ART. XXV.—*The Origin of Village Land-Tenures in India.*
By B. H. BADEN-POWELL.

IN the Journal of this Society for July, 1897 (pp. 628–641), an interesting communication was made by Mr. J. F. Hewitt regarding the existence of a real community of ownership in land, among the earliest Kolarian and Dravidian village settlers. I had hoped to see this followed up by some further local and other details, as the matter is one of great importance, and one that cannot be elucidated except by the aid of such special local knowledge as Mr. Hewitt, from his long residence on the Central Provinces and in Chutiya Nāgpur, undoubtedly possesses.

It will be well briefly to recall the condition of the question regarding the original form of village land-owning. For a long time we were accustomed to rely on a generalization which was, in fact, based on the extremely imperfect information recorded in the *first* series of Settlement Reports of the N.W. Provinces, and on some general descriptions of the joint-village to be found in official minutes and histories. When the fact became known that in North-Western India there were village ‘estates’ in large numbers, where each village area had an independent proprietary body of co-sharers who claimed to own, collectively, the entire area, waste and arable together, in a ring fence, and that this ownership was in certain shares which were, in some cases, not actually divided out on the ground, it was argued that here we had a primitive, or archaic, condition of land-owning, in which the body or ‘community’ were the owners, not the individual. It was further assumed that the whole population was mainly Aryan, and that this collective ownership was essentially an Indo-Germanic

institution, and was therefore justly brought into relation with the Teutonic 'mark' and similar (real or supposed) European forms.

It was, however, rather a remarkable feature that none of the advocates or adopters of the theory ever told us precisely what was meant by land being 'owned in common.' It is very easy, owing to similarity of sound, to drop into a kind of literary confusion between 'community' as indicating a body of *persons* (related by blood or otherwise) who have local interests and customs affecting them in the aggregate, and 'community' in the sense of owning or enjoying the land (or other goods) 'in common.' It might be asked, for example, whether a group of, say, fifty persons, each having his fixed *fractional share* in the entire estate, even though such shares had not been divided out on the ground—only the corresponding share of the rental or produce paid him by the manager—can properly represent 'ownership in common'? Even if a large part of the area is waste and is really used 'in common' for grazing, woodcutting, etc., because it is not yet required for cultivation, and yet it is understood that every member has a right to a distinct fractional portion whenever partition is called for, is it exactly right to say that even this land is owned 'in common'? Does not the idea of common holding necessitate that no one should have any particular lot or share, but that all should cultivate and should take from the store of general produce what each family happens to require, without a thought that A is entitled to $\frac{1}{2}$, B to $\frac{1}{3}$, C to $\frac{1}{2}$ of $\frac{1}{3}$, and so on? Common-ownership does not seem to be identical with joint-ownership.

Then, again, no one thought of inquiring who these groups or communities were—to what tribe, Aryan, Jat, or other, they actually belonged; and if (as certainly was very often the case) these questions could be answered, and the approximate date ascertained, whether the mode of joint-enjoyment really implied anything archaic.

When the later series of Settlement Reports and district monographs and gazetteers began to appear, roughly

speaking after 1870, it became increasingly possible¹ to marshal the facts, to classify the villages as to origin, and to show how they were owned; and that, in fact, 'community of ownership' did not exist. It also became evident that these co-sharing bodies, often established over the heads of an earlier cultivating group (who then became 'tenants'), chiefly belonged to the immigrant, conquering class, representing the descendants of chiefs whose domains were acquired in Northern India—north of the Narbada River. By far the larger part (according to area) of India was marked by another type of village which was, in fact, the older of the two; for the co-sharing village, however formed, might be observed to be established over the heads of an earlier group in the other form; but the second type certainly was never produced out of the joint-village by any process whatever.

On this point—the distinction of two types of village, the supporters of the older theory were especially weak. Some writers simply ignored the distinction; others imagined that the more widely spread village of separate peasant owners was a decayed form of the other. The fact is that when the communal theory was first brought forward, the village forms of Central, Western, Southern, and Further-Eastern India were little known, and there was not much on record about them. But I must not attempt any details as to the modes of getting over the difficulty adopted.

A consideration of well-established ethnological facts shows that there were other pre-Aryan or non-Aryan races in India, which certainly had permanent village cultivation, and *not* in the joint form. But (as I have already remarked) it was an essential part of the theory that the 'common ownership' was particularly Aryan; in short, '*the Indian village*' was introduced by the tribes whose first appearance in India is traceable in the Vedic Hymns and pursued traditionally from allusions in the Epics, Purāṇas, Jātakas, etc. But these tribes were not

¹ Largely owing to the impulse given by Sir H. Maine's writings to systematic inquiry. It is to this distinguished author's method and principles, rather than to his tentative theory, that we owe so great a debt.

particularly, or indeed at all, agricultural. Village cultivation essentially belonged to earlier races over whom the Aryans took the rule. The form of village which was most prevalent, and was marked by a powerful headman and *separate peasant holdings*—which, for want of a better name, I have called the *raiyatwārī* village—survived over all that large area, south of the Vindhyan barrier, because there the Aryan element extended least. Aryan influence ultimately prevailed over a large part of that area no doubt, but it was not by any racial immigration *en masse* (as in Northern India), but by the gradual establishment of Brahman teachers and by the local acquisition of military commands and rulerships by adventurous ‘Kshatriya’ chiefs. Here and there traces of old joint-villages formed by families of the ruling (foreign) caste were found in the Dakhan, as I have explained in an earlier paper (J.R.A.S., 1897, p. 265). They are the vestiges of local lordship over the earlier village settlements.

In my study of “The Indian Village Community,”¹ the attempt has been made to collect all the details I could find regarding the vestiges of Dravidian and Kolarian village customs, preserved (much better than elsewhere) in the secure plateau-lands of Chutiya Nāgpur (South-West Bengal) and in parts of the Central Provinces and the Orissa highlands. It seemed to me that these still traceable village institutions explained the probable origin of the separate holding or *raiyatwārī* village. They accounted for the prominence of the headman (‘pātel’)—the representative of the old tribal leader of the group that established the village; they accounted for the special holding of land attached to the office, as well as to some of the hereditary village artizans and servants, and which were called by the later Moslem administrators ‘waṭan’ lands. No one was owner of the whole village, nor was there a superior body of co-sharers who jointly constituted the owners. This was clearly illustrated by the case

¹ London, Longmans & Co., 1896.

of the curiously preserved Kāndh tribe of Orissa, among whom the agricultural village was a well-established institution, but where joint-ownership and the joint-family and joint-inheritance (as developed by the Hindus) were unknown.

It is very important, now, to notice that Mr. Hewitt (if I understand him rightly) regards the Kāndh village as not representing the earliest stage. The Kāndh tribal area is divided into 'mutṭhā'.¹ Each such division is again divided into 'goṇī.' The latter term refers to the aggregate *area* allotted to one group (wider-kindred); it also refers to the *persons*, and then each goṇī is subdivided into 'klambu' (close-kindreds). As to the way in which each family holding is allotted and held by the father of the household (as I have described in my "Village Community," p. 172), I do not understand that that is called in question. The analogy (not identity) of this with the Chutiya Nāgpur village custom is also marked. But the immediate point is that this is not *the original* Kolarian form. And here the great value of Mr. Hewitt's remarks is apparent; for the system spoken of certainly depends on the *father* of the house being recognized as owner and head of the holding. But where this is not the case, and the chief men of the village group are not the fathers of households, but brothers of the *mothers* of the village children, the principles of village constitution and landownership must necessarily be very different. And here I should like to ask, can we draw any distinction between Dravidian and Kolarian in this matter? did both begin with an early stage of matriarchal life; and, definitely, what are the grounds for asserting that the matriarchal principle actually prevailed? Allusion is made (p. 631) to 'the Nāgā and Urāṇ villages.' If we could learn something about the *locale* and the actual features of these villages it would be valuable. But even when the mothers of the village

¹ Mr. Hewitt writes 'muta,' but the word is surely 'mutṭhā,' and means 'a handful, a group'; it has nothing to do with 'mother' or parent-village, as far as the meaning of the word goes.

children are so by means of temporary (but customary or lawful) cohabitation, or by intercourse at the village festival, so that the fathers need not be known, or, at any rate, have no place as such in the social organization of the groups, there must still be some kind of principle on which the groups are formed and separated, so that one group of brothers and sisters are placed in one village settlement, another group in another, and the brothers of the village mothers manage their affairs. And when such groups are formed, some kind of village chief or headman must soon emerge.

In passing, I should remark that Mr. Hewitt has not quite correctly appreciated my remarks (or the passage from Sir H. Maine) about the *headman* (p. 629). What was meant is, that where the village group is the result of some primitive tribal aggregation and fission, there is sure to be some leader or chief; and as the first little group expands, so there remains the old chief of the original body, with chiefs of the subsequent clans or branches, and so on down to the head of each ultimate group. Now in the *pattidārī* and (the true) *bhaiāchārā* village of Northern India we have the case of a family derived from one founder (not tribal at that stage) coming in by conquest or adventure, and obtaining the lordship of one or more villages; and each gets gradually divided into main lots (*pattī*) for the sons of the founder, sub-lots (*thok*) for the grandsons, and so on: but here, as each is of equal dignity in descent from the same head, they manage their joint affairs by the 'pançayat' or aggregate of heads of chief families, and would not submit to one headman. It is true that on the N.W. frontier where the *tribal organization still subsists*, in addition to the village elders, the 'malik' (local chief) and 'khān' (clan chief) remain, but their functions can be distinguished; but let me repeat, in the other villages spoken of where there is no tribal organization, the existing families are too jealous of their equal position to allow anyone to be head (like the pātel in a raiyatwārī village). Some kind of pançayat or committee of elders will be, or

may be, found under all circumstances even where the village headman exists in all his former power; but in the joint-village a headman does not (naturally) exist at all.¹

To return to the primitive *parhā* expanding into a group of villages or hamlets; I suppose that something must have determined the separation of the groups originally, though it was not the patriarchal principle of the head of the eldest family. I understand further, that even in this early stage a 'headman' early emerges; and that he allots lands (of equal quality for each kind of soil) for the cultivation (on behalf of the village) of each family; or did they all go out and work at one general plot or set of plots? At page 63 (after a reference to Mr. W. C. Bennett and the Gonda district of Oudh²) allusion is made to headmen and to the villagers "dividing among themselves the soil of the *parhā* under the head Munda or Manki." Still, we are told, there was no such thing as a separate ownership or appropriation of the portion so cultivated: the whole produce was brought to the common stock, to one central store (?), and thence issued for the common meals, which all the village working youth partook of together. Are there any traces of custom still surviving, to show that once the cultivator had no separate interest in the plot (or aggregate of plots) he was told to cultivate? This seems to me very improbable, and it needs to be proved. The village children were carefully instructed (not by their fathers, for they were not necessarily known, but) by the elders (maternal uncles) in the practical knowledge possessed of hunting, agriculture, etc. They were brought up to think that

¹ In other words, it is not the *existence* of the *panchayat* that distinguishes the joint or landlord village, it is the *absence* of the headman. Sir H. Maine does not refer to the *tribal* constitution but to the joint *village* constitution (as he understood it).

² But the extract has no direct reference to the state of things in question. It refers to a village form in which the holdings are distinct and individual, and the point is that each holder does not conceive himself entitled to the *whole produce* of his toil; he recognizes that the *rāja*, the headman, the servants, the Brahman, etc., has each his customary right to some portion of the heap. And it is the division of the grain heap that is in practice the foundation of various interests connected with the soil. But those dues paid, each holder enjoys the balance in complete severalty.

“ their first duty was to obey their teachers and work for the prosperity of the village.” It is only to be wished that we had some more local references to actual details which would enable us to verify these inferences and statements. The suggestion (p. 632) that the “property in the soil was vested in the collective owners of the *parhā*” is perhaps not meant to be read too literally; but under such primitive circumstances it is natural to ask whether they had much idea of ‘property’ or of its ‘vesting’ in any-one: could they even distinguish between ‘collective’ property and ‘individual’ property? May it not be that the *parhā* was formed by a body of tribesmen obliged to keep together for safety and to get their food, and that as yet they had hardly formed any idea of ‘property’ at all, except the vague feeling that the group had some kind of general claim to the locality occupied, which others had not, and which would find expression in the forcible expulsion of intruders, if it came to that?

Mr. Hewitt next tells us (p. 633) of a further or later stage which followed on “the coming of northern immigrants,” who brought the custom of *marriage* and the division into (patriarchal) *families*. The soil then began to be divided out on this basis; villages began to be sufficiently near one to another to need distinct boundaries; and there is now a boundary-god, with his priest or *Gorayat*, and a snake-deity believed to coil round the village and form the boundary-line. The land is divided out into *koont* (*khūnt*) or *laka* (*lakkā*)¹—large lots usually five in number, one for the headman, one for the deities, and so forth. The rest is divided out into fields so that every cultivator has his share, which, however, is subject to redistribution, in order that all may get an equal benefit; and also (I may add) when new members are admitted or fresh holdings are required for growing numbers, the occasion of a

¹ Both these words are ‘Hindī’; but as they have no Sanskrit originals, and not even any probable Prakrit derivation, may they not be Dravidian words originally? Were the “northern immigrants” ‘Nāgā’ tribes who introduced the modified Dravidian idea?

redistribution may be taken to add in more waste to be cleared, and so rearrange the whole area to suit the altered number of holdings. I pass by the interesting allusion to the Chattisgarh districts at p. 634.

It was, in fact, *this* stage that I was aware of, and that I intended to represent as having furnished the origin of the raiyatwārī village and its institutions. And the defect of my account seems to be that I imagined this stage (as seen also in the Chutiya Nāgpur tenures) to have been *the* 'Dravidian and Kolarian' primitive form, which I ventured to argue must have been widely spread over India south of the Vindhyan ranges, and very likely, at one time, in parts of Northern India also. It appeared to me that the Dravidian tribes, with their greater powers of coalition and concentrated government, were able to take the rule, even peaceably, over the Kolarian tribes, at any rate in these parts of Eastern-Central India, and that they adopted with only slight modifications the Kolarian form of village.¹ What I now understand is, that this stage was preceded by one in which the group of hamlet settlements (that gradually grew out of one original village and filled the parhā or union) were not owned in allotments or holdings of separate individuals or households, but by the whole (*matriarchal*) group, however that group may have become separated or been constituted, and that cultivation was carried on solely with a view to collecting a common store of grain, out of which the common meal for the men (and for the women separately?) was daily provided. At some subsequent period the village headman *did* arise, and allotments of land to be cultivated *were* made. I do not understand that Mr. Hewitt objects to my suggestion that the raiyatwārī village, with its influential pātel and his hereditary allotment, arose out of this *later* or modified Dravidian form, but that there was a 'communal' form (Kolarian) before that.

I have no theory to support and never supposed that all

¹ Introducing the plan of setting apart a 'lot' for the support of the king or chief, etc. This is well explained in Mr. Hewitt's paper read to the Society of Arts (May 6, 1887, p. 622), also in Asiatic Quart. Review for 1887, p. 403.

had been said about village origins; but it is important to know definitely what further can fairly be ascertained, and I am anxious to learn whether I have rightly understood what is now brought forward. I suppose that even while a 'communistic,' or, at least, a non-individual, idea of land-holding lasts, as soon as convenience suggests that different members of the group should take in hand different plots of land to cultivate, an idea of appropriation tends to take root: the cultivator begins to think that what he has specially laboured at and shown his skill in clearing and hoeing up, he has some indefinite preferential, if not exclusive, claim to. And so with the aid of the transition to the definite family and the house-father, the individual lot is established, and a vestige of the idea of working *for the community* remains in the undisputed yielding of a share in the grain heap of the holding, to the headman, village servants, priests, etc., and (later on) to the rājā's manager.

It is hardly necessary to observe that if this primitive Kolarian community of land is to be admitted, it is something different, *toto cælo*, from what the popular theory of village-tenures supposes. It has no resemblance to any common (or collective) property among the comparatively advanced, and often monarchically governed, Rājput, Jat, and mixed-race communities of the Ganges plain. For the 'collectivity' there is simply a misrepresentation, either of the joint-family and the co-ordinate claim of all the heirs together, or (locally only) of some peculiar tribal custom of formal, equal, allotment to all members of the clan or sub-clan coupled with a certain degree of clan cohesion and solidarity.

I may perhaps remove beforehand an objection likely to be made: it is perfectly true that the traces of early common-holding such as have been alleged can be only extremely local and scanty, and very much a matter of inference from certain indications and peculiarities of surviving custom: it cannot be set forth with the detail that can be produced regarding later institutions and tenures.

In asking for further information I do not expect too much;

but the *statement* of whatever facts and inferences are in evidence can be made as clear as possible, and the grounds of belief explained, apart from all subsidiary matter however interesting in itself. I do hope we may be permitted to hear something more about the actual localities where traces of Kolarian communism can be fairly followed up, as prior to the growth of the village, with its headman and its allotments of land and family holdings.

I trust I shall not be understood as calling in question Mr. Hewitt's views or defending any opinions of my own. I have none to defend. If I have seemed to criticize, it is only on points of detail where the matter is not clear, or where my own expression has been misunderstood. I am quite sure that the hitherto received theory about '*the village*' (really the North Indian villages) is wrong. I am equally convinced that the widespread *raiyatwārī* village of Dravidian countries is not a decayed form of *pattidārī*, or anything of the kind: it is an independent growth with a history of its own; what that is, remains still to be completed. In my published essay I tried to take it back to what appeared to be the earliest stage at which a definite village constitution could be said to emerge. I am interested to hear that '*the village*' had an earlier stage still, and that was when the group (at that time connected by the mother only) had a recognizable conception of ownership, but that it was '*ownership in common*,' and had no reference to any allotment to a unit household or appropriation in virtue of labour and skill bestowed. Only I want to be sure that I have rightly understood what is intended, and that the matter will stand examination.

Let me only add, as Mr. Hewitt has noted the subject under a separate heading (p. 628), that his paper does not appear to establish (or even to mention further) an objection to my view denying the existence of a "*claim to property in waste land until the land was cleared . . .*" I have always admitted that the settling clan-group must have had a feeling of general territorial right to the whole area—waste as well as cultivated; it was within their exclusive

‘sphere of influence.’ What I have urged is, that this vague sense is not the same thing as a definite idea of property (whether collective or individual). Such a definite idea does not arise till the labour and skill exercised in clearing and tillage have (naturally) produced a feeling of some special claim or right. The ‘waste’ (as such) is on much the same footing as the air or water. In the joint-village, on the contrary, the adjacent waste was, from the first, part of the allotment by grant or conquest, etc., which originated the superior tenure: it was always part of the ‘property’ and liable to regular partition in the *same shares* as the rest, when the heirs required it.