations and cadets of the family, all of whom expected support, there must at all times have been a great number of officials and attendants, every one of whom considered it his right to live by the Court in one way or another.<sup>2</sup> In the GONDĀ district of Oudh, Mr. Bennett has clearly traced the history of the early local Rājās and their grants; this account is important, as all traditional and other evidence from literary sources proves that in its main features it represents what occurred in every Rājā's kingdom in the country. First it shows clearly that the original villages in the early states were *raiyaṭwārī*. They were simply aggregates 'of the people settled within the village boundaries and drawing their subsistence from agriculture.'<sup>3</sup> 'I believe,' continues

<sup>1</sup> It is interesting to compare the accounts of the growth of over-lord and manorial claims over once free villages in England, as stated in Pollock's *Land Laws* (The 'Citizen Series'), p. 32 ff.

<sup>2</sup> I have recently seen the account of a copperplate grant, believed to belong to the ninth century of our era, communicated to the Asiatic Society of Bengal by Mr. V. C. Batavyal (*Journal* for 1894, part i. vol. lxiii. No. 1). Here even at that early date we find what a vast number of officials there were; the Rājā's country was divided into *maṇḍala*, and again into *viçaya*; and the grant addresses 'all in authority assembled in the four villages' to which the grant relates, as *Rājās*, followers and relatives of Rājās, ministers (*Rājā-mātya*), commanders of troops, revenue officials, revenue collectors, purveyors, magistrates, police or executioners, officers of public works, of customs (i.e. transit duties), writers, and several others. It is not meant, of course, that all these would be found in the villages granted, but we see what a number of officials there were.

<sup>3</sup> *Gondā S. R.* pp. 44, 45.



## THE INDIAN VILLAGE COMMUNITY

Mr. Benett, 'that the similarity of sound between the words community and communism, the first meaning nothing more than a number of people living under similar conditions and capable of a joint representation, while the second describes a peculiar form of property, has led in the case of the Hindu villages to serious misconception. With regard to the cultivation of his fields and the disposition of the produce (after the customary shares were taken), each tenant holder was entirely independent of the rest.' But within these villages two forms of *grant* occasionally appeared—the right of the *birtiyā*, or receiver of a *birt*,<sup>1</sup> and that of the 'village *zamīndār*.' The former was originally a person who held a grant that merely assigned part of the royal grain-share for the subsistence or profit of the grantee. The *birtiyā* may have had opportunities for aggression, but his grant gave him nothing but the revenue share. But in the other case the Rājā granted his entire rights (which, as I have said, came afterwards to be collectively described as 'the *zamīndārī*'); the grantee could then appropriate the greater part of the waste for his own profit. He took all the tolls and dues, and the cultivators became responsible to him for the grain-share that formerly went to the State granary. Sometimes such rights were merely usurped, when the Rājā was weak; and in other cases the Rājā sold them *sub rosa*; but that was in bad times, and when he was out of possession or in an unstable position. These grants of the entire management are very old. Mr. Benett says that they may be found in the oldest cultivated tracts along the Ghāgrā river, and they are held by *Chatrī* families, *Bisen*, *Bais*, &c., who were probably anterior to the *Kalhaṇs* Rājā. In what is now the Mahādeva *pargana*, a *Kalhaṇs* Rājā had granted *birt* rights, but one of the grantees, having done important service, asked for and obtained the full *zamīndārī* grant for his own and his family villages. *In each, accordingly, there grew up a proprietary community of the descendants; the village had become a joint or landlord village.* In after times all villages alike may have fallen under the power of Taluqdār chiefs, who are now

<sup>1</sup> *Birt* is the Hindi or Prakrit form of the Sanskrit *vr̥tti* (= subsistence, maintenance). Pious gifts to Brahmans were often called *saṅkaṭp*.





recognised as superior landlords.<sup>1</sup> But that does not make any difference as regards the original position. Exactly the same thing might happen in the case of a grant of full right in a waste tract; the grantee would found a village with the aid of his own tenants and followers, and in a few generations we should have a joint body of co-sharers, forming a *puttīdārī* village.

It would not be interesting to collect a great number of cases of origin by grant, which must necessarily be very much alike. I will only recall a few instances which are specially noteworthy. In the ETĀ district, North-West Provinces,<sup>2</sup> mention is made of a number of villages owned by the descendants of five brothers, *Kaṭhwāha Rājputs*. They had gained the favour of the Emperor Akbar, and one morning as they were riding with the Imperial party, each brother received a grant of a village. So again in the BALLIĀ district there are numerous estates derived from grants made to the revenue officers (*Qānūngo*) of the empire, and to *Qāzīs*, or Moslem judges, in towns.<sup>3</sup> So also there is an account of the estates derived from a grant to the two brothers Birshāh and Sūrshāh. To similar grants may be ascribed the wholesale growth of the Sayyad villages (*mīlk*) of MURĀDĀBĀD,<sup>4</sup> where indeed, in some cases, the grantees left the older possessors with some sort of status as owner, but also in others assumed the entire proprietary right themselves. I give these few instances merely to make my meaning definite; but in fact the royal grant has been incidentally illustrated or mentioned several times already; as it may equally be the origin of large clan-settlements as of individual families. And the essential point is that, whatever the precise nature of the grant, it leads to full proprietorship, and to the descendants forming a joint or co-sharing community of proprietors.

(b) *Revenue Farmers and Purchasers*.—More indirectly connected with State administration come the latter instances of village proprietary bodies grown up by descent from a person

<sup>1</sup> Village holders where the *zamīndārī* grant was held complete over the whole village would, at Settlement, become 'sub-proprietors' with a fixed payment, according to the provisions of a special law in Oudh.

<sup>2</sup> *North-West Provinces Gazetteer*, iv. 42.

<sup>3</sup> *Balliā S. R.* § 34. (Report on the Preparation of a Record of Rights.)

<sup>4</sup> *Murādābād S. R.* pp. 25, 26.





allowed to farm the revenues, or to stand security for the amount due by the existing village body.<sup>1</sup> The formation of village communities out of the descendants of such persons, or by the heirs of purchasers at sales for default in the village revenue payment, in the latter case indicating an origin not yet a hundred years old, would hardly need to be mentioned in the general history of Indian villages, except for the fact that such villages may exhibit all the features of a really ancient *pattidārī* body; and in any case they form a very considerable addition, which goes to swell the total number of those 'joint-villages' which are held to be so widespread and important a class as to warrant a belief that they were the *universal* form of village once prevalent, and a form to be theoretically referred to archaic institutions and primeval ideas of communal-property. It is well to remind ourselves how easily the principle of *joint-inheritance* will produce a 'joint-village,' which may be held 'in common.' Every village which, as a whole, falls into the hands of a grantee, a farmer or a purchaser, will in time become a co-shared village estate.

The undoubtedly *raiyatwārī* villages of the Central Provinces for which the proprietary title was in 1860 conceded to *pāṭels*, *mālguzārs*, and the like, will have the same ending; the sons and grandsons of the 'proprietor' will (or may) hold 'in common' after the death of the first grantee, and as sharers multiply there will probably be a minute subdivision. If there is not, it will only be because the villages were granted to the 'proprietors' under such limitations as to the right of the existing landholders, that it may be impossible for the descendants of the *mālguzār* grantee of this nineteenth century to get possession, personally, of much land, and therefore they will have to divide the rents instead.

It is certainly the case that a respectable percentage of the entire group of the 'communal' villages of the N.-W. Provinces are villages held by the descendants of revenue-farmers under British rule. No grant of proprietary right was of course ever made to such persons; but having tendered for the Settlement year after year, having bought up lands, having ousted defaulting holders and taken their shares, having cultivated the waste;

<sup>1</sup> By this time a cash payment had been substituted for the old contribution in kind.





and done many other things to establish a virtually proprietary character, they have ended by having a sort of prescriptive title to the whole estate. Village bodies so originating are not found (or only locally) in the Panjāb, because by far the greater part of that province was not acquired, or at least bought under regular Revenue Settlement, till after the old vicious system of revenue-farms and immediate sale for default had been completely changed. The same remark applies to Oudh, except so far as estates may have originated in the farming arrangements of the Oudh Government before annexation; but, as far as I know, that Government did not employ farmers for single villages, nor sell villages individually for default.

As I have already given some statistics on this matter in my 'Land Systems of British India,'<sup>1</sup> I will only cite one or two prominent instances. In the BARELI district the writer in the *Gazetteer* goes rather to an extreme when he says that 'whatever proprietary tenures exist at all are *zamīndārī*' (i.e. have fallen into the hands of single proprietors and their heirs). We have seen evidences of other tenures here; but still, such have been the subsequent changes, that out of 3,326 village areas 2,611 became the property of single owners. Converting the numbers into percentages, we have 74·6 *zamīndārī*, and 25·4 co-shared villages of other kinds. The smaller percentage represents the older estates—e.g. of the Rājputs who would have ancestrally or otherwise divided villages; and we see also by the *caste*, that out of 23,122 proprietors recorded, 8,623 are still Rājput or Thākūr, more than half of these being in the one *pargana* of Farīdpur, while the rest are Brahmans, Kayaths, Kurmis, and Muhammadans. The districts PĪLĪBHĪR, BUDĀON, and SHĀH-JAHĀNPUR, having suffered from the Rohilla troubles, saw many of their village tenures destroyed, and the subsequent sole proprietary right was acquired by local headmen, by managers, and revenue-farmers. But in other places it was not the destruction of the old tenures by enemies that caused the change. It was

<sup>1</sup> Vol. ii. 116 ff, 122, &c., where also some account is given of the efforts made to reverse fraudulent sales in connection with defaults in revenue payment.

<sup>2</sup> *North-West Provinces Gazetteer*, v. 615. See *Bareli S. R.* (1874), p. 22.





the ignorance of the nature of the village-bodies that marked the first days of British rule; when, as Holt Mackenzie said, 'the interest of the persons made responsible for the revenue is so naturally conceived to be that of absolute and exclusive property.' The sole proprietary right thus passed into the hands of one of the older co-sharers, or of some person who became responsible for the revenue in the days when it was considered necessary that only one such person should be recognised.

In FATIHPUR the history would prepare us to expect a large majority of villages held on the *ancestral* share principle; but out of 2,145 village estates, we find that 1,555 have passed into the hands of 'sole proprietors' of the farmer or auction-purchaser class.<sup>1</sup>

I will only add that proprietors of this class were not by any means always chargeable with usurpation; for in many cases they took charge of villages and became responsible for them when there was really no one else to do so; former troubles had so depressed such cultivators as remained, that they were neither willing nor able to take responsibility as proprietors.

## SECTION II.—VILLAGE ESTATES ARISING FROM THE DISRUPTION OR DECADENCE OF KINGDOMS AND CHIEFSHIPS

This head is perhaps the most largely illustrated of any, depending as it does on the existence at some former time of a local State, or chiefship, which has now disappeared, but has left its relics in the shape of villages and lands held by members of the once ruling families. In the Panjāb we do not find so many instances of the class, because Rājput or Aryan rulerships that have left any such mark were quite local, and are chiefly found in the more northern districts near the Salt Range. A few traces of *Çaurasī* groups<sup>2</sup> and similar marks of a local rule may, however, be found in some other districts. But, as might be expected, they are very numerous in the North-West Provinces and Oudh,<sup>3</sup> which were once covered by a network of

<sup>1</sup> *Fatihpur S. R.* (1878), pp. 9, 15.

<sup>2</sup> See p. 198, *ante*, where this term is explained.

<sup>3</sup> It may be truly said of the whole body of joint-villages in the North





such kingdoms and lordships. It may be advisable to add that when villages appear as the vestiges of some territorial rulership it is not necessary that there should ever have been a formally constituted 'Rāj,' or regular territorial kingdom; but there was always *either* such a kingdom *or* at least some kind of local chiefship, or usurped over-lordship, easily distinguishable from the mere establishment of a cultivating family expanding into a large fraternity.

And there is one other matter which perhaps had better be dealt with at once. The rule of *primogeniture* has a great effect in preventing the disruption of estates; and its absence, of course, directly facilitates it. It is somewhat remarkable that in the 'Laws of Manu' the right of the eldest is not connected with the royal title, or with succession to a chiefship. The eldest son is supposed to succeed to *any* family estate *if* he is particularly eminent, capable, or virtuous, and the rest are not so. The vagueness of such a rule is enough to have ensured its not being a practical one. The 'Laws' indicate a desire to place the eldest son (generally) in the position of the head of the family; and even when he does not succeed alone, he is given a larger share.<sup>1</sup> There is also mention of a special share for the youngest as well. But for our purposes it is enough to say that in general the rule of the eldest has practically been maintained only among the royal and noble houses, of whatever race, in India—in such higher families, in fact, as possessed some kind of title or dignity to succeed to, spoken of as the *gaddi* (=royal cushion or throne). But it is not possible to specify any particular degree in the social scale at which the custom ceases. I have known legal disputes in India as to whether property ought

West Provinces (putting aside those which are in reality artificial, as in Kumāon, Jhānsi, &c.) that they are derived—

- (i.) From descendants of the revenue farmers and managers;
- (ii.) From old 'cultivating fraternities' with a certain tribal connection;
- (iii.) From relics of chiefships and local territorial over-lordships, and the grants connected with them.

<sup>1</sup> Sometimes spoken of as *jethānsī*. Mr. H. E. Seebohm has collected the quotations from Manu at p. 97 ff of his *Tribal Structure of Society in Greece*; see also Sir H. S. Maine, *Early Institutions*, p. 197. As to the honour shown to the eldest, cf. Manu, ii. 225 with iv. 180, 184, and ix. 104-119, &c.





or ought not to be deemed subject to a rule of primogeniture as a question of family custom. And in the case of some estates, *e.g.* those of Taluqdārs in Oudh and in Bombay, special rules have been adopted and legally enacted on the subject. In former times the custom was very various; and there are cases on record in which even families having the title of Rājā have divided the estate. In such cases, the tendency to split up the whole estate into a number of mere *villages* held by the co-sharing descendants of the divided branches is obvious. Even where an estate is theoretically preserved from dismemberment, it sometimes becomes so burdened with what are nominally maintenances and rent-charges, but practically are divided portions held by charitable grantees or by widows and cadets, that the estate as a whole is hardly able to pay its way. In the AHMADĀBĀD district of Bombay (Gujarāt), there are a number of relics of local chiefships, now called 'Taluqdāri' estates, which survived the formal resumptions and deductions of the Muhammadan conquest and the more open exactions of the Marāthās; the rule of primogeniture commonly prevails, but the chief is expected to share his rents, usually by whole villages or shares in villages, with every kind of relative<sup>1</sup> and family dependent.

And if voluntary, customary, partition causes a considerable estate to be dismembered into a number of joint-villages, still more does involuntary disruption, when the head of an old kingdom is defeated and slain, and members of the family manage to cling to a few villages here and there, relics of the territory they once ruled in independence. In such cases it is a question of circumstances, and of the degree to which dismemberment and decay have gone, whether the old territorial rulership still remains in the form of a considerable landlordship, or is marked by mere scattered villages or groups of villages. In many instances it is well known that the old territorial Rājā, or other titular chief, submitted to the Mughal commander, and accepted a *sanad* or patent, agreeing to pass on a considerable

<sup>1</sup> Similar troubles have affected the chief's estates in Ajmer as well as in North Bombay, and special legislative measures have had to be passed for their relief. See some good remarks in Mr. A. Rogers's paper on Bombay Tenures in *Transactions of the East Indian Association* for February 1882, xiv. 10.





share of his local revenue to the imperial treasury, or at least to hold his State as a tributary. Then he was favoured, or at least left alone, by the imperial Deputy, who knew only too well that he must keep the provinces quiet, and that defeated chiefs, if not conciliated, would be always ready, on the slightest opportunity, to give serious trouble. Thus we have, handed down to the days of British rule, all the varieties of Bengal *Zamīndār*, Oudh *Talūqdār*, and similar estates such as have arisen under other conquests in the Central Provinces, or in Northern Bombay; and we have also the *Janmī* of Malabār and *Mūlāvargdār* of Kānara on the west coast, and *Pālegār* in the south, as well as others whose existing landlord claims are derived in various ways from an earlier ruling or territorial position. With these 'landlord' estates this book is not concerned; but it is impossible to avoid mentioning the subject, because in the case of so many communities descended from a once noble family or a ruling chief, the difference between the *patīdārī* village and the greater landlord estate is one of rank and degree rather than of kind; and the unity of the larger estate needs always to be supported by the primogeniture rule, or it tends to disintegrate. The immediate point, however, is that where the rulership was really broken up by misfortune and defeat, as it so often was, and the members of the family managed to cling to some separate fragments of the estate, they were brought close to the land, so to speak, in a manner that was never possible with a dignified chief living at his court or fortress at a distance. Thus driven to residence, and to taking part in the direct management, each family became virtual landlord of this or that village or group of villages—smaller or larger according to circumstances—and the multiplying heirs have formed the 'village community.' After a certain number of generations, such villages will be ripe for inclusion under some theory as representing 'archaic communal-ownership.'

It is curious to notice how completely, in the course of a few generations, the descendant of the former Rājā, or Rāo, is assimilated to the peasant grade, even if he is still able to keep his hands from the defilement of the plough. But though to alien eyes he is a mere peasant-proprietor, or village co-sharer, in his own eyes and also in those of his neighbours, his high





caste and descent are still his own; and that makes all the difference. The popular saying of the BASTI district<sup>1</sup> shows how the idea of rank has come to be associated with the number of 'ploughs' (i.e. plough lands):—

*Das hai k̄ Rāo, āth hai k̄ Rānā*  
*Čār hai k̄ barā kisānā*

'Ten ploughs are the holding for a Rāo [superior chief], eight for a Rānā; four are the holding of a considerable tenant-farmer, &c.'<sup>2</sup>

(1) *Illustrations from the Panjāb*

In the JIHLAM district I have already alluded to the (Rājput) Janjhūā villages. These are interesting because of the speculation—which, I fear, is quite baseless—that they represent some relics of primitive Aryan chiefships. However, there is every appearance that there was here a *local rulership* founded by conquest or adventure, and that the present co-sharing Janjhūā villages are the relics of it.<sup>3</sup> A particularly good instance occurs in the neighbouring district of GUJRĀT. Here the Chib Rājputs formed a local kingdom (still spoken of as the Chibhal), of which the main features can be traced, as it lasted down to the Sikh times, and indeed seems to have been overthrown by Mahārājā Ranjīt Singh.<sup>4</sup> Whether there was one

<sup>1</sup> *North-West Provinces Gazetteer*, 'Account of the Basti District,' vi. 686.

<sup>2</sup> As a single instance of how pride of descent may cling to a purely peasant class, I may mention the clan of Manhai in the Gujrat district, Panjāb. They are really probably connected far off with some old Rājput stock by a mixed marriage—they say with Rām-Chandra of Ajudhiyā, which is much like being connected with 'Noah,' &c.! The Jamval Rājputs are their 'relatives,' and they came to the Panjāb at a remote date. They have long been completely agriculturist, but still they call all the *eldest sons* 'Rājā' and the younger 'Mūnā,' and use the 'Jai' or Rājput salutation (*Gujrat Gazetteer*, p. 65).

<sup>3</sup> There is in the *S. R.* (Thomson's), § 61, &c., a very interesting account of Janjhūā rule and its gradual overthrow. It is too long to quote, and does not admit of being condensed.

<sup>4</sup> The older *S. R.* (Hector Mackenzie's), which gives full details, is no longer accessible, but it is quoted in the *Gujrat Gazetteer* (2nd edition), p. 64. What is specially interesting is that this clan professes to be of great antiquity and superiority, and has a curious custom of recognising





Rājā or principal chief over the whole does not clearly appear; but it is probable, since there is still an existing 'head of the clan' named Rājā Sultān Khān, who has a considerable *jāgīr* (or revenue-free grant) from Government. The account given by Hector Mackenzie shows four major-territories, called *maṇḍī*, each containing twenty-two villages (*i.e.* a *ṣaubīsī*) and six minor divisions known as *dherī*, containing twelve villages each. The chief of the *maṇḍī* bore the title of *Rāi*; the heads of the *dherī* were *Thakkar* (= *Thākur*). 'The families in which the titles were formerly hereditary are known, but they retain none of their influence beyond their own villages.' As the clansmen would not cultivate the estate themselves, the best lands became occupied by others during the owners' absence in the petty wars of the period; 'and when the Chibs finally took to agriculture they were unable to dispossess these squatters.'

## (2) *The North-West Provinces*

In these provinces, the instances of villages as relics of former kingdoms or chiefships are so numerous that I must make a limited selection taken from the characteristically different parts of the country. I have already remarked that the Rohilkhand districts have suffered much by various wars and invasions, and finally by the harsh rule of the Rohilla chiefs in the last century. When the districts came under the British Revenue-Settlement it was found that a large number of villages were virtually without owners, and the Revenue agreement was necessarily made with comparatively new men, who restored the cultivation and became owners. Nevertheless, the traces are abundant of former Rājput chiefships—sometimes constituting what may be called kingdoms, at other times being merely local over-lordships. It is worthy of notice that in these parts the Rājput clans are commonly called not Rājput but *Thākur*,

sons of the clan by cutting off a lock of their hair, left for the purpose, at the ancestor's tomb. (Compare H. E. Seebohm's *Tribal Greece*, p. 125.) They claim descent from the Katoch Rājās of Kāngra—a claim which is possibly confirmed by their calling their seven clan-divisions *mūi*, or *mūhī*. This term I cannot trace anywhere but in the Jalandhar Doab, to which anciently the early Kāngra Rājās' dominion extended. See p. 273, *ante*.



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which word means 'Baron' or 'Chief,' and indicates that they were originally established as over-lords. It has been remarked that this over-lordship was freely accepted, and not infrequently invited, by local cultivating bodies; and it was doubtless a real protection in many instances.

It seems to have been a common procedure, that whenever a chiefship was established at a given centre, members of the family would go forth and take the direct control of smaller estates in the surrounding country. 'Among the Thākurs, successive branches continually left the family residence and settled in their allotments of country.'<sup>1</sup> This must have facilitated the ultimate dissolution of the territorial estate into small portions, often consisting of a single village.

In this country (SHĀHJAHĀNPUR District) the *Katheriyā* clan obtained such power that the name 'Kather' was formerly given to it. The clan long resisted the Moslem arms, and was only suppressed in the days of the Mughal Empire; but many villages held by *Katheriyā* still remain.<sup>2</sup> In one *pargana* (Golā) of the Pawain Tahsil the clan had been so weakened by the departure of cadet members of their houses to other settlements, that when their chief was slain in battle, his widow, who was of course of another clan—in this case a *Gaur*, sent for her kinsmen to help. The *Gaur* leader came with his followers, but soon ousted all the remaining *Katheriyā*. A *Gaur* Rājā long retained his rule over the Pawain tract, but his family did not expand, so that we have a local landlord estate of some size, and not a number of separate villages. In another *pargana*, on the contrary, the Rājā of Khotar disappeared as far as territorial rule was concerned, but left a number of families of village proprietors, all of whom are 'Scotch cousins of the Rājā's.'<sup>3</sup> From the adjoining district of BARELI several examples might be given. One is that of the *Janghāra*, a branch of the *Tūnwār* (or *Tumār*) clan, who seem to have been dispersed in the troubles which preceded the downfall of the Hindu monarchy of Delhi; some went to Budāon, others to Shāhjahānpur. I notice that this kindred was divided, owing to a very common cause, into two; the *Bhūr*, who are descendants of a regular marriage of

<sup>1</sup> *Shāhjahānpur S. R.* (1874), § 26, p. 60.

<sup>2</sup> *Ibid.* p. 107.

<sup>3</sup> *S. R.* § 16, ch. v.





the ancestor, and the *Tarāi* group, descendants of a second (and perhaps inferior) marriage. When the *Qauhān*, with their famous Rājā Prithwī Chand, defeated the *Tumār*, five brothers of the dispersion led separate parties; the youngest crossed the Ganges to Bulandshahr; another, called Hemrāj, had three sons; one of these settled on the high land east of the Rām-ganga river, and from him the *Bhūr-Janghārās* are descended. Since this settlement some fourteen generations are asserted to have passed, and the chiefships thus formed are now found to survive in some 3,150 co-sharing descendants in many villages.

It is, however, in the Doāb districts that we have some of the best examples of the results of a decadence of territorial rulership—how it leaves behind it proprietary village-estates. The country near Kanauj, as I have before remarked, was always a strong centre of successive Hindu rulers. The CAWNPORE district (in this vicinity) shows many traces of their rule, and Mr. Wright, in his Settlement Report, has given an account of the matter which is worth reading *in extenso*.<sup>1</sup> He was fortunately able to procure a *Vāṁsāvalī* or genealogical record of the *Qāndel* clan; and, making allowance for much exaggeration and for legendary additions, it has still an evident foundation of fact. It seems that the *Gaharwār* sovereign of Kanauj had been weakened, and ultimately driven out of his kingdom, by the early Moslem invasions; whereon a *Qāndel* chief, Sabhājī, was advised to take possession of the vacant State. For eight generations a single son succeeded to the dominion. At length came a group of three sons, who formed three main branches of the family; the eldest took the title of *Rājā*, the second of *Rāwat*, the third of *Rāo*. The head of the first branch was removed to a new location in the Bithūr *pargana*, under circumstances which I need not detail; the second became extinct; the third, or Supāhi, branch before long again divided; the Rāwatpur section retained forty-eight villages, apparently a *bēālīsī*,<sup>2</sup> and from this a *ṇaubīsī* was afterwards partitioned.<sup>3</sup> I

<sup>1</sup> *S. R.* (1878), ch. ii. p. 18.

<sup>2</sup> *Ante*, p. 198. The groups *ṇaurāsī*, *bēālīsī*, &c., rarely keep to the exact number.

<sup>3</sup> One branch, having been leniently treated by the emperor (for their chiefship was no longer independent) in the matter of some arrears of





cannot follow the estate through its whole history, but partitions again and again occurred, till the entire territory was split up into quite a number of separate shares, and these, as usual, afterwards constituted a series of joint-village properties. In such cases some members of the leading houses may have a larger estate than the rest, holding together a certain number of villages as over-lords, and retaining a title of honour. In that case each will be the landlord or 'Zamindār' of the group.<sup>1</sup> In the same way I might cite the case of one of the *Gaharwār* clan, who was expelled, as I have above noticed, from Kananj, and obtained a new local chiefship in the south of *pargana* Bilhaur. In another case, a *Çamārgaur* chief named Pathardeo had seven sons. The father was murdered by a turbulent aboriginal tribe called *Meo*; in revenge, the sons attacked and defeated them, and thus obtained a number of local dominions. But here, again, partition split up the estates; and after various fortunes and many revenue sales at the beginning of the century, as well as subsequent losses during the mutiny, only a limited number of separate village-estates now remain.<sup>2</sup>

I can only allude to one more case, a *gens* of comparatively late origin, called *Gautam*, whose chief was first established at Argal, in the FATIHPUR district.<sup>3</sup> The family divided into groups with titles, *Rājā* for the eldest, *Rāo*, *Rānā*, and *Rāwat* for the others. So great were their territories, at one time, that they were in a position to make large grants of villages to chiefs of another clan—the *Çāndel*, to Brahmans, and to some *Āthya-Gautam*, who pleased the Argal *Rājā* by teaching him the game

land-revenue, paid him the compliment of ever after wearing their coats opening on the left side like Mussulmans.

<sup>1</sup> The policy of the early Settlements in the North-West Provinces was to encourage the village bodies, and to get rid of over-lord proprietors if possible—in some cases compromising their half-grown claim to landlordship by granting a 'Talūqdārī allowance,' which was a sort of rent charge on the estate, ultimately fixed at about 10 per cent. on the Government revenue. This policy formed the subject of considerable controversy at the time. (See *L. S. B. I.* ii. 157 ff.)

<sup>2</sup> The whole account is worth reading (*Cawnpore S. R.* ch. ii. §§ 25–35).

<sup>3</sup> See Beames' *Elliot's Glossary*, vol. i. (s.v. 'Gautam'). This clan is still numerous in Ghāzipur, and in some parts of Fatihpur and Cawnpore.





of chess.<sup>1</sup> In all these cases the history was as usual: soldiers of fortune acquire territories; their chiefs build forts and rule from those centres; in time they become possessors of many villages, both old and new; and ultimately, in later generations, appear sometimes with their principal member retaining a *landlord* estate over a number of villages, but the rest holding single villages, of which their descendants form the co-sharing communities. To complete the history of the *Gautam* of Argal, reference must be made to the Settlement Report.<sup>2</sup> The clan espoused the losing side of the Pathān Moslems, ultimately defeated by Humāyun and Akbar when the Mughal Empire was approaching its zenith. So they lost their possessions. The Argal Rājā, though much respected by all the Thākurs (Rājputs), is now only the petty 'Zamindār' of two villages. But in Tappā Jas some of them continued to hold a *çaurāsi*; and many having become Muhammadans, they have still retained a considerable number of villages. I will only add that in the 'ĀZAMGARH district the *Gautam* chiefs were once so powerful as to rule nearly the whole, except the Mahūl portion. This was largely, however, due to the rise of the chief Abhimān-sen, who, in the seventeenth century, became a Muhammadan, entered the service of the Emperor Akbar, and grew rich; so he purchased extensive estates about Daulatābād. 'His descendants, and those of his brothers, systematically plundered their neighbours, wresting their estates from them one by one,' till, at the beginning of the eighteenth century, the whole district was held by them as above stated. It is interesting to trace from the Settlement Report of Mr. J. R. Reid,

<sup>1</sup> Another large grant was the origin of the Bais possessions across the Ganges in Oudh. Bhāo, a *Bais* chief, rescued the Argal Rājā's queen when, on a pilgrimage, she was attacked by the Mussulmans. Bhāo received a suitable bride as his reward, and was told he could have the lordship over as many villages as his bride could name in one breath. This remarkably well-winded lady, so it is said, pronounced the names of 1,440 villages!

<sup>2</sup> *Fatihpur S. R.* (1878), p. 9. I have already noted how in this district revenue-farmers afterwards gained possession of so many villages (*ante*, p. 304).





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what has been the outcome of all this success.<sup>1</sup> First, let me mention the reporter's observation<sup>2</sup> that the population is now poor and dense, but the facilities for agriculture are considerable, and there has been a remarkable immunity from war and marauders. Many alien *grants* have been made, and many villages are held by descendants of the grantees. But in the greater part high caste proprietors are in possession; these are, in fact, remnants of the old ruling chiefs' houses; and therefore it is not surprising to find that the *pattidārī*, or 'aristocratic' system of village holding by ancestral shares, is in theory everywhere prevalent. The whole of the land has been excessively subdivided. The Government Review of the 'Report' notices that there are 5,532 villages (*mauza*), varying in size from little blocks of  $1\frac{1}{4}$  to 5,500 acres in extent; the average being 248 acres. The groups of land held under one united title (*mahāl*) are 3,446. As to the nature of the *partition*, the principal feature to be noted is that the families are divided into *pattī*, which seem to represent a sort of minor clan or wide-kindred of the same house; each *pattī* is called by the name of the ancestral head. These *pattī* consequently represent the division only as far as the first or main branches of the original family;<sup>3</sup> for within the *pattī*, the component families and households often continue to hold undivided, the land being either rented to tenants (*parjas* land), or being held by individual co-sharers as tenants of the body. In the majority of cases division began long ago, probably in the time when the heads of branches (*pattī*), or their immediate successors, were alive; most of the cultivated lands and the profitable waste were then divided; but some still remained common to the whole major-group. Gradually the *pattīs* were divided into smaller family subdivisions, and then into minute holdings. Where there is complete division it has been carried to great lengths; on an average, there are nine fields to two acres.<sup>4</sup> The division is often made *khet-but*

<sup>1</sup> S. R. (1877). The Report describes the fourteen *parganas* not permanently settled, which now alone form the district: this is the sixth settlement.

<sup>2</sup> *Ibid.* sec. ix. p. 87, § 307.

<sup>3</sup> *Ibid.* Government Review, § 2.

<sup>4</sup> S. R. § 309. And there are sixty-five tables given in the appendix to the Report of different kinds of fractions (starting from the *rupee* as





(as the phrase is)—*i.e.* the number of geographical villages that belong to one large group of families and households are not allotted compactly one, or half a one, to each *pattī* (or whatever it is), but each *pattī* will have its lands scattered through a number of *maruzas*.<sup>1</sup> When the estate is divided into ancestral fractions it is said to be *khuntāiti* (= *pattidāri*), even though the shares held are not exactly correct to the scale. But it has often happened that the land proved so various in value that the fraction of the revenue and other burdens, which in theory ought to be identical with the land-fraction, became impossible, and the sharers converted their system into what is called *biḥādām*;<sup>2</sup> that means that each sharer was allowed to hold what he had, or to adjust his holding to what he could manage, but a really proportionate division of the land-revenue-charge was made to suit the holding. This *de facto* possession is sometimes recorded in acres, but sometimes it is noted in terms of the actual fraction of the whole that it represents. Doubtless, in time, it will be believed that this was the real 'ancestral' fraction. 'For,' says the reporter,<sup>3</sup> 'they never forget the descent from a common ancestor; and there is a sentiment against adoption' (*i.e.* the more or less artificial extension of the direct descent-table).<sup>4</sup> It seems, further, that although the incidence of the revenue has been adjusted by the *biḥādām* arrangement, the profits of waste and other like dues (*sūr*), and possibly the share in the waste land, may still be regulated by the ancestral fractions; and so two scales come into use—*pattidāri māl* and *pattidāri sūr*.

representing unity) used in the various divisions. (Cp. also *Cawnpore S. R.* § 107.) The following is No. lxiii. in abstract :

Rupee	<i>Āna</i>	<i>Gandā</i>	<i>Kaurī</i>	<i>Dant</i>	<i>Kant</i>	<i>Reñ</i>	<i>Phen</i>	<i>Rōñ</i>
1=	16=	320=	1,280=	19,200=	288,000=	(and so on)	x by 15	each time
	1=20							
		1=4						
			1=15					
				1=15				
					1=15			
						1=15		
							1=15	
								1=15

<sup>1</sup> This peculiarity is further described in the following chapter, p. 340.

<sup>2</sup> A full description is given of how this came about (see *S. R.* p. 92, §§ 326-8). The term means 'price or value *per* biḥā.'

<sup>3</sup> *S. R.* § 322 and note.

<sup>4</sup> Which would defeat the expectations of collaterals when the direct line otherwise failed.





All this is very different from the *bhaiāchārā* of the democratic family and the clan-settlement. It marks the sense of individual lordship, as jealously maintained by right of descent from the particular head of the family, which has branched off from the stem of the once royal or princely ancestor. We mark also the influence of the developed joint-family system; in fact, the tribal and clan institutions of a wider character have begun to fade.<sup>1</sup> Where a certain number of families still hold undivided, it is always because they are closely related, and it is easier or more profitable to share the rents and other income than to squabble over the minute division of fields into patches, which will be unworkable when they are declared; or perhaps it is because the land is held by tenants, and there is no object in dividing; while if there is any waste reserved for grazing, the utility of it would be destroyed by partition.

It is not surprising to find, in this advanced stage of severalty, that the *pañcayat* system 'exists only in theory,' and that the official headmen (*lumbardār*) have practically nothing to do, and receive no *paçotra*, or official allowance.

I will conclude this series of illustrations of the North-West Provinces by only one more case in the Bundelkhand region, where we have not only the relics of the rulership, but also a definite memory of the loss of the princely title once enjoyed. In BĀNDĀ, Mr. Cadell has described in detail the rise and fall of the *Dikhit* Rājputs.<sup>2</sup> In the thirteenth century they had two capitals whence their chiefs ruled. 'But after the fall of the empire, even the inferior title of Rāo was lost to the clan, and whether owing to the discouragement of successive chiefs, or to the influence of the Hindu law of joint inheritance, there are now many *Dikhit* villages, but no *Dikhit* chief.'

<sup>1</sup> It will be remembered that in many cases in this chapter we have spoken of *clans*, because as a matter of fact the *clans* exist, and their number can be counted—if they are on compact areas of country. But nothing necessarily remains of any *clan feeling as to property*; this is completely replaced by the ancestral individual right and by the co-sharing body as *representatives* of one original owner.

<sup>2</sup> *S. R.* (1881), § 72, p. 64.



(3) *Illustrations from Oudh*

The value of possessions in so fertile a country, and perhaps the influence of traditions of kingdoms believed to have been held by half-remembered ancestors or by legendary clan connections, must always have combined to tempt *Chatri* leaders to try and return to OUDH. They could reach it without difficulty either from their refuge in Rājputāna or when driven from settlements in Ujjain or Kanauj. Such possession was in fact acquired, sometimes by independent adventure, sometimes by joining the army of some Mughal or earlier emperor. The *Chatri* possessions and lordships thus acquired have given rise to proprietary-villages and to estates established on a footing clearly distinguishable from that of the apparently earlier land-holding communities, among whom no monarchical organisation or desire of territorial rulership was ever developed.<sup>1</sup> To give a complete account of the many conquering Rājās or local chiefs and of the estates held by their descendants, would be to transcribe a large portion of the account given of each district in the Gazetteers and Settlement Reports; the difficulty is to make a suitably small selection for the purposes of illustration.

In the SULTĀNPUR district I notice an 'estate' of 365 villages held by families of the *Bandalgoti* clan; the head still retaining, as landlord, the possession of 316 villages. This was due to the fact that up to the eleventh generation from the founder only one son was born; but at last there were more, and then the estate was divided and several village properties became separate.<sup>2</sup>

In BAHRAICH the great Ikhaunā estate might still be flourishing as an example of individual, territorial, foundation but for the events of the mutiny. It owed its origin to a single *Janwār* chief under Moslem patronage (for the chiefs long bore the military title of 'Risāldār'). Shāh Jahān made the estate revenue-free, and it became a landlord property. A number of villages (mentioned under the designation of *bhaiyāi*) were originally allotted to cadets of the family for their maintenance;

<sup>1</sup> *Ante*, p. 193, and cf. p. 288.

<sup>2</sup> *Oudh Gazetteer*, i. 47. As I have before remarked, it is perfectly immaterial, as regards origin, whether these villages did or did not in after times come under the power of Taluqdārs or landlords.



but after two or three generations they were found as independent estates having no connection with the chief, and were afterwards reduced to paying rent, separately, to a Taluqdār.<sup>1</sup> For the KHERI district (northern part) the writer of the Gazetteer notice makes some good remarks on the manner in which Rājput chieftains came to be able to establish their local rule. 'The *Chatrī* ascendancy,' he says, 'might be simply described as the re-establishment of local Hindu government under the native chief. There was no elaborate design or settled plan. A conqueror appeared and was often welcomed as giving some security against the oppression of neighbouring chiefs or of the suzerain government. The Rājā once established could . . . dispossess any of his subjects who showed signs of treachery or disloyalty. . . . He had many wives and many sons, bastard and legitimate; all the waste lands were his; all lapsed and forfeited villages also became his; with such lands he provided for the scions of his house.'<sup>2</sup> In this way much of the actual ownership of the land passed into the hands of his family. Four-fifths of the district, it is said, belonged to *Chatrīs*, and three-fifths were under their ruling chiefs. Indeed, in Akbar's time, of the 223 *mahāl* (or *parganas*) of Oudh, eighty-seven were held by *Chatrī* lords. Other tribesmen, as *Kayaths* and *Kurmīs*, might obtain village estates, but they never became rulers. But an able and adventurous *Chatrī* of noble descent could always get a local territory; and villages, as already remarked, would often gladly place themselves under him.<sup>3</sup> The Moslem Emperor was content to take a general revenue or tribute from such a chief, leaving to him the administration of justice; and the whole estate ceased to be borne on the imperial registers as *khūlṣa* or directly subject to the imperial administration. It was merely a natural progression of things that 'the subjection of the land to the Rājā became first confused, and then identical, with his proprietorship.' In Oudh it often

<sup>1</sup> *Gazetteer*, i. 117, 122, 177 ff.

<sup>2</sup> *Ibid.* ii. 140, 215 ff.

<sup>3</sup> *Ibid.* 207. Several instances are noted where the village landholders voluntarily placed themselves under the protection of the Rājā. This *hāth-rakhāi*, or *commendation*, is frequently found. The villages always ended by passing under the complete ownership of descendants of the chief's family.





happened that the Rājā became Taluqdār, and ultimately was created *landlord* of the whole or a portion of his demesne; but, if the estate happened to be partitioned or the Rājā disappeared, being put to flight, or slain in battle after some unsuccessful revolt, the villages would continue to be held by some members of the family, and would become so many separate village-estates.

A most remarkable instance remains to be cited, and it illustrates the direct process of the division of a Rāj into both village-estates and larger landlord-properties. I refer to the case of the *Tilok Chandī Bais* estates in RAI-BARELI.<sup>1</sup>

The whole history is too long to be even summarised here, but the main facts are these: the district contains 1,735 villages, of which 1,719 are owned by descendants of Tilok Chand, who died shortly before Bābar ascended the throne of Delhi (A.D. 1526). The dominion, indeed, began before the chief's time, but he consolidated the position. He acknowledged the Mughal suzerainty and never assumed the title of Rājā personally; it was only taken by his eldest descendant at a later date.<sup>2</sup> At the present time there are about forty landlord estates containing several villages each and ranking as 'Taluqdāri' estates, and a great number of village-estates.<sup>3</sup> This resulted from the family at first admitting of partition and then agreeing to stop it. The elder branch represents the estate of Murārmau, in which the title of Rājā was afterwards taken; it was the several grandsons who, separating, originated the larger estates; and these again became variously subdivided in the course of time.

'The accounts,' writes Mr. Benett,<sup>4</sup> 'of the half century which elapsed between the death of Tilok Chand and the accession of Akbar are very meagre. . . . It may be surmised that the Rājā of Murārmau, the Rānā of Khiron, and some other chiefs of a different stock, each exercised on a smaller scale the sovereign powers of the first great Rājā (i.e. Tilok Chand).

<sup>1</sup> The whole history will be found in the *Gazetteer*, iii. 208 and 225 ff. and in Mr. Benett's *Chief Clans of Rai-Bareli* (Lucknow, 1870).

<sup>2</sup> *Gazetteer*, iii. 230-1.

<sup>3</sup> I cannot separate the single villages held by Tilok Chandī Bais from some held by Moslems and Kānhpurias; but out of the whole 1,735 villages 537 are independent of any Taluqdār over-lord.

<sup>4</sup> *Clans of Rai Bareli*, p. 58 ff.





Under the vigorous administration of Akbar and his successors, the Hindu clans were naturally much depressed, and driven, so to speak, nearer to the soil. Their connection with the villages in their domain became much closer; new villages were founded, and the increasing numbers of each family led to the establishment of the non-cultivating village-proprietors who are now known in our courts as the "*old zamīndārs*." The intervention of a foreign ruler, and the diminished danger of invasion from without deprived the Rājās of half their attributes: the principle of unity was lost sight of, and each member of a leading house was able, when he separated, to assume, in his new home, almost all the privileges retained by the head of the family. The ties of kinsmanship were, however, still vividly recognised, and at the end of this period, instead of a few unconnected Rājās, we find hierarchies of powerful *landowners, each the immediate proprietor and landlord of a few villages from which he drew his subsistence . . .* (the italics are mine). In this case it will be observed, although a clan unity so far prevails that kinship is acknowledged and kept up by the survival of the military spirit (always a strong incentive to its preservation), and by the fact that the Emperor would call on the chiefs to furnish levies for the imperial army, there is nothing of clan-custom observable in the mode of land-holding. The tenure is 'aristocratic' either in the form of larger landlordships or of jointly-owned, single, villages.

### SECTION III.—VILLAGES FOUNDED BY INDIVIDUAL ADVENTURERS AND SETTLERS UNCONNECTED WITH THE STATE OR WITH TERRITORIAL CHIEFSHIP.

While a large number of villages have had their origin in some individual chief or dignified founder connected with a State or chiefship, it is also true that other founders have been private adventurers, settlers, or purchasers, without any territorial connection. It is convenient to separate the cases, because it facilitates discussion to classify our known origins of villages as far as possible. There is often, however, room for doubt whether in any given case the foundation more properly belongs to one specific kind or another; we may





set down a case as apparently one of private adventure, though really there had been a royal grant, or the founder represents a remnant of a forgotten local rulership. This degree of doubt necessarily arises where the foundation is remote in time and the evidence chiefly traditional. The possibility of such error is, however, of slight importance so long as we can preserve the main distinction between the village arising out of the *clan* or *tribe*, and that arising out of *individual* foundation—in one form or another. For wherever we have the *clan*-group, and the clan sentiment of equal right, we have a different basis of constitution from what is observed in the case where an individual ancestor is remembered as the direct originator of the estate.

A typical case in point occurs in the GUJRĀNWĀLĀ district of the Panjāb, where we have a group of eighty-one communities (*pattidārī* in their original state) descended from a single founder. I do not know any evidence or traditional opinion that there was any local rule or chiefship; but the founder was himself of good family: the *Oṭṭā* houses<sup>1</sup> claim descent from a *Qarhān* Rājput stock—indeed, from Rājā Prithwī Chand himself. But a single adventurer of the family, named Dhīru, in the tenth or eleventh generation, left his home and settled in a village called Sidhkot: he married two wives and had eighteen sons, from whom all the village-bodies are descended. Both in this district and in Siālkot, although the general prevalence of the *pattidārī* form of village indicates that a great number are held by bodies descended from adventurers or founders of some pretension to good birth, there is no definite trace of local rulerships out of which they sprang. Nor, on the other hand, does there appear to be anything of the *tribal* character in the villages in question. In SIĀLKOT as many as 2,155 villages are shown as shared on the 'ancestral' principle, of which 106 are held by the families undivided;<sup>2</sup> only 633 are put down as *bhaiāshārā*,

<sup>1</sup> The family finds a place in Sir Lepel Griffin's *Panjāb Chiefs*, where their history is given in detail.

<sup>2</sup> Unless I am misled by the term *zamīndārī* without any qualifying addition, which is much misused; it may mean villages owned by a single purchaser, &c., or by a group remaining undivided. Probably the latter (*shāmīlāt* or *sānjī* villages) are meant. (*Siālkot Gazetteer*, 1883-4, p. 48.)





which, as the term is used in the Panjāb, includes villages that probably were originally 'ancestral,' but in which the ravages of time and circumstance have caused the regular shares to be modified or forgotten altogether. It is worth noting that in the earlier Settlement, Mr. E. Prinsep, illustrating the varieties of village as regards sharing, takes, as the standard natural to the district, the case of '*the founder of a village who secures a property by purchase, grant, appropriation, or conquest;*' and he goes on to show how the sons will hold undivided, how they ultimately separate, and how the *ancestral* shares of the separated houses are changed into *de facto* holdings or some other shares which have become 'customary.' This series of changes would be wholly inapplicable to cases where the estate did not begin with *one* founder, but where a whole clan had divided the conquered land, or where a clan grew up under its own customs of holding.

I have already alluded to a specific case from the GUJRĀNWĀLĀ district; but the totals of the different kinds of village in the whole district are also worthy of notice; though here a considerable number of villages are held on shares of a special kind which may indicate a different origin. But even allowing for these cases, the number of villages derived from *individual* founders is considerable. An analysis of the tables<sup>1</sup> shows a total of 1,199 villages, classifiable thus:—

Ancestral shares	{	138 { held by single owners (40) and undivided families ;
		211 { wholly or partly divided,
		118 partly on ancestral shares,
		459 by a system of shares in wells,
		188 by a system of 'customary' shares,
		85 held 'on possession' only.
<hr/>		1,199

Even of the eighty-five, in the last line, it is quite possible that some really belong to the other classes, only that from one cause or another the shares have been completely lost. It is noteworthy that among the villages which acknowledged *shares*, no less than

<sup>1</sup> S. R. (Nisbet), printed in 1874. The figures are gathered from the tables at the end.





395 agreed to return to the correct list, some by voluntary surrender of excess lands, others by making up to those who had less than their proper share by additions out of the undivided culturable waste.<sup>1</sup>

These examples have been selected from the Panjāb Reports without difficulty, owing to the circumstances of the country. I have not been able to do the same for the North-West Provinces and Oudh, because, with a denser population, with a much greater number of local kingdoms and chiefships, and the wider prevalence of revenue-farming, in former days, it becomes almost impossible to separate the cases of private enterprise from those connected with territorial rulerships. It is not, however, to be doubted that villages due to private, individual, foundation, are just as common in the Ganges plain as they are in the Panjāb.

#### SECTION IV.—COLONIST ASSOCIATIONS

I do not at present include those ancient traces of villages in the Madras Tamil country, regarding which our most reasonable conclusion is that they were due to colonist families of an energetic agriculturist caste settled under patronage of a local prince, and who adopted an interesting method of co-operative village cultivation. It is only traces and traditions of these southern villages that now survive; and before I could bring them forward as instances of the formation of joint-villages by voluntary association, I should have, as I hope to do in a future chapter, to argue out the case for their existence, nature, and origin.

Here I am concerned with villages of a type actually existing and known. Such cases must necessarily be confined to sparsely populated districts, where large areas were, even in late historic times, awaiting cultivators energetic and patient enough to cope with the initial difficulties of establishing cultivation. The South-eastern Panjāb exhibits a natural field for such founda-

<sup>1</sup> It may also be noted that if we deduct 138 single owner or undivided villages, the remaining 1,061 (shared or held in severalty) show, as a whole, 636 in which the original system has undergone no change, and 425 in which under stress of time and circumstance it has been altered.





tions; and we are not surprised to find them quite characteristic of certain districts or parts of districts in that locality. In such villages there is no question of 'holding in common' except in so far as the unappropriated waste and grazing ground is so held. The villages have accepted the joint-responsibility under the modern revenue system, because their association would expressly contemplate cohesion for such purposes, not to speak of other countervailing advantages, such as acquiring defined rights in the adjacent waste area, which they may not have possessed before.

Villages founded by associated colonists are treated as cases of *individual* foundation, since the associates are neither a gradually expanding clan nor a tribal-group already formed. If some of the members happen to be connected by blood, which is quite likely, it is an accidental circumstance, and may have produced some sharing (as a family) of particular holdings, but not of the whole village. Complete extracts from the District Reports describing the mode of foundation, the planting of the stake (*morī*) to mark the central village-site, and the drawing lots for the 'plough-lands,' have been printed in my *Land Systems of British India* and need not be repeated here.<sup>1</sup> We find villages of this kind in the districts of FIROZPUR and what was formerly SIRSĀ.<sup>2</sup>

There is no doubt also that a similar origin may be ascribed to villages in other parts. It will be enough to call attention to the main features—viz. that the headman is the leader and spokesman of the party, who has perhaps conciliated some neighbouring chief or governor, and obtained his countenance to the projected settlement. Major and minor divisions of the culturable area were, or might be, arranged in the first instance to suit the requirements of different groups—probably different castes or different family aggregates; within these, the several 'plough-lands'—such is the general unit—were arranged and assigned to each settler according to his means, *i.e.* with reference to the plough cattle he possessed, and the number of hands he could bring to the work of cultivation; the plough-lands

<sup>1</sup> Vol. ii. p. 678 ff, and p. 689.

<sup>2</sup> The SIRSĀ district has been abolished, part of the territory being added to Firozpur, part to Hisār.





were taken by drawing lots for each, so that there might be no unfair distribution. As to the adjacent waste area, it was so little considered that no definite boundaries at first existed; and long afterwards, anyone of the settlers who chose could break up a new portion, outside his former allotment. Indeed, this was the cause of some trouble after the Land-Revenue Settlement was introduced, and a tenant law was provided. For then the waste was definitely surveyed and included in the village boundaries, and became *formally* the joint or 'common' property of the whole body, who were, under the system in question, regarded as the co-proprietors of the whole village. Consequently, after the survey and record of rights, no one could make a new field in the waste without proceedings for partition, or without asking permission of the whole body. Moreover, additional cultivators had been formerly allowed in as tenants, on the understanding, perhaps rather tacit than expressed, that the land they cleared and subdued to the plough would be left in their possession for ever. Under the first of the tenant laws (1868) such persons might find themselves treated as tenants *at will*, and be offered the option of a rise in rent or of notice to quit—a proceeding which, however legal, they regarded with indignation.

It is extremely difficult to apply the term 'collective ownership' to the rights in a village so constituted, at least before the days of Revenue records and surveys. The body was united for its own interest, and it accepted the joint liability for the Government Revenue, as one of the most natural objects of its association.<sup>1</sup> It is also curious to note that in some cases the headman and his sons managed to push themselves forward into a sort of proprietary position over the whole village, and exact some kind of rent from the other cultivators; in that case the village was distinguished as *boledārī* (*bolā*=agreement). In revenue parlance, the others were called *bhaiāchārā*, though not in the correct sense in which I have always used the term. I do

<sup>1</sup> As I have had occasion to observe before, in the days of bad or oppressive revenue management, it was a great matter for a combined body to be able to bargain for a lump sum which the collector would agree to, because it saved trouble; the village was thus secured from the inquisitorial visits and vexatious interference of the revenue-farmers' underlings.



not know of any specific instance where existing village bodies known to have originated as colonies and associations have adopted any other method of allotting the land than that of assigning separate numbers of 'plough-lands' taken by lot. But there are still many villages the origin of which is uncertain; and I suspect that not a few villages holding by shares in wells and in other modes (to be mentioned in the next chapter) are voluntary colonist associations. In any case, the form of sharing adopted will depend on the local conditions of agriculture. If such a colony, instead of being planted in open dry plains and prairies like those of Firozpur and Sirsā, had been formed in a dense jungle country like that of Southern India (*Tondai-mandalam*) they might have adopted a different method; they might have all combined to clear an area gradually, and to work the land without any final allotment, determining year by year what portion each co-sharer should take in hand. We shall see, later on, reason to believe that this was really the mode of working in the villages in Southern India, which were once held 'jointly' under a noteworthy colonising enterprise.

Having now passed in review the various known origins of actually existing joint-villages, and seen how—apart from any general *a priori* theory—these villages, really grew up, it is evident that we have two great causes for union—(1) the existence of a tribal or clan stage of society with all that this stage implies, especially in the way of a right to share equally in the tribal acquisition; (2) the influence of the 'joint-family' and its law of joint-inheritance. And to these we might perhaps add a third—voluntary association and combination. Villages, or areas larger than villages, constituted under either influence are found to be divided into certain general—major and minor, primary and secondary—divisions of the land, and finally into individual shares. Thus, there are certain liens which tend to make each village, in some sense, a unit-estate. They are, therefore, brought under a system of Land-Revenue Management which, devised to suit the *prevailing* form of tenure, subjects all the village estates in the province to a similar system of demarcation, survey, and record. The system also applies a common nomenclature to them all; and thus, as it were, varnishes over the whole group with an





appearance of uniformity which goes beyond any degree of similarity they naturally possess.<sup>1</sup>

It now remains to examine some details of the internal structure of joint-villages, and to note both the minor variations which occur and the modifications that the form of constitution may undergo. We have finally to notice the special cases of joint-village which are believed once to have existed in certain other parts of India, but which have become a subject of dispute because only traces of them now exist. These are very interesting to the historian as showing the growth, or at least the probable growth, of over-lord claims over what would otherwise be independent villages of the *raiyatwārī* type, and also the formation of villages under special circumstances in a joint or co-sharing form as exceptions to the prevailing tenure. If our inferences regarding these mostly long decayed landlord-villages are at all just, we shall have the phenomenon of the *raiyatwārī* village and the joint-village occurring in juxtaposition. But such a juxtaposition is not confined to these doubtful cases, nor is it dependent on inferences regarding the past; we shall also take occasion to describe certain cases where it can be seen in existence at the present day.

<sup>1</sup> By such a remark I do not intend to imply any disparagement of the system. As a matter of fact, in practical working, the North-West Provinces Revenue-system initiated by Regulation VII. of 1822 (and applied, with local modifications, to Orissa, to the Panjāb, to Oudh, to Ajmer, and to the Central Provinces) has proved remarkably elastic. In Orissa, for instance, the working is as nearly *raiyatwārī* as possible; and so in Ajmer, where the principle of the joint-responsibility has been reduced to a mere shadow. Indeed, the system is able practically to admit both the landlord right over large estates (as in Oudh and parts of the North-West Provinces) and what are really separate holdings in villages nominally joint.





## CHAPTER VIII

## THE VARIETIES AND MODIFICATIONS OF VILLAGE FORMS

WE have seen hitherto that the existence of a group of agricultural holdings forming a village does not necessarily imply a single or uniform plan of internal constitution. The village may be a group of independent holdings; or it may be in one sense a unit, a share in which is held by every one of the resident owners who form the 'village community.' Or again it may be a group of lands which has been almost accidentally formed, the real area of 'collective ownership' (as far as the term is applicable) being something much larger than a village. In any case, the constitution may differ. The main forms or principles have now been discussed—the tribal, the joint-family or *pattidārī*, and the 'equalised-share' methods, &c. But each such method may exhibit in its application certain minor variations, just as in plants we may have 'species,' and under each a number of 'varieties.' Apart from this, modification arises subsequently owing to what I may call 'wear and tear.' Original shares are lost, sometimes partially, sometimes altogether, without any constitutional difference of principle.

There is one form of village which in the nature of things does not vary: the *raiyyatwārī* form, being merely an aggregate of independent holdings, has no original varieties; nor can any change be introduced short of its conversion into a joint-village either by reason of some artificial process of Revenue management, or, so to speak, naturally, by the reduction of the cultivators to the rank of 'tenant,' under the influence of a co-sharing family, which establishes over-lord rights over the whole as the proprietary community. This is, however, not a variation of form, it is the supersession of one form by another. The superimposition of landlord rights has, no doubt, constantly occurred wherever





conquering clans have settled, and wherever adventurers have acquired a dominion, or Rājās and Emperors have made grants, or the revenues have been farmed to some village-manager. But until such an over-lord arises, the independent group of land-holders, with its hereditary headman and its staff of artisans and menials, must necessarily remain unchanged.<sup>1</sup>

But when we come to the joint-villages—those held on some system of co-sharing—there is ample room for variety, both original and induced by accident.

In the first place, I may mention a general cause of modification which may affect any kind of really joint-village. There may be a portion of the village area not yet divided; and this circumstance, though of no particular interest in itself from the tenure point of view, may be of practical importance to the administration. We shall see presently that the official classification provides a distinct head for the *wholly* divided, and another for the *partly* divided villages. In the former there is neither arable nor waste land, except the site of the village temple or mosque, the graveyards, roads, and other such naturally indivisible areas, left unpartitioned;<sup>2</sup> in the latter, which is by far the larger class, an area of waste either wanted for grazing and wood-cutting, or not yet wanted for ploughing up, is still held in common. Sometimes, also, a portion of the arable is left undivided, because it is all in the hands of tenants—perhaps ‘occupancy’ or irremovable tenants—and the proprietors have no object in dividing it. This question of partial or total division may affect management in various ways;<sup>3</sup> but there is one

<sup>1</sup> I have already discussed the possibility of rights being destroyed and originally homogeneous bodies dispersed under the effects of harsh revenue administration; but nothing of the kind tends to alter the *raiayatwārī* form.

<sup>2</sup> Land which is unfit for cultivation and is otherwise impartible is spoken of as *ghair mumkin*; while the waste for grazing, &c., that may one day be utilised, is *mumkin*—i.e. ‘possible’ to cultivate. The village-site is often partitioned, because it gives the different co-sharers not only their due allotment for their own houses, but enables each to charge rents and derive other benefits from the house-sites which fall to his share.

<sup>3</sup> It may also be conveniently borne in mind that when a village is divided into *major* and *secondary* groups (called *pattī*, *thok*, &c.), the whole of the land may be divided between the groups, so that nothing remains



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point where it also touches custom and the tenure form. It is sometimes observed that, while the divided arable land is held on one existing scheme of shares or on the basis of mere *de facto* possession, the common land and the profits from grazing, wild fruits, thatch-grass or similar produce, as well as other common profits or dues—house rates and the like—may be enjoyed or divided on a quite different set of shares. This usually indicates that the *original shares* of the foundation have been disturbed or forgotten, as regards the cultivated holdings, and yet the co-sharers do not like altogether to ignore their proper principle; they cannot help abandoning it as regards the lands that have long been held in severalty, but they still adhere to it as regards profits or lands which have not been yet divided.

We may now proceed to the more specific varieties. It may be a convenience shortly to recapitulate the list of *primary* joint forms before specifying these *variations*. We have: (1) villages held on a tribal basis. As a rule, the several allotments are made as equal as possible: of this class the frontier and some other Panjāb villages form our best examples. Here the 'joint-holding' depends on the sense of unity as a clan, and on the feeling that all are equal and may have to submit to exchange holdings with a view to giving effect to that equality. There is no particular bond constituting *village*-groups as such. (2) Villages held by 'cultivating fraternities,' where there has been no territorial rule and no aristocratic title in the family, but where, beginning with a small household-group settled on a wide area, there has gradually grown up a large clan. In some cases a group of villages has been formed like a number of buds shooting out from one parent stem, and then separating into so many full-blown new 'villages.' In other cases certain

common to the whole village (*shāmilāt diḥ*); but each *pattī* may have internally divided only part of its land, leaving some still common to the section (*shāmilāt pattī*). It very frequently happens that smaller family (or close kindred) groups hold their shares jointly because it would be so inconvenient to divide them. The co-sharers may recognise a fractional interest in a *pattī* which is represented by १०००th part of a 'rupee' or less (see p. 315, *ante*); but such an interest cannot always be divided out on the ground, and must be enjoyed jointly with others or it would be useless.





primary, secondary, and tertiary divisions of the whole estate-area have been established in the days when there were but a few family members; but after that, all the multiplying descendants have obtained land *per capita* according to the actual requirements of each household as it came to maturity. There was no thought of any particular aliquot parts of the whole; only care was taken that *an equal division* of good and bad lands should be observed, and more especially that a valuation should be made so that the share of the burdens (land-revenue or any other charges) borne by each might be in just proportion to the value and extent of the land held.

In contrast with this cultivating-fraternity form, where some traces of *clan* feeling are still in evidence, stands the very large class of villages (3) where one individual, or one or two together, obtained or founded the village-estate; and here it is solely the 'joint-family' fully developed, and its consequent law of joint-inheritance, that has produced the joint-community. Here, too, the 'village' is essential; it is the limit of the grant or acquisition. The heirs will divide strictly on the *ancestral shares* indicated by the 'genealogical tree.' It is in this form that we have the stages, first, of the sole owner, then of his heirs holding undivided, and finally of complete or partial severance of the holdings. But in many such estates the division was made at a remote period. And there are some few cases where a kindred already numerous enough to form a village-group or something larger have, on acquiring a new domain, formed it and continue to subdivide it into so many *ancestral shares*, rather than into the *equal lots* of Nos. 1 and 2. The ancestral-share system is peculiarly open to give dissatisfaction as time goes on; it is also peculiarly liable to become modified by external agency.

(4) There is a class of village still having certain features of 'joint' holding—*e.g.* the common responsibility for the revenue, which is best described negatively; it is not 'tribal,' it is not *pathidārī*, nor is it held on the 'artificial *çak*,' or equalised-holding method. There is locally some peculiarity, derived from some unknown source: perhaps the village is a small surviving remnant from some once larger body which has gradually disappeared; often it is a voluntary association of cultivators, who





have combined for protection into a 'joint-body.' In these cases the 'shares' are of various kinds.

(5) Lastly, there is a large list of villages which is only separable because we are in the dark as to their real original mode of constitution. The 'co-sharers' hold each a certain separate area, and the fact of possession is the only known measure of right. The official classification has a special head for these '*de-facto*-holding' villages.<sup>1</sup>

Let us notice each head separately, and see what minor varieties are possible.

(1) It is difficult to say that there is any typical or normal form of the purely tribal village of the Panjāb. Regarding the co-sharers as persons, the village depends on the family connection which associates a number of kindred in one separate group, and on the conditions of life and locality which compel many small hamlets, or one large *ābādī*, as the case may be, to be formed. All we can ask is what is the type of tribal-share? The examples I have given show some variety in this respect which is evidently original and not induced. Generally, both in Bilūchī and Pathān tribes, the larger divisions follow the branches of the first ancestral family up to a certain point; <sup>2</sup> but within the *khet*, or other ultimate larger group, the single shares are *per capita* and equal. More rarely ancestral shares seem to be followed throughout, and up to the existing families. The principal changes that occur in such a distribution of holdings are more a matter of anticipation than anything else. The clan-connection, not being exercised in war, or by other occasions, will fall away and be forgotten; the general sense of the area as 'the clan possession' in which each member has his personal share or right will also fade away, especially with the abandonment of the old custom of periodic exchange of holdings which kept it alive, but which becomes impossible when time and labour expended for years past have produced well-cultivated fields and farms, and when records of title and maps of permanent holdings

<sup>1</sup> See Appendix to the chapter on the official classification of villages for statistical purposes.

<sup>2</sup> Even then the *ṭappā*, &c., are not made of equal size and value; they are larger or smaller according to the number of houses and families in each.





have been prepared. Under the system of dividing the land into lots composed of several pieces of different soils, there will be, I suppose, a gradual tendency for original differences to disappear under long cultivation, manuring, and watering; fields will then be voluntarily exchanged, and by these means holdings will in time become consolidated lots in one place.

(2) But in the communities which I have called the '*true bhairāchārā*,' and of which the Airā-kherā estate in the MATHURĀ district<sup>1</sup> is a perfect example, there are several natural varieties if not subsequent modifications. It will be remembered that in all these cases of clan-holdings and fraternities growing up on the spot there is never anything in the nature of holding 'in common.' Certain large divisions may be established at an early stage of the growth of the body, and within these the household lots or shares for the later descendants in each group are added on, one by one, as the families increase. In these cases very large areas are usually occupied; and the first modification they undergo is that some of the family groups within each main division, having each built separate groups of houses, but regarding themselves as offshoots from the parent village and not at first disconnected from it, gradually blossom out into completely separate villages. Thus a large estate in the HAMĪR-PUR district called Kheraila-khās, and containing  $28\frac{1}{2}$  square miles, was divided into six main *thok* or sections, and these have now become separate village estates. So in the same district, Patāra, an estate of over 9,000 acres, was divided into twelve sections (there called *behri*), which have become as many 'villages.' The building of the separate residence, the increase of the houses, and the consequent completion of the village establishment, is what makes the separate 'village:' the lands belonging to it may still be scattered, and only brought into an aggregate in the official registers. But sometimes a large portion of the land happens to lie in one block, and then in the course of time outlying fields will be exchanged, and so the village and its land will be brought into a ring fence. Lastly, special customs of distributing the revenue charges according to standard valuation lots (*çak*, &c.) will be given up in favour of paying according to

<sup>1</sup> Described at p. 282 ff., *ante*.



the differential acreage-rates for soils established for assessment purposes by the Revenue-Settlement Officer.

But the *method of sharing* also shows some variation. Thus, in the BĀNDĀ district, if the village was composed of no more than the three chief varieties of soil—*mār*, *parwā*, and *rākār*—it was not necessary to make any complicated artificial lots, and for valuation of the holdings; it was sufficient to treat the members of the community as holding each a certain number of *bīghā* measures of land; but the *bīghā* of the worst soil was in fact two or three times as large as the *bīghā* of the best soil.<sup>1</sup> In MAINPURI, examples occur of villages in which advantage was taken of the natural belts into which the cultivation in the North-West Provinces generally is observed to fall: there is the *garhān*, or land nearest the village site (central group of homesteads), which is always well irrigated and easy to manure, and is thus the most valuable and most successfully cultivated; next there is the *mānjhā*, or 'middle land,' not quite so good, because not so easily supplied with manure, and irrigation is perhaps less certain; lastly, there is the *bārkhā*, or outlying zone of the poorest soil, probably rarely manured and largely dependent on the rainfall. Each holding will be represented on the basis of an artificial *tor* (or *tauzi-bīghā*) made up of a certain area in each zone of the best, middle, and outer land.<sup>2</sup> The holdings here are scattered, but very much less so than under the elaborate system of soil classification sometimes followed—such, for instance, as that noted from the Bastī district.<sup>3</sup>

I have not met with other specific forms of originally various (or afterwards modified) *bhaiāchārā* custom. The ' *bhaiāchārā*, lot or share ' must naturally vary with the simplicity or complexity of the actual soil distribution in the village. In a very uniform

<sup>1</sup> *Bāndā S. R.* p. 40. So that when the revenues are distributed at a uniform sum 'per *bīghā*,' the payment is in fact fairly equal.

<sup>2</sup> *North-West Provinces Gazetteer*, iv. 600. Thus, in one village the standard lot was large, viz. 90 *bīghās* (actual measure), composed of 25 of the best + 30 of the middle + 35 of the poorest. In another village, where the lots were numerous and consequently smaller, I find 819 lots each of 24 actual *bīghās* (6 of the best + 8 of the middle + 10 of the outer soil-zone).

<sup>3</sup> See p. 291, *ante*.





locality the shares may be of the simplest description; <sup>1</sup> where the soil varies much each share or lot will be a very composite one. In the latter case serious practical difficulty is to be looked for in the future. The tendency in such estates (as noted, *e.g.*, in the ETĀWĀ S. R., which is worth consulting on the subject), is for the shares to become excessively subdivided; and then the fact that the holding is already perhaps in three or five or more portions tells awkwardly; for each portion has to undergo the same process of subdivision. The result is that unless the cultivators are of superior energy, or are able to devise some remedy and to send off their surplus hands to some other occupation, they will surely fall into poverty and lose the ownership altogether. In this district, the prospects of the much divided *bhaiāchārā* estates are not very promising: the Settlement Officer notices that the *paṭwārī* (village accountant) is the only person who knows how to keep the accounts of the numerous little separate holdings, and how to apportion the revenue payment; he rules them all accordingly; the *panṇayat* has ceased to exist, and 'self-government' is a delusion.

(3) The ancestral-share, or *pattidārī*, villages are the most likely to change of any. Here it will be remembered that, theoretically, if a man owns (owing to his place in the genealogical table) say  $\frac{1}{3}$  of  $\frac{1}{3}$  of  $\frac{1}{4}$  ( $= \frac{1}{36}$ ) of the *pattī* or main branch to which he belongs, he ought to be holding  $\frac{1}{36}$  of the cultivated area, to be entitled (on partition) to the same fraction of the waste, and to be paying  $\frac{1}{36}$  of the assessed land revenue and common expenses of the *pattī*. But long before the village has got to this number of small shares it will probably be found that the correct fractions <sup>2</sup> have been partially, at any rate, lost sight of. The causes are several; they are sometimes natural,

<sup>1</sup> It is to be regretted that the method of sharing in the large Jihlam clan-estates or villages (*ante*, p. 270) is not on record. I believe, however, that it is by simple plough-lands allotted in each group according to the requirements of the households at the time, there being great similarity of soil throughout.

<sup>2</sup> It will always be remembered that the arithmetic of vulgar fractions was not known in former days to the village population, any more than it was to the devisers of the extraordinarily clumsy provisions (as they appear to us) for dividing the estate under the Muhammadan law of inheritance.