

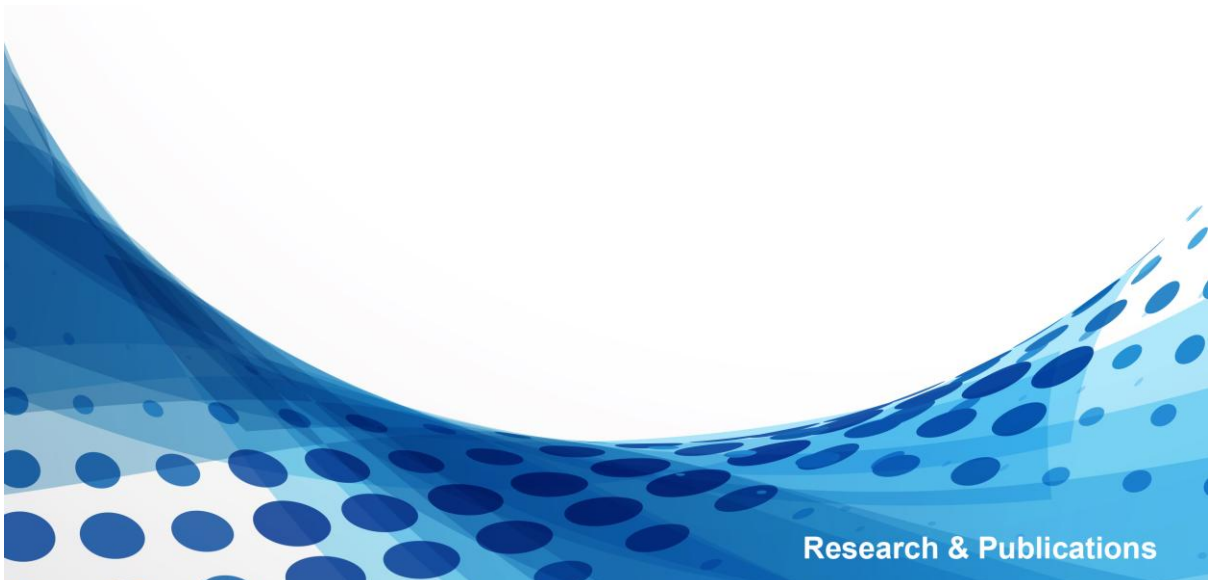


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“IN THE NAME OF EMINENT DOMAIN”: A HISTORICAL AND COLONIAL PERSPECTIVE TO LAND GOVERNANCE AND LAND STRUGGLES IN INDIA

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Research & Publications

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“IN THE NAME OF EMINENT DOMAIN”: A HISTORICAL AND COLONIAL PERSPECTIVE TO LAND GOVERNANCE AND LAND STRUGGLES IN INDIA

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Abstract

This paper traces the historical evolution of land governance in India leading up to the Land Acquisition Act (LAA) of 1894, situating it within broader colonial need of economic extraction. It explores how British land policies enabled the forced cultivation of opium and establishment of tea plantations to correct Britain's trade imbalance with China and sustain global dominance. These extractive systems, rooted in the doctrine of eminent domain, dispossessed millions and fuelled the indentured labour system. The paper also highlights resistance movements, both armed and non-violent, that arose in response to these injustices. It lays the foundation for examining deeper historical shifts in Indian land tenure.

Backdrop: Notable land struggles in colonial times

The world's first recorded organized non-violent struggle against forced displacement caused by an irrigation project took place exactly a century ago, in 1921, under the leadership of Pandurang Bapat¹. Bestowed with the title of Senapati, he championed the cause of tenant farmers and landowners' rights. At that time, Mahatma Gandhi voiced strong opposition to the use of the Land Acquisition Act (LAA) of 1894 for the compulsory acquisition of land for the Mulshi Dam near modern-day Pune, calling it "satanic" and contrary to the spirit of Indian civilization. This brave act of non-violent protest, however, was preceded by several armed uprisings against the British over 150 years before that – all related to land-based exploitations and the eventual enactment of the LAA, 1894. Arguably, the most notable was of Tilak Manjhi, the first known tribal leader to fearlessly oppose British attempts at controlling tribal lands and resources in the Rajmahal region of present-day Bihar and Jharkhand². Born in 1750, Tilak Manjhi organized the Adivasis (indigenous people) into an armed force and employed guerrilla warfare tactics. In 1784 he attacked and fatally wounded Augustus Cleveland, the British commissioner of Rajmahal. He shot Cleveland with a poisoned arrow while Cleveland was on horseback. Although, betrayals led to Manjhi's eventual capture and brutal execution in 1785

¹ Pandurang Mahadev Bapat was an important figure in India's struggle for independence. He earned the title "Senapati," which means commander, due to his prominent role in leading the Mulshi Satyagraha. (Vora, R.; 2009).

² For an account of Tilak Manjhi's rebellion and early Adivasi resistance, see K.S. Singh, Tribal Society in India: An Anthro-Historical Perspective (1985)

when the British tied him to the tail of a horse, dragged him and hanged him from a Banyan tree in the city of Bhagalpur, Bihar – this established Tilak Manjhi as India's first armed rebel against the British. It also set the stage for the Santhal uprising of 1855 – led by the Murmu brothers Sido, Kanhu, Chand, and Bhairab³.

The Santhal rebellion (or *Hul*) came as an opposition to the complete disruption of the traditional communal land ownership system of indigenous residents because of the Permanent Settlement introduced by the British in 1793. Under this, *Zamindars* – or landowning intermediaries were empowered by the British to collect revenues and impose arbitrary taxes on farmers. Exorbitant interest rates were charged by moneylenders (or *mahajans*) and forced local farmers into debt and bonded labour. The British administration was full of apathy, and this brought the Santhals to extreme desperation. Eventually, the Murmu brothers formed an army of thousands of tribals and launched an unprecedented attack on British establishments, and homes of Zamindars. The British army quelled the rebellion by brute force, but this also led to the enactment of The Santhal Pargana Tenancy Act, 1876 – one of the first tenancy protection legislations in the country (Murmu, 2024). This Act made it illegal for Santhals to transfer land to non-Santhals and offered protection to their land rights, a legacy that continues till today.

Close on the heels of this rebellion, Birsa Munda, a tribal activist, led another powerful uprising, between 1895 and 1900. This was against the British land alienation policies in the Chotanagpur region of Jharkhand⁴. As per the Munda tribal customs, land was communally owned by the entire clan under the system of *Khuntkatti*⁵. When the British brought in Zamindari, this system got broken and Mundas turned to tenants or landless labourers. They were pushed to do wageless labor, known as *Beth Begari*. Moreover, large forest areas were declared as state property and the local tribals were prohibited from collecting forest produce, practice shifting cultivation, or graze cattle. A few years after Birsa Munda was captured and died in a Ranchi jail in 1900, the British formulated the Chotanagpur Tenancy Act of 1908 (Murmu, 2024).

These land resistance movements also extended into the north-eastern regions of India. The most notable was the Khasi Rebellion⁶ (1829-1833) led by U Tirot Sing Syiem of Nongkhlaw. During the early periods of the 19th century, the British wanted to construct a road through the autonomous Khasi Hills to connect the Brahmaputra Valley (Assam) with Sylhet (in present-day Bangladesh). This road was vital for British commercial and military interests. However, this required forceful land acquisition which tampered with the Khasi's traditional land ownership and their tribal way of life. The British also forced the Khasis to work for road construction. These created fears among them that ancestral lands will be lost, and their

3 “Santhal Hul Wasn't Just the First Anti-British Revolt, It Was Against All Exploitation”. Harsh Vardhan and Shivam Mogha, The Wire India, 2022.

⁴ For an account of Birsa Munda's rebellion and its impact, see K.S. Singh, Birsa Munda and His Movement, 1874-1901: A Study of a Millenarian Movement in Chotanagpur (1983)

⁵ Ownership to the clan (killi) that first cultivated the land. Rights are inherited within the lineage, reinforcing both territorial identity and kinship-based land governance.

⁶ For an account of the Khasi Rebellion and its challenge to British colonial policies on tribal land, see Hamlet Bareh, U Tirot Singh (1984).

independence would be taken away. Frustrated by this, Tirot Singh attacked the British Garrison with his warrior group on the 4th of April of 1829. Several British soldiers including two officers, Lt. Richard Bedingfield and Lt. Philip Burlton, were killed. U Tirot Singh was eventually captured and imprisoned in Dacca, where he died in 1834. His dying words were “Better die a commoner in prison than a slave king on the throne”⁷.

Since these uprisings made it very difficult for the British to acquire land, they institutionalized acquisition through the Land Acquisition Act (LAA), 1894 (Venkat, 2015). It was a legislative embodiment of the colonial government's continuing exercise of coercion that was essential for their expansion and control. The British LAA (1894) formalized the power of the state to unilaterally acquire land for infrastructure projects (like railways, dams and canals). This extended to large companies, where "public purpose" was anything that served colonial economic interests. Theoretically, compensation was mandated. But land was often undervalued. It hardly accounted for loss of livelihood and did not offer any room for dissent from the dispossessed.

The roots of this coercive act actually lay in the principle of Eminent Domain, which originated in Europe during the Dark Ages. This principle allowed governments to confiscate land from private owners (Deodhar, 2019; pp. 55-57). The term "Eminent Domain" derives from the Latin phrase meaning supreme lordship, reflecting the belief that ultimate ownership of land rested with God. According to Chapter 21, Verse 1 of the Psalms, the earth and everything in it belongs to the Lord. Medieval kings, claiming to be God's representatives on earth, leveraged this belief to assert their absolute control over land. This sanctified their right to rule and placed them beyond the will of the people. The codification of Eminent Domain began with the Magna Carta in the 13th century. Later, the Papal Bull issued by Pope Alexander VI in 1493 legitimized the Spanish conquest of lands in Latin America (Gliha, 2012). Similar principles guided Portuguese and other European colonial conquests in Africa and Asia.

The pervasive institution of eminent domain created disparities globally that persist till the day. Frankema (2010) has systematically investigated colonial land policies across former European colonies and found that the way land was redistributed from natives to settlers contributed to long run and persistent asset inequality. Acemoglu, Johnson, and Robinson (2001; 2012) offer a broader framework. When faced with high mortality rates, European settlers in Latin America, and parts of Africa and Asia established "extractive institutions" which were designed to exploit land and labor. These institutions concentrated land ownership among a few and continue to remain a fundamental cause of ongoing underdevelopment and inequality. Beckert (2014) describes how the British forcibly reorganized land and agricultural production through "war capitalism,". In the process, locals were dispossessed and impoverished. Banerjee and Iyer (2005) demonstrate that the Indian Zamindari system led to transfer of vast tracts of land to a few landlords, leaving the cultivators with insecure tenure. This continues to impact regional disparities in agricultural investment, productivity, and poverty even today. Rodney (1972) shows how colonialists appropriated land from locals to do plantations and agriculture. This uprooted the traditional systems, creating a wide gap between elites and local population

⁷ *ibid.*, pg 121

and leading to persistent underdevelopment and inequality. Mamdani (1996) studied Africa to find that the historical manipulation of customary land laws is the chief factor behind present-day underdevelopment of Africa.

In this paper, we present some details of how land governance evolved in India up to the point of the Land Acquisition Act, 1894. The subsequent sections of this paper will delve deeper into the historical evolution of land rights, ownership, and tenure in India. The discussion will explore ancient and pre-colonial systems of land governance and the transformative changes under British rule. An understanding of these transitions will help better appreciate how historical legacies continue to shape India's present day land systems.

Land systems in ancient India

Philosophical perspectives

The Sanskrit word for land is Vasundhara or “someone that holds wealth”⁸. There are eight forms of wealth mentioned in the ancient treatises written in the Indian subcontinent, called as Ashta Lakshmi. It includes money, livestock, agricultural produce, valour and a few others – but does not include land⁹. This means land, very likely, was considered something which *created* wealth but was not wealth. This idea was also reflected in the definition of economics given by Kautilya circa 4th century BCE who defined economics in his treatise Arthashastra as follows: “The source of the livelihood of men is wealth, in other words, the earth (read land) inhabited by men. The science which is the means of the attainment, and the protection of that earth is the science of politics.” (Kangle, 1963, p. 593). If land was recognized by Karl Marx as ‘locus standi’ and ‘field of activity’, the same was clearly emphasized by the legendary Indian lawmaker Narada circa 2nd century CE. The exact quote of Narada from his Dharmashastra is, “...householder's living space and his field are considered as the two fundamentals of his existence. Therefore, let not the king upset either of them, for that is the root of householders.” (Muller, 1879)

In fact, circa 4th century BCE, Jaimini, the founder of Purva Mimamsa, one of the prominent Indian philosophical systems, clearly stated that the right of property is not vested in the king and that the king has no right to give it away as a fee¹⁰. The kings had to buy lands from private owners, even if it were for donations or public works. This is best exemplified by the Nasik

⁸ Vaman Shivaram Apte, The Practical Sanskrit-English Dictionary, revised and enlarged edition (Poona: Prasad Prakashan, 1957), s.v. “वसुंधरा (Vasundharā),”

⁹ The eight forms of wealth, or ashta-lakshmi (associated with the goddess Lakshmi), include: Ādi Lakshmi (Primary or Original Wealth) – Signifying the foundational form of wealth, connected to sustenance and support; Dhānya Lakshmi (Wealth of Grains) – Reflecting agricultural abundance, particularly grains, which are essential for sustenance and signify food security; Dhairya Lakshmi (Wealth of Courage and Valor) – Representing bravery and resilience, often considered essential for rulers and warriors; Gaja Lakshmi (Wealth of Elephants) – Symbolizing power, royal authority, and an abundance of animal wealth; Santāna Lakshmi (Wealth of Progeny) – Emphasizing fertility, continuity, and prosperity through descendants; Vijaya Lakshmi (Wealth of Victory) – Associated with success in ventures, including business, warfare, and personal endeavors; Vidya Lakshmi (Wealth of Knowledge) – Signifying the importance of learning, wisdom, and education as valuable assets; Dhana Lakshmi (Material Wealth) – Representing monetary wealth, gold, and material possessions (Kangle, 1965).

¹⁰ The verse being mentioned is VI.7.3, which deals with what can and cannot be given as fees by the king to the priest for performing visvajit yagna - a ritual performed by kings with the support of priests. (Jha, 1932).

cave inscriptions of Uṣavadāta¹¹. Gautamiputra Satakarni, the Satavahana emperor, who ruled India circa 1st century CE, wanted to grant land as an endowment to a Buddha Bhikkhu Sangha. But first, he had to buy the tract of land from its original possessor for 4000 karshapanas¹². The Isha Upanishad also says, “*Ma Grudha Kasyaswidhanam*”, that is, “...do not covet property of others”¹³ (reference). In the epic Ramayana, when the war was won against Ravana, Lakshmana, the younger brother of Lord Rama said that Lanka was a beautiful place, and they should govern the subcontinent from that place itself. To this, Rama immediately retorted, “*Janani janma bhumischa, swargadapi gariyasi*”, that is, “Mother and motherland are much dearer than even the heaven.”¹⁴ Thereafter, Ravana’s brother Vibhishana became king of Lanka and Rama, Sita, and Lakshmana returned to Ayodhya.

Classification and tenure

In ancient India, property was typically classified into four broad categories. First was *rajya*, or state property, under which land and resources were directly owned or controlled by the king. This included agricultural land, forests, mines, and trade routes. Although the king had the ultimate right to all lands, his role was more of a trustee rather than an absolute owner. Kautilya in the Arthashastra (Rangarajan, 1992) recommended that the king maintain control over uncultivated lands, pastures, and forests, as well as the revenues generated from these resources. The second was *svātva* or private property, that is, property owned by individuals or families, usually in the form of agricultural land, houses, and livestock. Private ownership could either be passed down through inheritance, or be gifted, or acquired through purchase. The state protected rights of private property, in return for taxes. The Dharmaśāstras (e.g., Manusmṛiti) provided detailed guidelines on how private property could be inherited and divided among family members¹⁵.

Then there was *samudāya*, or common property. This included resources such as pastures, grazing lands, water bodies, forests, and even those agricultural land managed collectively by a village, guild, or community. Access to these resources was often based on social norms, customs, and needs rather than formal laws. Communities usually had the responsibility for managing common lands, and decisions about their use were made collectively, often under the guidance of village councils (*sabhas*) (Rangarajan, 1992). The fourth were *devasvām*, or temples and its assets. These were managed by the priestly class through endowments called *agrahāras* or *brahmadeyas*¹⁶. Temples often had large tracts of land, which were sometimes leased to peasants.

¹¹ For a detailed account and translation of the Nasik Cave inscriptions, see E. Senart, “The Inscriptions in the Caves at Nasik,” in *Epigraphia Indica*, Vol. VIII, edited by E. Hultzsch, 1906.

¹² *ibid.*

¹³ Isha Upanishad, verse 1, p. 567 in *The Principal Upanishads*, by Sarvepalli Radhakrishnan (1953).

¹⁴ This verse is seen in Valmiki Ramayana, Book 6 (Yuddha Kanda), Chapter 124, Verse 17, ed. T. R. Krishna Chary, pub. T. R. Vemkoba Chary (1930).

¹⁵ See Sections 11–29, in *Manu Smṛiti with the Manubhāṣya of Medhātithi*, by M. Ganganath Jha (1926), for detailed rules on inheritance and division of private property among family members.

¹⁶ Upinder Singh, “Brāhmaṇa Settlements in Ancient and Early Medieval India,” in *A Social History of Early India*, ed. Brajadulal Chattopadhyaya (2009), p. 157–175.

The ownership patterns and guidelines for managing land were quite vivid. There were the taxable lands allocated to *Karadas* (taxpayers) and *Bhaga Parihara* (tax-exempt) lands (Rangarajan, 1992). Land owned by taxpayers could be sold or mortgaged only to other taxpayers, while the land given as a gift to Brahmins (tax-exempt) could only be sold to other Brahmins with similar property. Tax-exempt land was restricted in its use for residence or cultivation by taxpayers. *Apratibaddha Bhumi*, or inalienable land, was generally intended for cultivation (Ojha, 2017). But if the owner neglected to cultivate it, another individual could cultivate it for up to five years. If the original owner returned, then they would be compensated for their labor. *Vivita or Pasuvana*, or pasture lands, were dedicated pasture lands for cattle grazing and were essential for agricultural sustainability. The state protected these lands from encroachment so that healthy herds could be maintained. *Setu*, or common pool resources, were resources such as tanks, reservoirs, and embankments. These were treated as community assets, were used collectively and strictly regulated to ensure fair access and prevent disputes. *Anirjita bhumi*, or waste land, was land that was unproductive or unsuitable for cultivation. It could be allocated for new settlements, but were often utilized to improve defence, especially near borders. *Vana*, or forests, were classified as per their purpose. Productive forests for resources were called *dravyavana*; elephant forests for royal use were called *hastivana*; and land allocated to ascetics for soma plantations or spiritual practices were called as *mrigavana* (Rangarajan, 1992).

During ancient India, arable land and cultivation received the highest security and preference. Lifetime land tenure was awarded only for arable land to taxpayers. But ownership was secure only as long as the owners cultivated and maintained the land. If land was not cultivated or was neglected, the king could revoke the individual rights (Mandal, 2011). Similarly, if someone had prepared a non-arable land for cultivation, it could not be taken away from them. However, if someone failed to cultivate land it could be confiscated and reassigned to others, including village employees or merchants. Kautilya emphasized the king's responsibility to prevent harassment of farmers through undue fines, taxes, or labor demands. However, if owners neglected their land, failing to occupy it over long periods (e.g., 10 or 20 years for certain properties), they risked forfeiture of their rights to the land. This rule did not apply to vulnerable individuals like minors, the elderly, or those affected by calamities. As for conquered lands, they were either retained by loyal rulers or redistributed according to the conqueror's policies to reinforce stability and prevent rebellion. Subjugated kings who demonstrate loyalty and helpfulness were allowed to continue ruling their land, retaining their kingdoms and privileges under the conqueror's sovereignty¹⁷.

Kautilya's Arthashastra recognized individual ownership of land, but also underscored the state's right to regulate and tax it (Mandal, 2011). Land ownership was also deeply tied to religious and social obligations. In the Dharmaśāstras, or legal and religious texts such as the Manusmriti, right to land was considered private but subject to landholders fulfilling religious duties, such as making offerings to the gods and ancestors. The concept of land markets existed

¹⁷ For a deeper understanding of the treatment of conquered territories and the behavior expected from subjugated rulers, see Kautilya's Arthashastra, translated by R. Shamasastri (1951), Chapter XVI: "The Attitude of a Conquered King".

as land could also be inherited, gifted, or even bought. The inheritance laws typically favoured male descendants. As per Dharmashastras, land was inherited by male descendants, with the eldest son often receiving the largest share. Women, especially daughters, were generally excluded from inheriting land, though widows had rights to manage the land in the absence of a male heir¹⁸.

The king had the right to collect taxes and grant lands. Land grants were made to officials, Brahmins, or temples as a mark of favour or religious merit. Numerous copper plate inscriptions from the Gupta and post-Gupta period document land grants made by kings to Brahmins and temples¹⁹. These inscriptions often detail the rights granted with the land, such as exemption from taxes or labour obligations (*agrahara* grants). For instance, and as mentioned earlier, the Nāsik cave inscription of Gautamiputra Sātakarni (1st century CE) describes royal land grants made to Brahmins for religious merit and the explicit conditions under which the land would be cultivated²⁰.

As in the present times, agricultural land tenancy was quite prevalent even in ancient India. Many farmers were tenants or sharecroppers and paid a portion of their produce as rent to the landowner. The proof is in Kautilya's Arthashastra which states that between one-fifth to one-half of the produce would be shared with the sharecropper depending on input share²¹. Nevertheless, cultivators, even if they did not own the land, had certain clear rights. If they had cultivated a piece of land for a long period, they could not be arbitrarily evicted by the landowner. This is evident in the practice of "prescriptive possession" mentioned in some legal texts and commentaries.

Revenue and taxation

Land revenue was always a major source of income for the state, and thus taxes were levied on the agricultural produce. Different terms were used for these taxes. For example, *bali* was a voluntary offering made by subjects to the king while *bhaga* was a share of the produce (often one-sixth) that was collected as tax (Srinivas, 2016). The Manusmriti details the king's right to a share of the agricultural produce, often recommending that the king take no more than one-sixth of the harvest as tax²². Kautilya, on the other hand, mentions that the state could claim up to one-fourth or even one-third of the produce depending on the situation, especially during times of economic strain or war.

Shaped by agrarian expansion, social stratification, and the administrative priorities of different rulers, land governance in ancient India changed constantly between the Mauryan kings (circa

¹⁸ Later in medieval times, the Mitakshara and Dayabhaga schools of thought had different interpretations of inheritance. The Mitakshara school, dominant in most parts of India, recognized the joint family system, where property was held jointly by the family, whereas the Dayabhaga school, prevalent in Bengal, allowed for individual ownership and partition upon the death of the family head (Colebrooke, 1810).

¹⁹ For further reading on copper plate inscriptions documenting land grants to Brahmins and Buddhist Monks, see *Epigraphia Indica*, Volume 8, edited by Hultzsch, E. (1906), Archaeological Survey of India, Calcutta.

²⁰ *ibid*

²¹ See The Kautiliya Arthashastra, Part II: An English Translation with Critical and Explanatory Notes, Book II, Chapter 24, Verse 16, p. 150, by R. P. Kangle (1960).

²² On Manusmriti's recommendation of King's share, see discourse VII, verse 130; Manusmriti with the Commentary of Medhatithi, by Ganganatha Jha (1920)

4th century BCE) and the post Mauryan kings (2nd Century BCE to 3rd Century CE). The Mauryan kings had a relatively stronger hold on land ownership. They directly cultivated crown lands (*raja-bhumi*) and leased it to peasants (*karshakas*) who often worked on state-owned or privately held land and had usufructuary rights but did not own the land. In the post Mauryan period, tax free land grants (*agrahara*) to Brahmins and Buddhist monasteries became common. For example, the Gupta rulers (4th Century CE to 6th Century CE) formalized land grants to Brahmins and temples, making tax-free villages a prominent feature. These grants often included administrative privileges, like the right to collect taxes or settle disputes.²³

As Islamic rule started gaining foothold in India, through series of fiery and brutal invasions in the 12th century CE, land became increasingly valuable. This heralded several interesting changes in the land systems of India. In the next section, we trace some of them beginning from the early medieval period of predominantly Hindu rule to Mughal times.

Land governance under rulers in medieval India

Hindu Kingdoms

Under the Hindu kings during the early Medieval period (7th Century CE to 12th Century CE), the *samanta* system became very prominent²⁴. Under this, land was granted to vassals in exchange for military service. Land was increasingly divided among powerful landlords and regional chieftains. The Uttiramerur inscriptions detail the administrative functioning of the village assembly (*sabha*) in Uttiramerur, Tamil Nadu, during the Chola period, circa 10th Century CE (Subramanian, 2010). They provide insights into land grants, tax exemptions, and local governance. These inscriptions specify that land grants to Brahmins and temples were exempt from certain taxes, including *kadamai* (land tax) and *vetti* (forced labor). The recipients had autonomy in managing local disputes and collecting revenues. "Lands donated to temples and Brahmins shall not be taxed, nor shall they be subjected to forced labor. The assembly shall ensure the smooth management of these lands and settle disputes related to their ownership (ASI, 1903, pp. 227–235)".

Similarly, the Halsi Copper Plates of the Kadamba Dynasty (5th–6th Century CE) record land grants with privileges like tax exemptions and administrative autonomy for the recipients²⁵. The Chalukya Copper Plate Inscriptions (6th–12th Century CE) document land donations to Brahmins, temples, and monasteries²⁶. The Pattadakal Plates (8th century CE) mention tax exemptions on land donated to religious institutions. The Lakkundi Inscriptions (11th century CE) describe village-level dispute resolution granted to beneficiaries of land grants (Fleet, J.F., 1888, pp. 279–282).

²³ On land ownership systems in pre-Gupta, Gupta, and the transition period, see Chapter V, "Land, Labour and Corporate Organisation," in *Life in the Gupta Age* by Saletore Rajaram Narayan (1943)

²⁴ On the historical development and changing connotations of the term 'samanta' from ancient to medieval India, and its evolving implications, see *Indian Feudalism: c. 300–1200* by Ram Sharan Sharma (1965), pp.24–30.

²⁵ For details on the Halsi Copper Plates and other Kadamba inscriptions, see *Inscriptions of the Early Kadambas* by G.S. Gai (1996)

²⁶ An account and translation of grants by the Chalukya dynasty can be found in *South Indian Inscriptions*, Vol. I, Part II, 'Copper Plate Grants of the Eastern Chalukya Dynasty', pp. 31–49, edited by E. Hultzsch (1890).

Some recent historians have noted how land management during periods like the Chola era was highly decentralized, where village assemblies (*sabhas*) exercised substantial autonomy (Sanyal 2008; 2012 and 2016). In contrast to European feudalism, in India there was an absence of serfdom and land rights were relatively fluid. Chola inscriptions, such as those at Uttiramerur, reflect a participatory model where land taxes funded public works like irrigation and massive temple-building projects, demonstrating the intertwining of religion, economy, and polity.

Mughal rule

Things began to change as Mughal rulers (circa 1526 CE to 1857 CE) expanded their territories. Under them, land governance was organized more around revenue extraction and centralized control rather than feudal ownership (Pearson, 1985, p. 178; Sharma, 1965, p. 155). The Mughal state did not own land in the Western sense. They viewed land revenue as a "remuneration of sovereignty" in return for state protection. They divided land into *jagirs* (assigned), *khalisas* (crown), and *zamindaris* (landlord-controlled). Because the Muslim kings were more concerned about controlling revenues, rather than physically owning land, they introduced land measurements and started categorizing land based on fertility and submission levels of peasants.

Mughals relied heavily on intermediaries, that is, *jagirdars* and *zamindars*²⁷, to collect revenues and administer local governance. Their nobility (*mansabdars*) was appointed based on loyalty and performance. They were frequently transferred in order to prevent them from consolidating power locally. This way the nobles became highly dependent on the emperor and no permanent landed bases were created. The powerful among them, according to Pearson (1985), were often integrated into the Mughal system through marriages, military appointments, and land grants. During later parts of Mughal empire, the kings tried to convert all land into *khalisa* (crown land) so that dependency on *zamindars* and *jagirdars* could be reduced, but this was never fully successful. Moreover, there was no attention to improving land quality. *Jagirdars*, being temporarily assigned, had no interest in land improvement (M. Athar Ali, 1966; 1978). As a result, the focus increasingly narrowed to revenue collection and rural development was ignored.

²⁷ Jagirdars and Zamindars were both landholders, but they differed in their roles and relationships with the king. Jagirdars held land (jagirs) temporarily in return for military or administrative service. Their tenure was non-hereditary and often transferable. The revenue they collected was used to maintain troops or fulfil state obligations. Zamindars, on the other hand, were primarily revenue collectors who often evolved into hereditary landlords. Their presence predates the Mughals, but they became stronger during this time and the British formalized their role under the Permanent Settlement of 1793. Unlike Jagirdars, Zamindars typically had no military responsibilities and only acted as intermediaries between the state and peasants, often retaining a significant share of the revenue for themselves. For a detailed account of the roles and significance of Zamindars and Jagirdars, see Chapter V ("Zamindars") and Chapter VII ("Revenue Assignment") in *The Agrarian System of Mughal India, 1556–1707* by Irfan Habib (1963).

Classification and measurement systems

Raja Todar Mal, a minister in the empire of Akbar, was one of the first to make the land revenue system consistent and less patchy as compared to the previous era²⁸. During this time, a more centralized and predictable system such as the *Zabt* or the *Bandobast* was instituted, and systematic land surveys were started. This later evolved into the *Dahsala* system towards the end of 16th century CE. Length was measured using the basic unit called ‘Ilahi Gaj’. It was nearly same as the present day 29 to 32 inches (or roughly 41 fingers, *angulas*). Nearly 3,600 square Ilahi Gaj equalled to a Bigha, which became the standard measurement for area of land. Several Bighas formed a Mahal, and several Mahals made up a Dastur. As a result, by 1602, the imperial map had expanded to 15 Subahs, 187 Sarkars, and 3,367 Mahals²⁹. Field officials that were entrusted with collecting land records were known as *Kanungos* (Habib, 1963, p. 289). They surveyed land with instruments edged in iron razors and a measuring rope, known as the ‘*Tanab*’, made of bamboo and reinforced with iron rings. These were designed to withstand the seasonal expansions and contractions that plagued traditional rope measures. Land was assessed for quality and categorised mainly into four types: *Polaj* land, or the most productive, was taxed the most heavily. It was cultivated annually and never left fallow. *Parauti* land was farmed in two-year cycles, taxed lesser and then left fallow for a year. *Chachar* land was kept fallow for three to four years and taxed in a five-year cycle and *Banjar* land was kept fallow for more than 5 years (Das, 1979, p. 149).

Todar Mal used the average produce of the past ten years as a benchmark and then taxed one-third of this average, which could be either paid in cash or kind. A dual-document system was introduced, and land contracts were made formal for the first time. *Patta* was a deed that specified the size, classification, and revenue obligation for the land. The *Kabuliyat*, was a receipt that contained the farmer’s signature and made the agreement binding.

Transformations of land governance in colonial British India

The Mughal and Islamic rule started weakening from the early 18th century CE. With the Battle of Plassey in 1757, the British controlled Bengal and with the Battle of Buxar, British rule in India was sealed. After the Treaty of Allahabad in 1765 between Robert Clive of East India Company (EIC) and Muslim kings led by Shah Alam II, the revenue collection rights of Bengal, Bihar and Orissa were granted to the British EIC. As the British started taking control of large swathes of India, they introduced very structured revenue-maximizing land tenure system. This was consistent with their dependence on land revenue and ambitions of using land for infrastructural development, and fundamentally altered the relationship between landowners, peasants, and the state.

The Mughals had always focused on revenue extraction without formal land ownership, but the British introduced private landownership and made the revenue system permanent and

²⁸ An in-depth discussion of Todar Mal’s famous twelve regulations for revenue administration and assessment can be found in Raja Todar Mal by Kumudranjan Das (1979), pp. 158–175.

²⁹ <https://www.scribd.com/document/739525469/History-of-India-C-1500-1700>, p.200

legally enforceable. The British restructured land tenure systems, into these three fundamental types, and used it to their advantage:

Permanent Settlement (1793) – Zamindari System

Lord Cornwallis introduced the Permanent Settlement in 1793 in Bengal Presidency³⁰ where he made the *zamindars* (landlords)³¹, the hereditary owners of large estates on the condition that they would pay fixed annual revenues to the British. The rights of the tenants (peasants) were taken away and they had to pay rent to the *zamindars* or face eviction. In the event of a failure to pay revenues, ownership rights could be revoked from the *zamindars*, and the land would be auctioneered to other *zamindars*. This fear pushed the *zamindars* to collect revenue aggressively. While this strengthened the landlord class, it also led to tremendous exploitation of peasants.

Ryotwari System (1792 onwards) – Direct Taxation from Farmers

Ryotwari was introduced by Captain Alexander Read and Sir Thomas Munro in Madras, Bombay, Berar, Assam and parts of Coorg (MES, 2024). Under this system, individual cultivators (*ryots*) were made landowners, and they paid revenue directly to the British based on an assessment of how productive the land was. While on the surface this seemed more equitable as compared to *zamindari*, small landowners were heavily taxed which often drove them to indebtedness at the hands of moneylenders.

Mahalwari System (1822-1833) – Village-based System

Mahalwari system was first introduced in the regions of North-Western Frontier and then subsequently in, British Punjab and Central India by the British administrator, Holt Mackenzie (Husain, 2018). Under this, revenue was not collected from individual cultivators, but from the villages or estates (*mahal*). The village headmen (*lambardars*) were responsible for collecting and paying the revenue to the British based on periodic productivity assessments. It had the effect of giving the local village elites power, but the peasants remained at risk of high taxes.

Measurement and mapping

The British made land measurement and record-keeping very scientific. They realised that without mapping and systematic data, it would not be possible to make long term inroads. In 1802, William Lambton initiated the Great Trigonometrical Survey (GTS) survey of land (Anantanarayanan and Vancheeswar, 2020) which relied on the method of triangulation and used a massive theodolite weighing half a ton to measure angles between distant points. The first baseline stretched for 7.5 miles near Madras and was measured using a 100-foot foldable chain that was corrected for temperature changes so that expansion or contraction could be adjusted. It was the GTS that eventually created the “Great Arc of the Meridian” – a continuous

³⁰ At that time Bengal Presidency encompassed present day West Bengal, Bihar, Orissa and Jharkhand. This system was later extended to parts of what is now Uttar Pradesh. For a detailed study, see *A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement* by Ranajit Guha (1996).

³¹ *Zamindari* existed from the Mughal times, but they did not own land permanently and acted mainly as revenue collecting intermediaries. However, the British made them permanent owners as part of this ‘settlement’.

chain of measured triangles extending from Cape Comorin in the far south to the Himalayas in the north. Not only that, the heights of 79 Himalayan peaks, including Mount Everest, were measured using this amazing innovation. It took 70 years to complete the survey of India and is considered one of the greatest scientific achievements in history that also transformed the field of cartography.

In parallel to geographical mapping techniques, another significant change took place through the introduction of Cadastral Surveys in the end of the 18th century (Oswal and Singh, 2013). A 'cadastre' is a document that demarcates land boundaries by giving their dimensions, location, ownership and tenure. Even today, cadastral maps are the most reliable source of information used for revenue and taxation, as was its original purpose. The Survey of India was specifically established in 1767 (ibid.) to handle revenue surveys. Eventually by the beginning of 20th century, this was made the job of the state governments. Cadastral surveys led to a clear mapping of administrative units like parganas and creation of village-level (*maujawar*) records over the 19th century. Each landholding was assigned as a parcel, *khassra*, and was mapped with its owner's name with clearly marked boundaries. A, *khata*, was a ledger that had owner-wise information all the landholdings (with unique *khassra* numbers) and their type. This tapestry of land record systems made assessment and collection of revenue from land extremely organised. *Tehsildars*, *Kanungos* and *Patwaris* were the officers specifically involved in this.

As a result, land got transformed from a traditional, communally viewed resource into a quantifiable, taxable asset. Moreover, revenue collection became a centralized project which laid the groundwork, simultaneously, for modernization of land administration and colonial exploitation.

Origin and implications of the Land Acquisition Act, 1894

Since the British kept on expanding their military and industrial complex in India from the 18th through the 19th century, a legal framework for the forced acquisition of land for "public purposes" became inevitable. It is in this context that the Indian Land Acquisition Act of 1894 was introduced (Baden-Powell, 1892; Walter Hauser, 1961; Guha, 1983). The Act facilitated the expansion of colonial economic interests, including plantations, railways, industries, and urban centres, by allowing acquisition of land from local landowners, peasants, and indigenous communities. But this Act did not come suddenly. Even before the 1894 Act, the British had already introduced a series of laws related to land acquisition and property rights, which were aimed at strengthening colonial control.

For example, the Bengal Regulation I (1824) was almost the first formal law enabling the British to acquire land for public works, mainly roads, canals, and military establishments (Saravanan, 2014). The law was highly coercive and did not provide for compensation guarantees to landowners. The British East India Company used The Act VI of 1857 to seize land for railways, plantations, and government buildings (ibid. 2). While it provided for some compensation, it still did not favour local rights. The Land Acquisition Act, 1870 (Roy, 2022) allowed, for the first time, the involvement of civil courts for disputes regarding compensation. However, this law too was defective on many accounts.

The Land Acquisition Act, 1894 brought all the previous laws together and expanded it to provide the British government with a common framework to acquire land for public purposes. It provided for compensation but was often very meagre. There was hardly any scope for peasants and indigenous peoples to negotiate. The *zamindars* negotiated for higher compensation when land was acquired but small farmers and *ryots* were generally given meagre amounts (Stokes, 1978, p.95). This reinforced existing rural inequalities (Sharma, 1989; Bose and Jalal, 2004). The law also did not recognize customary landholding practices of most rural and indigenous communities. This made their lands vulnerable to seizure. As a result, millions of peasants were displaced, and they migrated in large numbers to cities amidst rising debt cycles. This 1894 Act ensured that the British government determined compensation often far below actual land values (Hauser, 1961) where small landowners had no real legal recourse as the courts were anyways biased in favour of the colonial administration.

The 1894 Act was not just an institutional mechanism but a tool to sustain British colonial rule and extract maximum economic surplus from Indian land (ibid.). Through this, the British extended their land expanse for tea, coffee, and indigo plantations, especially in Bengal, Assam, and South India. They acquired land for expanding railways and ports so that they could do large-scale, low-cost exports of raw materials (cotton, jute, and minerals) to mainland Britain which tremendously helped the great Industrial Revolution.

Evolution of land tenure systems from ancient till colonial times – a summary

In this section, we will compare some of the key features of land governance systems as they have evolved over the past millennia. For a good overview, you may also refer to a summary by C.R. Das, an ex-civil servant and member of the West Bengal Land Reforms & Tenancy Tribunal³². Nevertheless, we present in The Table 1 below, a comparison of the various aspects of land systems under the three different regimes**:

Key Land Administration Features	Ancient up to Medieval Hindu Kingdoms	Mughal Empire	British Colonial Rule
Ownership	A mix of private, state, temple and common property	Continued with pre-Mughal regimes but land began to be seen as source of state revenue	Permanent private land rights were given to zamindars through Permanent Settlement Act (1793)
Revenue Collection	Revenue collected by local chieftains (samantas) or village assemblies; usually 1/6 th of the produce	Collected by jagirdars, zamindars, and local officials	Direct taxation under zamindari, ryotwari, and mahalwari systems

³² History of Land Tenure System in India (upto Permanent Settlement in Bengal)

Peasant Rights	Peasants had hereditary cultivation rights but owed produce/taxes	Peasants were subject to taxation but retained hereditary rights	Peasants became landless tenants or indebted farmers and could be evicted
Flexibility in Taxation	Taxes were adjusted based on harvest and monsoons	Flexible taxes, crop-dependent revenue demands (e.g., Akbar's Zabt system)	Fixed and rigid taxation led to rural distress
Land Transferability	Land rights were mostly hereditary and not freely sellable	Land was not freely transferable	Land could be bought, sold, mortgaged

** The main references are Habib (1999); Athar Ali (1966); Richards (1993); Nurul Hasan (1969); Majumdar (1951); Stein (1998); Moreland (1920); Stokes (1978); Baden-Powell (1892); Roy (2011); Bose and Jalal (2004); Guha (1983)

To summarize, during the ancient and medieval Hindu periods, land was regarded as the property of the king. The king was considered as the supreme authority over all land, but more as a trustee than an absolute owner. The actual cultivators held hereditary rights to the land but even they were not its absolute owners. The king had the oversight in case land was not properly used. Land was classified into different types: *raja-bhumi* was king's land, *kshetra bhumi*³³ was cultivated land, and *devagrahara* was temple land granted to Brahmins and religious institutions. While land could not be freely sold or transferred, it could pass within families or be donated, particularly to religious institutions. Share in agricultural produce, usually ranging from one-sixth to one-fourth, was the main form of revenue for the king from land. This tax was typically collected by local administrators or chieftains. The village assemblies played the role of land managers by solving disputes and making tax assessments. Since the village was the primary unit of administration, it ensured a relatively stable and decentralized form of governance³⁴. Peasants, although subject to taxation, were generally protected from exploitation due to their customary rights and the involvement of village assemblies in land management.

With the establishment of the Delhi Sultanate (1206–1526) and the Mughal Empire (1526–1707), the nature of land tenure in India underwent changes. The Sultan or the Emperor was considered the supreme owner of all land. Land was granted to nobles and officials, as *jagirs*, in exchange for military and administrative services. Another system which was prevalent was of *Iqtas*³⁵. Under this, military officers (*Iqtadars*) specifically were assigned land for revenue collection and troop maintenance. Although initially temporary, *Iqtas* gradually became hereditary, leading to the emergence of a feudal-like structure. Already during the Mughal

³³ In the modern parlance, a farm in northern India is called a 'Khet' and farming as 'Kheti' which is a modified form of the word Khsetra or 'tract of land'.

³⁴ Such systems are still prevalent in tribal provinces of Northeastern states where villages are the centres of power.

³⁵ The "iqta" in the Sultanate period was not a hereditary landholding but a revocable grant of revenue-rights (and often some limited administrative authority) given to military officers and officials in lieu of a regular salary (Jackson, p.24).

period, the system started to become more centralized and bureaucratic. Standardized land measurements ensured a more predictable tax collection process. *Zamindars* were responsible for collecting taxes from peasants and remitting them to the imperial treasury, but they were not absolute owners of the land. Their role was that of intermediaries who facilitated tax collection while maintaining local authority. However, as the empire weakened, zamindars gained more power. They started exacting heavy taxes and oppressing peasants. Since the Mughal system overtly depended on a vast bureaucratic and military elite, eventually that contributed to its decline.

However, it was the British, who brought a tectonic shift in India's land tenure system by *legalizing* private landownership of non-cultivators – through the Permanent Settlement of zamindars. Such an extractive institution was previously absent in Indian governance. Unlike the Mughal zamindars, who merely acted as intermediaries, British zamindars now held absolute ownership rights over their estates. In the event of farmers' failure to pay taxes, their land was confiscated and auctioned to zamindars. Such consolidation over a century led to the emergence of absentee landlords who had little interest in agricultural development (Cohn, 1960).

To sum up, under British rule, land became a marketable commodity that could be bought, sold, or mortgaged. This was a radical departure from both Hindu and Mughal systems, where land was primarily a source of state revenue rather than private wealth. Under Hindu rule, land was not privately owned but controlled by the state, with peasants enjoying hereditary cultivation rights. The village assembly played a key role in land administration, ensuring some degree of local autonomy and protection for cultivators. Under Muslim rule, while the state tightened its control through nobles or officials (*Iqtadars*, *Jagirdars*, and *Zamindars*), peasants still retained their rights to cultivate land, although they became more dependent on intermediaries for revenue payments. By the end of the 19th century, land tenure system in India had evolved from a decentralized and community-based governance of Hindu kingdoms to the centralized and revenue-focused administration of the Mughal period, and finally to the commercialized and exploitative land policies under British rule. While each period introduced some new mechanisms of revenue collection, the British era fundamentally altered land relations by transforming land into a legally owned and tradable asset. Scholars believe, this led to widespread peasant dispossession and socio-economic distress.

Concluding note: Briefly on the economics of colonial land grabs

Before we close it is important to note what we have not done in this chapter³⁶. While we have stated in some chronology the evolution of land systems and relations in recorded Indian history, we have not gone into the plausible explanations, and economics for this increased state and individual control over land. Limited availability of historical information and texts are the first, and most important, barrier. Paradoxically, the greatest information is available from British sources, thanks to their taste for record keeping. Nevertheless, a brief perspective is in order as far as the understanding of the authors go.

³⁶ During the preparation of this work the authors used Open AI tools to assist in proof-reading and refining the readability and coherence of some parts of the manuscript. After using this service, the authors reviewed and edited the content as needed and take full responsibility for the content of the publication. We are also very grateful to Udit Rana, Research Associate, for his excellence research support.

The British East India Company (EIC) was a commercial venture which eventually transformed into sovereign power with military and administrative authority. Quite surprisingly, it didn't have much to do with India but had more to do with its need to correct its deepening trade imbalance with China and to sustain its larger colonial enterprise in the New World (Cassidy, 2010). There was a high demand for tea and other Chinese goods such as silk and porcelain. China only accepted silver which the British used to get from Latin America. As Britain's silver reserves dwindled due to Spanish control in Latin America and their depleting mines, the EIC turned to the cultivating its prize cash crop – opium – in large swathes of North and Central India (ibid.). It forced the Chinese to buy opium and flooded its markets to balance its trade. Whenever the Chinese resisted, due to its negative impact on the larger population that was becoming imbecilic due to addiction, the British forced trade through wars – also known famously as the Opium Wars (ibid.). The first Opium War took place between 1839-42 and the second between 1856-60. Opium trade became the British Empire's most lucrative economic activity and underwrote its tea trade. By the mid-19th century, revenues from opium ranked second only to revenues from land in British India's budget (Biswas, 2019). India had by now become the British colonial empire's cash cow. Amitava Ghosh, through his writings³⁷, brings to light the conditions for opium farmers which had become extremely harsh and exploitative. Most of the land in Northern Bihar and Eastern Uttar Pradesh, had got designated by the British Opium Department for exclusive poppy cultivation and growing food crops were banned.

The other strategic move of the British was to reduce its dependence on Chinese tea and for this too India came to its rescue. Since the Chinese were very guarded about their tea technology, the British tried sending several covert missions of skilled botanists to steal tea plants and knowledge of its cultivation. However, when Robert Bruce discovered some wild tea species in Assam, it became a game changer. Coupled with some smuggled Chinese varieties, lands in large parts of Northern Bengal and Assam started getting converted as tea plantations. This gave tremendous leverage to the British trade, and it became free from Chinese dependence. Earlier it was only a distributor, but now it also became a producer. As a result, their balance of payments improved, and their silver drain stopped.

Opium and tea were two important reasons why the British needed effective and efficient land administration. Rules, laws and regimes that emerged from organized land systems were used to enforce poppy cultivation contracts on farmers that had clear land titles. Lands of small farmers who failed to supply adequate quantities or grew food crops, were taken away. They either became landless labourers or were arrested and as part of retribution and sent off as 'coolies' or indentured labour to British cotton and sugar plantations in Mauritius, South Africa and the Caribbean islands. Between 1834 and 1920, approximately 1.3 million indentured labourers were transported to various British colonies³⁸. Out of them, 85% were from India. This helped the British fulfil a great vacuum that arose in their plantation colonies around the globe after (chattel) slavery was abolished in the first half of the 19th century. When that form of extreme slavery got abolished, indentured labour turned out to be a perfect substitute since it was a 'legal' system based on binding contracts (indenture) and not force. In truth, although

³⁷ Ghosh, through his trilogy, *Sea of Poppies*, *River of Smoke* and *Flood of Fire* details the Opium economy of colonial British period. His notes in the form of the book *Smoke and Ashes* (Harper Collins, 2023), is an authoritative commentary with detailed references.

³⁸ On indentured laborers from India under British rule, see *Indentured Labor in the Age of Imperialism, 1834–1922* by David Northrup (1995), pp. 59–70

there was legal colour to indentures, these contracts were extremely coercive and assigned only minimal level of rights. India, naturally, became the biggest catchment with land evicted peasants ensuring an unbroken, low cost and smooth supply chain of indentured labour.

As scholars such as Dadabhai Naoroji³⁹, R.C. Dutt⁴⁰ and Amitav Ghosh have shown, the British imperial project in India turned into a tightly integrated system of economic extraction, where land governance, agricultural control, and global trade strategy converged to serve the singular purpose of sustaining Britain's global dominance – all in the name of eminent domain. Simply by investing in land assessments, measurements and assigning absolute rights to intermediaries like the Zamindars, the British created a cost minimising concoction for the two most vital economic inputs it needed – land and labour. What remained after stable land revenue streams and sales from opium, tea and sugar – were high margins and pure profits. That it came at the high cost of dismantling centuries old tradition of community ownership and consciousness, mattered to none except the likes of the Bapats, Manjhis, Murmu brothers or the Khasi leaders who could foresee this and for which they were ready to lay down their lives.

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³⁹ Dadabhai Naoroji's *Poverty and Un-British Rule in India* (1901) stands as a seminal work, exposing the stark contradiction between Britain's liberal ideals and the exploitative realities of its colonial rule in India

⁴⁰ R.C. Dutt's twin volumes—*The Economic History of India under Early British Rule* (1902) and *The Economic History of India in the Victorian Age* (1904)—provide a comprehensive account of the economic impact of British policies in India.

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