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## LAND TENURE SYSTEM: KAUL-ISTAWA IN SUBHA AHMEDNAGAR

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### ABSTRACT:

*The lands of villages were divided into hereditary family estates, called Thals, bearing the names of ancient Maratha families, the descendants of which were then in possession of them; or bearing the names of extinct families, of whose ancient possession tradition bore testimony. The lands of extinct families were called Gat-Kul, from the Sanskrit gata- gone, passed away, and kula- a race, family. Under all changes of government and new proprietary, the family names by which they were originally distinguished have rarely been disturbed, and it is probable that they are handed down from very remote times. The law of succession by primogeniture not obtaining amongst the Hindus, it is probable that, in the second generation from the original proprietor, the estates would be divided, and come into the possession of two or more males of the same family; and that, as the branches multiplied, the individual shares diminished in size, until each was no longer equal to the support of one person. So circumstanced, the smaller proprietors must have sought means of subsistence elsewhere.<sup>1</sup>*



**KEYWORDS:** Land Tenure System, lands of villages.

### INTRODUCTION

At the time of the Muslim government of the Nizamshahi kings, the ancient Maratha land institutions have continued unchanged. "The lands of Bagh Roza, one of the constituent villages of Ahmednagar, are divided into Thals, each having a family name, with descendants of the original proprietors in possession of many of them. It might have been supposed that the Musalmans would have dispossessed the Hindus; but with the single exception of one Thal, which from time immemorial has been in the possession of the descendants of Husain Khan, whose name it bears, there is not a Musalman name to any of the Thals."<sup>2</sup>

According to William Sykes, the Maratha country-the Deccan was anciently possessed by a people who had nothing in common with the Marathas in objects of religious architecture, in personal appearance, or in the graphic characters used to express ideas. According to him this ancient people were Buddhist and they were succeeded by the Marathas. The deserted villages at once peopled by the new race, and the lands shared by the prince, his chiefs, and the Mahratta soldiery. Individual shares or allotments might, naturally enough, have been distinguished by the name of their first possessors. The mode of succession to property amongst Hindus would make these allotments hereditary, without at all affecting any reserved paramount rights of the prince. Artisans, priests, and others, followers of the

troops, would not have had any substantive claims upon the conquered possessions, but their presence being necessary for the internal economy, the well-being, and comfort of a village, provision would be made for them by fees in kind from the possessors of these Thals or estates, at a period when it may be doubted whether a money circulating medium obtained to any extent. The Mahratta who had enjoyed the greatest consideration amongst his compatriots when serving with the army, would remain the chief or Patel, or the office might have been conferred by the prince. In village accounts the lettered Brahman would be made use of it. For the general administration of the country, villages would be thrown together into districts, officers appointed over them, and over these last there would probably be a connecting link with the prince. "All offices of trust, emolument, or power, would necessarily be in the hands of Mahrattas; and those of accounts in the hands of Brahmans, from their knowledge of letters."<sup>3</sup>

"Land tenure System of Subha Ahmednagar can be classified into Mirasi, Upari, Kaul-Istawa, Saranjam, Inam and Dunmala land. In the Subha Ahmednagar. Mirasdars and Uparis were equal in number and had the privilege of paying *Jirayati*-dry-crop rates in Baghayati-garden lands."<sup>4</sup> Japanese scholar Hiroshi Fukazawa mentions three different theories regarding the land-systems in the medieval Deccan from the early fourteenth to the early nineteenth century. The first theory according to him, the theory of State ownership of ordinary agricultural lands apart from the land granted revenue-free by the State (inām land) and the 'lands held on the privileged tenure of watan'. This theory was given by Mr. B. H. Baden-Powell. According to this theory the land-holder had theoretically no ownership-rights at all. The Second theory according to him, the theory of peasant ownership of all the agricultural lands. Professor A. S. Altekar has elaborated this theory. According to this theory there was neither idea of any communal ownership nor idea of the crown being the owner of the land in the Deccan, and the ownership of lands occupied by village communities in Western India was vested in the peasant proprietors.<sup>5</sup>

Hiroshi Fukazawa mentions Professor S. N. Sen's theory as the third theory in this regard. According to him it was an intermediate theory between Baden-Powell and Altekar. The theory throws light on Mirasdars and Uparis, the village land was divided among them, except inām lands held by hereditary officers and servants of the village. The Mirasdars were residents of the village who had permanent proprietary right in their land, and could not be ejected or dispossessed so long as they paid their rent.

"The property of Mirasdars was hereditary and saleable, and even when ejected for non-payment of land tax, the Mirasdars did not lose the right of recovering their ancestral farm land for a long period."<sup>6</sup> "The Uparis, on the other hand, were tenants-at-will, and generally strangers holding Government land under the management of Mamlatdars."<sup>7</sup> According to Hiroshi Fukazawa, Professor S. N. Sen's theory was the most reliable among these theories.

Kaul-Istawa was one of land-tenures found in Subha Ahmednagar under the Peshwas. Kaul means contract, agreement; and Istawa is applied to land let under its value. In practice, to induce cultivators to break up land that has long lain waste, a lease is given for five, seven, or, at the most, nine years. The first year a trifling rent is fixed, which increases yearly in arithmetical progression until the fifth, seventh, or ninth year, when the full rent is paid. As it is not imperative on the cultivator to carry on the land after the expiration of the Kaul-istawa, this tenure is highly desired, and the longer the period the greater the profit to the lessee. "As a system, however, it is injurious to the revenue, and unjust to the highly assessed Mirasdar, whose means of realizing his rents are diminished in the ratio of the extent to which Kaul-Istawas are granted. Were it desirable to extend the cultivation and lessen the price of agricultural products, Kaul-Istawas would be most effective."<sup>8</sup>

According to Andre Wink, "... istavafarms, either of whole tarfs or of a single kasba or a number of villages, are frequent in this period: during four- or five-years increasing amounts of revenue are to be paid; these are fixed for each year in the sanad, which usually contains the injunction that the increase in the amounts should not be made good by undue exactions from the rayats, but by increasing the revenue by the extension of cultivation. The renewal of the farm to the same incumbent may even be made conditional on this extension of the cultivated area. In nearly all cases accounts are demanded from

thefarmer/kamavisdar and it is stipulated that he should employ karkuns, likea fadnis or 'deputy auditor' and a majumdar or 'accountant', appointeddirectly by the huzur under a sanad, for the clerical work. Finally, he maybe ordered to measure the cultivated lands and to fix rates per bigha.With salaried kamavisdars it was the standard practice to include in theirsanads the injunction to extend the cultivation by giving istava leases tothe cultivators."<sup>9</sup>

Peshwa Diary mentions that, in the year 1755-56 A. D. the Kamavisdars of Peshwas and of that of Mughals have recovered the revenue of the village KhedTarfChambergonde, PrantKadevalit at the rates according to their wishes by coercion. So, the Kaul has therefore been granted fixing the amount each Government should receive every year.For the year 1755-56 the Ain- Tankha including Sardeshmukhi was, Nine Thousand Three Hundred Ninety Six Rupees and Fourteen and Half Annas. According to the Istawa, the rule of getting revenue for the first year was- Four Thousand and Five Hundred Rupees, for the second year it was- Five Thousand Six Hundred and Twenty Five Rupees, for the third year it was- Seven Thousand and Thirty One Rupees and Four Annas and finally for the fourth year it was- Nine Thousand Three Hundred Ninety Six Rupees and Fourteen and Half Annas. It shows that the lands were levied with annually increasing rent- Istawa rent- for the first three years, and standard rent after the fourth year.<sup>10</sup>

Istawa was beneficial in many ways to the cultivator as well as to the state. If the village was deserted, or there was no rain for successive years, or it was destroyed by enemy troops, in any case the state would adopt liberal policy of Kaul-Istawa. Cultivators could undertake the cultivation and the state would get their revenue.

<sup>1</sup>Raju Gholap, "Subha Ahmednagar Under ThePeshvas: An Economic Study(1759-1818)" (PhD diss., Savitribai Phule Pune University, Pune, 2022), 54-55.

<sup>2</sup>William H. Sykes, "Art. XII.— On the Land Tenures of the Dekkan", *Journal of the Royal Asiatic Society* 2, no. 4 (1835): 210. doi:10.1017/S0035869X00094363.

<sup>3</sup>Ibid., 207-08.

<sup>4</sup>Gholap, 55.

<sup>5</sup>Fukazawa Hiroshi, "Lands AndPeasants In The Eighteenth Century MarathaKingdom", *Hitotsubashi Journal of Economics* 6, no. 1 (1965): 32-61. Accessed June 9, 2020. [www.jstor.org/stable/43295450](http://www.jstor.org/stable/43295450).

<sup>6</sup>Surendranath Sen, *Administrative System of the Marathas* (Calcutta: K. P. Bagchi & Company, 1925),142-43.

<sup>7</sup>Ibid.

<sup>8</sup>Sykes, *On the Land Tenures*, 217.

<sup>9</sup>Andre Wink, "Maratha Revenue Farming," *Modern Asian Studies*17, no. 4 (1983), 607, <https://www.jstor.org/stable/312237>.

<sup>10</sup>Ganesh ChimnajiVad, "Balaji Bajirav Peshwa," in *Selections From The Satara Rajas' And The Peshwas' Diaries 3 no.1*, ed. D. B. Parasnis (Poona: The Deccan Vernacular Translation Society, 1907), 245-47.