



## A STUDY OF LAND TENURE IN INCENT INDIA.

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Ancient record show that land has been under cultivation in India for more than 5,000 years. In the beginning, tribes exercised control (especially delimitation and defence) over the areas they had taken possession of This right of the conqueror was the tribes allotted to the individual families land for their utilization, usually by means of shifting cultivation.

The jungle which covered unlimited land although economically useless, led to another form of land right namely the right of first clearer. Whoever cleared. Whoever cleared a plot in the jungle also had the right to use this land However, this individual right of utilization of utilization was only valid long as the land was actually cultivated. As soon as it was abandoned the power of disposition over it reverted to the tribe. The strenuous work of clearing, the necessity of mutual help, small scale defence measures, and the expansion of the families led, in the course of time to the formation of villages which assumed the regulation of land rights. Two different forms developed in time.

The village which had individual land right consisted of a group of families which had rights to the land on the basis of having cleared it. The claims of the families were limited of the cleared land. The uncultivated land in the vicinity of the village was jointly utilized, but no claims were made to it. It belonged to the ruler who, in later epochs, also granted permission to cultivated the land.

In the case of villages which held land rights jointly, the village community claimed the right to all land within the village boundaries and allotted it to individual families for utilization. The administration was not carried out by a village headman, but by the panchayat, a village council in which the individual families had their say.

Thus, at an early period already, there were individual and joint land right But Landed property, as known in the West, did not exist at all. The rights were a privilege granting inheritable utilization rights and included social obligations, especially taking consideration of the village community's interests. Because of the need for defence, authority concentrated in the course of time, and thus, a state was formed with one ruler at its head. Costs of governing were covered, at first, with gifts. soon, however, it became obligatory to deliver a share of the grain yield in other words- a tax was introduced. The king was thus only given a right to a share of the yield, but to rights to the land and its utilization However, he was entitled to all the uncultivated land that lay between the villages.

It was necessary to establish an official hierarchy to collect the taxes. The tax collectors were remunerated by being given a share of the collected taxes and a plot of crown land. This watan land was free of tax, inheritable, and transferrable, and represented a new form of land rights, namely, land rights on account of the government allotting land to government officials.

In the course of time, the tasks of the central government increased. In this huge country where transport conditions were difficult, possibilities of simplifying administration played an important role. Therefore, the ruler allotted the tax revenue from specific areas to people

who had to maintain troops in the provinces, make roads passable, and keep the passes open. At first, the transfer of the right to these taxes was valid only for the time during which these tasks were carried out. Even priests and favourites were provided for in that way, at first for life, later on, all these cessions became inheritable. This right to the land on the basis of the transfer of the right to taxes included taxes only, but not ownership of the land as in the case of 'watan' lands.

In pre-Islamic times already, there had been a diversification in the land rights. In addition to the land claims of the village community and the farmers based on the right of the conqueror and the first dearer, the ruler's claims to a share of the yield and the uncultivated land between the villages were generally recognized. In addition, the right to collect taxes for certain regions was transferred to specific people and land rights to officials. These were only allotted crown land. The traditional rights of the cultivators remained unaltered. The Moguls who conquered India in the 12th century left the land to the cultivators at first in exchange for the usual taxes. Often, former small rulers were employed as tax collectors and were given 10% of the collected amount as remuneration for their trouble. They were even allowed to keep the land they had held before and were exempted from paying taxes. They were strictly controlled to prevent them from collecting more taxes than was lawful.

Emperor Akbar (1556-1605) implemented radical reforms. He replaced the payment of taxes in kind by a monetary tax which was no longer fixed as a share of the actual but rather of the average yield. Thus, it was not calculated according to the yield, but according to the area sown, and the cropping risk was shifted to the cultivators. In addition, the taxes were increased to amount to half of the average yield. Although this resulted in evil times for the rural population, the Moguls did not make any claims to the land itself after their conquest. Tax administration was highly a land register was introduced; and taxes were levied according to criteria such as quality of the soil, and so on.

After Aurangzeb's death in 1707, the power of the central government decreased rapidly, and the control over the tax revenues was lost. In order to obtain revenues at all, tax collector's posts were leased to the highest bidders in exchange for fixed sums. On the basis of their knowledge of the local conditions, the tax collectors; were free to extort as much as possible from the rural population and keep for themselves the difference between the collected taxes and the amount to be remitted. These 'assignees' were the first intermediary step in the direct tax relations between the government and cultivators.

The transfer of tax collection rights, known already in pre-Mogul times, for specific regions as remuneration for services rendered became so common that, under Aurangzeb's reign, 90% of all tax revenues fell to such privileged parties, and only 10% to the ruler. These grants of land with the right to collect taxes from it were also conferred on favourites. The conferment of such 'jagirs' transferred all the rights the government held, i.e., taxes, claims to uncultivated land, police power, etc., but no claims to the cultivators' land. Whenever tax collectors became landlords in the course of time, this was due to their reclaiming waste land or their confiscating the land of people who owed taxes.

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