

Review of Agrarian Acts in Nizam State¹

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Date of Receiving: 30 June 2023;

Date of Acceptance: 27 August 2023;

Date of Publication: 06 September 2023

ABSTRACT

The structure of the agrarian society was not uniform throughout the India. Each region had different political, economic and social conditions which created distinct local characteristics in the agrarian structure. In an Agrarian society, at a given historical phase, studying of the agricultural acts also becomes one of the important dimensions to understand the nature of the state as well the status of the peasantry. Thus, the study of the Agrarian structure in India has developed into one of the core themes of Social Science research.

In the context of princely state of Hyderabad, the studying of agricultural acts also becomes one of the important dimensions which include agrarian structure, policies and tenure systems as a part of feudal economy. These have been rapidly influenced by the new land tenure systems to the tune of political economy of colonial rule by the East India Company of England. This process registered drastic changes towards the peasant society in the princely state of Hyderabad. As a result of this, the son of the soil, or real cultivator, alienated from the right of cultivating the land, which was bestowed on him through the ages. During the same period a class of the society, who doesn't know the alphabet of either tilling the land or carrying out agricultural activities, was made holder of the land and recognized later as occupants and pattedars of the land. This paper discusses the Agrarian Acts enacted in the princely state of Hyderabad during the period from 1900-1950 and with special reference to Money Lending act.

Key Words: *Agrarian acts; princely State of Hyderabad; Pattedars; Economy*

INTRODUCTION

In this paper an attempt is made to discuss the agrarian acts, which were enacted and implemented in the Nizam state during the period of 1900-1948. After the reforms of the Salarjung-I, revenue administration was strengthened in the princely state of Hyderabad. For the purpose of Land acquisition, survey and settlements of the lands and to declare the rights of the holder of the Patta lands, the last two Nizams namely Mir Mahabub Ali Khan and Mir Osman Ali Khan introduced certain agrarian acts. These agrarian acts led to the drastic changes in Agrarian structure of the Telangana region. Evolution of Acts were as follows:

The Hyderabad Land Acquisition Act 1310F:

On the first day of the Bahman 1310 F(1900CE). the Hyderabad Land Acquisition Act came into force in the entire Hyderabad Dominion¹. The content and the purpose of the Act is that, if the land, possessed by the individual, needed for the government towards public works or for the purpose of a company, this act will be applied to acquire the required land and compensation will be awarded to such lands.

According to the chapter II of this act, before acquiring the land, the Talukdar of that concerned area will issue the notification along with the survey number in advance and its purposes. After notification, if any person interested in

¹ How to cite the article: P. Shanthi; (September 2023); Review of Agrarian Acts in Nizam State; *International Journal of Law, Management and Social Science*, Vol 7, Issue 3, 75-79

raising objection, he is supposed to put forward his objections within 30 days. After the issue of notifications, if government satisfied with all the norms for the Act a declaration shall be made to that effect under the signature of a secretary to government or of any other officer authorized by the government. In such declarations compensation will be awarded for such lands either by the government or company or by the local authority.

The Land Revenue Act of Hyderabad State of 1317 F:

The Land Revenue Act of Hyderabad state of 1317 F. (1907 C.E.)² deals with the land revenue system in Diwani or Khalsa area. At the same time this deals with the survey and settlements of the lands and the rights of the holder of the patta on land, cultivators and various forms of Tenancy. The aim of this Act was mainly to enhance the revenue apart from creating an interest on private property, which leads to greater amount of produce. For the first time this act defined in detail the various rights and duties of the Patwari who are concerned with the land revenue.

This act for the first time dealt with the various types of land tenures and place them in revenue records relating to the land and various types of tenures such as Land owner known as 'Occupant', who possessed 'Patta' known as 'pattedar' and his share holder (hissedars) who possessed 'Patta rights' on land known as 'Pot-pattedar'.

Land Alienation Regulation 1343 F.

The necessity initiated the process of the regulation of Alienation of Land to protect certain classes of cultivators from the evil effects of land alienation. So this regulation was amended and enacted on 30th Isfandar 1343F or 16th Shawal 1352 Hijara³. This shall remain in force until such time as a suitable legislative enactment is passed to take its place. It shall be extended as per the notification in the gazette from time to time.

This act deals with two types of alienation viz., permanent alienation including sales, exchanges, gifts, wills and grants of occupancy rights and temporary alienation of land containing land mortgage. As per the section.58 of Land Revenue Act NO.VIII of 1317 F. or any other section of that act or any other Law which is in force, permanent alienation of land shall not take place unless and until sanction is given there to by a Taluqdar provided that: a, Sanction may be given after the act of alienation is otherwise completed and sanction shall not be necessary, in case (i) alienor is not a member of a protected class (ii) even if he is a member of a protected class and the alienee is also a member of the same class or of a class in the same group and (iii) shikmdar sells his occupancy to the pattedar whose shikmidar he is. Section 7 of this regulation deals with different forms of mortgage.

Money Lending Act, 1349 F.

To regularize the transaction of money lending and to make better provision for control, the Money Lenders Act, 1349 Fasli was introduced in 1939 CE⁴. This act came into force from the commencement of the act in the whole of the Nizam's Dominion. Section 3 of this act indicates that all money lenders require to obtain money lending licenses in prescribed manner. As per the Section 5, of this act, money lenders are bound to maintain separate accounts of all transactions showing the principal and interest and to furnish every debtor with a statement of account in the prescribed form. Section 10 of this act reveal that the rate of interest from the date of enforcement of this Act is limited to the maximum of 9 percent in case of secured loans and 12 percent in case of unsecured loans. The maximum rates have since been reduced to 6 and 9 percent respectively. The compound interest was not allowed and forbidden. According to the section 13 of this Act, molestation of a debtor for the recovery of debt is an offence punishable with imprisonment extending to three months or with a fine extending to Rs.5,000 or with both. The offence is cognizable. The census of money lenders available for two years i.e., 1348 F. (1938 A.D.) and 1349 F. (1939 A.D.). The total number of licenses issued in the said period was 14,667.

Prevention of Agriculture Land Alienation Act.No.3 of 1349 F

The Prevention of Agriculture Land Alienation Act.No.3 of 1349 F. was passed on 29th Amerdad, 1349F⁵. The purpose of this act to protect the protected agricultural class who paid land revenue less than Rs.500 as

annual land revenue and transfer of their land or process of alienation of land from their hands. Who pays land revenue more than Rs.500 towards their land to the government was excluded from this Act. This act also deals with the power of government for exemption by notification in gazette the government may exempt any district or part of district or a person from the operation of this act or of any of the provision thereof.

Section 4 of this act deals with permanent alienation of land that notwithstanding anything contained any other act for the time being in force no permanent alienation of land shall take effect as such unless and until sanction is given thereto by the Taluqdar. Such sanction may be given even after the permanent alienation of land is completed in any other manner. Taluqdar sanction shall not be *completed* necessary in the different cases. Section 7 of this act deals with temporary alienations of land.

Asamishikmi Act - 1353 F.

The Hyderabad Asamishikmi Act came into force on 11th shehrewar 1353 F. or 25th Razab 1363 Hijra in the whole H.E.H's dominion⁶. According to this, the agriculture includes horticulture, the raising of crops, or garden produce, dairy farming, poultry farming and stock breeding but does not include cutting grass or wood. The background of this act is that, on petition of Revenue Department dated 4th Aban, 1347 F., the Nizam government appointed additional secretary of Revenue Department as a Chairman of Tenancy Committee and some other members hails from the different Departments appointed as members of the committee to look into the problems of tenant at will. The Tenancy Committee selected 48 villages, one village each from Khalsa, Banjara, Ijara, Inam, Jagir or Makta from each district. The Committee Report reveals that 4028 pattedars, 1161 shikmidars and 1865 asami-shikmis were found in the 48 villages. The proportion of asami-shikmis to the total number of pattedars, were 36 per cent of the total⁹. An asami-shikmi shall be deemed to be a protected asamishikmi in respect of any land if he has held such land as asami-shikmi continuously for a period of not less than six years i.e., between the years 1342 F. - 1352 Fasil and he has cultivated such land personally during the aforesaid period. Other provisions were also included to protect the rights of the asamishikmis in different cases like where any land is held by two or more persons jointly as asamishikmis. Section 8, deals with the compensation for improvement made by a protected asamishikmi. Section 9 of this act reveals that, if a protected asamishikmi dies, the holder shall continue the tenancy on the same terms and conditions on which such protected asamishikmi was holding it at the time of his death. In the absence of any male lineal descendant or an adopted son, his widow shall be deemed to be his heir for the purpose of this section. Section 23 deals that, no lease of any land made after the coming into force of this act shall be for a period of less than 10 years and no such lease shall be determined lease has expired, notwithstanding any agreement, usage or law to the contrary.

As per the section 25, the lands held on lease from the government or a co-operative society or lands held on lease for the benefit of an industrial or commercial undertaking cannot be applicable to asamishikmi.

Jagir Revenue Recovery Regulation Act - 1355 F.

The Jagir Revenue Recovery Regulation Act was passed in 1355 F. or on 12th Razab 1365 Hijara (1946 A.D.)⁷. Under this regulation jagirdars and his officers empower to exercise power of revenue recovery subject to certain safeguards. This act shall come into force in all jagirs from the date of its publication in Jarida. But in the case any jagir in which survey settlement has not been introduced by Government and in which this regulation has been enforced the government may, if they are satisfied that the revenue realized is excessive by notification in the Jarida exclude such jagir from the operation of this Regulation till the introduction of survey settlement. During the period of the suspension of the operation of the Regulation the jagirdars shall be given all possible help by government in the collection of revenue at a reasonable rate in accordance with the existing Gastis of Government.

The money of the defaulters may be recovered in accordance with the section 11 of this regulation. All sums due to the jagir in account of land revenue, quit rent and local cesses and taxes which are not prohibited in Khalsa and which the jagirdar has been recovering in accordance with the terms of the Sanad or with the permission of Government. The

recovery of the dues from the Jagir shall be collected through appointed officers by the Jagirdar as per the section 2 and 3 of this regulation.

Abolition of Jagir Regulation - 1358 F.

Age old huge land holding on the name of various jagirs namely Sarfe-i-Khas, Paigah, Al-Tumgha, zat, Tankah, Mashrooti, wati, Madadmash etc., were abolished with the Act of abolition of Jagir Regulation 1358 F. published in extra ordinary official gazettee No.40 dated 15th Maehir, 1358 F⁸. The main purpose of this act is the removal of feudal intermediaries who hated by the real cultivators in the Jagir area on the one hand, by bringing the tenants who cultivated under the supervision and a suppression of jagir holders into direct contact with the government by granting of certain rights to these tenants on the other hand. These jagirs spread over into forth per cent of the total land of Telangana. After the commencement of this act the government supposed to declare different dates for the transfer of these jagirs to the government.

After the commencement of this act, the holders of jagirs were no more as jagirdars. The provisions of this regulation shall apply so far may be to any jagir granted to a temple or mosque or to any institution established for a religious or public any purpose. The land owned by the jagirdar i.e., Share-i- Khudkast' will not be affected by this regulation. Like that any other personal properties will not be affected by this regulation.

The Record of Rights in Land Act of 1346f.

The Record of Rights in Land act was introduced in f 1346 F. (1936) which was found in completed and imperfect. Therefore, the government promulgated the Hyderabad Records of Rights in Land Regulation of 1358F. (1948 A.D.) as NO. LVIII of 1358 F. (1948 A.D.)⁹ The object of this act was the preparation of details regarding the area of survey transfer, the holder of the pattedar, the name of the cultivator and its assessment. If anybody either pattedar or cultivator as tenant has any objection, if then reported within a two years period after the commencement of this act can be rectified. Then only such corrected information will be recorded in Record of Rights. As per section 5 of this act, if any change by sale or by mortgage for that matter any sought of alienation, should be reported to patwari. In case tenant at will or tenant need not to report to the patwari if he alienated from the land.

According to section 10 any revenue officer of Village Patwari, for the purpose of preparing or revising any map or plan: required for or in any Revenue Officer of a rank not lower than second Taluqdar or of a Survey Officer, may assess the cost of the preparation or revision of such map or plan including the cost of clerical labour. supervising and all other contingent expenses on the lands which such maps or plants relate and such costs shall be recoverable as a revenue demand.

The Hyderabad Tenancy and Agricultural Lands Act

The Hyderabad Tenancy Bad Tenancy and Agricultural lands Act was dued in 1950¹³. The provisions of 34 to 37 of this act indicates the features of the 'Protected tenant'. Under this the tenant who cultivated a particular bit of land continuously for a period of not less than six years during 1342 F - 1352 F. (both years inclusively or for a period of not less than six years commencing not earlier than first day of the Fasli year 1353 F. (6th October 1943 A.D.) and completed before commencement of this act was identified as protected tenants. In the light of the above who ever asamishikmi considered as protected tenant, was granted heritable rights with certain conditions.

As per this act a protected tenant should be a to erect a form house on the land held by name entitledto that the protected tenant is entitled to purchase *Besides that* a if the land holder shows interest to dispose of it. protected tenant who desires to exercise the rights under said act conferred by sub-section I shall make an offer to the land holder stating the price for the land up to 15 times of the land revenue for dry lands 8 times for the wet lands irrigated by wells and 6 times for the wet lands irrigated by other sources though he desires either to purchase whole of the land, the portion thereof.

Thus, the above data reveals that the feudal state grants number of Jagirs which differs each other in nature and character. On the name of Jagir, the holders of these Jagirs enjoyed the political economy. During the colonial rule in India, the native Dominions which were impressed and influenced by the colonial frame work of administration for their benefits, introduced the acts in various sectors in general agrarian sector in particular in Hyderabad Dominion. These acts might have brought radical changes in structure. But, in essence the revenue collectors, licensed and non licensed money lenders with the help of bureaucrats who hails from above families could able to establish their legal rights on huge lands. Such social group enjoyed the enormous social privileges. There by the actual producing castes and supporting castes to the producing castes in process of production had been deprived of the fruits of their labour where as it was enjoyed by huge land holders who were minority in the society.

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