

M. Phil Dissertation

THE BACKGROUND AND THE ROLE OF THE VARIOUS
INTEREST GROUPS IN THE ABOLITION
OF THE ZAMINDARY SYSTEM
IN BENGAL

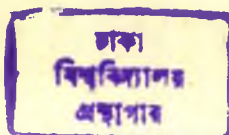
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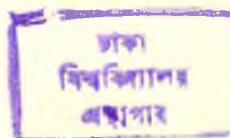
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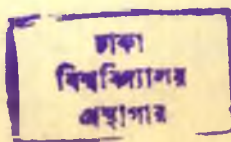
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Kazi A.B.M. Iqbal

Preface

The land system of India in general, and of Bengal, in particular, is an intricate problem to the students of Sociology who are concerned with the historical analysis of the social structure of Bangladesh. It is a well known fact that in an agrarian society like Bangladesh the land tenure system provides a pertinent clue to the understanding of the relationship between different classes in the context of a mode of production that characterises this society.

In the colonial period of Indo-Bangladesh history the British government adopted certain socio-economic and political measures which affected its traditional social structure. Of all such measures the introduction of the permanent settlement in land in 1793 was the most important administrative measure which vitally alter the structure of a given society. The pre-British Indian society was relatively more stable in the sense that the private property in land in western sense of the term was almost absent or not fully developed at least in its central regions. But the introduction of the Permanent Settlement in 1793 was a major step in institutionalizing the private ownership in land which is the primary means of production in any agricultural society.

The present work is a modest attempt to delineate the historical background of the emergence of a number of landed intermediate classes in Bengal during the British colonial rule, on the one hand, and to examine the role of the various interest groups in the abolition of the zamindari system there, on the other.

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Unlike the pre-British period the zamindars that emerged in the wake of the introduction of the Permanent Settlement of 1793 were mainly traders. But, since the scope of investment of their capital in trade and industries became restricted due to the unjust policies of the commercial British regime in Bengal these native traders had no other alternative but to invest their capital in the acquisition of zamindary. And because of their previous connection with trades and commerce in towns, specially in Calcutta they remained absentee landlords all through. Here lies the source of their alienation from the land they owned. The urban-based absentee big landlords, however, maintained their connection with rural landed property through their subordinate landholders who were created by a peculiar process called subinfeudation in land. Of all the intermediaries who constituted a sizeable middle class landowning stratum in rural Bengal a category known as 'Jotedar' was most conspicuous in the Muslim majority region of present Bangladesh. In fact, the modern English educated middle class in Bengal belonging to the both Hindu and Muslim societies largely emerged from the intermediate landowning groups. However, at times, with the spread of nationalistic and Marxist ideas among the educated section of the population in Bengal, in particular, and of India, in general, a demand for the abolition of the zamindary system got momentum. The formation of the Flood Commission in 1938 during the premiership of Sher-e-Bangla Fazlul Huq in undivided Bengal was to be understood in the above context. And the report of the said Commission practically formed the legal basis for the acquisition of zamindaries in East Bengal in 1950.

The method followed in this study is primarily historical-analytical. The data which I have used in my present work are mainly derived from the secondary sources available at

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the different libraries in Dhaka and Calcutta. Besides the secondary written sources some archival materials are also consulted, which provide certain first-hand information on the subject of my study.

The present work is mainly divided into three chapters. The first chapter deals with the conquest of Bengal by the British East India Company and its impact on the land administration in Bengal from 1757 to 1790. The second chapter analyses the factors responsible for the introduction of the Permanent Settlement of 1793 and its influence on the social structure of Bengal. The third chapter takes up the questions of how various interest groups reacted to the demand for the abolition of the zamindari system in Bengal. Certain conclusions the study has made are presented in a separate section.

CHAPTER I

CONQUEST OF BENGAL BY THE BRITISH EAST INDIA
COMPANY AND ITS IMPACT ON THE LAND
ADMINISTRATION IN BENGAL
(1757-1790)

Socio-Economic Effect of the Battle of Plassey in 1757

The period from 1707 to 1757 is especially an important phase in the history of Bengal. It constitutes a critical part in Anglo-Indian relations. India was then passing through a great transition; the great Mughal power had gradually declined day by day on the one hand, and the ascendancy of the Europeans, who were prepared to fight for political supremacy over the Indians—was established, on the other. The weak successors of Aurangzib lost control over the provincial rulers of the great Mughal Empire, and as such, most of them declared themselves independent in their respective territories. In this critical juncture the Europeans took advantage and gained a firm footing on the Indian soil. By 1757 they became most powerful in Bengal.

The conquest of Bengal by the English East India Company in the battle of Plassey introduces certain major changes in the social structure of Bengal. With the British victory in Bengal the original Bengal Government disintegrated and this led to the territorial expansion of the East India Company, which had hitherto been only a commercial body. The British ruling elite assumed both military and political power of Bengal. It had farreaching consequences on the socio-economic life of Bengal in particular and India in general since the effects of all the previous

civil wars, invasions and conquests in India were superficial. England had broken down the basic structure of Indian society and introduced fundamental changes.¹

One can easily understand the consequences of Nawab Siraj-ud-daula's defeat when one reads the long cross-examination of Lord Clive before a Committee of Parliament in 1772. In his statement, Clive described the situation that prevailed in Bengal immediately after the victory of the battle of Plassey. Clive stated that "I walked through vaults which were thrown open to me alone, piled on either hand with gold and jewels !" ² But in his conclusion Lord Clive stated with great regret to the Chairman of the Court and said "at this moment I stand astonished at my own moderation !" ³

On June 29, 1757 immediately after the victory at Plassey, Clive went to Murshidabad, which he described as "extensive, populous and rich as the city of London, with this difference, that there are individuals in the first, possessing infinitely greater property than any in the last city." ⁴ When Clive entered the palace of Murshidabad he found that Jaggutseat, one of the biggest merchants in the then Bengal and several of the great men were waiting for him and also anxious for their fate, to pay their homage, with offers of large presents to him. Clive himself confessed to the House of Commons that the Hindu millionaires, as well as other men of

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1. Marx-Engels, On Colonialism, (Moscow, Progress Publishers, 1974), pp. 36-37.
 2. Sir George Forrest, The Life of Lord Clive, Volume II, (London, Cassell and Company, Ltd., 1918), p. 394.
 3. Ibid., p. 394.
 4. Letter from Colonel Clive to Select Committee, Fort Saint George, dated Muxadavad, July 2, 1757. As quoted in *ibid.*, p. 4).

property "made me the greatest offers (which, nevertheless, are usual upon such occasions, and what they expected would have been required), and had I accepted these offers, I might have been in possession of millions, which the present Court of Directors could not have dispossessed me of: but preferring the reputation of the English nation, ... I refused all offers that were made me, not only then, but to the last hour of my continuance in the Company's service in Bengal."⁵

The Britishers captured that very part of India which had been as Macaulay described the wealthiest, Bengal. No part of India possessed such natural advantages as agriculture and commerce. For that reason different distant Indian provinces were sustained with food from the surplus food production of her granaries. Not only that, the noble ladies of European cities like London and Paris were clothed in the delicate produce of the handlooms of Bengal.⁶

Clive described Bengal as the "paradise of the earth". He also maintained that it not only "abounds with the necessaries of life to such a degree, as to furnish a great part of India with its superfluity, but it abounds in very curious and valuable manufactures, sufficient not only for its own use, but for the use of the whole globe."⁷

Another British administrator, William Bolts wrote about Bengal :

"Hindustan is in many places greatly favoured by nature for commercial advantages; and the provinces of Bengal, which are the more immediate objects of our considerations, above all others. This Subah of the empire, which was emphatically

5. Ibid., p. 4.

6. T.B. Macaulay, Critical and Historical Essays, Vol.I, (London, J.M. Dent and Sons, Ltd., 1916), pp. 502-503.

7. Parl. Hist. XVII, 354. As quoted in P.J. Marshall, Problems of Empire : Britain and India 1757-1813, (London, George Allen & Unwin Ltd., 1968), p. 58.

styled by the Emperor Aurengzebe, The Paradise of Nations, spontaneously produces, in great abundance, almost every thing requisite for the support and even high enjoyment of mankind ..."

"The encouragement of foreign and domestic trade was more particularly necessary in the Subah of Bengal, which, not containing mines of diamonds, gold, or silver, depended solely upon its manufactures for that very large balance of trade in its favour, which alone could enable it to pay so considerable a tribute, as has been shown, annually to the Court of Dehly. Accordingly, as Mr. Scrafton has expressed it, 'till of late years' inconceivable numbers of merchants, from all parts of Asia in general, as well as from the rest of Hindustan in particular, sometimes in bodies of many thousands at a time, were used annually to resort to Bengal with little else than ready money, or bills, to purchase the produce of those provinces. The causes and effects of the unfortunate failure of such commerce since, will hereafter be made appear."⁸

The economic and political impact of the British conquest of Bengal in 1757 have become more manifest when the British East India Company indiscriminately started plundering the wealth of Bengal. This plundering was so abominable that one can easily compare it with piracy. Thus the economic exploitation by an imperialist power in India in real sense of the term began.

The situation that prevailed just after the battle of Plassey was beautifully depicted by Lord Macaulay. He writes :

"The shower of wealth now fell copiously on the Company and its servants. A sum of eight hundred thousand pounds sterling, in coined silver, was sent down the river from Moorshadabad to Fort William. The fleet which conveyed this treasure consisted of more than a hundred boats, ... As to Clive, there was no limit to his acquisitions but his own moderation. The treasury of Bengal was thrown open to him. There were piled up, after the usage of Indian princes, immense masses of coin, among which might not seldom be detected the florins and byzants with which, before any European ship had turned the Cape of Good Hope, the Venetians purchased the stuffs and spices of the East. Clive walked between heaps of gold and silver, crowned with rubies and diamonds, and was at liberty to help himself. He accepted between two and three hundred thousand pounds."⁹

8. William Bolts, Consideration on India Affairs, (London, Printed for J. Almon in Piccadilly, P. Elmsly in the Strand; and Brotherton and Sewell in cornhill, MDCCLXXII(1772), pp.20-21

9. Macaulay, op.cit., pp. 517-518.

In a letter written to the Directors of the Company Lord Clive himself stated that "I shall only say that such a scene of anarchy, confusion, bribery, corruption, and extortion was never seen or heard of, in any country but Bengal; nor such and so many fortunes acquired in so unjust and rapacious a manner."¹⁰

Soon after the battle of Plassey, the British East India Company monopolized the internal trade of Bengal.

Macaulay maintained :

"Every ship from Bengal had for some time brought alarming tidings. The internal misgovernment of the province had reached such a point that it could go no further ... the misgovernment of the English was carried to a point such as seems hardly compatible with the very existence of society ... The servants of the Company obtained, not for their employers, but for themselves, a monopoly of almost the whole internal trade. They forced the natives to buy dear and to sell cheap. They insulted with impunity the tribunals, the police, and the fiscal authorities of the country ... Enormous fortunes were thus rapidly accumulated at Calcutta, while thirty millions of human beings were reduced to the extremity of wretchedness ... But the English government was not to be so shaken off. That government, oppressive as the most oppressive form of barbarian despotism, was strong with all the strength of civilisation."¹¹

William Bolts described the effect of the most uneven monopoly of the internal trade of Bengal by the British Company in the following manner. He wrote :

"To effect this, inconceivable oppressions and hardships have been practised towards the poor manufacturers and workmen of the Country, who are, in fact, monopolized by the Company as so many slaves ...

Various and innumerable are the methods of oppressing the poor weavers, which are daily practised by the Company's agents and gomastahs in the country; such as by fines, imprisonments, floggings, forcing bonds from them, & c. by which the number of weavers in the country has been greatly decreased. The natural consequences where of have been, the scarcity, dearness and debasement of the manufacturers, as well as a great diminution of the revenues."¹²

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10. Lajpat Rai, England's Debt to India, (Delhi, Publications Division, Ministry of Information and Broadcasting, Govt. of India, 1967), p. 39.
11. Macaulay, op.cit., pp. 527-528.
12. William Bolts, op.cit., p. 74.

At that time there was no freedom of trade in Bengal. All the branches of internal trade were entirely in the hands of the Company. Civil justice was completely destroyed and the people were left entirely at the mercy of the Company men, who divide the spoils of the public among themselves. Under these circumstances the local industries of Bengal greatly suffered. As a result, the population decreased, the manufactures and revenues were declining. The Bengal used to send annually a tribute of several millions to Delhi. But after the battle of Plassey it reduced immensely for the want of circulation.¹³

Bolts also noticed the most barbarous oppression of the weavers in Bengal, who were famous for their skill. From the very beginning the Company turned its attention to the appropriation of local cotton products. With this aim they forced the native weavers to work for the Company only. By doing so the Company violated all norms of society. Bolts thus maintains :

"With every species of monopoly, therefore, every kind of oppression to manufacturers, of all denominations throughout the whole country, has daily increased; insomuch that weavers, for daring to sell their goods, and Dallals and Pykars, for having contributed to or connived at such sales, have, by the Company's agents, been frequently seized and imprisoned, confined in irons, fined considerable sums of money, flogged, and deprived, in the most ignominious manner, or what they esteem most valuable, their costs. Weavers also, upon their inability to perform such agreements as have been forced from them by the Company's agents, universally known in Bengal by the name of Mutchulcahs, have had their goods seized, and sold on the spot, to make good the deficiency : and the winders of raw silk, called Nagaads, have been treated also with such injustice, that instances have been known of their cutting off their thumbs, to prevent their being forced to wind silk."¹⁴

13. Ibid., p. vii.

14. Ibid., p. 194.

Trade and industry of Bengal greatly declined under this most uneven economic competition and the monopolizing policy of the British Company. Moreover, British weavers had begun to be jealous of the Bengal counterpart, whose silk fabrics were imported into England, and a deliberate endeavour was now made to use the political power obtained by the Company to discourage the industrial producers of Bengal in order to promote the manufacturers of England. In a letter dated 17th March, 1769, the Company suggested that "the manufacture of raw silk should be encouraged in Bengal, and that of manufactured silk fabrics should be discouraged. And they also recommended that the silk-winders should be forced to work in the Company's factories, and prohibited from working in their own homes."¹⁵

Emperor Jahangir permitted the East India Company to trade in India free of duty. After the battle of Plassey the soil, revenue, interior government of Bengal were entirely in the hands of the said Company. They captured the total internal trade of Bengal. The English Company established its monopoly in almost all of the products of Bengal, including the most essential commodities like cloth, betelnut, tobacco and salt. It meant that the local producers and manufacturers were bound to sell their products at a minimum price fixed by the English Company. But the Company could sell its own products to the local consumers at the maximum possible price and make unthinkable profits from this uneven business.¹⁶

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15. Romesh Chandra Dutt, Economic History of British India, (London, Ballantyne, Hanson and Co., 1906), p. 45.
16. Surinder Nath Gupta, British - The Magnificent Exploiters of India, (New Delhi, S. Chand and Company Ltd., 1979), pp. 24-25 and also in L.C.A. Knowles, The Economic Development of the British Overseas Empire, (London, George Routledge & Sons, Ltd., 1924), p. 73.

It is indescribable that how much wealth of India was plundered by that English Company during the period from the battle of Plassey. As described by William Digby the drain of wealth to England from Indian treasury varying from five hundred to one thousand million pounds between Plassey and Waterloo.¹⁷ We can also find from the minutes of Francis, Hastings and Shore about the export of bullion to England. Hastings on November 23, 1780 suggested that "about forty lacs of rupees worth of bullion was probably sent 'home' every year, this forming 40 per cent of the total export of bullion per annum from Bengal."¹⁸ He, however, admits that this figure was not authentic and reliable.¹⁹

With the victory in the battle of Plassey the Company became virtually the ruler of Bengal. They appointed Nawab for ruling the country according to their desire. They used to receive huge amount of money from the new Nawabs. For example, when Mir Jafar was first made Nawab after 1757, the English officials and troops had received a bonus of £ 1,238,575. Clive himself had taken £ 1,500 and a rich jaigir in Bengal. Thus when Mir Kasim was made Nawab in 1760 the British officers received £ 200,269 as presents, out of which Vansittart had taken £ 58,333. When Mir Jafar was again made Nawab in 1763, the amount of the presents was £ 500,165. "Besides these sums received in presents, amounting within eight years to £ 2,169,665, further sums were claimed and obtained as restitution within this period amounting to £ 3,770,833."²⁰

17. William Digby, Prosperous' British India, (New Delhi, Sagar Publications, 1969), p. 33.

18. As quoted in J.C. Sinha, Economic Annals of Bengal, (London, Macmillan and Co.Ltd., 1927), p. 43.

19. *Ibid.*, p. 43.

20. House of Commons Committee's Third Report, 1773, p.311. As quoted in Romesh C. Dutt, op.cit., pp. 32-33.

A disastrous famine broke out in 1770 soon after the battle of Plassey mainly as a result of the abovementioned exactions. Large number of people died of starvation. In a letter from the President and Council to the Court of Directors, dated 9th May, 1770 it was mentioned that more than "one-third of the inhabitants have perished in the once plentiful province of Purneah, and in other parts the misery is equal."²¹ But this estimate of death is described in the Report of the Famine Commission of 1880 as a "vague approximation". Since it is admitted there that "the mortality was extremely great ... and its effects were visible many years afterwards in the lowered revenues, the immense untilled area and the competition that arose among landlords to induce the cultivators to settle on their estates."²²

In his book : The Annals of Rural Bengal, W.W. Hunter wrote about famine that

"All through the stifling summer of 1770 the people went on dying. The husbandmen sold their cattle; they sold their implements of agriculture; they devoured their seed-grain; they sold their sons and daughters, till at length no buyer of children could be found; they ate the leaves of trees and grass of the field; and in June 1770 the Resident at the Durbar affirmed that the living were feeding on the dead. Day and night a torrent of famished and disease-stricken wretches poured into the great cities. At an early period of the year pestilence had broken out. In March we find smallpox at Moorshedabad, where it glided through the Viceregal mutes, and cut off the Prince Syfut in his palace. The streets were blocked up with promiscuous heaps of the dying and dead. Interment could not do its work quick enough; even the dogs and jackles, the public scavengers of the East, became unable to accomplish their revolting work, and the multitude of mangled and festering corpses at length threatened the existence of the citizens."²³

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21. Letter from the President and Council to the Court of Directors, dated 9th May, 1770. Para 3. As quoted in W.W. Hunter, Annals of Rural Bengal, (New York, Johnson Reprint Corporation, 1970), p. 24.
22. J.C. Sinha, op.cit., p. 100, Foot-note No. 55.
23. W.W. Hunter, op.cit., pp. 26-27.

This terrible famine caused serious consequences upon the socio-economic life of Bengal. About ~~thirty~~-five per cent. of the total population of Bengal and almost fifty per cent. of her farmers had died resulting the economy of Bengal into total destruction.²⁴ Not only the common people had suffered due to the famine, but also the landlord and old aristocracy of Bengal could not remain unaffected. In a letter from the President and Council to the Court of Directors, dated 25th August, 1770, it was mentioned that from the

"year 1770 the ruin of two-thirds of the old aristocracy of Lower Bengal dates. The Maharajah of Burdwan, whose province had been the first to cry out and the last to which plenty returned, died miserably towards the end of the famine, leaving a treasury so empty that the heir had to melt down the family plate, and when this was exhausted to beg a loan from the Government, in order to perform his father's obsequies."²⁵

But the Company's government did not show any sympathy or give any material help to the distressed. They did not even reduce the land tax. "Remissions of the land-tax and advances to the husbandmen, although constantly urged by the local officials, received little practical effect. In a year when thirty-five per cent. of the whole population and fifty per cent. of the cultivators perished, not five per cent. of the land-tax was remitted, and ten per cent. was added to it for the ensuing year (1770-71)."²⁶

The Consolidation of the British Political Power in Bengal

The East India Company had tried their best to consolidate the political power in Bengal in the wake of the victory in the battle of Plassey in 1757. At that time there was no

24. Ibid., p. 39.

25. Letter from the President and Council to the Court of Directors dated 25th August, 1770, para 52, I.O.R. As quoted in Ibid., pp. 56-57.

26. Ibid., p. 39.

local political authority to challenge the Company. After the later half of the eighteenth century the English had rapidly expanded their power all over the Indian territories. When the East India Company occupied Bengal they appointed Mir Jafar, the ex-Commender-in-Chief of Nawab Siraj-ud-daula, the Nazim of Bengal on June 29, 1757. Mir Jafar had signed a treaty with the English Company just after his appointment and committed to obey the treaty made with Siraj-ud-daula, granting the undisputed right to trade in Bengal, Bihar and Orissa and granting all the land lying to the south of Calcutta. But the most significant commitment of Mir Jafar to the Company was that he would not erect any new fortifications below Hugli, near the Ganges.²⁷ On December 20, 1757 the Company received the zamindari of Twenty-four Parganas of Bengal which meant the right to collect revenues from these areas. "This grant, which was confirmed by a sanad (grant) of the Dewān in 1758, gave the Company the right of a zemindār over this tract on the payment of an annual revenue of Rs. 2,22,958 to the Nāzim; this constitutes the first important territorial acquisition of the Company in Bengal."²⁸

The compensation claimed by the English Company from their puppet Nawab Mir Jafar is an important fact for the historians. He agreed to give the Company a sum of Rs. one crore as compensation for previous losses and for the expenses of the campaign. For those mainly English and others such as - Hindus, Muslim and other inhabitants of Calcutta who had suffered during the Calcutta attack by Nawab Siraj-ud-daulah, Mir Jafar agreed to give twentyseven lakhs rupees.²⁹

27. A Collection of Treaties, Engagements, And Sunnuds, Relating to India and Neighbouring Countries, Vol.I, (Calcutta, Printed by Savielle and Cranenburgh, Bengal Printing Company Limited, 1862), pp.11-12.

28. F.D. Ascoli, Early Revenue History of Bengal and the Fifth Report, (Oxford, At the Clarendon Press, 1917), pp.19-20 and also Treaties, Engagement ... op.cit., pp.15-16.

29. Treaties, Engagement ... op.cit., pp. 11-12.

He also agreed to give for the Company's army Rs. 2,500,000 "for the navy 2,500,000 rupees, and other large sums for the Governor and Select Committee at Calcutta. For himself (Clive ... IQ) he demanded besides 280,000 rupees as Member of the Committee, 200,000 rupees as Commander-in-Chief, and 1,600,000 rupees as a private donation-in all, 2,080,000 rupees."³⁰

On September 27, 1760 the Company got a large tract of land free from all revenues by Mir Kashim Ali Khan who was appointed Nazim after removal of Mir Jafar. This tract covered a large area of 8,161 square miles which included the most important district of Burdwan, Midnapur and Chittagong, and 50 lakhs of rupees for the expenses of the war in the south. Thus the revenues of the whole of Bengal were "now in the hands of the servants of the Company. Having the right of free passage, without payment of tax or toll, for the inland produce, in which they traded, they commenced for a consideration to smuggle the goods of native traders; they even forced the villagers to buy and sell at prices fixed by themselves."³¹

Though Mir Kashim was appointed by the East India Company, he tried to free his administration from the grip of that English Company. He began to interfere in the Company's uneven trade which directly hampered the Company's commercial interest in Bengal. In response, the Company sent force against Mir Kashim. On the 23rd of October, 1764 at Baksar he fought a decisive battle against the English forces and was defeated. Meanwhile, Mir Jafar was reinstalled. On 10th July, 1763, he was signed a new treaty, by

30. R.W. Frazer, British India, (New Delhi, Ashish Publishing House, 1974), p. 102.

31. Ibid., p. 108.

which he "agreed to limit the forces he kept up, to receive a permanent resident at the durbar, and to levy no more than 2½ per cent. on the English trade in salt. Advantage was also taken to secure a promise of compensation for all losses, public and private, caused by the war with Mir Kashim."³²

Shortly after installation, Mr Jafar died on February 6, 1765. Nazim-ud-Daula, a son of Mir Jafar was appointed "on condition of his appointing a minister nominated by the English, and agreeing not to displace him without their approval."³³ Nazim-ud-Daula signed a treaty with the Company on February 20, 1765. By this treaty he was committed to the Company that :

" I do confirm to the Company, as a fixed resource for defraying the ordinary expenses of their troops, the Chucklahs of Burdwan, Midnapoor and Chittagong in as full a manner as heretofore ceded by my father. The sum of five lacks of sicca rupees per month for their maintenance, was further agreed to be paid by my father and I agree to pay the same out of my treasury, whilst the exigency for keeping up so large an army continues. When the Company's occasions (Cli) will admit a diminution of the expenses they are put to, on account of their troops, the Governor and Council will then relieve me from such a proportion of this assignment as the increased expenses incurred by keeping up the whole force necessary for the defence of the provinces will admit of ; and, as I esteem the Company's troops entirely equal thereto and as my own, I will only maintain such as are immediately necessary for the dignity of my person and government, and the business of my collections throughout the provinces."³⁴

Thus, with these agreements the long struggle between English East India Company and the appointed Nawabs of Bengal after the battle of Plassey on the question of political power was brought to an end. It was absolutely clear

32. H.H. Dodwell (ed), The Cambridge History of India, Vol.V, British India (1497-1858), (Cambridge, At the University Press, 1929), p. 174.

33. *Ibid.*, p. 174.

34. W.K. Firminger, Historical Introduction to the Bengal Portion of the Fifth Report, (Calcutta, Indian Studies Past & Present, 1962), Chapter VIII, pp. 159-160.

that Nawabs were nothing but the puppet in the hands of English Company. This process of making Nawab a puppet was completed with the granting of Dewani of Bengal, Bihar and Orissa to the Company in 1765. But it is also true that by 1765 through most uneven and unilateral agreements with the Nawabs, the Company had practically become the revenue administrator in Sube Bangla and collected the revenues and also directly administered the vast area of this province through their own agency. Thus within a decade or more the feudal institutions of Bengal were in rapid decline under the impact of British rule. Through various administrative measures they did it successfully.

Different Administrative Measures in the Land
Administration of Bengal Before 1793

On the 12th August, 1765 the Company obtained Dewani from the Emperor Shah Alam of Delhi which meant the legal right of civil and revenue administration of Bengal, Bihar and Orissa. From that day the Company also became the representative of the Central Government of India with the legal right to collect revenue from those three provinces. But the executive and judicial administration remained in the hands of the Nawab of Bengal.³⁵

The agreement concerning the grant of Dewani to the Company with the East India Company has a great historical significance. The following two statements will justify to this fact.

"Firmaund from the King Shah Aalum, granting the Dewanny of Bengal, Behar, and Orissa to the Company, 1765.

35. Report of the Land Revenue Commission Bengal, Vol.I,
(Alipore, Superintendent, Government Printing, Bengal
Government Press, 1940), p. 12.

"At this happy time our royal Firmaund, indispensably requiring obedience, is issued; that whereas, in consideration of the attachment and services of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favors, the English Company, we have granted them the Dewanny of the Provinces of Bengal, Behar, and Orissa, from the beginning of the Fussel Rabby of the Bengal year 1172, as a free gift and ultungau, without the association of any other person, and with an exemption from the payment of the customs of the Dewanny, which used to be paid by the Court. It is requisite that the said Company engage to be security for the sum of twenty-six lakhs of Rupees a year, for our royal revenue, which sum has been appointed from the Nabob Nudjum ul Dowla Behauder, and regularly remit the same to the royal Circar; and in this case, as the said Company are obliged to keep up a large Army for the protection of the Provinces of Bengal, & C., we have granted to them whatsoever may remain out of the revenues of the said Provinces, after remitting the sum of twenty-six lakhs of Rupees to the royal Circar, and providing for the expenses of the Nizamut. It is requisite that our royal descendants, the Viziers, the bestowers of dignity, the Omrahs high in rank, the great Officers, the Muttaseddees of the Dewanny, the managers of the business of the Sultanut, the Jaghirdars and Croories, as well the future as the present, using their constant endeavors for the establishment of this our royal command, leave the said office in possession of the said Company, from generation to generation, for ever and ever. Looking upon them to be assured from dismissal or removal, they must, on no account whatsoever, give them any interruption, and they must regard them as excused and exempted from the payment of all the customs of the Dewanny and royal demands. Knowing our orders on the subject to be most strict and positive, let them not deviate therefrom.

"Written the 24th of Sophar, of the 6th year of the Jaloos, the 12th of August 1765."³⁶

"Agreement between the Nabob Nudjum-ul-Dowlah and the Company.

"The King having been graciously pleased to grant to the English Company the Dewanny of Bengal, Behar, and Orissa, with the revenues thereof, as a free gift for ever, on certain conditions, whereof one is that there shall be a sufficient allowance out of the said revenues for supporting the expenses of the Nizamut : be it known to all whom it may concern, that I do agree to accept of the annual sum of Sicca Rupees 53,86,131-9, as an adequate allowance for the support of the Nizamut, which is to be regularly paid as follows, viz. the sum of Rupees 17,78,854-1, for all my household expenses, servants, & c. and the remaining sum of Rupees, 36,07,277-8, for the maintenance of such horse, sepoy, peons, bercundauses, & c., as may be thought

36. A Collection of Treaties, Engagement, Vol.I, op.cit., pp. 60-61.

necessary for my suwarry and the support of my dignity only, should such an expense hereafter be found necessary to be kept up, but on no account ever to exceed that amount ; and, having a perfect reliance on ul Maeen Dowla, I desire he may have the disbursing of the above sum of Rupees 36,07,277-8, for the purposes before-mentioned. This Agreement (by the blessing of God) I hope will be inviolably observed, as long as the English Company's factories continue in Bengal.

"Fort William, 30th September, 1765 ."³⁷

After getting Dewani of Bengal the East India Company encountered various problems relating to the land and land administration. The Company's servants in India were totally unaccustomed to the collection of land revenue in Bengal. Thus Baden-Powell maintained that the "whole theory of Indian land-revenue was absolutely strange to the English authorities. They could not tell who owned the land and who did not; nor in what category to place the different native officials they found in the districts"³⁸ After they took over the charge as Dewan, the Company found two most important and powerful classes in land administration such as the Zaminders and Kanungos.

The position and power of the zamindars at the time of granting Dewani to the Company need to be explained. The Zamindars were the authorized persons of the Emperor for collecting the land revenue of specified parganas. As W.W. Hunter stated that the "sanad was granted to the person named in it, without mention of heirs, and conveyed no right of transference or inheritance. But, as a matter of custom, zamindaris were transferred both by sale and inheritance, the purchaser or the heir obtaining a fresh sanad

37. Ibid., pp. 65-66.

38. B.H. Baden-Powell, The Land-Systems of British India Vol.I. (Oxford, At the Clarendon Press, MDCCCXCII, 1892), p.393.

from the Government on the payment of fees and a peshkash or fine to the state."³⁹ Other English authors like Sir Henry Maine and Baden-Powell are of the same opinion. But some other authors say that the son has a right to the father's zamindari.⁴⁰ About the right of ownership and inheritance of land A.C. Guha's conclusion is that :

"no class in Bengal owned the land in the sense in which an Englishman owns his estate and there was no kind of ownership which corresponded to that aggregate of rights, the highest known to English law, termed the fee simple. An English landlord or freeholder in fee simple has absolute liberty to dispose of all lands forming part of his estate, to oust his tenants, whether for life or for a term of years on the termination of their respective leaseholds, and to enhance the rents on the expiration of leases at his discretion. The Bengal zamindars did not possess so unlimited a power over the Khudkast raiyats and other tenants and the earliest English administrators recognised the raiyats as having rights in the land, not inferior in validity, though subordinate in degree, to those of the zamindars."⁴¹

"Kanungo" was an important post in the land administration of rural area. This post of land administration was originally created by Moghul Emperor Akbar to keep information about zamindar's activities and to protect the raiyot. The Kanungo was also a colleague of the Patwari or village accountant and his duties were nothing but that of a registrar. But in course of time this office became hereditary and they made the depositories of the most valuable information "which they were able to turn to their own profit ... they alone possessed the statistics on which any form of land revenue assessment could, with any pretence to accuracy, be made. Thus the kanungo could dictate his

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39. W.W. Hunter, Bengal MS. Records, Vol.I (1782 to 1793), (London, W.H. Allen and Co., Ltd., 1894), p. 36.
40. Revenue Board Proceedings, April 27, 1773. As quoted in R.B. Ramsbotham, Studies in the Land Revenue History of Bengal 1769-1787, (London, Humphrey Milford, Oxford University Press, 1926), p. 3.
41. Atul Chandra Guha, A Brief Sketch of the Land Systems of Bengal and Behar. (Calcutta, Thacker, Spink and Company, 1915), pp. 34-35.

own terms both to the State and to the zamindar, for he was the only channel of knowledge of the parganas through which the State could obtain information, and he could disclose to the State the encroachments and false returns of the zamindar."⁴²

After the granting of Diwani it was necessary for the Company to take over the land administration and land revenue in Bengal. Though the Company had, no doubt, skill in trade and commerce, and other related matters they had total ignorance about the land-holding of Bengal. They had not any previous experience of revenue administration. From the beginning, the Company's government faced problem regarding the administration of land since there were no written rules and the administration was through carried on some plain principles. In 1770, after the disastrous famine the difficulty of realising the revenue had been greatly increased. There were no records of previous collections and assessments. There was also no survey, no experienced local revenue collectors or staffs. The old revenue officials became extinct. But there were a very few English district officials without any knowledge or experience of the indigenous land-revenue system.⁴³

After the departure of Lord Clive, Verelst was appointed Governor of Bengal. Under his governorship the Select Committee made a full inquiry about the revenue collection in Bengal. Verelst and his Committee realised the situation of Bengal and admitted the complete ignorance of his own European servants regarding the land revenue system of Bengal.

42. R.B. Ramsbotham, opcit., p. 4.

43. Atul Chandra Guha, op.cit., p. 73.

He appointed supervisors with instructions to make a complete enquiry on the method of collecting the revenue in their respective districts. But soon they found that it was impossible to carry out the instructions for enquiry regarding the collection of revenue. Because the passive and non-cooperative attitude on the part of the local traditional and hereditary zamindars and kanungos prevented them any authentic knowledge and information regarding the amount of revenue actually paid by the raiyot to the zamindar. These two categories of people did not want the Company to know the real amount of revenue. For this attitude and conspiracy of the zamindars-kanungos all avenues of information were closed. They used to hold all the essential information. But the Kanungos were more important than the zamindar in this respect.⁴⁴

Therefore, the appointment of Kanungo was the most important phenomenon in the land revenue administration in Bengal. They knew the mechanism of land registration and actual position of the collection of the land revenue. As regards power and position of the kanungo, Edward Baber, in his letter of December 13, 1772 to the Board of Revenue, stated that

"it was in the power of the Kanungos to expose the value of their parganas ... This power the Kanungos availed themselves of, and it was the rod which they held over them so that the apprehension of an increase of his rents kept the zamindar in very effectual awe of the Kanungo ... In a word the Kanungos have an absolute influence over the Zamindars which they exercise in every measure that can promote their own interests ... It now happens that the Kanungos manage, not only the zamindars, but the business of the province. There is not a record but what is in their possession and so much of the executive part have they at last obtained that they are now virtually the Collector, while he is a mere

44. The Cambridge History of India, Vol. V, op.cit., p. 411.

passive representative of Government. They are the channel through which all his orders are conveyed ... Instead of being the agents of Government they are become the associates of the zamindars and conspire with them to conceal what it is their chief duty to divulge."⁴⁵

The appointment of supervisors was an important step in the direction of conferring responsibilities of land administrations of Bengal in the hands of Englishman instead of local traditional administrators. But their attempt failed due to the fact that the supervisors were instructed to prepare a rent-roll and to obtain by enquiry the facts from which a real and satisfactory settlement could be made. For this they were confronted again by these two powerful traditional revenue agencies of the zamindars and the kanungos. They again became successful to prevent the knowledge of the Company's officials regarding the actual revenue paid by the cultivators to them. But the supervisors successfully discovered that "a skilful and unscrupulous corporation was purposely acting against them and keeping the channels of information closed."⁴⁶

Another attempt was made by the Company to control the land revenue in Bengal. In 1770 two Boards of Revenue, one in Murshidabad and other in Patna were created for collections of revenue in Bengal and Bihar. But one of the most important administrative measures was taken at the time of Governorship of Warren Hastings who assumed office on the 13th April, 1772.

The new Governor-General and his Council appointed a committee to visit the different districts of Bengal and to submit a report on the basis of their observations. On

45. As quoted in ibid., pp. 412-413.

46. R.B. Ramsbotham, op.cit., p. 10.

the basis of their report the Council on the 14th May, 1772 adopted a resolution which is stated below.

"It was decreed, that the lands should be let for a period of five years : that a Committee of the Board, consisting of the President and four members, should perform the local operations, by circuit through the country : that the servants of the Company who superintended the business of collection in the several districts, and who had hitherto been distinguished by the title of supervisors, should henceforth be denominated collectors : that a native under the title of dewan, should in each district be joined with the collector, both to inform and to check : that no banyan, or servant of a collector, should be permitted to farm any portion of the revenue : because with the servant of a collector no man would dare to become a competitor : and, as presents to the collectors from the Zemindars and other middlemen had been abolished, so all acceptance of presents, by such middlemen, from the ryots, and all other modes of extortion, should be carefully prevented. Some precautions were taken against the accumulation of debt, which swelled at exorbitant interest, rarely less than three, often as much as fifteen per cent. per month, upon the ryots, as well as the different orders of middlemen. The collectors were forbidden to lend, or to permit their banyans or servants to lend, to the middlemen; and the middlemen or agents to lend to the ryots : but the Governor and Council express their regret, that loans and exorbitant interest were an evil which it was not in their power wholly to repress." 47

After being established the Committee of Circuit decided that the revenue administration should remain under their direct control and thus the treasury office of Murshidabad was removed to Calcutta. The Committee also recommended the "hugur zilla"* land should be converted into separate districts under a collector and the total council was to act as a Committee of Revenue and also to audit the account of the dewan in collaboration with an Indian officer called the Roy Royan. He was responsible for the work and account of the district native Dewan who was appointed to assist

47. James Mill, The History of British India, Volume III, (London, James Madden, M.DCCC. XLVIII), pp. 522-524.

* The revenue of that land paid direct to the Khalsa or treasury office.

the collectors. The main purpose of the Committees' recommendation was to centralise the revenue work in Calcutta. Hence the salaries of the Collectors and their assistants were increased. The business of the Khalsa* was defined, the post of Accountant General was created and the various departments of that office as well as the treasury in general were organized by the Committee of Circuit.

Thus the old revenue system changed and Naib Dewan Mohammed Reza Khan was ousted from his post. The post of the Kanungos was also abolished. On the 13th October, 1772, the new Committee of Revenue started its work. They used to make the settlement locally and give out the revenue in all estates to the highest bidders for five years. This temporary leases of land were called *ijaras* of farms. Henceforth "The existing Zamindars (who managed the revenue under the Native rule) were not necessarily to be displaced by this arrangement; but they often refused to contract for the total sums demanded, so that other farmers were appointed, and in some cases injustice was done."⁴⁸

Thus the system of giving land to the highest bidder was first introduced in the country. Naturally the existing zamindars reacted against the new system. But some unfir-means were also adopted at the time of lease out the land. In a letter dated May 17, 1766 the Court of Directors disclosed the following fact.

"We observe that when we first took possession of the Grant from Jaffier Ally Khan of the Calcutta lands, we immediately turned out all those men who stood between the Government and the cultivator, and put the farm of the lands up to public sale, in which we make no doubt our servants acted for our interest according to the best of their judgement; but it appears to have been deemed by the Natives an act of

48. Baden-Powell, op.cit., p. 394.

* Land under direct control of the state.

oppression and contrary to the customs of Hindoostan: however, it was then a partial evil confined to a small tract of country, and the Company had this to plead in their defence, that their whole Territory lying near Calcutta could easily be kept under the general administration of the Presidency, and this might be very justifiable and very proper for so limited an object.

"For after all the various experiments of putting the farms up to public sale, by which means many families seem to have been utterly ruined, of keeping lands in the hands of the Company, which you call Coss, and the various methods that have been tried, we find the collections brought to the Company's credit for the year 1764 are Five Lacs less than what were paid in Aliverdee Khan's time in 1752. There is a passage in Mr. Verelst's letter very alarming and which requires a full explanation: 'I was greatly surprised to find on my arrival there that it had been again exposed to a public sale; however, purchasers had been only found for about 22 Lacs, so great was the prejudice taken at the former, and the whole of that very considerably under the Jumabundy of 1169, excepting the Farms lately held by Messrs Johnstone, Hay and Bolts, on which a greater advance was bid!'"⁴⁹

But the Company was aware of the fact that the illegal cesses were collected from the raiyats previously. So they took measures to protect the cultivators from that cesses and ordered that all kinds of abwab* to be stopped. The rent was fixed on 'hast-o-bud'** or "lists showing the rents which it was customary for the raiyats to pay."⁵⁰ But the Company did not look after the 'abwabs' which were already mixed up with the rent and the cultivators paid these as rent as they could not distinguish between actual rent and abwab. Moreover, "the quinquennial settlement of the Dacca Province amounted to over Rs. 38,00,000 against 19% lakhs in 1722 and thirty-eight lakhs (according to Grant's figures) in 1765; but the arrears averaged over eight lakhs

49. J. Long, Selections from Unpublished Records of Government For the Years 1748 to 1767 Inclusive, (Calcutta, Firma K.L. Mukhopadhyay, 1973), pp. 620-621.

* Illegal cesses which were imposed during the Mohammedan rule in addition to the regular assessment on land. Miscellaneous cess, inputs and charges levied by zamindars on their ryoti.

** "Literally (Persian) is and was; in fact, the actual and customary rent-roll without arbitrary additions to it" Baden-Powell, op.cit., p. 395, foot note No. 1.

50. Ibid., p. 395.

per annum; in one pargana the proprietor to retain his property bid up to Rs. 1,34,109, but within two years his arrears exceeded the annual revenue due from him."⁵¹

Moreover, the leased out lands were not properly managed. In many cases, the farmers of Bengal were merely speculators in order to get unlimited power to exact what they liked. Various orders were issued to prevent these types of irregularity. Baden-Powell mentioned that nothing was to be "taken from the raiyat beyond what was in his patta, and a heavy penalty and the cancelment of the lease should follow extortion; but there was no one to enforce these provisions."⁵²

Soon after this settlement the district collectors realised the situation which went beyond their control. Because it required honesty of the lessees, which did not exist at all! Moreover, the leases were made completely in the auction-room. Proper data for assessments were badly needed. Without this no real control over village collections was impossible. Not only that, officers were very few in number with little knowledge in that matter. The Kanungo and the Patwari - the two local functionaries were either very few in number or existed only in name.⁵³

But the Board of Revenue was reluctant to believe the report of the district officers about the failure of the land settlement. Instead, the Board peremptorily ordered for the collection of arrear land revenue to their officers.⁵⁴ In April 1773, the Court of Directors sent orders to the Governor and Council to recall all the district collectors

51. Proceedings of the Dacca Provincial Council of Revenue. As quoted in F.D. Ascoli, op.cit., p. 33.

52. Baden-Powell, op.cit., p. 395, footnote No. 2.

53. Ibid., p. 395.

54. The Cambridge History of India Vol.V, op.cit., p. 417.

and to adopt other measures regarding the collection of revenues. They distrusted their own junior officers. A number of steps were taken to realise the land revenue in Bengal. These are - (1) a committee of revenue at the presidency was formed with two members of the board and three senior servants below the Council; (2) three provinces were divided into six divisions with a Provincial Revenue Council for each. In Calcutta, the committee of revenue was to perform the duties of revenue collection as a coordinating body; (3) each district was placed under the control of an Indian revenue officer or dewan instead of collector, except in districts entirely let to a zamindar or farmer, who was then empowered to act as dewan; and (4) the collectors were to make up their accounts and hand over charge to Indian deputies who were empowered to hold the courts of dewani adalet, but appeals in all cases were allowed to the provincial sadar adalat now constituted to form a link between the mufassal and headquarters dewani courts etc.⁵⁵

On the 19th October 1774 an able officer named Francis arrived in Calcutta to join as a new member of the Council. By this time the results of the quinquennial settlement were frustrating. Hence the Governor-General on 21st March, 1775 invited the opinion of the individual members of the Council regarding the settlement and collection of land revenue. On 22nd April, 1775 Governor-General himself with Barwell submitted a joint report in which they recommended for the land settlement with the zamindars for one or two generations.⁵⁶ But Francis on 22nd January, 1776 strongly

55. Ibid., pp. 418-419.

56. Ibid., p. 423.

advocated in favour of the permanent settlement in land with the zamindars. He argued that "no revenue system which was not settled or permanent, 'a fixed jama', could be of any real use."⁵⁷ He also stated the importance of collecting accurate information from zamindars or farmers about land revenue.⁵⁸

In the meantime, the period of five years settlement was about to be expired. But Warren Hastings was very much keen about the next step for land revenue and settlement. The Court of Directors did not agree to any of the proposals made by the Council and replied :

"Having considered the different circumstances of letting your lands on leases for lives or in perpetuity, we do not for many weighty reasons think it at present advisable to adopt either of these modes, but in the meanwhile we direct that the lands be let for the succeeding year on the most advantageous terms, and that none be in future let by public auction."⁵⁹

In accordance with the reply from the Court of Directors Hastings ordered to form a special committee with native amins in order to visit all the districts of Bengal to collect further information in this regard. They submitted their report in March 1778. Then the one year settlements was made with the zamindars. On December, 1780 Francis left India for England, and in 1781 various regulations were passed. The six Provincial Committees were abolished and a new committee/as ^{known} "Metropolitan Committee of Revenue" was formed with four members who were assisted by a Dewan. This committee recommended the plan which was, according to them, the most convenient and secure for Government, and the best for the raiyats and country, was, in general, to leave the lands with the Zamindars, making the Settlement with them.⁶⁰

57. R.B. Ramsbotham, op.cit., p. 78.

58. Ibid., p. 78.

59. Ibid., p. 86.

60. Baden-Powell, op.cit., p. 397.

Meanwhile, the Collectors were reappointed. But the local revenue collectors were not trusted by the government. For that reason the zamindars were encouraged to pay their revenues direct to the Khalsa or Exchequer at Calcutta. Finally, the Kanungos were reinstated to assist the Collectors, but they were under the control of the Sadar Kanungo.⁶¹ However, this new system was bitterly criticised by John Shore. In his minute of 1782 Shore had stated that "I venture to pronounce that the real state of the districts is now less known and the revenues less understood than in 1774 ... It is the business of all, from the ryot to the diwan, to conceal and deceive ... With respect to the Committee of Revenue, it is morally impossible for them to execute the business they are entrusted with."⁶² And in his conclusion Shore said, "With the best intentions and the best ability and the steadiest application, must after all be a tool in the hands of their Diwan and that the system was fundamentally wrong."⁶³

In 1784, Pitt's India Act was passed which ordered "for settling and establishing upon principles of moderation ~~and~~ justice, according to the laws and constitution of India, the permanent rules by which the tributes, rents and services of the Rajas, Zemindars, etc., should be in future rendered and paid to the united Company."⁶⁴ The Section 39 of this Act directed to the collection of land revenue shall be "forthwith enquired into and fully investigated."⁶⁵ But Pitt's India Act was nothing but the implementation of the opinion which Francis advocated earlier that the zamindar was landowner.⁶⁶

61. F.D. Ascali, op.cit., pp. 35-36.

62. The Cambridge History of India Vol.V, op.cit., p.429.

63. Ibid., p. 429.

64. Atul Chandra Guha, op.cit., p. 77.

65. The Cambridge History of India Vol.V, op.cit., p. 430.

66. Ibid., p. 430.

After passing the Pitt's India Act a new scheme was evolved on April 25, 1786. The main object of this new scheme was complete decentralization. Thirtyfive new districts were created within the province, each under the direct control of the Collector. He himself made the settlement and collected revenues of his own district. The post of provincial Dewan was abolished, and that of Kanungo was revived. The Office of the Chief Saristadar was formed and James Grant was appointed the first Chief Saristadar on April 7, 1786.⁶⁷

Thus the reforms of 1786 actually laid the foundation of the Permanent Settlement introduced by Lord Cornwallis in 1793. On September 12, 1786 Lord Cornwallis arrived in Calcutta with the instructions of the Court of Directors to consider the spirit of the Regulating Act of 1784 for evolving a permanent revenue system in Bengal. The Court agreed after various investigations that had been made from 1765 to 1787. But Cornwallis soon realised that these investigations were not reliable and immediately ordered for further investigations. On the basis of these investigations the Decennial Settlement was introduced on the 10th February, 1790.⁶⁸

67. F.D. Ascoli, op.cit., pp. 38-39.

68. Ibid., pp. 38-41.

CHAPTER 2

INTRODUCTION OF THE PERMANENT SETTLEMENT OF
1793 AND ITS INFLUENCE ON THE SOCIO-
ECONOMIC STRUCTURE OF BENGAL

Enactment of the Permanent Settlement of 1793

After the proclamation of Decennial Settlement Lord Cornwallis took steps for Permanent Settlement of land revenue. But without the approval of the Court of Directors it was not possible for him to take decision on that matter. On the question of land settlement there were great debates among the British administrators in Bengal. Grant-Shore and Shore-Cornwallis controversies were the most important in this respect. But especially on the question of implementation of the Permanent Settlement of land revenue in Bengal the Shore-Cornwallis controversy is very pertinent to understand the agrarian society of the East, in general, and the land revenue history of Bengal, in particular.

John Shore was an experienced person in land administration and had been a member of the British ruling elite in Bengal since 1769. Later he became President of the Committee of Revenue. On the question of permanent land settlement he differed with Cornwallis as he thought that the experience acquired by different British land revenue administrators was not enough and also incomplete. Therefore, Mr. Shore urged that they should "attempt to advance to a perpetual settlement only by gradual measures; that the first decennial period should therefore be regarded as a period of Experiment and Improvement wherein the knowledge of Government as to the state and resources of

the Country and the relative Rights of the different Orders of the People is to be improved."¹ He further argued that "the first period having thus passed in Experiment, Practice and Approximation to a permanent Arrangement - Advantage to be taken of all the Experience acquired in i(t), for the settlement of a second period by which time, present doubts will probably be cleared up, and the way opened for the agitation of a perpetual Settlement free of the Embarrassments which now attend that Question."² Basically Mr. Shore was infavour of the Permanent Settlement. But he maintained that "ten years' settlement would foster the same spirit of confidence in the Zemindar as permanent settlement and that it would in no way stand in the way of extension of cultivation. On the other hand, Permanent Settlement would perpetuate all the existing abuses."³

In reply to the Shore's criticism regarding permanent settlement Lord Cornwallis maintained that it was his duty to implement the order of the Court of Directors as they sent him with the specific instructions. Because the Court of Directors were determined to make the settlement permanent with the Zamindars. Regarding the inadequate knowledge of land revenue system in Bengal Cornwallis' argument was that the experience gathered by the English administrators since 1765 was sufficient and what is "experience that is still wanting, what further experience will be gained in 10 years."⁴ He also argued that the revenue of the Government would be ensured against the effects of droughts and famine under the permanent settlement.⁵ But the main argument of Lord

-
1. Government of Bengal, Selections from Papers of the Permanent Settlement of Bengal and Bihar, (Calcutta, Bengal Government Press, 1930), pp. 69-70.
 2. Ibid., p. 70.
 3. Government of Bengal, Land Revenue, Final Report on the Survey and Settlement Operation in the District of Murshidabad, (The report submitted in Calcutta, the 3rd March, 1938), p. 112.
 4. Sachin Sen, Studies in the Land Economics of Bengal, (Calcutta, The Book Company Ltd., 1935), p. 48.
 5. Final Report on the Survey and Settlement Operation in the District of Murshidabad, op.cit., p. 112.

Cornwallis in favour of the implementation of the permanent settlement is that "the powers conferred on the proprietors to alienate the lands at will would consolidate their position; thus profits would increase and interest of the Government would be safeguarded. The prudent landlords would thrive while the bad ones would give way meaning thereby a positive advantage to the country."⁶ Immediately after this great Shore-Cornwallis controversy Mr. Shore had resigned in his post of President of the Board on the 24th December, 1789.⁷

Thus after issuing the Decennial Settlement of Bengal, in a despatch on September 19, 1792, the Court of Directors in England declared the Decennial Settlement to be permanent. With this approval Lord Cornwallis on 22nd March, 1793 introduced the permanent settlement. From that time all the zamindars, independent talukdars and actual proprietors of land were paying revenues directly to the East India Company's Government. In lieu of this revenue paying, Company had given assurance to them and their heirs or lawful successors to hold their estates at the assessment which had been fixed for ever and would not be liable to any alternation by the future administrations. But the Proclamation also stressed on the punctual payment of revenue.⁸

Thus, with the permanent settlement proprietorship in land in real sense was created in Bengal and "the Government appeared willing to recognize the proprietary right of the zamindars in the land; not so much, from any proof of the existence of such right, discernible in his relative

6. Ibid., p. 112.

7. Walter Kelly Firminger (editor), The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, Vol. II, (Calcutta, R. Cambay & Co., 1917), p. XVII.

8. Sachin Sen, op.cit., pp. 49-50.

situation under the Mogul Government, in its best form, as from the desire of improving their condition under the British Government, as far as it might be done consistently with the permanency of the revenue and with the rights of the cultivators of the soil."⁹

One cannot have an idea of the impact of British rule on the social structure of Bengal without understanding the effect of the Permanent Settlement of 1793. The effect of this settlement is so pervasive and farreaching that one can easily say that it really laid the foundation of British rule in Bengal. The emergence of new landlord is the direct result of this settlement. Not only that, it gave rise to a new economy and social stratification pattern in the towns as well as in the villages of Bengal which were hitherto unknown in this region. The nature of class structure and social stratification that existed in pre-British India has been clearly revealed by W.H. Moreland who writes :

"When we turn from the racial to the economic classification of the people, the first point to arrest our attention is the comparative insignificance of the middle classes ... There were at this time no lawyers, very few if any professional teachers, no journalists or politicians, no engineers, no forms of employment corresponding to the modern railway, postal or irrigation services, or to factories and large workshops, few landholders in the modern sense, and, unless I am mistaken, scarcely any families living upon accumulated property; and if we remove these elements from the middle classes as they exist to-day, we shall find that there is very little left, beyond the families dependent on the various public offices."¹⁰

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9. Bengal Presidency, The Fifth Report from the Select Committee on the East India Company, Vol. I, (Madras, Higginbotham and Co., 1883), p. 23.
10. W.H. Moreland, India At the Death of Akbar, (Delhi, Atma Ram & Sons, 1962), pp. 24-25.

It is widely known to us that the newly created class of landlords or zamindars with proprietary rights began to collect rent from land permanently with a condition to give a fixed amount of revenues to the Company Government. The introduction of the Permanent Settlement of 1793 generated strong opposition from the traditional zamindars of Bengal. The main reasons for this opposition were higher rate of revenue and the means adopted for its payment.¹¹ The passing of the sale law which was popularly known as sunset law was an additional factor to this opposition. Because such law by which their land or estate could have been liquidated, never existed before for not realising the annual dues of revenues to the government. Under this new circumstance most of the traditional zamindars became defaulters and lost their estates and social status. The condition of the traditional landed families in Bengal after being defaulters may be understood from Firminger's Fifth Report which states :

"Among the defaulters, were some of the oldest and most respectable families in the country. Such were, the Rajahs of Nuddea, Rajeshaye, Bishenpore, Cossijurah, and others; the dismemberment of whose estates, at the end of each succeeding year, threatened them with poverty and ruin, and in some instances, presented difficulties to the revenue officer, in their endeavour to preserve undiminished the amount of the public assessment."¹²

Sir George Campbell described the effect of this settlement in his Administrative Report of Bengal for 1872-73 in the following manner :

"There was widespread default in the payment of Government dues and extensive consequent sales of estate or parts of estate for recovery of arrears under the unbending system introduced in 1793. In 1796-97 lands

11. F.D. Ascoli, Early Revenue History of Bengal, op.cit., p. 74.

12. Fifth Report, Vol.I, op.cit., p. 71.

bearing a total revenue of sikka rupees 14,18,756 were sold for arrears of revenue, and in 1797-98 the revenue of lands so sold amounted to sikka rupees 22,74,076. By the end of the century the greater portion of the estates of Nadia, Rajshahi, Bishnupur and Dinajpur Rajas had been alienated. The Burdwan Estate was seriously crippled; and the Birbhum Zemindari was completely ruined. A host of smaller zemindars shared the same fate."¹³

The strict enforcement of the sunset law not only affected the traditional zamindar families in Bengal but also it led to tremendous rise of the value of land. "The exposure of land for sale, for the recovery of arrears, has of course been, in proportion, less frequent; and it seems reasonable to infer, that the value of land has risen, in consequence of its coming less abundantly to market for sale."¹⁴ In fact, "land had turned into a commodity, it was to be allowed all possible freedom of exchange,"¹⁵ in the wake of the Permanent Settlement.

This new class of landlord was mainly traders or banyans of Calcutta. Through trading and other commercial connections with the English they possessed large capital for which the landed property acquired a value which was unknown in India. Thus, "the large capitals possessed by many of the natives in Calcutta, which are now employed in usury or monopolising salt and other necessaries of life will be appropriated to the more useful purposes of purchasing and improving lands."¹⁶

13. As quoted in Sachin Sen, *op.cit.*, p. 57. Footnote No.1.

14. Fifth Report, Vol. I, *op.cit.*, p. 79.

15. Ranjit Guha, A Rule of Property for Bengal, (Paris, Mouton & Co. La Haye, 1963), p. 178.

16. Dharma Kumar (editor), The Cambridge Economic History of India Vol.II, C1757-C1970, (Cambridge University Press, 1983), p. 88.

The Permanent Settlement of 1793 facilitated the transfer of land from the traditional landed aristocracy to the newly created traders or banyans. In a letter to the Court of Directors on March 6, 1793 Cornwallis stated "there is every ground of expect that the large capitals possessed by the natives ... will be applied to the purchase of landed property as soon as the tenure is declared to be secure, and they are capable of estimating what profit they will be certain of deriving from it, by the public tax upon it being unalterably fixed."¹⁷

Thus through this process the landed property of Bengal increasingly began to be transferred from the families of the traditional proprietors to the local traders, "who may be called the moneyed interest of Calcutta, such as Shroffs, Banyans and other Natives employed in the collection of the Revenue or in Stations of great personal Favour."¹⁸

The process of making such a new landowning class in rural Bengal was so rapid that "the wave of the Permanent Settlement had in truth submerged the ancient houses of Bengal."¹⁹ A revenue official writes, "it is scarcely too much to say that, within ten years that immediately followed the Permanent Settlement, a complete revolution took place in the constitution and ownership of the estates which formed the subject of that settlement."²⁰

17. General letters to the Court of Directors, Revenue Department Vol.VII, letter of March 6, 1793, Para 22. As quoted in R. Guha, op.cit., p. 172.

18. R. Guha, op.cit., p. 178.

19. As quoted in Atul Chandra Guha, op.cit., p. 114.

20. D.J. McNeile, Memorandum on the Revenue Administration of the Lower Province of Bengal, (Calcutta, A.Acton, Calcutta Central Press Company, Ltd., 1873), p. 9.

The old zamindars in Bengal suffered greatly under the new land system. It has been "computed that within twenty years of the Permanent Settlement, one-third to one half of the whole landed property in Bengal changed hands owing to the inability of the owners to pay the revenue."²¹

All through the new zamindars became the owner of the great landed estate, they were alienated from their own zamindaries in the rural areas and most of them lived in Calcutta or other mofassil towns in Bengal. Thus a class of absentee landlords was created in Bengal. The wealthy merchants invested their surplus money to purchase landed estates of the defaulter zamindars caused by the sunset law, became proprietor of the land or zamindar. Anil Chandra Banerjee vividly described how the merchants became zamindars in the following manner :

"Those who purchased lands at the revenue-sales constituted a heterogeneous class. Some of them were unscrupulous 'zamindari servants' who betrayed their masters, managed to put up their estates on sale for arrears, and purchased them in the names of their relatives or dependents. This happened, for instance, in the case of Nator. The Chandradwip pargana in Dacca, sold in 1799, was purchased by a curious group of persons : two Greeks names George Panioty and Alexander Panioty, a person named Dal Singh, and several others, including a modi (grocer) named Ram Chandra. In course of travels in North Bengal in 1807-8 Buchanan found that most of the landholders in Dinajpur were new men who were formerly either merchants, manufacturers, agents of landholders, or officers of the Government. They were called lotdars, i.e. men who had purchased lands in lots. In Rangpur the purchasers were called nilamdars i.e., men who had purchased lands at auction (nilam).²²

21. Atul Chandra Guha, op.cit., pp. 124-125.

22. Anil Chandra Banerjee, The Agrarian System of Bengal, Vol.II, (1793-1955) (Calcutta, K.P. Bagchi & Company, 1981), pp. 10-11.

However, it is apparent that the Britishers tried to build up a landed class through the Permanent Settlement, who could be compared with the landlords of European feudalism. As Hollingbury says, "The zemindary settlement was modelled on the division of land in England into large estates; and analogies between English tenures and those in Bengal were familiar to the authors of the settlement."²³ Recognition of the proprietary right in land or ownership right in land, legal right of private property etc. all these are the manifestations of their step in that direction. Besides that, the English Government gave them protection and safeguarded their zamindary and also vested them with some rights of administrative power for collection of the land revenue from the ryots.

It is true that some sort of administrative power was delegated to this new landed class. But in comparison to the landlords of the European feudalism it was insignificant. Because the European feudal lords used to maintain independently their own army and fortification for their own jurisdiction. This defence system was so strong that most of the time it was beyond the control of the European feudal state. Throughout the middle ages in Europe the feudal lord enjoyed such power and privilege, which came to an end with the rise of capitalism fostered by the invention of gun-powder and other socio-economic conditions.

But the administrative power of the zamindars in Bengal, which was given to them by the Company Government, was not even sufficient for the collection of land revenue.

23. R.H. Hollingbury, The Zemindary Settlement of Bengal Vol.I, (Calcutta, Brown and Company, 1879), p. 16.

It was noted that in a letter on the 9th January, 1794 the Collector of Burdwan appealed to the Board of Revenue on behalf of the zamindar of Burdwan and prayed for the permission to maintain armed forces for the regular collection of land revenue. The Collector writes that the Rajah of Burdwan begs leave to

"submit it to your consideration, whether of not it can be possible for him to discharge his engagements to Government, with that punctuality which the regulations require, unless he be armed with powers, as prompt to enforce payment from his renters, as Government had been pleased to authorize the use of, in regard to its claims, on him; and he seems to think it must have proceeded from an oversight, rather than from any just and avowed principle, that there should have been established two modes of judicial process under the same Government; the one, summary and efficient, for the satisfaction of its own claims, the other, tardy and uncertain, in regard to the satisfaction of the claims due to its subject; more especially in a case like the present, where ability to discharge the one demand, necessarily depends, on the other demand being previously realized."²⁴

The collector of Midnapore in another letter dated 12th February, 1802 in connection with the collecting of revenue from the zamindars explained the fact that

"All the zemindars, with whom I have ever had any communication, in this and in other districts, have but one sentiment, respecting the rules at present in force for the collection of the public revenue. They all say, that such a harsh and oppressive system was never before resorted to, in this country; that the custom of imprisoning landholders for arrears of revenue, was in comparison, mild and indulgent to them; that though it was no doubt the intention of Government to confer an important benefit on them, by abolishing this custom, it has been found by melancholy experience, that the system of sales and attachments, which has been substituted for it, has, in course of a very few years, reduced most of the great zemindars in Bengal to distress and beggary, and produced a greater change in the landed property of Bengal than has perhaps ever happened, in the same space of time, in any age or country, by the mere effect of internal regulations."²⁵

24. Fifth Report, Vol. I, op.cit., p. 76.

25. Ibid., pp. 76-77.

In another part of the same report the same collector maintained that

"Before this period, 1799, complaints of the inefficacy of the regulations were very general among the zemindars, or the proprietors of large estates; and it required little discernment to see that they had not the same powers, over their tenants, which Government exercised, over them. It was notorious, that many of them had large arrears of rent due to them, which they were utterly unable to recover; while Government were selling their lands for arrears of rent due to them, which they were utterly unable to recover; While Government were selling their lands for arrears of assessment."²⁶

He also adds

"farmers and intermediate tenants were till lately, able to withhold their rents with impunity, and to set the authority of their landlords at defiance. Landholders had no direct control over them; they could not proceed against them, except through the Courts of Justice; and the ends of substantial justice were defeated, by delays and cost of suit."²⁷

From the above statements of these two District Collectors we get the actual picture of the nature of administrative power enjoyed by the zamindars of Bengal. They had no political power which the British East India Company had entirely captured from the Nawab of Bengal in 1757. But in feudal Europe the "political power is exercised locally by private individuals rather than by the agents of a centralized state."²⁸

The Bengal zamindars were politically depended on the English Government. The British Government looked after the interest of the zamindars of Bengal. But in the case of zamindars of Bengal Company always used them

26. Ibid., p. 77.

27. Ibid., p. 77.

28. Wallbank, Taylor, Bailkey, Civilization Past and Present, Vol.I, (Glenview, Scott, Foreman and Company, 1976), p. 328.

for their own economic and political interest. In this connection Cornwallis pointed out

"In case of a foreign invasion, it is a matter of the last importance, considering the means by which we keep possession of this country, that the proprietors of the lands should be attached to us from motives of self-interest. A landholder who is secured in the quiet enjoyment of a profitable estate could have no motive for wishing for a change. On the contrary, if the rents of his lands are raised in proportion to their improvement, if he is liable to be dispossessed, should he refuse to pay the increase required of him, or if he is threatened with imprisonment or confiscation of his property on account of balances due to Government upon an assessment which his lands are unequal to pay, he will readily listen to any offers which are likely to bring about a change that cannot place him in a worse situation, but which holds out to him hopes of a better."²⁹

In regard to the success and failure of the Permanent Settlement the following statement of William Bentinck will be worth quoting here. Bentinck writes :

"If, however, security were wanting against extensive popular tumult or revolution, I should say that the permanent settlement, which though a failure in many other respects and in its most important essentials, has this great advantage at least, of having created a vast body of rich landed proprietors, deeply interested in the continuance of the British dominion, and having complete command over the mass of the people, and, in respect to the apprehension of ulterior views, I cannot believe that it could last but for the moment. The same large proprietary body, connected for the most part with Calcutta, can have no fears of the kind, and through their interpretation of our intentions, and that of their numerous dependents, and agents, the public mind could not long remain in a state of deception."³⁰

During the British rule in India the Bengal zamindars were tied up with their masters. These zamindars used to help the Government in all possible ways. Especially in the political field their activities were against the people

29. As quoted in Radha Kumud Mookerji, Indian Land System : Ancient, Mediaeval and Modern (with special reference to Bengal), (Calcutta, Government of West Bengal, 1958), p.70.
30. C.H.Philips (editor), The Correspondence of Lord William Cavendish Bentinck, Vol.I (1828-1831), (Oxford : Oxford University Press, 1977), Letter 157, p. 339.

or national movement of their own country. While the people of India fought for their own national independence against the colonial ruler, the zamindars opposed it and served the colonial English Government most obediently. For instance, when the various national movements were in a most critical stage in 1925 the President of the Bengal Landowner's Association assured the Viceroy on behalf of their Association and announced that "your Excellency can rely on the ungrudging support and sincere assistance of the landlords."³¹

There is a basic difference between the zamindar of pre-British Bengal and that created with the Permanent Settlement of 1793. In pre-British period the zamindars have no proprietary right in land in western sense of the term. In lieu of salary, for the maintenance of army and administrative expences, the Emperors allowed them some portion of land revenue. But it was not a hereditary right. The zamindars under Permanent Settlement had got the proprietary right in land in real sense but without any political right. Their main function was to collect land revenue from the peasants on behalf of the government. Thus the Bengal zamindars under British rule were neither the zamindars of pre-British India nor the landlords of the European feudalism. They were nothing but a kind of comparador class of the British Government whose main duty was to collect land revenue permanently and give a fixed amount of revenue to the Government annually.

31. As quoted in R.P. Dutt, India Today,
Manisha, 1983), p. 233.

(Calcutta,

Major Tenancy Legislations Affecting the Relation
Between Zamindars and Tenants Since 1799

With the Permanent Settlement of 1793 the relation between the state and the zamindars of Bengal was fixed. But there was no law or regulation till 1859 for creating a viables relationship between the zamindars and their tenants.

The large scale transfer of landed property from the traditional rural landed families to the traders of Calcutta was the direct result of the sun-set law. This law not only ruined the traditional landed families, it also hampared regular collection of land revenue and rent of Bengal. Because it was not easy for the new landed class to collect rent from their newly purchased Zamindaries. Under these circumstances when the new landowning class could not collect the rent they appealed for permission to maintain armed forces for collection of land revenue punctually. The Regulation VII of 1799 was passed for this purpose. This Regulation popularly known as Haftam, not only strengthened the zamindars of Bengal for smooth collection of land revenue, but also it liberalized the sun-set law. The zamindars declared that they could not pay the land revenue without strengthening their hand against the raiyots. Hence the Haftam or Regulation VII of 1799 was enacted "for enabling proprietors and farmers of land to realize their rents with greater punctuality."³² From this Regulation the landlords got unrestricted right to distraint. They were also empowered "to distraint, without sending any notice to any Court of Justice or any

32. S.C. Ray, Land Revenue Administration in India, (Calcutta, University of Calcutta, 1915), p. 40.

public officer, the crops and products of the earth of every description, the grain, cattle, and all other personal property, whether found in the house or on the premises of any other person."³³ Regarding the necessity of Haftam Mr. C.T. Buckland wrote :

"It may not be generally known that the Regulation of 1799 was enacted in order to save the Perpetual Settlement, the existence of which was then imperilled by the excessive independence which the ráiyats (cultivators) enjoyed. For although it is now the custom to say that the rights of the raiyats were not properly protected by the Perpetual Settlement, it turned out at the time that they could take such good care of their own rights that the zamindárs could not collect their rents from them until the Government came to the rescue of the zamindárs, and made the ráiyats liable to arrest for default of payment of rent."³⁴

The Select Committee highly appreciated the effects of the Regulation VII of 1799 for successful collection of rent. Field considered the Regulation as "successful in effecting a more punctual and satisfactory realisation of the revenue, for no further legislation was now found necessary for several years."³⁵

According to the old tradition of Bengal, the zamindars were the most distinguished personalities of the rural areas. They were considered, Shore wrote in 1789, "as the natural guardians and beneficent protectors of the ryots, and as the objects of their esteem and veneration. By others, they have been decried as an useless, idle, oppressive race, practising every species of extortion, or countenancing it by their inactivity and ignorance."³⁶

33. Ibid., p. 40.

34. Report of the Commissioner of Bardwan Division for 1872-73. Commissioner's Reports, p. 80. As quoted in W.W. Hunter, Bengal MS. Records, Vol.I, 1782 to 1793, (London, W.H. Allen & Co. Ltd., 1894), p. 109.

35. As quoted in Anil Chandra Banerjee, op.cit., Vol.II, p. 7.

36. The Fifth Report, Vol.II, (Calcutta, R. Cambay & Co., 1917), p. 40.

But although the new zamindars had no traditional association with land, they had capacity for economical management. They were familiar with English culture and business methods. Therefore, "they would be better managers of the estates than the displaced proprietors."³⁷

After the enactment of the Regulation VII of 1799, the competition for the purchase of land among the raiyots became intense. With the increase of the value of landed properties land became a profitable commodity. Not only that, the new land owners had greater chance for increasing land rent. On account of their trading background they could make good profits from money-lending, paddy-lending, and the establishment of hats (the weekly markets). "The careers of new zamindars like Dwaraka Nath Tagore, Gopi Mohan Tagore, Prasanna Kumar Tagore and the Roys of Narail (in the Jessore district) illustrate the combination of landlordism with commercial enterprises, banking and the legal profession."³⁸

The Regulation VII 1799 was meant for punctual collection of revenue. This object was well served. Thus Mr. Wright of Rangpur noted that the regulations "which have been issued for the benefit of the landholders have answered the purposes intended."³⁹

Mr. Seton of Kishnaghur, an English administrator referred to the powers which were delegated to the zamindars and other related landholders through the regulation maintained that these are "fully adequate to enable them to collect their rents from their under-farmers and Ryots."⁴⁰

37. Anil Chandra Banerjee, op.cit., Vol. II, pp. 12-13.

38. Ibid., p. 13.

39. John William Kaye, The Administration of the East India Company; A History of Indian Progress, (London, Richard Bentley, New Burlington Street, 1853), p. 186(foot note).

40. Ibid., p. 187 (footnote).

The Collector of Midnapur pin pointed zamindar's success in realising their rents. He said, "I am of opinion that, since the Regulation VII of 1799 has been generally known and enforced in the Mofussil, the Zemindars have been very well able to realise their rents."⁴¹

With the introduction of this new regulation the zamindars became more oppressive. Thus Justice Field remarks that there is "scarcely a country in the civilised world in which a landlord is allowed to evict his tenant without having recourse to the regular tribunals; but the Bengal Zemindar was deliberately told by the Legislature that he was at liberty to oust his tenants if the rent claimed by him were in arrear at the end of the year."⁴²

The zamindar's illegal and oppressive activities regarding the collection of land rent reached such an extent that in 1810 the Judge and Magistrate of Dinajpur reported that "the zamindars' power of distraint had started a general system of rack-renting, and the courts of justice, although open to the ryots for redress, had failed to provide it. Nothing was heard except 'arbitrary demands' on the ryots, enforced by 'seizure of stocks, duress of sorts, and battery of their persons'."⁴³ The Board of Commissioners described the Regulation VII of 1799 as "an engine of oppression and extortion as irresponsible as their original powers were ineffectual."⁴⁴

41. As quoted in *ibid*, p. 187 (foot note).

42. Government of Bengal, Land Revenue, Final Report on the Survey and Settlement Operation in the District of Murshidabad, *op.cit.*, p. 115.

43. As quoted in Anil Chandra Banerjee, Vol.II, *op.cit.*, p.28.

44. As quoted in *ibid.*, p. 29.

Yet the British Government officials became rather happy with this regulation. They believed that if rents were not collected regularly there would be a heavy arrears of Government revenue. In 1812 Colebrooke wrote that "many of the rules designed for the protection of the raiyats having been perverted into engines for their destruction, - it was urged that definition of rights should be undertaken, and that if people had no rights they should be told so."⁴⁵

Since the said law did not protect the raiyots they became helpless. In this situation the raiyots were driven into acts of theft, robbery etc. But sometimes the zamindars filed false criminal cases against their refractory tenants. In 1811 the Superintendent of Police of the Lower Provinces referred to the large number of criminal cases which were "related to matters of rents and undue exactions on the part of the zamindars."⁴⁶

The protection of the interests of zamindars in Bengal was the primary concern of the British Government. To secure the regular land revenue payment from the zamindars, the Government of Bengal helped them . instead of protecting the raiyots from the oppression of the zamindars. The Board of Revenue in 1811 directed their Collectors that "in protecting the ryots and others from oppression, the greatest care should be taken not to preclude the zamindars, farmers and managers of estates from means requisite to enable them to collect their rents."⁴⁷ Further, the

45. As quoted in Baden-Powell, Land Systems of British India, Vol.I, op.cit., p. 636.

46. B.B. Misra, The Central Administration of the East India Company 1773-1834, (Manchester, Manchester University Press, 1959), p. 253.

47. As quoted in Anil Chandra Banerjee, op.cit., Vol.II, p.29.

collectors were reminded that the "natural consequences of ... injudicious restrictions (on the zamindars) would be accumulation of heavy arrears to Government and all the serious ill effects heretofore experienced from the constant sale of lands."⁴⁸

When the ironic law of Haftam proved to be so oppressive and ruinous to the peasantry of Bengal that in 1811 the Judicial Department came forward with a proposal for modifying this uncivilized law on humanitarian grounds. But many of the revenue officials were against any alteration of the law. Because the law itself guaranteed the greatest security for punctual collection of rent. However, without any exception all the Collectors referred to the zamindar's oppression of the ryots who were not "being protected by the Regulations; the zamindars, farmers and their agents were oppressing their helpless ryots most outrageously."⁴⁹ The Collector of Dinajpur thus reported,

"I have only to add that the peasantry in this district complains loudly and grievously of the oppressions of the zamindars and their officers, in regard to surplus exactions, abwaubs, deductions and distraints - that I understand half of the complaints in the Fouzdaree are by ryotts against the zamindaree amla for false imprisonment and other duress in order to compel payments, or to obtain security or bonds from them, and that at present the people are precluded, by the poverty from prosecuting for their grievances with any prospect of success."⁵⁰

48. Ibid., p. 29.

49. Bengal District Collectors to Board of Revenue; Board of Revenue Proceedings, 31 December, 1811, No.s. 2-15, p. 77/1. As quoted in Sirajul Islam, The Permanent Settlement in Bengal, (Dhaka, Bangla Academy, 1979), p. 68.

50. Dinajpur Collector to Board of Revenue, 10th July, 1811. Board of Revenue Proceedings, 31 December, 1811, No. 5, p. 77/1. As quoted in Ibid., p. 69.

To strike a balance between the two extreme views regarding the above laws, the collectors and judges followed the middle path.⁵¹ But the revenue authorities suggested the necessity for amending some of the rules of the Regulation VII of 1799. For "great caution therefore must be observed not to relax too much on a sudden in favour of the ryots, lest we should run into the other extreme, and afford to them, by an abuse of the protection which the law affords, the means of withholding payments of their just rents."⁵² Although the district Collectors reported the oppression of the zamindars, they did not support the immediate withdrawal of Haftam. They recommended for some reform of the Regulation.⁵³

In the above circumstances the Regulation V of 1812 popularly known as Panjam was enacted with a view to correcting the bad effects of Haftam. The said Regulation abolished the power of the zamindars to arrest the defaulters of land revenue and amended the law of distraint with a view to "mitigate the severity with which it bore on the raiyats."⁵⁴ It also removed the ten years' restriction on leases.

Under this regulation a written demand was made necessary before the property of a tenant could be distrained. Various agricultural implements like ploughs, cattle etc. were absolutely subtracted from distress and sale. If the tenant disputed the demand and gave security binding himself to institute a suit within 15 days then all attachments for rent were to be withdrawn. To safeguard the distrained property from sale at grossly inadequate prices, it was to be appraised before sale.

51. Ibid., p. 69.

52. Board of Revenue to the Governor General in Council, 31st December, 1811, Para 2. Civil Judicial Proceedings, 1st May, 1812, No. 2, p. 148/75. As quoted in Ibid., p.69.

53. Bengal District Collectors to Board of Revenue, Board of Revenue Proceedings, 31st December, 1811, Nos. 2-5, p. 77/1. As quoted in Ibid., pp.69-70.

54. Atul Chandra Guha, op.cit., p. 128.

But if the price bid was less than value fixed before, then the sale was to be postponed. Thus C.D. Field maintained that "in order to expedite the decision of cases arising between landlords and tenants, they were all to be referred, as soon as instituted, to the Collectors for report, instead of the overburdened Judge referring them, if he saw fit, when he found leisure to take them up for the first time."⁵⁵

It is true that the Regulation V of 1812 intended to moderate the cruelty of the law of distraint. But it did nothing against the zamindar's right to fixing of the rates of rent. The zamindars remained free as ever to enhance revenue and rents. Neither the Haftam nor the Panjam explained, assured or admitted the rights of the tenants, which was the root cause of the tenurial problem of that time. In 1819, the Court of Directors realized that the existing Regulations could not protect the raiyats of Bengal.⁵⁶ The Regulation really empowered the zamindars to lease out their own land for unlimited period instead of ten years of the former rules of Regulation 14 of 1793. "Moreover, as the zamindars and other superior landed interests were still vested with the summary powers of summoning, confining and evicting their defaulting tenants, the mere ban on their summary distraint of their defaulter's property was not likely to affect the paramount position of the zamindars to extort their ryots, if not the relatively stronger intermediaries."⁵⁷

55. C.D. Field, Landholding and the Relation of Landlord and Tenant in Various Countries, (Calcutta, Thacker, Spink and Co., 1885), p. 615.

56. Atul Chandra Guha, op.cit., p. 129.

57. Sirajul Islam, op.cit., pp. 70-71.

It is interesting to know that when the Court of Directors admitted their failure to protect the raiyots the Government of Bengal approved the introduction of subinfeudation process which was known as patni system. Under this patni system the zamindars were authorised to create intermediate tenure holders between themselves and the actual cultivators. Thus the cultivators were to be ruined by a collusion between the zamindars and their intermediaries. "The zemindar had simply to put up his estate for auction sale for default of revenue payment... the auction purchaser would receive the estate 'free from all encumbrances' and the rights of all subordinate tenures would be swept off automatically."⁵⁸

After receiving the right to grant leases of land for any period, the zamindars of Bengal became more powerful. They were not only empowered for enhancement of rent, they too had right to "oust even the hereditary ryots from possession of their lands when the latter refuse to accede terms to do rent which may be demanded of them, however exorbitant."⁵⁹ In a letter of the Court of Directors in 1812 it was revealed that "where the Zemindar is left to settle as he pleases with the Ryot, all rights in the land on the part of the Ryot are actually and for the time being, extinguished."⁶⁰

Both the Regulations of 1799 and 1812 did not define the rights of raiyots. This legal deficiency not only strengthened the zamindars, but also weakened the courts. Hence various steps were taken to reform the regulation of 1812, but failed to reduce the power of the zamindars

58. Kshitish Chandra Chaudhuri, The History and Economics of the Land System in Bengal, (Calcutta, The Book Company, Ltd., 1927), p. 48.

59. Anil Chandra Banerjee, op.cit., Vol. II, p. 35.

60. Revenue Letter to Bengal, 9th May, 1821, Para 54. As quoted in Sunjeeb Chunder Chatterjee, Bengal Ryots, (Calcutta, K.P. Bagchi and Company, 1977), p. 34.

and strengthen the court. In this connection Harrington made a proposal that " 'additional rules' were necessary for the guidance of the courts and other public authorities in all cases in which they might be 'authorized to adjust and determine the rents payable by ryots and other under-tenants of land.' "61

To explain this proposal of Harrington a Senior Judge of the Sadar Diwani Adalat, Mr. Leycester maintains that it was not all effective remedy against the 'arbitrary and illegal exactions' of the zamindar. He wrote, "We have to deal with a people eminently qualified to cheat and be cheated, to suffer and to practise extortion, before whom honesty and dishonesty are held in equal honour. Written engagement alone can bind these people."62

After passing the Panjam in 1812 the zamindars' right of the proprietorship in land became complete and absolute. Lord Moira discussed this in 1815 that if it were the "intention of our Regulations to deprive every class but the large proprietors who engaged with Government, of any share in the profits of the land, that effect has been fully established in Bengal. No compensation can now be made for the injustice done to those who used to enjoy a share of these profits under the law of the Empire, and under institutions anterior to all record, for the transfer of their property to the rajahs (i.e. zamindars)."63 To institutionalise the absolute right of ownership to be enjoyed by the zamindars of Bengal the subsequent Regulation after Permanent Settlement like Haftam and Panjam played the vital role.

61. Anil Chandra Banerjee, op.cit., Vol. II, p. 37.

62. Ibid., p. 37.

63. Kshitish Chandra Chaudhuri, op.cit., pp. 48-49.

It is clear that under both the Haftam and Panjam Regulations the primary concern of the English Government was not to protect the raiyots from oppression but to ensure punctual collection of rent from the zamindars. The Regulations can be described as equivalent to a knock-down blow against the raiyot.⁶⁴ But the Regulation I of 1793 had declared that it was "the duty of the ruling power to protect all classes of people and more particularly those who, from their situation, are helpless, the Governor-General in Council will, whenever he may deem it proper, enact such Regulations as he may think necessary for the protection and welfare of the dependent taluqdars, ryots and other cultivators of the soil."⁶⁵ However, no attempt was made for proper implementation of this Regulation I of 1793 till 1859. In fact, specially after Haftam of 1799 the raiyots are gradually turned into slaves or serfs. In 1827, Justice Leycester recorded that, "in many parts of the country the resident cultivators are the actual slaves of the landholders and liable to be mortgaged, bartered or let to hire, the same as his oxen and his goats, at his will and pleasure."⁶⁶ An administrative officer of the British Government in Assam in 1853 described the zamindary system of Bengal as an instrument which "in reality enslaved the ryots to the zamindars."⁶⁷

64. S.C. Ray, op.cit., p. 43.

65. Ibid., pp. 43-44.

66. Revenue Consultations No. 5 dated 8th March, 1827. Appendix No. 21 to the Report from the Select Committee of the House of Commons, 1832; Despatch to the Secretary of State No. 6 dated 21st March, 1882. Selections, p. 32. As quoted in Dr. Lutful Kabir, The Rights and Liabilities of the Raiyats Under the Bengal Tenancy Act, 1885 and the State Acquisition and Tenancy Act, 1950, (Dhaka, Law House Publications, 1972), p. 25.

67. A.J.M. Mills, Report to the Government of Bengal on the Administration of Assam, Appendix J, 1883. As quoted in Anil Chandra Banerjee, op.cit., Vol.II, p. 28.

In 1831-32 the Select Committee made a thorough enquiry into the land system of Bengal. Many experienced officials of the Company gave their opinions with proper evidences. It is interesting to note that most of the opinions were against the Permanent Settlement of 1793. It was revealed through this enquiry that the introduction of the Permanent Settlement failed to create a landed aristocracy in the rural areas in real sense. Because quite a large number of zamindars were absentee landlords i.e. they used to live in Calcutta.⁶⁸ Therefore, these zamindars could hardly contribute for the agricultural improvements in their own zamindaries.

The bad effect of the Permanent Settlement of 1793 and its subsequent Regulations on the raiyots of Bengal has been described by Trevor in the following manner.

"These laws distinctly gave the purchaser the power to eject a khudkasht raiyat, whose tenure was created after the Permanent Settlement, and, if not ejected, they were liable to be assessed at the discretion of the landlord. The word 'discretion' entirely annihilated the rights of the khudkasht tenants created subsequent to the settlement in estates sold under these laws. It reduced them from tenants with rights of occupancy, so long as they paid the established rate of the pargana or the rate which similar lands paid in the places adjacent, into mere tenants-at-will of the zemindar, who might in any year eject them, and place in their stead any tenant competing for the land. It is, in short, introducing into this country competition in the place of customary rents."⁶⁹

The zamindars became very powerful during the period from 1815 and 1858 since they enjoyed absolute rights over their zamindaries. They could easily eject their tenants. They could also raise the rate of the rent according to their will. But the raiyots did not accept the unilateral increase of rent and opposed the oppressive measures against them. The manifestation of their discontent

68. Kshitish Chandra Chaudhuri, op.cit., p. 63.

69. Thakoorance Vs. Biheshur (1865) B.L.R. Sup. Vol.202 at 219 F.B. As quoted in Lutful Kabir, op.cit., p. 25.

was the peasant struggle or uprising against the zamindars in different parts of Bengal. Though these struggles were not well organised to reduce the socio-political power of the zamindars, but these were a genuine attempt to resist the zamindars being most oppressive against them. However, the zamindars as a class became gradually stronger. Yet "the cultivators developed a power for combined resistance, which often proved ruinous to a too stringent landlord. Even if a landholder had the law in his favour, it was costly to invoke its aid, and difficult to enforce its decrees, among a hostile tenantry whose holdings did not average ten acres a piece."⁷⁰

Under the above circumstance the British Government in Bengal was compelled to revise the Regulation of Permanent Settlement of 1793 and took some steps in favour of the raiyots. Accordingly, the Rent Act X of 1859 was passed. It was officially stated that, "the Bengal cultivator was rackrented, impoverished, and oppressed, that the Government of India felt compelled to intervene on his behalf, and by the series of legislative measures that commenced with the Bengal Tenancy Act of 1859 and culminated in the Act of 1885, to place him in the position of greater security which he now enjoys."⁷¹

The Tenancy Act of 1859 introduced a new chapter in the history of landholding in Bengal. With the introduction of this Act the first modern tenancy law came into operation in this country. This was the preliminary step to protect the raiyots since 1793. But the intention of the authors of this Act was not to make any radical

70. Hunter, Bengal MS. Records, Vol. I, op.cit., p. 137.

71. Government of India, Land Revenue Policy of the Indian Government, op.cit., p. 6.

change in the rights and status of the Bengal raiyots. Mr. G. Currie, who introduced the Bill in the Council, described its main objectives in the following words. It intended "to re-enact in a concise and distinct form the provisions of the existing law relating to the rights of raiyats with respect to the delivery of pattas, the adjustment of rates of rent, and the occupancy of land, and to the prevention of illegal exaction and extortion in connection with demands for rent."⁷²

This draft Bill was passed with certain amendments by the Select Committee.⁷³ This first Tenancy Act granted occupancy right and certain status to the raiyots. It introduced certain changes in the relationship between the landlords and tenant. It divided the raiyots into three distinct classes - (a) raiyots holding at fixed rent since the Permanent Settlement, (b) raiyots having rights of occupancy for twelve years or more, whether at fixed rent or not, and (c) raiyots having rights of occupancy less than twelve years.⁷⁴ The right of occupancy was bestowed on that person who had the possession in the same land for 12 years either personally or through their predecessors. But this rule did not apply in the case of proprietor's own lands. The occupancy right was contingent upon the regular payment of rent. But, there are also certain provisions for the enhancement and abatement of rent on special grounds. The raiyots could be ejected for arrears of rent only after the judicial order. The law of distraint was modified rather than

72. Appendix to the Report of the Rent Law Commission, 1880. As quoted in Lutful Kabir, op.cit., p. 26.

73. As quoted in Lutful Kabir, op.cit., p. 26.

74. Atul Chandra Guha, op.cit., p. 139.

abolished. But the crops could be distrained in case of arrears of rent for one year. The power from which the zamindars and other landholders compelling their tenants to attend for the adjustment of their rents was abolished and also prohibited them from adopting any means of compulsion for enforcing payment of rents. It was for the first time that the Act introduced definite provisions regarding suits for arrears of rent and execution of its decrees.⁷⁵

The bestowal of occupancy right on raiyots who possesses the land for twelve years is the most important aspect of the Tenancy Act of 1859. As long as the raiyot paid his rent regularly he was entitled to enjoy his right of possession. It was a safeguard against the arbitrary eviction and rack-renting of tenants by the zamindars.

This act made the raiyots conscious about their own legal right and privileges. Maulvi Abdul Latif while speaking in the Bengal Legislative Council on February 8, 1862 observed that for a "considerable time, in some places in the indigo districts, the ryots had in a body withheld rents, and they had refused to pay except through the courts."⁷⁶ The President of the Council who was also the Lieutenant Governor said that "in certain places the zamindar experiences great difficulty in getting his rents, and 'they (i.e. the Government)' were bound to give him every assistance."⁷⁷ But the defects of the Act X of 1859 soon appeared.

75. Lutful Kabir, op.cit., p. 27.

76. As quoted in Sunjeb Chunder Chatterjee, Bengal Ryots, op.cit., p. xxxvi.

77. Proceedings of Bengal Legislative Council, 1862, Vols. 1-3, pp. 30-39. As quoted in Ibid., p. xxxvi.

Although the Act recognised the occupancy right of the raiyots as well as the right of enhancement of rent to the landlords it was not easy for any raiyot to prove that he had been holding the same plot of ground for twelve successive years. In order to prevent the peasants from acquiring occupancy rights, the zamindars used to change the plots of land from one hand to another most frequently. They also gave leases of their land for not more than twelve years.⁷⁸ In that case the occupancy right of the raiyots was not recognized and as such they were bound to be at the mercy of the zamindars.

However, the landlords were not without difficulties in claiming the enhancement of rent. Because they had to fulfil some conditions to justify the enhancement of rent. But the raiyots faced more difficulties than zamindars to prove their possessions of the same land for twelve successive years. And as such they could not enjoy the benefit of this Act. For his own interest a raiyot must come to an agreement with the zamindar for the amount of rent. Thus the Chief Justice Peacock maintained that the raiyot "has no right to remain on the land unless he can agree with the landlord as to the amount of rent,"⁷⁹ as a result of which the major section of peasants as a class became helpless in the existing rural social structure of Bengal. R.C. Dutt criticized the Act of 1859 as it "affords but a feeble protection to the third and most numerous class of ryots."⁸⁰

78. Lutful Kabir, op.cit., p. 29.

79. As quoted in Anil Chandra Banarjee, op.cit., Vol.II, pp. 145-146.

80. R.C. Dutt, The Peasantry of Bengal. (Calcutta, Manisha, 1980), p. 49.

After two decades of the Act of 1859 the situations became worse. The growing antagonistic relationship between the raiyots and the zamindars proved that the Act itself was unworkable, according to which the zamindars constantly tried to enhance rents and imposed illegal abwabs upon the raiyots. Anil Chandra Banerjee observed that the Act "was only in the light of 'English experience' that the restraints imposed on the zamindars by the Act of 1859 could be regarded as 'a strange and anomalous proceeding, if not an unwarrantable interference with the rights of property!'"⁸¹

But the zamindars illegal actions did not go unchallenged. In East Bengal, where the value of produce was increasing owing to the cultivation of Jute, the landlords faced severe problems in suing for enhancement. The raiyots unitedly resist the zamindars through violent demonstration. They pressed for amendment of the Act of 1859 and stoppage of zamindars' harrasment. In some districts of Bengal the raiyots organized themselves for refusing payment of rent. By in 1873 the peasant discontent became widespread specially in East Bengal. At that time the zamindary of Natore Raj was put on sale in the market and was purchased by five zamindars. The new zamindars tried their best to increase the rent of the land which caused the great Pabna peasant uprising⁸² which was noted by Sir George Campbell, the Lieutenant-Governor of Bengal in a following manner :

" The zemindars have not legally and regularly enhanced the ryots' rents, they served no notices of enhancement such as the law requires prior to the present year but they had imposed very heavy

81. Anil Chandra Banerjee, op.cit., Vol.II, p. 153.

82. Lutful Kabir, op.cit., pp. 29-30.

cesses in addition to the proper rent and they attempted in the present year to make both further enhancement and a consolidation of the irregular cesses with the rent by illegal and improper means."⁸³

Although the Great Pabna Peasant Movement failed and was suppressed mercilessly by the authorities concerned, it demonstrated the fact that the tenants' grievances were just and lawful, and they needed drastic remedy.⁸⁴ It has been mentioned that the said movement was just an attempt to prevent the zamindars from enhancing rent by unlawful and improper means. But it was not confined to the Pabna district only. It soon spread in the other districts of the eastern part of Bengal. Since most of the raiyots were Muslim and the zamindars were Hindu in Pabna at that time, some writers tried to depict this movement as communal conflict between Hindus and the Muslims. According to them, the "landlords were Hindus, the tenants were Muslims; and religious difference, fanned the flame of opposition by the latter to the demands of a new and rent-raising landlord. Short measurements, illegal cesses, the forced delivery of agreements to pay enhanced rents, were the main grievances which the cultivators banded themselves together to resist."⁸⁵

Although most of the raiyots were Muslims and all the zamindars were Hindus, it was not a communal movement. This was, in fact, noncommunal political struggle against the zamindars as many leaders of the raiyots who also fought against the zamindars along with Muslim peasants were Hindus.⁸⁶ After this movement of Pabna, in

83. As quoted in Sunjeeb Chunder Chatterjee, op.cit., p. xxxvii.

84. Lutful Kabir, op.cit., p. 30.

85. Ibid., p. 30.

86. Sunjeeb Chunder Chatterjee, op.cit., p. xxxix.

1876, an Act was passed to define the principles under which the rights of occupancy raiyots and tenure holders should be fixed for easy procedure of realising arrears of rent in undisputed cases and to make the interest of an occupancy-raiyot liable to sale for default by private agreement in paying rent and transferable.⁸⁷

In 1879 The Rent Law Commission was appointed to examine and report on the whole agrarian situation. Their recommendations were welcomed by the Indian Association led by Surendra Nath Banerjia. But the British Indian Association which represented the interests of the zamindars strongly criticized the said recommendation and launched a full scale agitation against them.⁸⁸ As a result, the recommendations of the Commission were greatly modified. After several alterations the famous Bengal Tenancy Act, 1885 was passed, which prepared the grand design for legislative action in this regard.

The proposals of The Rent Law Commission were bitterly opposed by the landlords of both India and England. They carried on a vigorous propaganda against the bill, The mouthpiece of the zamindars called "The Hindu Patriot" criticized the Tenancy Bill as "ungodly measure of wholesale robbery and a measure which threatens to create an agrarian revolution."⁸⁹

The zamindars of Bengal tried to influence the public opinion in England against the Bill through the active support of an organization like the "Liberty and Property Defence League." Simultaneously the influential representative of the zamindars in the Legislative Council in

87. Lutful Kabir, op.cit., p. 30.

88. C.E. Buckland, Bengal Under the Lieutenant Governors, Vol.II, (New Delhi, Deep Publications, 1976), p. 707.

89. Kshitish Chandra Chaudhuri, op.cit., p. 95.

Bengal strongly opposed the Bill. Important spokesmen of the zamindars were Babu Krishtodas Pal, Raja Peary Mohan Mukerjee, Maharaja Lachmi Narain of Darbhanga and Raja Siba Prasad. Babu Krishtodas Pal was a member of the Select Committee and died before the final discussion on the Bill in March, 1885. He had recorded very strong remarks against it. The only native member who supported the Bill was Mr. Ameer Ali.⁹⁰ Despite opposition of the zamindars, the Governor-General in Bengal gave his assent to the Bill. The Hindu Patriot sharply reacted and wrote on March 6, 1885 that "Pandora's Box, has been unlocked, and its lid is about to be lifted to deluge the country with those evils with which the fatal receptacle is so full to repletion."⁹¹

But The Bengal Tenancy Act of 1885 came into force to remove the defects of the previous regulations relating to occupancy rights of the raiyots under the zamindars. It divides the "tenants" into three categories. These are - (i) tenure-holders, including under tenure-holder; (ii) the raiyots; and (iii) under raiyots. The raiyots are again sub-divided into three classes, such as settled raiyots, occupancy raiyots, and non-occupancy raiyots. The division of tenants and raiyots into various categories as stated above is based in their differential rights and obligations in regard to landholding which determines their socio-economic position in the society.

C.B. Buckland explains the Bengal Tenancy Act of 1885 as "perhaps the most important measure which has passed into law since the Regulations of 1793 were promulgated."⁹²

90. Kshitish Chandra Chaudhuri, op.cit., p. 95.

91. Ibid., pp. 95-96.

92. C.E. Buckland, op. cit., p. 182.

Its three main objectives were : (i) to give the settled raiyots the same security in his holding as he enjoyed under the old customary law; (ii) to ensure the landlord a fair share of the increased value of the produce of the soil; and (iii) to lay down rules by which all disputed questions between landlord and tenant could be reduced to simple issues and decided upon equitable principles.⁹³

The Act defined the rights and obligations of the different classes of raiyots. It prevented the zamindars from realisation of abwab and other illegal taxes. It introduced the principle of dual ownership and gave greater security to the tenants in the occupation of their holdings. The Tenancy Act of 1885 made both zamindars and raiyots litigents. They began to have recourse to courts for the settlement of all disputes in connection with ejectment or enhancement of rent. It arrested the rapid and excessive enhancement of rent by the zamindars. But in case of the recovery of rent the zamindars were put on the advantageous position. This Act introduced a record of rights in Bengal. Though there was a law against illegal cesses, it continued to be collected by the landlords in many places. In 1900 the Collector of Pabna reported : "there is no limit, speaking of the zamindar class as a whole, to the exactions of the landlords but the ability of the tenant to pay."⁹⁴ In 1904-5 Mr. P. C. Lyon Commissioner of Pabna observed :

"while the good that has been done by the Act is apparent to all, especially when enforced by means of general survey and settlement proceedings, the tenants are generally so poor and so completely in the power of the landlords that they are still found constantly to acquiesce in the flagrant violation of their rights by their landlords, for fear of worse happening to them and it has become abundantly clear in the opinion of many whose

93. Ibid., p. 813.

94. Bengal Land Revenue Report for 1899-1900, p. 65. As quoted in Atul Chandra Guha, op.cit., p. 193.

duties bring them into close contact with the actual cultivators of the soil, that further measures are required to protect those cultivators against the combined efforts of the proprietors and tenureholders to abrogate the provisions of the Act."⁹⁵

Most of the tenants could not understand their rights conferred upon them by the Tenancy Act of 1885. But even those tenants who had knowledge of their rights were unwilling to displease their landlords by an appeal to the Court. For they could not depend on the court and thought that "their interests are on the whole better served by submission to the zamindars' blackmail than by invoking the assistance of the authorities."⁹⁶

The protection of raiyots by the Act of 1885 was not a new thing; rather it has redeemed the promise of protection held out by the Permanent Settlement of 1793. The raiyot's rights were readjusted from time to time. In fact, the British government established its strong grip over both zamindars and raiyots through this Act and proved itself to be a real master of land and allowed zamindars to enjoy their traditional powers. There were differences between the local administrative practices and the laws of the Government, which the rural people did not understand.⁹⁷

The English committed, at the time of Permanent Settlement, for a certain kind of protection to the raiyots. But from 1793 to 1885, it was not practised. Thus when the Bengal Tenancy Bill of 1883 was first introduced in the

95. Bengal Land Revenue Report for 1904-5. As quoted in *Ibid.*, pp. 193-194.

96. *Ibid.*, p. 194.

97. Narendranath Krishna Sinha (editor), The History of Bengal (1757-1905), (Calcutta, University of Calcutta, 1967), p. 297.

Council, Lord Ripon, the then Viceroy of India, in his Presidential speech said;

"we have adeavoured to make a settlement which, while it will not deprive the land-lords of any of these accumulated advantages, will restore to the raiyats something of the position which they occupied at the time of the Permanent Settlement, and which we believe to be urgently needed; in the words of that settlement, for the protection and welfare of the taluqdars, raiyats and other cultivators of the soil, whose interests we then undertook to guard, and have, to our shame, too long neglected."98

While arguing in favour of the Tenancy Bill of 1885 Lord Duffering said :

"I believe ... that it is a translation and reproduction in the language of the day of the spirit and essence of the Lord Cornwallis' Settlement, that it is in harmony with his intentions, that it carries out his ideas, that it is calculated to ensure the results he aimed at and that it is conceived in the same beneficent and generous spirit which actuated the original farmers of the Regulations of 1793. Lord Cornwallis desired to relieve the zamindars from the worry and ruin occasioned by the capricious and frequent enhancements exacted from them by former Governments; and it is evident from his language that he expected they would show the same consideration to their raiyats."99

But when the Act of 1885 was passed the socio-political condition of the country was neither congenial for zamindars nor for the Government of India. At that time an educated urban middle class with anti-colonial and nationalistic attitudes and ideas emerged in Bengal. Although this Bengali middle class came into being in the British colonial periphery to serve its master politically, but this middle class began to think in terms of national independence. In rural areas the political

98. Government of Bengal Publications, Selections from Papers Relating to Bengal Tenancy Act. 1885, (Calcutta, Bengal Secretariat Press, 1920), p. 146.

99. Ibid., p. 616.

consciousness of the raiyots also gradually developed. The Santal insurrection, Pabna peasant uprising, Faraizee and Whabee movements were the manifestations of this political consciousness.

It is true that it was not the main intention of the Government of Bengal to alter the existing socio-economic relationship between landlord and tenant through the Act of 1885 because Permanent Settlement of 1793 already made the relationship of the three parties i.e. the English Government, the Landlords and the Raiyots fixed. However, this Act placed one particular category of raiyots - the occupancy raiyots - in a stronger position. They enjoyed the security of tenure and used to pay not more than a reasonably moderate rent. Not only that, this class of raiyots got the right to take marginal benefits from the non-occupancy and under-raiyots. So the non-occupancy and under-raiyots are deprived of getting any advantage from the Act 1885.

As regards position of the landlords in the agrarian structure of Bengal it can be said that this Act ended the controversy on the question of proprietary right on land. From that time the landlords were allowed to hold landed property "subject to such concessions to the ryots as the Government might consider necessary in the general interest of the community. Instead of adhering to the early-nineteenth-century policy of giving the zamindars a blank cheque lest interference with their proceedings should jeopardise the collection of rents, the Government would now seek a reasonable adjustment between their interests and the interests of their tenants."¹⁰⁰ In fact, the intention of the Government of Bengal for passing

100. Anil Chandra Banerjee, op.cit., pp. 279-280.

Act of 1885 was to remove the existing antagonism between the zamindars and raiyots in Bengal. In this connection Illbert said that this act was intended "to ease off the abruptness of the transition from the old to the new."¹⁰¹

However, the Act of 1885 could not do away with the difficulties relating to the transfer of holding. Under this Act the question of transformability of land holdings was to be decided by the local custom. In case of no such custom, holdings were not transferable and in that case it was impossible for the raiyots to produce sufficient evidence of custom before a civil court, and this provision of law had little effect. Nevertheless, the raiyots did transfer their lands, and after sometimes the transferee could always get recognition by paying a fee to the zamindar. In these cases the Courts faced problem in regard to taking decision.

A Committee was constituted in 1921 with Sir John Kerr as its Chairman to look into the difficulties of land transfer and suggest remedies. The Committee drafted a Bill with a proposal to give tenants the right to transfer lands on payment of 20 per cent. of the selling price as salami to the zamindar. In 1925, the Bill was introduced in the Legislative Council. Regarding the transfer, the first option was to belong to the zamindar and he could buy the land himself within two months of transfer with 10 per cent. more than the sale price. It is interesting to know that some Muslim Newspapers criticised this provision. According to the 'Saogat', a leading Muslim Newspaper wrote - "This provision is unfair ... The law

101. Narendra Krishna Sinha (ed.), The History of Bengal, op.cit., p. 305.

has never recognised the zemindar's right to such selamis. They are not mentioned in the Act of Permanent settlement, nor are they provided for in the revised Act of 1885."¹⁰² Again the same paper maintained that, there was "no logical reason for further increasing by law the income of people who already extract 14 crores of rupees on behalf of the government. Who can tell us why it was that this method of exploiting tenants was, nevertheless, legalised?"¹⁰³ Another Newspaper "Moyjjim" also commented on this provision of the transfer. The paper indicated that the ammended Act gave the tenants some rights besides the free right to sell his land. According to the paper, as the first option to buy belonged to the zamindar "within two months of the transfer of the land the zemindar could, if he so wished, buy the land himself at 10 per cent. more than the sale price. This option, in effect, enabled the zemindar to compel either the buyer or seller to hand over the 20 per cent. Selami; for in the last resort he could always acquire the land himself, despite the fact that, in the meantime the purchaser might actually have cultivated it. Thus "though the tenant has been given the free right to sell his land he still has no way of escaping from the zemindar." "Now everyone can easily appreciate the extent to which ordinary tenants have been either benefitted or harmed by the amending of the Land Tenancy Act!"¹⁰⁴

The report of the said Committee was submitted after various changes in 1927. On the basis of this report new Bill was passed by the Legislative Council in September, 1928.¹⁰⁵ According to the Act of 1928 "(1) Holdings were

102. Editor, "Prajavattva ain", Saogat, No.3, Aswin, 1335 B.S. (1928). Quoted in Mustafa Nurul Islam, Bengali Muslim Public Opinion As Reflected in the Bengali Press 1901-1930, (Dhaka, Bangla Academy, 1973), p. 95.

103. Ibid., p. 95.

104. Editor, 'Prajavattva ain', Moyajjin, 1st Yr., 3rd No.; Kartik, 1335 B.S.(1928). As quoted in Ibid., p. 96.

105. Anil Chandra Banerjee, op.cit., pp. 306-307.

declared to be transferable in whole or part, subject to a transfer fee amounting to 20 per cent. of the sale price, or five times the rent. The landlord was given a right to pre-emption on payment of the sale price plus 10 per cent. as compensation to the purchaser. He also retained the right to levy a fee for the subdivision of holdings in the case of part transfers, because the Act did not make it incumbent on the landlords to divide the holdings in such case. (ii) Occupancy raiyots were allowed to give usufructuary mortgages only for a period of 15 years. In order to prevent land from passing to mortgagees for indefinite periods. (iii) Occupancy raiyots were given all rights in trees. (iv) The right to commute rent in kind into a cash rent was abolished mainly on the ground of the agitation against the proposal of Sir John Kerr Committee to give occupancy rights to a certain class of bargadars whose rent might then be commuted to the detriment of many middle class people."¹⁰⁶

The Act of 1928 strengthened the position of the under-raiyot . The Section 183 of the Act of 1885 offered them the right of occupancy by custom. But under the Act of 1928 they were given full rights of occupancy excepting the right of transferability. This right can be regarded as "protected interest" against the superior landlord of the raiyot. A second category of under-raiyots was also recognized. This class of raiyots had a homestead on their land, or had occupied it continuously for twelve years, or has been admitted in a document by their own landlords to have a permanent and hereditary right. But, if this class of raiyots failed to pay their rent or if they misused their land they could be ejected.¹⁰⁷

106. Floud Commission Report, Vol. I, op.cit., p. 29.

107. Anil Chandra Banerjee, op.cit., p. 307.

Sub-Infeudation Process and the Emergence of Intermediate Landowning Classes in Bengal

The Permanent Settlement of 1793 in Bengal had a far-reaching impact on the socio-economic structure of Bengal. Especially in the rural social structure, multi-dimensional effects of this act are easily discerned. Among these the sub-infeudation was the highly complicated process which left a deep imprint upon the social structure of Bengal.

In Bengal sub-infeudation is known as Pattani system. To define sub-infeudation, H.H. Wilson said,

"A tenure by which the occupant holds of a Zamindár a portion of the Zamindári in perpetuity, with the right of hereditary succession, and of letting or selling the whole or part as long as a stipulated amount of rent is paid to the Zamindár, who retains the power of sale for arrears, and is entitled to a regulated fee or fine upon any transfer."¹⁰⁸

Although it was popularly known that the Pattani system was introduced to distribute the land ownership immediately after Permanent Settlement, in fact, this practice was prevalent in Bengal even before the Permanent Settlement. Previously the zamindars and farmers used to sublet their lands to 'under-renters' and 'under-farmers'. After 1793, the zamindars, as C.D. Field mentioned, "continued, and extended this system, which was particularly convenient to persons who were at the same time indolent in their habits and inexpert in the conduct of business - who accepted the advantages of property, while they were very willing to be relieved of its cares and responsibilities."¹⁰⁹ This explanation of Field is not

108. H.H. Wilson, Glossary of Judicial and Revenue Terms, (Calcutta, Eastern Law House, 1940), p. 653.

109. C.D. Field, op.cit., p. 616.

correct because the anxiety of the zamindars was related to over assessment and the difficulty of collecting rents from the raiyots.¹¹⁰

The introduction of sub-infeudation process in the land system of Bengal has an important historical background which is very much connected with the existing social structure of Bengal. It is generally known that when the traditional zamindars began to suffer under the operation of sun-set or sale laws in Bengal after 1793 the Burdwan Raj, the biggest Bengali zamindar, managed to escape from the operation of that laws. The situation that arose after the promulgation of sun-set law rather helped him to secure his position as a great estate holder. It is interesting to note here that in order to solve the natural difficulties in collecting rent from large number of peasants scattered over his estate, the sun-set law greatly assisted him. The Burdwan Raj lessed out his estate and received quite large a amount from the patnidars. This amount strengthened him financially and practically saved him from the auction sales of his estate. Under this system it was found that in 1878 the Burdwan zamindary, one of the biggest estates in Bengal, had been divided into 3,317 lots, "of which more than 81 per cent were let out in permanent patni leases, whose holders were the virtual owners as long as they paid rent."¹¹¹

There are other causes of the Burdwan Raj to lease out his estate. He realised that, if he managed his estate himself through his own amla or officers, there was possibility of misappropriations of rent by them. Instead of that, if he farmed out his estate, the farmers, for

110. Anil Chandra Banerjee, op.cit., p. 16.

111. The Cambridge Economic History of India, Vol. 2, op.cit., p. 118.

their interest collected rent from the raiyots at the end of the period of their lease. For this reason the Raja of Burdwan divided his great zamindary into thousands of lots. The average juma of each of the lot was about two thousand rupees.¹¹² Each of these lots was called Patnidar. In this system of distribution of land the Raja made a second permanent settlement with his patnidars at a perpetually fixed juma.¹¹³ Such a wise action on the part of the Raja saved him from ruin. After getting massive capital from selling pattani he enlarged his already unmanageable great zamindary and also purchased the whole of the Bishnapur zamindary, parts of the Nadia, Birbhum and Rajshahi zamindary and many other lots in other districts.¹¹⁴ But as soon as the system of Pattani came into operation the patnidars started creating "by an under-letting in the second degree is termed Dar-patni (or lease within lease); and a third under-letting is denominated Seh-patni (from the Persian seh, three)."¹¹⁵

Thus in 1819 the Raja himself described the situation regarding pattani system in the following manner,

"After some time the patnidars, prompted by an avaricious desire to augment their own profits, granted sub-leases on their patni-mahals to dur-putni renters, these persons again adopting the same line of conduct, let out their Dur-putnees to others, and so on, as far as three, four or five under-renters. Now when five people expect to derive distinct profits from the same mehals it is perfectly needless to explain how distressed and miserable the situation of

112. Prinsep's Report on the Patni Tenure, 12 July, 1819, Para 5, Civil Judicial Proceedings, October 8, 1819, No. 35, p. 149/66. As quoted in Serajul Islam, op.cit., p. 71.

113. Ibid., p. 71.

114. Ibid., p. 72.

115. H.H. Wilson, op.cit., p. 653.

the ryots must be; many of the mehals in consequence became deserted and waste, and the amount of the collection has also necessarily decreased. Whenever the putneedar last in the series, falls into arrears and is unable to discharge his rents, the same must be the case with all the other renters, successively, inclusive of the original putneedar."¹¹⁶

The creation of a chain of sub-tenures through sub-infeudation process a peculiar situation developed in the rural social life of Bengal. The collection of government land revenue became a difficult task. Now it depended upon so many tenure holders that if any one of them for any reason failed to pay rent in time, it affected other superior tenure holders including zamindars. There was another problem as to the collection of arrear rent. When the Raja of Burdwan's lands were put on auction sale, all the patnidars protested as they were not responsible for for the Raja's arrears. On the other hand, the Raja argued that "he was unable to dispose of the defaulting patnidars' lands, because all those subordinate patnidars in the chain of tenure holders who had paid off their dues protested and prevented the purchasers from taking possession."¹¹⁷

In this situation the Board of Revenue first considered the legal remedies, and announced all the patni tenures which had been created before Act V, 1812, were illegal.

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116. Raja of Burdwan to Sadar Diwani Adalat, Civil Judicial Proceeding, October 8, 1819, No. 30, p. 149/66. As quoted in Sirajul Islam, *op.cit.*, p. 72.
117. Raja of Burdwan to Sadar Diwani Adalat, Civil Judicial Proceedings, October 8, 1819, No. 30, p. 149/66. As quoted in *Ibid.*, p. 73.

Hence another regulation known as Regulation VIII of 1819 was introduced.

"First, all leases and engagements with under tenure holders, for a term of years, or in perpetuity, granted by zamindars were declared valid, even if they had been executed before 1812 while the ten year limit was in force. Second, all patni tenures were heritable and transferable by sale, gift or other wise, at the discretion of the holder and he would be treated in the Court as if he was the zamindar. Third, patnidars were at liberty to let out their land in any manner they might deem most conducive to their interest. Fourth, in case of arrear occuring upon any tenure, it was liable to be brought to sale by public auction Fifth, the holders of all patni taluqas of third, fourth or any more degree were declared to have acquired all the rights and immunities attached to patni taluqa of the first degree."¹¹⁸

Like all the previous tenancy Regulations the Regulation VIII of 1819 failed to secure the rights of the raiyots. Instead, it put the raiyots under supremacy of the newly created various intermediaries as a result of the introduction of sub-infeudation process. The dominant motive of these new intermediaries was to extort profit from the raiyots. The position of new middleman which was given by the Regulation VIII of 1819 was described by W.W. Hunter who wrote :

"By degrees the sons and grandsons of the middlemen acquired something of the sense of duty to their tenants which the hereditary possession of landed property gives, especially in India. But that sense of duty only slowly evolved. During a whole generation, the effect of the Permanent Settlement was to make over vast estates to middlemen, who had not the social position of proprietors, and who made no pretence to the feelings of proprietors towards their tenantry."¹¹⁹

118. Sirajul Islam, op.cit., pp. 74-75.

119. Bengal MS. Records, Vol. I, op.cit., p. 103.

Another high ranking officer of the East India Company, Mr. Dampier, characterized the patni system as follows :

"This system which relieves the zemindars from all connection with their estates or raiyats and places these in the hands of middlemen and speculators, is striking its roots all over the country and is grinding down the poorer classes to a bare subsistence, if it leaves them that."¹²⁰

Thus the Regulation VIII of 1819 institutionalized the system of sub-infeudation process which was first initiated by the Raja of Burdwan, and became a common practice among the different holders of Patni taluks in rural Bengal. Sir George Campbell thus observed,

" ... Permanent under-tenure, known as putni-tenures, were created in large numbers, and extensive tracts were leased out on long terms. By the year 1819 permanent alienations of the kind described had been so extensively effected that they were formally legalised by Regulation VIII of that year, and means afforded to the zamindar of recovery of arrears of rent from his patnidars almost identical with those by which the demands of government were enforced against himself. The practice of granting such under-tenures has steadily continued, until at the present day with the patni and subordinate tenure in Bengal proper, and the farming system of Behar, but a small proportion of the whole permanently settled area remains in the direct possession of the zamindar. When all intermediate (even to the lowest) interests became rights of property in land, not only could the owner of any such interest carve it as a subject of property into other interests by encumbering or alienating within the limits of the rights, but even his ownership itself might be of that complex heterogenous kind, which is given in Hindu joint coparcenary."¹²¹

With the operation of sub-infeudation process most of the zamindari^s fragmented themselves into various small units thereby creating a new hierarchy, landed interest groups in rural Bengal. While the Permanent

120. As quoted in Atul Chandra Guha, op.cit., p. 129.

121. Bengal Administrative Report, 1873-74, p. 74. As quoted in Kumud Nath Bhaumik, The Patni and Revenue Sale Laws, (Calcutta, Eastern Law House, 1935), pp. 11-12.

Settlement of 1793 created only one or two intermediaries between the government and the raiyot, the patni system permitted a number of sub-tenures to emerge between the zamindar and the actual cultivator. In some of the Bengal districts it has reached beyond a definite limit. The Simon Commission reported that "in some cases as many as 50 or more intermediate interests have been created between the zamindar at the top and the actual cultivator at the bottom."¹²² For example, in Bakarganj district (present Barisal) there were ^{eighteen} intermediaries between the zamindars at the top and cultivator at the bottom. The names of these intermediaries are in descending order - (1) taluk, (2) nim taluk, (3) osat taluk, (4) dar patni and osat patni, (5) nim osat taluk, (6) dar nim osat taluk, (7) miras ijara, (8) etman, (9) mudafat, (10) haola or jimba, (11) osat haola, (12) nim haola, (13) osat nim haola, (14) dar osat nim haola, (15) ryot, (16) nim ryot, (17) osat nim ryot, and (18) dar osat nim ryot.¹²³

The socio-economic aspect of sub-infeudation process was very significant. It fragmented large zamindary into various small units having been owned and managed by several new middlemen between the zamindar at the top and cultivator at the bottom. For that reason rent of the land was raised to a great extent. Land became a profitable commodity. This system encouraged the businessmen to invest money for purchasing land. The agricultural land was thus subjected to the pressure of various rent-receiving interests. In 1843, Superintendent of Police for Bengal

122. Floud Commission Report, Vol. I, op.cit., p. 37.

123. Radha Kamal Mukherjee, Land Problems of India, (London, Longmans, Green & Co. Ltd., 1933), p. 98.

depicted the situation in the following way. The creation of new landed middlemen in the social structure "is striking its roots all over the country, and is grinding down the poorer classes to a bare subsistence, if it leaves them that."¹²⁴

But what was the zamindar's social position after sub-infeudation? The zamindars were converted into a mere rent-receivers. They were greatly alienated from the actual cultivators - the raiyots. They did not have any responsibilities to manage their own estates and improvement of the agricultural production or local administration. The zamindars and most of the sub-tenure holders became absentee landlords. The difference between the zamindars not only widened, but also the relation between the sub-tenure holders and raiyots continued to be diversified.

These sub-tenure holders in land were the main sources of the formation of Bengali middle class in the 19th century. Although they were the owners of agricultural land, they had no direct interest in the land they own and its improvement. Unlike urban based European middle class they had colonial and rural background. According to C.D. Field "the creation of a considerable Middle Class, which in all probability would not otherwise have sprung up so rapidly in a country possessing little or no manufacturing industry."¹²⁵ The formation of this new social class was welcomed by the British rulers in Bengal. They encouraged and provided "without dispossessing the peasant proprietors and occupations."¹²⁶

124. C.D. Field, Landholding and Relationop.cit., p.620.

125. C.D. Field, Introduction to the Regulations of the Bengal Code, 1888, (Calcutta, Bengal Government Press by arrangement with Thacker, Spink & Co., Ltd., 1933), p. 51.

126. Dispatch (No. 14 of 19th July 1862) from the Secretary of State. As quoted in C.D. Field, Landholding and Relationop.cit., p. 619 (foot note)

However, this absentee landlordism resulted a reduction of agricultural production. There was no possibility of the extension of cultivation. The new middle class was hardly interested in investing capital for the increase of agricultural production. The Floud Commission thus pointed out that "the extension of cultivation since the Permanent Settlement has with few exceptions been the work of the actual cultivators rather than of the zamindars as a class."¹²⁷ The agricultural production was going on without master, like a boat without rudder. For the land became nobody's concern. This was noticed by Sir John Russell who wrote that the "most serious of all the difficulties confronting Indian agriculture is the lack of an agricultural aristocracy and of an educated agricultural middle class."¹²⁸

It is true that the zamindars could not increase the rent of land after sub-infeudation. But it is also equally true that he could not take care of the improvements of agricultural land though it was essential at that time. This was due to fact that the "responsibility for agricultural welfare cannot be fixed at any particular link in the chain between the zamindar and the actual cultivator. And yet the State cannot remain indifferent to what constitutes the primary source of the Province's wealth."¹²⁹

In Eastern Bengal sub-infeudation process was more conspicuous and confusing than elsewhere in Bengal that even the landlord had very little idea "of the title under which he holds the various portion of his property; his right in one field may be in part that of a zamindar, the remainder being hold by him under a series of distinct tenures; in neighbouring fields his title in all probability would be entirely different, and it is left for the settlement staff to find a way through the fiscal maze."¹³⁰

127. Floud Commission Report, Vol.I, op.cit., p. 36.

128. Ibid., p. 36.

129. Ibid., p. 34.

130. Radha Kamal Mukherjee, op.cit., p. 96.

There was a tendency to complicate the title by the fusion of proprietary and tenurial rights over the same land throughout East Bengal, "a complication non-existent at the time of the permanent settlement."¹³¹

It was a common feature that the intermediate tenure holders who were created in East Bengal were mostly absentee landlords. The effect of subinfeudation process on the rural social structure of Bengal has been aptly stated by Radha Kamal Mukherjee who wrote :

"The increasing array of middlemen who intervene between zamindars and cultivators throughout Eastern Bengal has resulted in the levy of numerous abwabs and other illegal enhancements all along the ever-ramifying tenure-tree. Such interception of the profits of cultivation cannot but be injurious to agricultural productivity."¹³²

Since in East Bengal the number of sub-tenure holders were greater than other parts of Bengal, the middle class in the former was emerging very rapidly. This rural middle class quickly accepted English education and "which seems its inevitable concomitant in this country-with the growth in fact, of a bhadroloke class divorced from any real connection with the land - it seems possible that a state of things approximating to that of East Bengal gradually may arise."¹³³

In this context Rasha Kamal Mukherjee maintained that

"The increase of non-cultivating, rent-receivers everywhere introduces competition rents, and the lower grades of cultivators below the legal peasant line are forced to the margin of existence,

131. Ascoli, Final Report on the Survey and Settlement Operation in the District of Dacca, 1917. As quoted in Ibid., p. 90.

132. Ibid., p. 97.

133. Jameson, Final Report on the Survey and Settlement Operations in Midnapore District. As quoted in Ibid., p. 116.

while the disparity between occupancy and competition rents threatens the status of the protected tenant. The rent paid by the under-ryots are pitched extremely high ... To give a particular instance : a ryot the rent of whose holding is Rs. 7-8-0 sublets it to various under-ryots, the aggregate of whose rents is Rs. 108."¹³⁴

The introduction of Patni sale law of 1819 itself was responsible for the creation of various complicated problems in the land system of Bengal. The management and development of cultivable land became nobody's business. Therefore, the spirit of capitalism which was indispensable for the development of modern capitalism in Europe, according to Max Weber, could not really arise in colonial Bengal.

134. Ibid., p. 116.

CHAPTER 3

VARIOUS INTEREST GROUPS AND THEIR ROLE IN THE
ABOLITION OF THE ZAMINDARY SYSTEM
IN BENGAL

The Identification of Interest Groups in Land

The socio-political situation of Bengal in the early twentieth century grew complicated. The demand for national independence from the British colonial rule and for the abolition of zamindari system almost simultaneously figured in the programme of different political parties and peasant organizations.

The Government of India Act, 1935 played an important role in organizing the peasant movements of Bengal. The granting of Provincial autonomy with a government responsible to an elected Assembly in every Governor's Province was an essential principle in the Act.¹ The principle of adult franchise was extended to tenants paying even a small amount of rent in the context of the formation of elected legislature in each province. Thus the bulk of the rural peasantry in Bengal got the voting right to elect their own representatives and became an important political factor in the constitutional politics of Bengal.² As a result no political parties of Bengal, whether big or small, irrespective of their class interests, ideologies and political programmes could oppose peasant's interest directly. In order to attract the peasantry to election politics, all the major political parties assured them to fight for their demands if they were elected by their

1. R.C. Majumder and others. An Advanced History of India. (Delhi, The Macmillan Company India Ltd., 1978), p. 908.
2. Anil Banerjee, op.cit., Vol. II, p. 323.

votes. In this situation the demand for the abolition of zamindari system was raised by some of the important political and peasant organizations, which were popular among the cultivators. Not only that, the peasant themselves organized movements under the banner of their own organizations for the abolition of zamindari system in Bengal. Three major interest groups could be identified in this respect. They were - (a) The British ruling elite of Bengal; (b) The Zaminders of Bengal; and (c) The Peasants of Bengal. The first two groups were mutual allies to each other while the third category was equally opposed to both.

With the acquisition of political power in Bengal, in particular and in India in general, the primary interest of the British ruling elite was to establish their domination over this vast tract of land and to utilise the natural resources of this country for their own economic development. With that intention they initiated certain socio-economic reforms, of which the introduction of the Permanent Settlement of 1793 in Bengal is the most important. Various regulations were passed by the British rulers in wake of the Permanent Settlement.

The British ruling elite in Bengal were "structurally alien". The Bengal Society in the early was in transition. There emerged a wealthy and prosperous commercial class. The paramount power of the great Mughal Emperors was broken and most of the provincial rulers and different tribes were fighting with each other to gain supremacy. The country was not only divided between, as Karl Marx pointed out, "Mohammedan and Hindoo, but between tribe and tribe, between caste and caste; a society whose framework was based on a sort of equilibrium, resulting from a general repulsion and constitutional exclusiveness between all its members. Such

a country and such a society, were they not the predestined prey of conquest ?"³

It is well known that the feudal political authority of Bengal at that time largely depended on the existing commercial class for running their administration. But the commercial class could not enjoy high social status since it failed to overcome its social weakness. Thus it failed to consolidate its political power independently. Therefore, the commercial class of Bengal at that time cooperated with the British East India Company. But the Victory of the English East India Company in 1757 also meant the ruin of the existing commercial class of Bengal. All the internal trade and commerce were controlled by the English through the native banyans who, through various malpractices and collaboration with their English masters emerged as a new commercial class which of comparador character. Thus the traditional commercial class began to perish.

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3. Marx and Engels, Selected Works, Vol. I, (Moscow, Foreign Languages Publishing House, 1958), p. 352.

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Even the new native merchants could not develop themselves as Capitalists in the Western sense of the term because of various unfavourable policies adopted by the British rulers. The introduction of the Permanent Settlement in land in 1793 in Bengal was a case in point which was discussed in the previous chapter. It was noted earlier that especially with the passing of the Haftam or sun-set law of 1799 the native merchants began to invest their capital for the purchase of zamindaries. And thus they became rural capitalists as well as zamindars of Bengal and emerged as a new social class in the society of Bengal. Radhakamal Mukherjee thus maintains :

"With the disintegration of the Mughal Empire, the East India Company became very powerful and as they established the monopoly in cloth, salt, betelnut, tobacco and other business they displaced the Indian merchants. Such displacement was about only in the course of a century in Bengal, and involved the ruin of Armenian Bengalee and up-country merchants. Many persons belonging to trading and money-lending classes gave up trade and acquired large and small estates. The accumulated capital came to be invested more and more in the land than in trade and industry."⁴

This new class of zamindars became an important pillar of the colonial social structure of Bengal. But the English were also seriously thinking about the abolition of Permanent Settlement just after its enactment.⁵ Yet they could not

4. Radhakamal Mukherjee, *op.cit.*, p. 78. As quoted in A.K. Nazmul Karim, *The Dynamics of Bangladesh Society*, (New Delhi, Vikas Publishing House Pvt. Ltd., 1980), p. 87 (foot note No. 46).

5. *Fifth Report from the Select Committee*, Vol. I, (Madras, Higginbotham and Co., 1883), p. X.

abolish it even after admitting heavy economic loss from this land tenure system of Bengal.⁶

Of the three interest groups mentioned above the peasants were the major social force in the agrarian society of Bengal. Numerically they are still the most important social category in the socio-economic life of Bangladesh.

The peasants were usually known as Raiyot. In an official report published in 1778 raiyots were defined as :

"the immediate occupant of the soil, whether he be considered as proprietor or tenant. 'The word Ryot', in its most extensive signification, means a subject; but it is usually applied to the numerous and inferior class of people, who hold and cultivate small plots of land on their own account, and might, perhaps, properly be denominated terre tenants." ⁷

According to Lord Bentinck the term 'Raiyot' "comprises the whole agricultural community".⁸ But "under the general term Ryot, it was intended to include every class of under-tenant or husbandman, (not being hired labourer) not advancing any pretensions to co-parcenary in proprietary immunities."⁹

The relationship between land and peasant is all pervasive. In reality, a peasant cannot exist without land. But in the land system introduced by the British Government in Bengal in 1793, there was hardly reference to the main party i.e. peasantry. Therefore, the peasants or the raiyots of Bengal could not claim any right over the land. However, immediately

6. According to Floud Commission the annual loss due to Permanent Settlement and from its enactment estimated as between two crores and eight crores. Govt. of Bengal, Report of the Land Revenue Commission Bengal, Vol.I, (Alipore Superintendent, Government Printing, 1940), p. 31.
7. Report dated 25th March, 1778. As quoted in Abhay Charan Das, The Indian Ryot, Land Tax, Permanent Settlement, and the Famine, (As because the book has no inner pages, it is not possible for me to mention the name of the publisher and year of publication. I read the book from the Dhaka University Library), p. 76.
8. Governor General's Minute of 26th September, 1832, Para 18. As quoted in Sunjeeb Chunder Chatterjee, Bengal Ryots, op.cit., p.1.
9. As quoted in Ibid., pp. 1-2.

after the introduction of the Permanent Settlement in 1793 the Court of Directors requested to the Government of India to take necessary steps for the protection of the raiyots and other subordinates. The zamindars were advised to be moderate towards the dependent talukdars and raiyots.¹⁰

Although the Permanent Settlement of 1793 did not directly recognise the right of peasant, the need for the protection of raiyots was indirectly recognised. It is true that until the operation of Bengal Rent Act of 1859 and the Bengal Tenancy Act of 1885, the British Government could not take any action for the protection of the peasants against the abuses of power, oppression and exploitation of zamindars. In this context Sir E. Colebrooke observed :

"... the errors of Permanent Settlement were two-fold; first, in the sacrifice of what might be denominated the yeomanry, by merging all tillage rights, whether of property or of occupancy, in the all-devouring recognition of the zemindar's permanent property in the soil; and then leaving the zemindar to make his settlement with the peasantry as he might choose to require."¹¹

The basic rights and duties of the peasants were very simple. The peasant who cultivated the land of a zamindar enjoyed only occupancy right. In fact, the occupancy right was the main concern of the Bengal peasants for which they consciously or unconsciously fought. Thus we find that immediately after 1793 the main demands of peasants were neither the right of ownership of land, nor they demanded for the abolition of the zamindari as a system as a whole.

10. H.D. Ghose, Land Law of Bengal, (Calcutta, Weekly Notes Printing Works, 1930), p. 216.

11. The Report from the Select Committee of the House of Commons, 1832. As quoted in L. Kabir, The Rights and Liabilities ..., op.cit., p. 14.

The movements they launched at that time were primarily against the zamindars' illegal increase of revenues, taxes and rents. Hence, the government was compelled to reform the land revenue system of Bengal. The main objectives of these reforms were to minimize the difficulties that stood in the way of peasants' welfare.

In the beginning of twentieth century various political parties and mass organizations were established in Bengal. These organizations began to voice the demands of the own classes. This situation greatly influenced the Bengal politics of that time. Since the peasants were the great majority in the population of Bengal no political party could deny the demands of the peasants. They came forward to uphold it for their own political and class interests.

Role of the Various Interest Groups that Led to the Formation of the Land Revenue Commission in Bengal

From the beginning of the twentieth century the interests of various groups in regard to the zamindari system in Bengal were manifested through their different political activities. A new form of political action was initiated. During the non-cooperation movement and "no tax" campaign organised by the Indian National Congress in 1920, was supposed to be the beginning of this new course of action. The rural peasants were thus linked with the national politics for the first time.

With the Tenancy Act of 1885 the peasants of Bengal became more and more conscious of their rights. They began to oppose the illegal enhancement of rent and other unlawful activities of the zamindars of Bengal. Various land revenue reports published by the British Government of Bengal admitted the fact that illegal enhancement of rents by the zamindars were the most common causes of conflict between zamindars and their tenants in Bengal. On that question the Administrative Report of the Land Revenue Department for the year 1929-30 maintained that

"The most common causes of friction between landlords and tenants were, as in previous years, enhancement of rents, exactions of abwabs, levy of interest on arrear rents, communal illfeelings and the rapacity of the ill-paid agents of the zamindars. The zamindars showed very little interest in the improvement of agriculture or of the economic condition of their tenants."¹²

Although the Bengal Tenancy Act of 1885 recognized certain rights of the peasants, these were not actually applied. In a letter P.J. Griffiths, Additional Collector, Midnapore informed the Commissioner of the Burdwan Division that

"The Bengal Tenancy Act has of course no application, and the rent is a matter of free contract between the landlords and tenants. Experience shows that the landlord is in a far stronger position in respect of such lands than in respect of ordinary agricultural lands. He is able, in practice as well as in theory, to enhance rents when economic changes justify it and to realise substantial selamis on the erection of pucca building etc."¹³

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12. Land Revenue. A Proceedings No. 4 (January 1931-1933). Secretariat Library Record Room, Dhaka. Government of Bengal, Revenue Department, Land Revenue : Report on the Land Revenue Administration of the Presidency of Bengal for the Year 1929-30, (Nos. 21,22; File No. II-R-33(I) of 1930) No. 8768 Misc), p. 21.
 13. Government of Bengal, Revenue Department, Land Revenue, The Bengal Non-Agricultural Lands Assessment Act, 1936, (File Nos. 2-A of 1934, 2-A-13 of 1936 and 2-A-A. Serial Nos. 1-47), pp. 3-4. This record kept in A-Proceedings No. 5 (1933-39). Secretariat Library Record Room, Dhaka.

It is mentioned earlier that most of the zamindars of Bengal were absentee landlords. This situation had a negative effect upon its social life. The subordinate landowners under the big zamindar took advantage of his absence and became defacto or demi-zamindars of their own areas. In this respect the revenue report mentioned that

"The landlords, as a class, rely entirely on their agents. They show no interest in the economic welfare of their tenants, or in agricultural improvements. The principal causes of the ill-feeling that existed when settlement operations commenced, were the exaction of various abwabs, the illegal enhancement of rent, non-granted of rent receipts, the levy of interest at high rates, and the rapacity and oppression of landlord's agents, gomastas and peadas. Another contributing factor was the low price of agricultural produce brought about by the economic depression, which began the year after the settlement operations commenced. The tenants were in difficulties over the payment of rent, and the landlords were inclined to think that the tenants were deliberately withholding rent, and making the economic depression a pretext."¹⁴

It may be mentioned here that the peasants had no organizational base and class consciousness for building up a socio-political movement against the zamindars. With some exceptions, their grievances against the zamindars were not heard outside the localities. The favourable objective conditions failed to create nationwide movements of the peasants against the zamindars of Bengal due to the absence of subjective conditions.

14. Government of Bengal, Revenue Department, Land Revenue, Final Report on the Survey and Settlement of Operations in the District of Malda, 1928-1935, (File No. II-R-15. Serial Nos. 1-5), p. 79. Kept in A-Proceedings No. 6(1939-42). Land Revenue, Secretariat Library Record Room, Dhaka.

As the scope of the no-tax campaign tended to widen, the peasants were in no mood to remain peaceful. But they had no leadership or organization for their own class. In this circumstance the peasantry could not but as Satyabrata Rai Chowdhuri pointed out

"turn to the middle class intelligentsia and individual political leaders for guidance and leadership. Although most of these leaders were Congressmen, they used to take up the case of the peasants independently of the Congress organization. And it was this factor which imparted an independent character to the peasant movement and initiated the process leading to the formation of peasants' separate organizations."¹⁵

Despite the middle class leadership and non-violence character of the non-cooperation movement, it could not prevent the peasantry from violent agitation against zamindars. As Nehru observed that

"Agrarian upheavals are notoriously violent, leading to jacqueries, and the peasant of part of Oudh in those days were desperate and at white heat. A spark would have lighted a flame."¹⁶

Since the Congress being dominated by the zamindars, it did not show much interest in regard to the demand of the peasantry. But since the vast majority of the people were peasants, their participation in the national movement was an important factor for their political strength. Hence they allowed the peasant movement to a certain extent. The Congress continued to pressurize the British Government to accept their political demands. But whenever the 'no-tax' campaign became widespread and threatened the zamindars,

15. Satyabrata Rai Chowdhuri, Leftist Movements in India : 1917-1947, (Calcutta, Minerva Associates (Publications) Pvt. Ltd., 1976), pp. 208-209.

16. Jawaharlal Nehru, An Autobiography, (New Delhi, Jawaharlal Nehru Memorial Fund, 1982), p. 59.

the movement had been called off in 1922. Not only that, the meeting of the Congress Working Committee held at Bardoli on 12th February, 1922 bitterly criticized the serious violences in the movement and warned against the danger of any independent peasant movement which was developing through the 'no-rent' movement. It also gave assurance to the zamindars against the onslaught of the peasants. The resolution of the Congress Working Committee was as follows :

"The Working Committee advises Congress workers and organizations to inform the peasants that withholding of rent payment to the zamindars is contrary to the Congress resolutions and injurious to the best interests of the country. The Working Committee assures the zamindars that the Congress movement is in no way intended to attack their legal rights, and that even where the ryots have grievances, the Committee desires that redress be sought by mutual consultation and arbitration."¹⁷

At the same time the Working Committee further directed the people throughout the country

"to pay up the taxes due by them to the Government whether directly, or indirectly through Zamindars or Talukdars, - except in such cases of direct payment to the Government where previous consent had been obtained from Mahatma Gandhi for suspension of payment preparatory to mass Civil Disobedience."¹⁸

With the setback of the peasant movement, an important political organization called "Swaraj Party" came into being in 1923. A faction of the Indian National Congress led by C.R. Das and Motilal Nehru were its leaders. This party had similar class basis like Congress. Their main objectives were the attainment of full Dominion Status and

17. As quoted in Binay Bhusan Chaudhuri, "Agrarian Movements in Bengal and Bihar, 1919-39" in A.R. Desai (ed.), Peasant Struggle in India, (Delhi, Oxford University Press, 1982), p. 342.

18. Dr. Pattabhi Sitaramayya, The History of the Indian National Congress, Volume I (1885-1935), (Bombay, Padma Publications Ltd., 1946), p. 232.

Hindu-Muslim alliance. On that question the party had succeeded to gain popularity within the educated upper middle class and feudal aristocratic elements of Congress. Thus Gautam Chattopadhyay pointed out that men like Srinivasa Iyengar, former Advocate-General of Madras, M.R. Jayakar of Bombay, and Motilal Nehru from U.P. joined the Swaraj Party from the Congress. But later on Tulsi Goswami, Dr. Bidhan Chandra Roy, Nirmal Chunder Chander, Nalini Ranjan Sarkar and Sarat Chandra Bose came from Bengal and known as the 'Big Five'.¹⁹

Although the upper class which consisted of landed aristocrats, big businessmen and lawyers, provided the leadership of Swaraj Party, it voiced the slogan like "Swaraj for 98 per cent" in order to get support from the rural masses. But soon the rural people realized the real meaning of the Slogan - "Swaraj for 98 per cent". Gautam Chattopadhyay cites two examples related to the role of the Swarajist in 'no-tax' movement.

Birendranath Sasmal was an undisputed leader of Midnapore district during the non-cooperation movement. There the villagers had refused to pay Union Board and Chowkidari Taxes. C.R. Das realised the importance of roping in men like Sasmal on his side. Initially he made Sasmal one of the principal organisers of the Swaraj Party in Bengal, thus rallying the powerful Midnapore Congress to his side. But after this was achieved, Sasmal was cold-shouldered and gradually elbowed out of the organization's leadership by the Big Five and their lieutenants. Ultimately, after the death of C.R. Das, Sasmal was practically driven

19. Gautam Chattopadhyay, Bengal Electoral Politics and Freedom Struggle, 1862-1947, (New Delhi, Indian Council of Historical Research, 1984), p. 73.

out of the Congress and defeated in an election battle to the Legislative Council by the Zamindar of Narojole, who was a nominee of the BPCC (Bengal Provincial Congress Committee)." 20

On the otherhand, leftist leader Hemanta Kumar Sarkar "joined the Swaraj Party with the hope of carrying forward the struggle for bringing 'Swaraj for the 98 per cent', but ... everytime he tried to support the cause of the oppressed peasantry of Bengal, he was sharply snubbed by the Swarajist leadership and practically kept muzzled." 21

"Swaraj Party" was not only the pro-zamindar, it also appreciated the role of the zamindars in the national movement as "courageous" and "bold stand". During the lifetime of C.R. Das an article was published in their party's mouthpiece "Forward" where the writer praised the role of zamindars. The article is enough to identify the class character of the party. Let me quote the following from the article.

"It cannot, however, be overlooked that much of the strength of the opposition was due to the attitude of the Zamindars. Their independence and courage have been phenomenal, and the country owes them a deep debt of gratitude that they have made such a bold stand in spite of the known difficulty and delicacy of their position. Their sympathy for the poor of the province, their efforts to ameliorate the hopeless condition of the masses augurs well for the improvement of the village, and directly contradict the mischievous lie that the nationalist movement is a middle class movement for the purpose of safeguarding middle class rights. The speeches of Kumar Shiv Sekhaheswar Roy have still the vigour of old times; while the argument of Raj Harendranath Chaudhuri are as full of information and vitality as ever. Babu Sailaja Nath Roy Choudhuri, Kumar Arun Chandra Singha, Babu Prasanna Deb Raikut, Babu Taraknath Mukherji, Babu Satya Kishore Banarji, Rai Satyendra Nath Roy Chaudhuri Bahadur, Babu Abinash Chandra Roy,

20. Bimalananda Sasmal, Swadhinater Phanti, Calcutta, 1967, p. 32. As quoted in *Ibid.*, p. 73.

21. *Ibid.*, p. 74.

among others were always to be found championing the people's cause, and their sympathy and their co-operation has been of such vital value to the Nationalist Movement that it cannot be overestimated. By associating themselves with the progressive movement they have proved themselves natural leaders of the people and have shown conclusively that the Zamindars are determined to occupy their proper place in the province. All honour and glory to them." 22

However, the peasants got opportunities to involve themselves again in the national politics when the government brought a bill in 1923 for amending the Bengal Tenancy Act of 1885. The government's intention was to give bargadar the status of "occupancy ryots" who cultivated the land of zamindar or the richer peasant - a group "enjoying special legal protection in regard to the tenure of their holdings and the level of their rent." 23 This Bill encouraged the peasant to form an association of their own in various places of Bengal. 384590 .

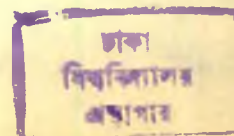
In the various conferences of peasant's association the slogan like "abolition of zamindary system" and "land to the tillers" were being raised. The Left-Wing Swarajist leaders like Hemanta Sarkar and Syed Shamsuddin were the main speakers of these conferences in which they demanded "Swaraj for the 98 per cent" for the economic and social emancipation of the peasantry. 24

The activities of the Left-Wing leaders of the Swaraj Party among the peasantry of Bengal were noted in the confidential reports of the anti-Bolshevik bureau of the

22. Whip, "Bengal Council; Its Work", an article in 'Forward', Sunday, April 13, 1924, p. 11. As quoted in Amalendu De, Chirasthayi Bandobasta O Bangal; Buddhijibi, (Calcutta, Ratna Prakasan, 1981), pp. 28-29.

23. Binay Bhushan Chaudhuri, op.cit., p. 343.

24. Gautam Chattopadhyay, Rus Biplab O Bangler Mukti Andolon, Calcutta, 1967, pp. 72-73. As quoted in Gautam Chattopadhyay, op.cit., p. 86.



Government of India. The Intelligence Department repeatedly warned the government throughout 1924 in regard to the growing activities of radical nationalists, and communists of Bengal, who were joining for resurgence of a revolutionary mass upsurge against British rule.²⁵

In these circumstances, the landlords, businessmen and the other sections of upper class in the Swaraj Party became critical of the presence of Hemanta Sarkar in the Party's Weekly :

"Hemanta Babu is overwhelmed with grief at the sorrow of the peasants. Why does he not understand that the Bolshevik approach towards the Zamindars and our approach cannot be the same ?"²⁶

In reply to this comment Hemanta Sarker wrote in the same paper :

"If you want to destroy the alien bureaucracy through non-violent struggle, then you must mobilise the broad section of masses behind you, else the leasers shall be powerless. From this arises the necessity of the peasant movement. The so-called class of Zamindars shall of course be destroyed by the peasants' movement. All that stands in the way of real Swaraj must be destroyed. The Zamindar class is the artificial creation of the alien bureaucracy - hence without their destruction there can be no welfare of the country."²⁷

But due to the absence of active cooperation from other social groups, the peasants failed to organize any movement in support of the bill. But the Swaraj Party won a landslide victory in the election and became a very formidable force both inside and outside the Legislative Council of Bengal. The pro-peasant elements became unhappy

25. Sir Cecil Kave, Communism in India, (Calcutta, Editions Indian, 1971), pp. 81-109 and pp. 260-336.

26. "Atmashakti", March 13, 1925. As quoted in Gautam Chattapadhyay, op.cit., p. 86.

27. "Atmashakti", March 27, 1925. As quoted in Ibid., p. 86.

with the anti-peasant attitude of upper classes in the Swaraj Party. The upper classes of the party could not even support the most minimum demand of free primary education to the rural areas. Their opposition to this demand was published in their weekly paper, which is noted below :

"If we introduce compulsory primary education among the peasants ... and thereby try to reform society by giving them newspaper education, it will be simply inviting ruin."²⁸

In 1925 the government introduced a Tenancy Amendment Bill in Bengal Legislative Council in the wake of the agitation from various parts of Bengal by the peasants. But this was opposed by the landlords and majority of the Swaraj Party members of the Council.²⁹ On the same day, the Swaraj Party leader Hemanta Kumar Sarkar moved a resolution for appointment of an Enquiry Committee regarding the actual proprietors of land etc. in the Council. But due to opposition of the landlord members of his own party Hemanta Kumar Sarkar was bound to withdraw his resolution and declared in the Council on December 10, 1925 :

"Sir, I have been asked by my party to withdraw this resolution which questions the sanctity of the Permanent Settlement of 1793 ... I have been accused of Bolshevism. I only want to prevent Bolshevism not to help it. I am, however, compelled by my party to withdraw this resolution..."³⁰

Another political group which represents the real interests of workers and peasants emerged in Bengal with the establishment of the Communist Party in India. It first tried to build up class politics among the workers and

28. "Atmashakti", May 15, 1925. As quoted in *Ibid.*, p. 94.

29. Proceedings, Bengal Legislative Council, December 3, 1925, p. 88.

30. Proceedings, Bengal Legislative Council, December 10, 1925, p. 331.

peasants. This party faced serious opposition from the colonial rulers, upper classes and their political parties. For that the party decided to work for their class politics within the Indian National Congress and other parties in Bengal which led to factionalism. To avoid repression from the British Government and to hide their identity they formed the "Worker's and Peasant's Party" in 1926-28. Its objectives were described by the Defence Counsel at the Meerat Conspiracy case :

"Its world outlook was Marxian, and it applied Marxian principles to its study of the contemporary political situation and the social and economic organization in India. The background of the formation of the party was the result of a growing feeling that the way the Congress had been leading the country's struggle for freedom was wrong. The Congress, the founders of the party felt, misunderstood the class character of the groups hostile to this struggle, and this had resulted in weakening the struggle.

"The chief exploiting interests were British imperialism, Indian capitalists, landlords and princes, and there were no chances of any serious divisions among the ruling classes, and they jointly exploited the large masses of workers and peasants.

"The Congress was not sufficiently aware of this. The members of the Workers' and Peasants' Party felt indignant at the way the Congress had been used for their own purposes by the landlords and capitalists. The collapse of the Non-Cooperation Movement and the experience of the Swarajists in the Assembly had convinced them that the programme based on the co-operation of the exploiting classes, who were themselves in part a creation of an alien rule, was not enough to achieve national liberation. They decided that the dynamic force of a mass movement should be the sole basis of national struggle."³¹

This was for the first time in Indian politics that the exploitation of the zamindars, Indian capitalists and the British imperialism was clearly pointed out. The party

31. As quoted in Binay Bhusan Chaudhuri, op.cit., pp. 343-344.

propagated its ideology and politics through its Bengali journals - "Langal" and "Ganavani". The journals became successful in advancing the concept of class struggle among the Bengali middle class intelligentsia, "with whom rural masses presumably came into contact, taught them that the zamindars were mostly responsible for their poverty and misery, and that the destruction of the zamindari system would bring them prosperity and happiness."³²

Peasant movements organized between 1920 and 1930 were predominantly Congress oriented. The peasantry launched their agitation on a very broad class basis. Unity of all tenants against their common enemy - the landlord was forged.³³

The leadership of the Workers' and Peasants' Party consisted of the urban middle class elements. Most of the party workers were engaged in trade union movement. D.N. Dhanagare thus pointed out :

"Among the notable leaders of W.P.P. (Workers' and Peasants' Party ... Iqbal) and C.P.I. (The Communist Party of India ... Iqbal) there was not a single peasant leader to merit attention because the leadership potential at the grass-roots was never explored."³⁴

The socio-economic demands of the Workers'-Peasants' Party were found inconsistent. As D.N. Dhanagare pointed out :

"... 'nationalization of land' and 'distribution of all cultivable land on lease directly to the actual cultivator' formed two of the important demands that appeared repeatedly in the party pamphlets although the W.P.P. constitution was silent on this issue. Similarly, one of the 'immediate demands of peasants' voiced at the All India W.P.P. Conference referred to above,

32. Ibid., p. 345.

33. Jacques Pouchepadass, "Peasant Classes in Twentieth Century Agrarian Movements in India", in E.J. Hobsbawn and others (editors), Peasants in History, (Calcutta, Oxford University Press, 1980), p. 149.

34. D.N. Dhanagare, Peasant Movements in India 1920-1950, (Delhi, Oxford University Press, 1983), p. 134.

was : 'abolition of the permanent settlement (zamindari) system of Bengal, of all intermediate tenure. ... But in the same catalogue of demands W.P.P. promised 'to establish peasant proprietorship in land' and demanded 'institution of graduated income tax on agricultural incomes above Rs. 2,000 per annum'. Such inconsistencies and contradictions were nowhere more pronounced than they were in the Bengal branch of the W.P.P."35

The political inconsistencies of this organization encouraged the landlords to be associated with it. The top position of the party was filled up by a zamindar. Thus D.N. Dhanagare comments :

"The Bengal unit, like the All India W.P.P. was committed to the 'abolition of landlordism' but its own president was a noted zamindar and, when he resigned, was succeeded by another landlord (in 1927) who openly disowned the Party's declared agrarian policy."36

At that time the Communists of Bengal were trying to build up the peasant movement under favourable objective political and economic conditions. There was great agrarian economic depression in the thirties. The colonial government shifted a considerable part of their burdens from their various colonies. Satyabrata Rai Chowdhuri thus maintains :

" ... prices began to fall involving millions of agricultural producers in economic ruin. Whatever little surplus they had were used up to pay land tax. The peasants' burden of indebtedness began to increase which led to the virtual ruin of the middle and small peasants. In utter desperation the peasants now became restless and no-tax campaigns were launched in many places to secure relief from the Government. In the U.P., the peasant unrest assumed such serious proportions that the Government was compelled to make reductions in rents."37

35. Ibid., pp. 135-136.

36. Ibid., p. 136.

37. Satyabrata Rai Chowdhuri, op.cit., p. 211.

The economic depression caused great damage to the peasantry as a whole. The cash crop like jute played an important role in the rural economy of Bengal. The prices of jute showed a steady rise from the beginning of the twentieth century.³⁸ In 1925-26 the prices rose up to the highest as Rs. 123/- per bale. But after that it turned downward and fell as low as a little over Rs. 24/- per bale in 1931-32.³⁹

Under this favourable objective condition for peasant movement the Congress in 1929 called in Civil Disobedience and non-payment of tax movement. Again peasants joined the movement in the hope that this time the Congress would fought for their demands. But the movement was called off and the "Gandhi-Irwin Pact was made without any reference to their problems and grievances"⁴⁰ of the peasants. This anti-peasant role of the Congress reflected the pro-zamindar character of the party. It necessitated the formation of the peasants' own class organization. Because the Congress being a multi-class organization, according to Narendra Dev -

"the peasants were unable to assert themselves in it. Their attitude towards other classes was not very free and they found themselves lost in the mixed gathering. In order, therefore, to enable them to give up their hesitancy it was necessary to give them preliminary training in an organisation of their own class. The Kisan organisation was, in fact, necessary to exert revolutionary pressure on the Congress to take up the peasants' demands more seriously."⁴¹

38. Government of Bengal, Report of the Bengal Jute Enquiry Committee, 1934, Vol. I, (Alipore, Superintendent, Government Printing, Bengal Government Press, 1934, Majority Report, pp. 6-7.

39. *Ibid.*, Minority Report, p. 85.

40. Satyabrata Rai Chowdhuri, op.cit., p. 211.

41. Narendra Dev, Socialism and the National Revolution, as quoted in Satyabrata Rai Chowdhuri, op.cit., p. 212.

The land revenue administration of Bengal in its report for the year 1933-34 maintained :

"In some districts there was agitation against such exactions by the tenants organising themselves into associations such as Krishak Samitya or Proja Samitya. The existence of such associations is evidence of the increasing lack of sympathy between landlords and tenants, the root cause of which is the prevalence of absenteeism among landlords which destroys the natural sympathy which would otherwise exist between them and their tenants and the fact that the landlords often do not pay their staff living wages. As a consequence the collecting staff are compelled to supplement their inadequate pay by exactions from the tenants called "tahuri", "kharcha", or "parbani".⁴²

Meanwhile, the Government of India Act, 1935 was introduced, which enfranchised the peasants for the first time, and as such they became a major factor in the electoral politics. The peasants realized the importance of their own class organization. In 1936 'All India Kisan Congress' was formed in Lucknow. Their manifesto also enumerated the minimum demands of the peasants such as, abolition of zamindari system, cancellation of all arrears of rent, revenue etc., and at least 50% reduction of rent and revenue.⁴³

But in many places the Kisan Congress was "controlled by professional men, merchants and money-lenders of the city and as they could not identify themselves with the rural population, they could not be expected to safeguard the interests of the peasantry. The result was that there was acute antagonism between the town and the country. And as the Congress had very little hold on the masses of the rural areas, the peasants had to break away from it in order to have their own organ of struggle."⁴⁴

42. Government of Bengal, Revenue Department, Land Revenue, Report on the Land Revenue Administration of the Presidency of Bengal for the Year 1933-34, (A-Proceedings, No. 5 (1935-39), Land Revenue. File No. 4-P-1. Serial Nos. 1-2, Secretariat Library Record Room, Dhaka), p. 16.

43. Satyabrata Rai Chowdhuri, op.cit., p. 214.

44. Ibid, p. 215.

This social background favoured the formation of new class organization of the peasant. The disillusionment of left-wing and other socialist leaders with the Congress leadership led to the establishment of a separate peasants' organization to serve their own class interests. But from the beginning the All India Kisan Congress was subjected to pressure from both the Right and Leftist factions of the party. The Right-wing leader Sirdar Vallabhbhai Parel, the President of the then All India Congress Parliamentary Committee could not tolerate the independent growth of Peasants' Movement.⁴⁵

On the other hand, the Left-Wing leader of the said party like Jawaharlal Nehru argued that since the Congress was a multi-class national organisation it could not represent the interest of only one class like peasants. But he also maintained that "the Kisan Congress could serve the peasants best by affiliating itself with the Congress."⁴⁶

The Kisan Congress launched movements in many places in Bengal. The political consciousness of the peasants regarding their own rights grew day by day. This was according to the "Land Revenue Administration of Bengal for the year 1937-38" which maintained that "the constant preaching of new theories in this respect by Krishak-Proja agitators, Congress workers endeavouring to further the mass contact movement and communist labour leaders anxious to count the sympathy and support of agricultural labour."⁴⁷

45. Indian Annual Register, Vol.II, 1936, Calcutta, p. 286.

46. Satyabrata Rai Chowdhuri, op.cit., p. 215.

47. Government of Bengal, Land Revenue, Report of the Land Revenue Administration of the Presidency of Bengal for the Year 1937-38, (A-Proceeding No. 5(1933-39), Land Revenue, File No. 11-R-29 of 1938. Serial Nos. 1-2, page No. 14. Secretariat Library Record Room, Dhaka.

The Kisan Congress was also not a homogenous organization. Since each class tried its best to control the leadership and peasants' movement for its own class interest. The classes differed in their aims and objectives of the peasants' movement. In this respect L.P. Sinha observed :

"An ideal posited by the moderates and many left Congressmen, was that of the Kisan-Mazdoor Raj (Peasants' and Workers' Rule) but the Communist elements and to a lesser extent the Congress Socialists looked askance at this goal. To them the difficulties of reconciling the concept of Kisan-Mazdoor Raj with that of socialism were wide enough. The conception of socialism was that of society in which the ownership of means of production, distribution and exchange are socially owned. The ultimate stage of socialism preclude all remnants of private property whether in land or in other means of production. The conception of Kisan-Mazdoor Raj, on the contrary, was democratically conceived (in the liberal sense). Behind the vague idealizing of the Kisan-Mazdoor Raj, as expressed in the writings and speeches of certain Kisan Sabha leaders, was the hard core of the retention of peasant proprietorship."⁴⁸

Thus within the Kisan Congress four different interest groups namely - the Communist, the Congress Socialists and two regionally oriented groups fought for the leadership of the organization.⁴⁹ This reflected a class contradiction which reached its final stage in 1938 at the Comilla Conference when All India Kisan Congress adopted its nomenclature "All India Kisan Sabha" and made the red flag as the symbol of the peasants' struggle.⁵⁰

One cannot get the real understanding of the social structure of Bengal without considering her major religious group - the Muslims and the class character of their leaders. Although the All India Muslim League was born at Dhaka in 1906, it had not played any effective role in the

48. L.P. Sinha, Left Wing in India, Muzaffarpur, 1963, p.397. As quoted in Satyabrata Rai Chowdhuri, op.cit., p. 217.

49. Gene D. Overstreet and Marshall Windmiller, Communism in India, (Berkeley, University of California Press, 1959), p. 385.

50. Satyabrata Rai Chowdhuri, op.cit., p. 218.

politics of Bengal till 1937. The party consisted of a few landed aristocrats and lawyers. These Muslim upper classes had hardly real contact with the rural masses of Bengal and as such they were practically confined to its urban centers. In this respect Humaira Momen maintains :

"It was these upper class Muslims who determined the nature and course of Muslim politics and they did not have or try to have contacts with the masses as at this stage the latter, who had practically no vote, mattered little. Thus rural Muslim Bengal continued to remain without a leader of its own."⁵¹

There was also an important phenomenon in the rural social structure of Bengal. Most of the landlords, jotedars and village money lenders belonged to the Hindu religious group. While the peasant-masses of Bengal were overwhelmingly Muslims. Thus in this context Andre Beteille suggests that "in many parts of East Bengal the landowners were almost all Hindus and the tillers were predominantly Muslims; to that extent the conflict between Hindu landowners and Muslim tillers had both a 'communal' and a 'class' character."⁵²

But the question of conflict between predominantly Hindu landlords and the overwhelming Muslim tenants was more 'communal' than 'class' in the early twentieth century Bengal. Because the class politics began mainly, as mentioned earlier, after the establishment of communist party and the consequent various peasant movements organized by its leaders in late thirties in Bengal.

51. Humaira Momen, Muslim Politics in Bengal : A Study of Krishak Praja Party and the Elections of 1937. (Dacca, Sunny House, 1972), p. 36.

52. Andre Beteille, Studies in Agrarian Social Structure, (Delhi, Oxford University Press, 1979), p. 180.

It is already stated that the upper and landlord class of Bengal had a Hindu majority. But the Muslim upper and landlord class from the historical past "could not take any deep roots"⁵³ for certain socio-historical reasons. In this context Yusufzai noted :

"The Musalman Zamindars, mostly idle and ignorant, are surrounded by the Hindu amlas, on whose applause and flatteries they live and fatten, and by whom too they are being led to their destruction in rapid succession; they have got into their heads that the Musalmans are not fit for their service, because they cannot concoct falsehoods, because they cannot conduct or foster litigations; they are not fit because they lack in flatteries and sycophancy."⁵⁴

A new Muslim middle class in Bengal emerged on the social scene at that time. The various administrative measures introduced by the British Government namely the partition of Bengal in 1905 and its related educational and employment policies benefitted the Muslim middle class in Bengal. The socio-cultural weakness of the Bengali Muslim zamindars itself prepared the ground for capturing the socio-political leadership by this emerging Bengali Muslim middle class.

A.K. Fazlul Huq was the product of that socio-economic conditions in Bengal. He was a distinguished personality in early thirties and forties in Bengal politics. He was born in a rural upper class Muslim family of Barisal district where 64.8% of the total population were Muslims. But they possessed less than 10% of landed property and paid less than 9% of the total land revenue of the district to the government.⁵⁵

53. A.K. Nazmul Karim, The Dynamics of Bangladesh Society, op.cit., p. 240.

54. N.A.K. Yusufzai, Note on Muhammadan Education in Bengal, 1903, p. 5. As quoted in Sofia Ahmed, Muslim Community in Bengal 1884-1912, (Dhaka, Oxford University Press (Distributor), 1974), p. 102. Foot Note No. 3.

55. W.W. Hunter, A Statistical Account of Bengal, Vol.V, (London, 1877), pp. 214, 226, 458, 465. Quoted in Rangalal Sen Political Elites in Bangladesh, (Dhaka, University Press Limited, 1986), p.12.

The partition of Bengal in 1905 helped develop the Bengali Muslims middle and upper classes. The British Government patronized them for their own colonial interest. John Broomfield maintained :

"The new provincial Government openly favoured the community, preferring Muslims for appointment to the large number of new posts in the Provincial and Subordinate services which were sanctioned in July, 1906, allotting special funds and personnel for Muslim education, preparing plans for a new University and High Court for Dacca, and installing the Nawab as their chief non-official adviser and their main agent for the distribution of patronage."56

Although the partition of Bengal could not last long, it gave an impetus to the emergence of educated Muslim middle class in early twentieth century. With the demise of Nawab Salimullah, the founder of All India Muslim League at Dhaka, the situation became favourable for this new educated Muslim middle class to control the Muslim politics of Bengal. Thus B.M. Bhatia explains :

"... the predominance of the landed aristocracy was coming to an end and the leadership of Muslims also passing into the hands of educated Muslims from the middle class. The new Muslim elite was fast developing the traits and character of its Hindu counterpart with all the consequences that development had for the country's polity and the ensuing power struggle."57

The advent of A.K. Fazlul Huq as a leader of Bengali Muslim society coincided with the rise of educated middle class from Muslim sector in rural areas of Bengal. He had, writes Broomfield,

56. John Broomfield, Mostly About Bengal, (New Delhi, Manohar Publications, 1982), p. 89.

57. B.M. Bhatia, History and Social Development, Vol.I, (Delhi, Vikas Publishing House Pvt. Ltd., 1974), p. 282.

"... made his way by personal ability - for it was his ability which had won him the necessary patronage. His education and his experience in teaching, law, administration and political organisation set him apart from the old leadership, and, what was vital, made him acceptable to the Hindu bhadrolok."⁵⁸

A.K. Fazlul Huq was elected member of the Bengal Legislative Council in 1913; and it is paradoxical that by 1918 he became simultaneously the President of All India Muslim League and the Secretary of the Indian National Congress.

Every individual or political leader or the party has its own class character. The leader of a particular political party may come from one class but his politics and activities may serve the interests of other class. According to Overstreet and Windmiller, it is to be determined 'objectively' which class derives the greatest benefit from the activities of the leader in question, and then evaluate him on the basis of his attitude toward that class.⁵⁹

The Krishak Praja Party of A.K. Fazlul Huq was formed in 1929 when the Muslim middle class of Bengal was trying to consolidate its position both in and outside the Legislative Council of Bengal. At first its name was Nikhil Banga Praja Samity (All Bengal Tenants Association) and in 1936 in a special Provincial Conference Nikhil Banga Praja Samity was renamed as Krishak Praja Party(KPP) and elected A.K. Fazlul Huq as its President.⁶⁰ The party had a much wider influence on the peasantry which "was mostly confined to the richer section of the Muslim peasantry."⁶¹ The party upheld the principles of liberalism

58. John Broomfield, Mostly About Bengal, op.cit., p. 94.

59. Overstreet and Windmiller, op.cit. ., p. 508 and also in Rangalal Sen, op.cit., p. xvi.

60. Abul Mansur Ahmad, Amar Dakha Rajnitateer Panchasbachar, (Dhaka, Nawrose Kitabistan, 1970), pp. 110-111.

61. Benay Bhushan Chaudhuri, op.cit., p. 351.

and constitutional democracy. But it opposed the Marxist idea of social revolution. In this context Azizul Haque suggested that the "average Bengal agriculturist is much too conservative, spiritual and resigned to his fate to be easily amenable to socialistic and communistic preachings. But a province with a vast mass of landless labourers as one of the features of its rural economy has within it the seeds of real danger."⁶² According to D.N. Dhanagare, this party "too represented the interests of substantial tenants and rich peasants, and its programme laid emphasis on the abolition of intermediary landlordism and on the 'establishment of peasant proprietorship in land."⁶³

The class character of Krishak Praja Party was to be traced in the social structure of Bengal in 1930's. This is generally admitted that the sub-infeudation process in land directly helped develop the Bengali middle class. The growth of middle class was very significant in early twentieth century Bengal. In 1842 there was no landless peasants in India.⁶⁴ But from 1921 to 1931 the landless labourers had increased by 1,805,502 to 2,718,939. The Bengal Census figures for 1921 and 1931 are very significant -

	<u>1921</u>	<u>1931</u>
Landlords and rent receivers ...	390,562	633,834
Cultivating owners or tenants ...	9,274,924	6,079,717
Labourers	1,805,502	2,718,939 ⁶⁵

62. Azizul Haque, The Man Behind the Plough, (Calcutta, The Book Company Ltd., 1939), p. 151.

63. D.N. Dhanagare, op.cit., p. 164.

64. Sir Thomas Munro, Census Commissioner. As quoted in Government of Bengal, Report of the Land Revenue Commission in Bengal, Vol. VI, (Alipore, Superintendent, Government Printing, Bengal Government Press, 1941), p.28.

65. Ibid., p. 28.

"The first and most obvious point to make in connection with these figures is that the class of rent receivers has increased by about 62 per cent. ... At the same time landless labourers have increased by about 50 per cent., and cultivating owners and tenants have decreased by about 34 per cent."⁶⁶ By 1920 in eastern Bengal there were intermediate revenue collectors between a big landlord and his tenants ranging from 12 to 58 categories.

The sub-infeudation process led to the ever-increasing number (the majority being Hindu who were in an advantageous position to accumulate some wealth) of subsidiary landlords. "The process operated all over Bengal; but in East Bengal it took the form of Hindu landlords versus the Muslim peasantry since the latter composed the bulk of the local population."⁶⁷ The socio-economic structure of rural Bengal was also reflected in the Census Report of 1872. According to this Report,

"Hindu, with exceptions of course, are the principal Zemindars, talookdars, public officers, men of learning, money lenders, traders, shop-keepers and engaging in most active pursuits of life and coming directly and frequently under the notice of the rulers of the country; while the Musalmans with exceptions also, form a very large majority of the cultivators of the ground and of the day labourers, and other's engaged in the very humblest forms of mechanical skill and of buying and selling ..."⁶⁸

66. Ibid., p. 28.

67. Ramkrishna Mukherjee, "Social Background of Bangladesh", Economic and Political Weekly, Vol. VII, Nos. 5-7, Annual Number, February, 1972, p. 267.

68. Abdul Majid Khan, "Research About Muslim Aristocracy in East Pakistan", in Pierre Bessaignet (editor), Social Research in East Pakistan, (Dhaka, Asiatic Society of Pakistan, 1964), pp. 23-24.

But the partition of Bengal in 1905 facilitated the growth of educated Bengali Muslim middle class, which, as A.K. Nazmul Karim mentioned :

"... was taking the leadership in the cultural and political life of the country. Socially speaking, the newly - educated middle class created by the British became a very powerful class in the political life of the country - in some sense more powerful than the Muslim upper class in East Bengal."⁶⁹

Another economic factor which facilitated the growth of Bengali Muslim middle class in Bengal was jute cultivation. The soil and climate of eastern Bengal which was a Muslim majority region, were very much congenial for jute cultivation. The jute of Bengal then acquired a commodity value and became a cash crop of Bengal. Even after the First World War, the jute price, as already mentioned, rose about 150 per cent. With the increase of price of jute the economic condition of that area improved. It is pointed out from the Census Report in 1931 that "the annual average of jute money received by the growers for the decade ending in 1929, was roughly Rs. 4,523 lacs."⁷⁰

Under this economic situation a new category known as jotedar in the rural social structure of Bengal emerged. As Ramkrishna Mukherjee pointed out :

"Naturally, in the Muslim majority area of East Bengal, an appreciable number of the jotedars were Muslims who increased in numbers in due course. Some of them, like their Hindu counterpart, became petty zemindars in order to raise their social status."⁷¹

69. A.K. Nazmul Karim, Changing Society in India, Pakistan and Bangladesh, (Dhaka, Nawroze Kitabistan, 1976), p.138.

70. As quoted in M. Azizul Haque, op.cit., p. 60.

71. Ramkrishna Mukherjee, Social Background of Bangladesh, op.cit., p. 269.

From the study of Ramkrishna Mukherjee regarding agricultural status of Hindu and Muslim households, we can also find the impact of different socio-economic and political factors, which already have been pointed out, on the growth of rural Muslim middle class. In 1946 he surveyed it. The following statistical data show the picture of the rural social stratification of Bengal in 1946.⁷²

Rural Bengal in 1946	Percentage of Total Households	
	Hindu	Muslim
Petty zemindar, jotedar, rich farmer	5	3
Self-sufficient owner cultivator	37	44
Sharecropper, agricultural labourer	58	53
Total	100	100

The figures indicate that in the category of self-sufficient owner cultivator, which was the rural middle class, Muslims were the majority, But the big landlords among the Muslims were very few namely the Nawab of Dhaka, Bogra and Jalpaiguri.⁷³

It is quite natural that the jotedars and other rich Muslim middle class were in a position to send their sons to higher educational institutions. The establishment of Dhaka University in 1921 paved the way for the extension of educated middle class particularly among the Muslims. "In Bengal", as B.M. Bhatia pointed out :

"for instance, Mohammadans formed 54 per cent of the total population but only 15.5 per cent of pupils at the high school stage and 14.2 per cent at the college and university stage

72. Ibid., p. 266.

73. Ibid., p. 267

were Mohammadans in 1927. Thanks the opening of Dacca University the original intention of which was to provide 'further facilities for higher education for the Muslim population who form the majority in East Bengal', the percentage of Mohammadan students studying in universities and colleges rose from 8.9 in 1917 to 14.2 in 1927, a remarkable performance by any standards."⁷⁴

At the same time the British Government through its officials also helped the Muslims in getting government jobs. Governor Lord Carmichael made Nawab Syed Shamsul Huda, a Councillor of the Executive Council, who was High Court lawyer and belonged to a great landholding family of Tippera. On that capacity Syed Shamsul Huda urged his fellow Executive Councillors to "raise the proportion of Muslims in government service, and at his bidding a circular was issued to subordinate offices instructing that no qualified Muslim candidate should be rejected in favour of a better-qualified Hindu until one-third of all posts in Bengal were held by Muslims."⁷⁵

During the formation of a new Muslim middle class in the early twentieth century A.K. Fazlul Huq was destined to be a leader of that class in Bengal. His party naturally represented the interest of that class and primarily served the jotedars' interest.⁷⁶ Although the jotedars were predominantly Muslims in Bengal the party "did not take a religious or communal stand and found members and allies from the Hindu middle class with substantial jotedar interest."⁷⁷

74. B.M. Bhatia, op.cit., p. 282.

75. Government of Bengal, Appointment Department Proceedings, September, 1917, File 4M-4(1-2), September, 1917. As quoted in John Broomfield, Mostly About Bengal, op.cit., p. 91.

76. Ramkrishna Mukherjee, Social Background of Bangladesh, op.cit., p. 269.

77. Ibid., p. 269.

The aims and objectives of the Krishak Praja Party of Fazlul Huq have clearly been discussed by Abul Mansur Ahmed. He wrote : The praja-movement was basically a movement of the Muslim middle class against the Hindu feudal aristocracy. The Muslim middle class did not get any material benefit from them. That was the main reason for the Praja movement to become popular among the Muslim middle class in Bengal.⁷⁸

We find Fazlul Huq and his party constantly fighting against unlawful activities of the zamindars. Before the great depression in 1929 the Bengal Tenancy (Amendment) Bill was passed in 1928 in the Bengal Legislative Council by the Government. The main object of this bill was "to give statutory recognition to the right of transferability of an occupancy holding which was so long left to custom, subject to payment of certain salami (transfer fee) to the landlord and landlord's right of pre-emption."⁷⁹

According to the Government of Bengal, the Bill was an attempt to take away unlimited power from the zamindar class. But paradoxically, it was supported by the zamindars of both Hindu and Muslim societies and also the European members of the Council. A.K. Ghuznavi, who was the representative of the zamindars, was the first to support the bill because the Bill, according to him, was a support to the landlord who was worth his salt to look to the material, moral and social welfare of his tenants.⁸⁰ He also argued that the interests of both zamindars and the tenants were identical.⁸¹

78. Abul Mansur Ahmed, op.cit., p. 180.

79. The statement of objects and reasons of the Bill of 1925, Calcutta Gazettee, dated 15th January, 1925, Part IV, p. 2. As quoted in Lutful Kabir, The Rights and....., op.cit., p. 411.

80. Proceedings, Bengal Legislative Council, August 7, 1928, p. 385.

81. Proceedings, Bengal Legislative Council, August 7, 1928, p. 385.

Besides the zamindars and the Europeans, the Swarajists also supported the Bill. Naliniranjan Sarker condemned the peasants' struggle against the zamindars as "Bolshevism". He argued in favour of their stand in the Council and maintained :

"It will not be prudent on the part of the landlords to insist on their pound of flesh in regard to the claims conferred upon them by the Permanent Settlement, in view of the awakening consciousness of the people towards an equality of rights in all directions : while it will likewise be the height of rashness on the part of the tenants to insist, even if they had the power to do so, on anything like a complete upsetting of the acquired rights and interests which the landlords have been enjoying from generation to generation.

"The view I have put forward above is not merely one that I personally hold but it has been the view of our party from its very foundation."82

But to defy party's role regarding the amendment of 1885's Bill, one of the member of the Swaraj Party Professor Jitendralal Bannerjee declared Ghuznavi

"gave us an idyllic and beautiful picture of ideal state of things, in which there is no conflict of interest between the landlord and the tenant, in which the landlord is the Ma-Bap of the tenant, and in which the tenant, instead of falling into the arms of the agitators, every day places himself more and more ~~under~~ the protecting care of the Zamindar ... it is a picture that is false, misleading, overdrawn and grotesquely exaggerated ...

"It has been suggested in some quarters that the Bill introduced by the Hon'ble Member is a Tenants' Protection Bill. I beg wholly to differ from that proposition. I should rather consider that it is a Landlords' Protection Bill - for it proposes to invest the landlord with power which are new enormous and offensive - powers, which he does not possess now, and which he has never possessed in all the history of landlordism in Bengal. What is it that you propose to give ? In the first place you propose to give 25 per cent of the purchase money by

82. Proceeding, Bengal Legislative Council, August 7, 1928, p. 414 and p. 416.

way of salami. As I have already told you, every year there is transfer to the extent of two crores of rupees. It means then that by this piece of legislation, you make a free gift of 50 lakhs of rupees annually to the landlords - a perpetuation of Lord Cornwallis' colossal folly and blunder ! In the second place you give the zamindar a prior right of purchase in every case of transfer ..."⁸³

The pro-tenant members were the minority in the Council of whom A.K. Fazlul Huq was the leading figure. The Legislative Council in 1928 consisted of members who were opposed to the interests of the tenants. Anil Chandra Banerjee categorized the members of the Council in the following way :

"Of the two Indian Executive Councillors one was a Muslim zamindar (Nawab Nawab Ali Chaudhury) the sole Minister (Nawab Musharruf Hossain) was a Muslim tea magnate. The Hindu Executive Councillor, Sir Provash Chandra Mitra, who was in charge of the Bill, was a lawyer, and the lawyers as a class were closely dependent upon their income from their zamindar clients. The ramifications of the tenancy laws, which promoted and prolonged rent suits, were one of the largest sources of income for the Bar. There were 13 members in the Council who were big zamindars, several of them representing constituencies not reserved for the landholders. There were other members connected directly with the landed interest."⁸⁴

Doubtless, the pro-tenant Muslim members were anti-zamindars for their own class interests. They represented the emerging Muslim middle class and the jotedars of rural Bengal. Hence they were unwilling to make any radical social change in the colonial country of India. But some of the members had tried their best to remove certain difficulties relating to the collection of rents by the zamindars and their agents.

83. Proceeding, Bengal Legislative Council, August 7, 1928, pp. 391-392.

84. Anil Chandra Banerjee, op.cit., Vol. II, p. 313.

In this respect Fazlul Huq bitterly criticized the Tenancy Bill of 1928 and supported the arguments of Jitendralal Banerjee. He declared :

"It was quite in the fitness of things that the debate on the provisions of the Bill, which my friend, Babu Jitendralal Banerjee has very rightly characterised as a landlords' measure should have been opened by Sir Abdel Kerim Ghuznavi, the representative of the zamindars' interests in this Council."⁸⁵

At the time of the debate on the Bill of 1928, the public interests outside the Council assumed class character. This is reflected in the following statement :

"The Zamindars and vested interests were all on one side and a minority of pro-peasant elements on the other. Bulk of the newspapers - Statesman, Amrita Bazar Patrika, Forward and others - were strongly in favour of the Bill. Most of the Muslim papers like Muhammadi etc., a few nationalist papers like Ananda Bazar Patrika and the pro-communist Ganavani, denounced the Bill in very strong terms."⁸⁶

Fazlul Huq blamed the Swaraj Party in the Council of 1928 for its pro-zamindars' role.⁸⁷ In reply to this, one of the leader of Swaraj Party argued that they would seek a " 'reasonable adjustment' between the interests of tenants and those of the zamindars; it did not want 'to create a civil war in the country before freedom was gained'."⁸⁸

In the above mentioned debate it is clear to all that not a single party or person demanded the abolition of the zamindari system which was the root cause of agrarian problems confronting the peasantry of Bengal. Since the

85. Proceedings, Bengal Legislative Council, August 7, 1928, p. 402.

86. Gautam Chattopadhyay, op.cit., p. 108.

87. Anil Chandra Banerjee, op.cit., Vol.II, p. 314.

88. Proceedings, Bengal Legislative Council (Thirtieth Session), August 15, 1928, p. 154.

Legislative Council of that time was not formed on the basis of adult franchise, the colonial government of Bengal used it as an instrument to serve its own interests.

The great economic depression which caused the fall of prices of commodities, particularly jute, directly affected the rural rich peasants i.e. the jotedar. It is already pointed out that among the jotedars, Muslims were the majority from whom the Muslim middle class came into being and as such it played an important role in the socio-political life of the then Bengal. In this context the role of the Krishak Praja Party formed in 1929 under the leadership of Fazlul Huq has to be understood. The said party contested the election held in early 1937. Its election manifesto included the demand for the abolition of zamindari system without compensation.⁸⁹ Due to the pressure both inside and outside the legislature, the government decided to appoint a Land Revenue Commission in order to assess the feasibility of the abolition of zamindari system in Bengal.

The Formation and Recommendation of the Flood Commission For Land Reform and the Corresponding Socio-Political Forces in Bengal in Early Forties

On the eve of the election of 1937 three major parties were active in the politics of Bengal. They were the Indian National Congress, the United Muslim Party, and the Krishak Paraja Party. The anti-peasant and pro-landlord character of the Indian National Congress and the Muslim League in Bengal were already analysed. The Muslim League leaders were afraid of increasing influence of the Kisan Sabha, the communist-led peasant organization among the Muslim peasants in Bengal. Not only that, they tried to prevent

89. Abul Mansur Ahmed, op.cit., p. 111.

Muslim peasants from attending the All-India Kisan Sabha Conference held at Comilla in May, 1938. The League members, as Binoy Bhusan Chaudhuri pointed it out, "went to the extent of scattering pages from the Koran on the main road to the Conference, believing that the Muslim peasants would not be bold enough to trample on them."⁹⁰

The extension of Franchise to the rural population paying a minimum tax of six annas under the Act of 1935 itself further strengthened the position of peasants in Bengal Politics. Thus, for the sake of election no political party could ignore the demands of peasants. For example, the election manifesto of the Congress included the revision of land system in the interest of peasants and reduction of indebtedness of cultivators in Bengal. In this connection, one of the leaders of the All India Congress Committee. Dr. K.M. Ashraf wrote a Bulletin where he sharply stated :

"Our experience of the election campaign proves once again that the peasantry, the industrial workers, the lower middle classes in general are the mainstay of our struggle in the country. We have uniformly won with big majorities wherever we clearly emphasized the economic demands of the exploited masses of our countrymen and asked them to prepare for mass struggle ... Our victories in those parts of the country where the official repression was the most severe gives a direct lie to those who usually talk of a state defeatism and political backwardness among the masses ..."⁹¹

The Muslim League's election manifesto emphasized on Muslim solidarity. But it had some economic demands which were, of course, not primary. As the Muslim League represented the Muslim landlords, businessmen and educated upper class in Bengal it refused to include the abolition of

90. Binay Bhusan Chaudhuri, op.cit., pp. 350-351.

91. Indian Annual Register, Vol. I, 1937, p. 39.

zamindari system in its election manifesto. When in 1931 the peasants refused to pay land revenue to the zamindars the Muslim League in a resolution condemned the peasants. The resolutions stated :

"That this meeting of the All India Muslim League views with the greatest concern the movement set afoot in certain provinces inciting tenants to refuse to pay rents as calculated eventually to upset the principle of private property and thus to bring about a state of disorder and lawlessness in the country and expresses strong disapproval of all such movements."⁹²

To the contrary, the Krishak Praja Party was known as pro-peasant organization. Its main election pledge was the abolition of zamindari system without compensation to the zamindars. It was bitterly criticized by the conservative Muslim organizations since it had "never sought or welcomed the co-operation of prominent Muslims of Bengal."⁹³

In response to the slander against the party and its leader A.K.Fazlul Huq by the then Parliamentary Board of Muslim League, Fazlul Huq clearly stated :

"My fight is with landlords, capitalists and holders of vested interests. The landlords are 95 per cent Hindus and capitalists and others are about 98 per cent Hindus. Far from helping me, they are already out to throw all obstacles in my way. I apprehend that in the near future they will join hands with their Muslim compatriots, viz., Muslim landlords, capitalists and others to thwart me."⁹⁴

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92. Reforms Office Proceedings, File No. F.194/31-R. Resolutions by the All India Muslim League, dated 26th and 27th December, 1931. As quoted in Amalendu De, Bangali Buddhijibi O Bichchinnatabad, (Calcutta, Ratna Prakashan, 1974), p. 363 (References).
93. The Statesman, July 30, 1936. As quoted in Gautam Chattopadhyay, op.cit., p. 140.
94. Amrita Bazar Patrika (Calcutta), September 11, 1936. As quoted in Rangalal Sen, op.cit., pp. 40-41.

In an election campaign at Patuakhali Centre against Nazimuddin, a Zamindar of that area and Muslim League leader, Fazlul Huq announced :

"An all-out fight ensues from today between the zamindars and the peasants. By the grace of God I shall abolish zamindari within the shortest possible time. Eight crores of peasants of Bengal would stand firmly on their legs with heads high and would realise all their rights and privileges. God is with us and our victory is inevitable. But God forbid if I am defeated, this defeat will be more glorious than the defeat of Napoleon at Waterloo."⁹⁵

When the peasants were successful to unite themselves and organized various movements against zamindars and other vested interest groups, their interests became a 'convenient weapon' as Shila Sen analyses "in the hands of the petty-bourgeois leadership or the latter was genuinely interested in advancing them may remain a moot point, the fact that peasant economy gave an economic basis to Muslim politics in Bengal ..."⁹⁶ In the above context the slogan like "dal bhat" i.e. rice and pulse to everyone in Bengal of Krishak Praja Party became popular among the rural masses of Bengal.

The political and organizational influence of the Kisan Sabha, a non-electoral peasant organization was significant in the then Bengal. After the Communists took the leadership, this organization became widespread. During that time the terrorists of Bengal attracted to Marxism and joined the Communist Party which was formally banned in 1934. It was reported in a police report noted below :

"A fresh wave of revolutionary activity is gathering momentum. A large number of the terrorists are involved in this new movement, which is closely connected with communism

95. Abdur Rab, A.K. Fazlul Huq, p. 88. As quoted in Amalendu De, Pakistan Prastab O Fazlul Haq, (Calcutta, Ratna Prakashak, 1972), p. 32.

96. Shila Sen, op.cit., p. 21.

and the methods adopted by the Russian revolutionaries. Terrorists have already realized that a revolution cannot be brought about by terrorism alone. It does not produce the social and economic chaos which is the necessary preliminary to a violent revolution. Vigorous propaganda on these lines is going on in many quarters ... among students, industrial workers and agricultural labourers."⁹⁷

By 1938 in most of the erstwhile Bengal districts the Kisan Sabha formed its branches and its membership rose to 50,000 in 1938-39.⁹⁸ Meanwhile, the Kisan Sabha strongly demanded the total abolition of the zamindari system without compensation and free distribution of land among the landless and small peasants, and also cancellation of their debts to the moneylender i.e. Mahajans.⁹⁹

It may be a worthwhile to look at the election results of 1937. Out of 250 seats in the House, the Congress had won 60 seats, Muslim League 40 seats, Krishak Praja Party 35 seats, Independent 43 Muslim seats including two of the special constituencies, Independent Scheduled Caste Group 23 seats, and non-party Caste Hindus 14 seats. The Europeans had 25 seats, while 4 went to the Anglo-Indians.¹⁰⁰ But soon the twenty members of Independent Muslims joined the Muslim League and its membership rose to 60 in the Assembly. Others joined the Krishak Praja Party and its membership rose to 58.¹⁰¹

97. Bengal Police Administrative Report, 1935, Para 32. As quoted in Binay Bhushan Chaudhuri, *op.cit.*, p. 355.

98. Sunil Sen, *Agrarian Struggle in Bengal 1946-47*, (New Delhi, People's Publishing House, 1972), pp. 20-24.

99. Memorandum by the Bengal Provincial Kisan Sabha in Government of Bengal, *Report of the Land Revenue Commission of Bengal, Vol. VI*, (Alipore, Bengal Government Press, 1941), pp. 55-58.

100. List of Members of Bengal Legislative Assembly, 1937. See *Indian Annual Register*, Vol.I, 1937, pp. 148-149. and also in Rangalal Sen's *Political Elites in Bangladesh*, pp. 42-43

101. Abul Mansur Ahmed, *op.cit.*, pp. 133-134.

Since the election programme of the Congress and the Praja Party were almost identical, there might be a tacit understanding between these two parties against the Muslim League.¹⁰² It was very natural that a coalition ministry in Bengal would be formed with these two parties. But the efforts failed due to the anti-coalition attitude of the Congress central leadership.¹⁰³ Thus Fazlul Huq was bound to form a coalition ministry with the Muslim League, Independent Scheduled Caste MLA, some non-Congress Hindu MLA's and Nalini Ranjan Sarkar.¹⁰⁴

It is interesting to mention here that being a leader of the Krishak Praja Party A.K. Fazlul Huq formed an eleven-member ministry where five of them were Zamindars. They were Sir Nazimuddin, Khwaja Habibullah, Sir Bijoy Prasad Singh Roy, Maharaja Sris Chandra Nandy and Prasanna Deb Raiket. Nawab Musharaff Hussain was a tea industrial magnate,¹⁰⁵ and at least six who were elected in the special constituencies had no direct contact with the people. Of the eleven ministers, four were from the Muslim League and three from Krishak Praja Party including Fazlul Huq. So the ministry was dominated by the representatives of the Muslim landlords and businessmen belonging to the Muslim League.¹⁰⁶

It was clear that with the class composition of the ministry it was not possible to implement the election manifesto of the Krishak Praja Party. The twenty prominent leaders of the Praja Party issued a statement on March 30,

102. Gautam Chattapadhyya, op.cit., p. 141.

103. Gautam Chattapadhyya, op.cit., p. 147; Shila Sen, op.cit., p. 91; Amalendu De, Pakistan Prostab ..., op.cit., p. 39; Indian Annual Register, Vol.I, 1937, pp. 48-49; Bengal Legislative Assembly Proceeding, 18th session, 1944, Vol. LXVII-No.2, p. 208.

104. Indian Annual Register, Vol.I, 1937, p. 49.

105. Anil Chandra Banerjee, Vol. II, op.cit., p. 324.

106. Shila Sen, op.cit., p. 95.

1937 and criticized the composition of the cabinet.¹⁰⁷ The circumstances after the formation of the cabinet made Fazlul Huq isolated from his own party and soon it compelled him to join the Muslim League in October, 1937. Thus Fazlul Huq gained, according to Shila Sen,

"the reactionary Hindu and Muslim League leaders; it was clear that his position depended on their support only. There were other factors also. The solid block of European members who commanded 10 per cent of the Assembly votes also supported this combination. It was a precarious situation for Fazlul Haq."¹⁰⁸

The combination of these socio-political forces was clearly discerned in the constitution of the land revenue commission which was set up on November 5, 1938 under the Chairmanship of Sir Francis Floud. The Floud Commission consisted of 10 members. Most of whom were the big zamindars themselves namely the Maharaja of Burdwan, B.K. Roy Chowdhury of Gouripore, Khan Bahadur Momen and apologists of the Permanent Settlement like Dr. Radha Kumud Mookerjee.¹⁰⁹

On December 12, 1938, the Commission published a questionnaire and sent it to the various associations, persons and Government officials who were concerned with the land revenue system of Bengal. But the replies to the questionnaire were received from twenty Landholders' Associations, three managers of the big zamindari estates, five Associations of the tenants, sixteen Bar Associations, three Anjuman Associations, two political parties, twenty three government and ex-government officials including five Europeans, and a number of concerned associations namely the Baptist Mission, the Bangiya Brahman Sabha, the

107. Ananda Bazar Patrika, March 31, 1937. As quoted in Ibid, p. 95 (Foot Note No. 42).

108. Ibid., p. 96.

109. Gautam Chattopadhyaya, op.cit., p. 150.

Bengal Mahajan Sabha, the Bengal Provincial (Cooperative) Bank, and the Hindu Sabha.¹¹⁰ It is important to note here that the two major political parties - the Congress and the Muslim League did not submit their reports to the Commission. The Krishak Praja Party also did the same.¹¹¹ But its district organization of Bakerganj submitted its own views to the Commission.

The views and comments received by the Floud Commission from the above mentioned organizations were both for and against the abolition of the zamindari system in Bengal. For example, the British Indian Association and the Bengal Landholder's Associations were vehemently opposed to the abolition of zamindari system, while the Bengal Provincial Kisan Sabha was very much in favour of the abolition of zamindari system. The above mentioned Pro-zamindar Association put forward certain important arguments some of which are noted below. According to the leaders of the British Indian Association,

"... the zamindars were proprietors of land before the Permanent Settlement, and that they were formally recognised as proprietors, not converted into proprietors, by the Regulation of 1793. The origin of the proprietary and hereditary rights of zamindars cannot be stated with precision."¹¹²

In 1793 there was a written contract between the state and the zamindars regarding the Permanent Settlement of land. Thus the association argued :

"The Settlement was neither a simple ordinary contract, nor a simple ordinary enactment, but a solemn conveyance, designed by Permanent,

110. Report of the Land Revenue Commission, 1940, Vol. II,
op.cit., pp. 14-16.

111. Ibid, pp. 17-18.

112. Report of the Land Revenue Commission, 1940, Vol. III,
op.cit., p. 138.

executed by the Court of Directors, and delivered by the then Governor-General. The rights of zamindars were confirmed for considerations, pecuniary, political and economic, past, present and future, and as such cannot be altered or modified without the consent of the party affected or without due compensation being made."¹¹³

With the introduction of Permanent Settlement in 1793 the private property in land was only institutionalized in Bengal. The Zamindars put great emphasis on the positive aspect of private property.¹¹⁴ The impact of private property in land on the character of an individual in Bengal was vividly expressed by Rabindra Nath Tagore in the following manner :

"Property is a medium for the expression of our personality. Most often and for most men, property is the only frame that can give a foundation for such creation of a personal world. It is not merely money, not merely furniture; it does not represent merely acquisitiveness but an objective manifestation of our taste, our imagination, our constructive faculties, our desire for self-sacrifice ... Property is the unity of wealth that makes for communal prosperity when it is alive to its function. Our wisdom lies not in destroying separateness of units but in maintaining the spirit of unity in its full strength."¹¹⁵

The various government reports recorded the beneficial role of the zamindars in the socio-economic development in Bengal during the first half of nineteenth century. The zamindars were primarily responsible for the humanitarian work in the province. They established, according to the British Indian Association, hats and bazars, constructed and maintained roads and embankments which led to the increase in the prices of agriculture. The landlords provided subsidies to local dispensaries and physicians, and encouraged education, gave impetus to

113. Ibid, p. 151.

114. Ibid., p. 132.

115. As quoted by the British Indian Association, Ibid, p. 132.

indigenous trade and industry which helped the growth of rural middle class. In the second half of the last century the Government introduced the system of local self-government which facilitated rural welfare, but services of "landlords were as essential as when they were needed in the formative period of the social and economic history of Bengal, that is, in the first half of the nineteenth century."¹¹⁶ The British Indian Association proudly pointed out the zamindar's roles which were appreciated in a minute of Sir Richard Temple during the great famine of 1874.¹¹⁷

To put forward their arguments in favour of the zamindari system the said Association strongly felt that the zamindari system itself directed the capital and energy of zamindars to the economic development of the country. At that time it was not possible on the part of any individual or Government to work for the progress of agriculture. Because, as Lord Cornwallis estimated, one-third of the country's territory was fit for cultivation during 1793. The investment of capital by the zamindars on land accelerated the process of cleaning the jungles and brought vast tract of the non-cultivating land under cultivation. As a result, by 1825 the association claimed, "agricultural prosperity set in indicating the extension of cultivation and the increase of population."¹¹⁸

Due to the Permanent Settlement not only the zamindars benefitted but also the agricultural community as a whole derived profit. Thus "we have got stronger and prosperous middle classes and contented tenantry paying a very low rate of rent."¹¹⁹ Another important factor for the emergence

116. Ibid, p. 128.

117. Ibid, p. 129.

118. Ibid, p. 157.

119. Ibid, p. 170.

of middle class was subinfeudation process. This process was claimed to have broadened "the basis of agrarian capitalism; the middle classes thus developed a direct stake in the system."¹²⁰

Thus opposing the abolition of the zamindari system the said Association expressed its views that it

"... has fashioned Bengal's rural economy, given shape to her social structure, and has added richness and variety to her culture. Its replacement is neither an easy task, nor should it be attempted for ills which could be remedied by legislations and other steps."¹²¹

The memorandum of the British Indian Association highlighted the legal aspect of Permanent Settlement and in this respect their arguments were very much genuine. The question of the abolition of Permanent Settlement did not arise from the legal point of view. Because at that time laws were primarily made to serve the colonial government, and the Permanent Settlement was introduced in Bengal for that purpose. Thus the questions of peasants' rights and agricultural development did not get priority in the thinking of the British rulers. The introduction of peasants' rights in land and agricultural development is inextricably connected with the socio-structural change of Bengal society, which was not naturally liked by the British Government, landlords and propertied political leaders. For instance, the Bengal Landholders' Association in its memorandum warned against abolition of the Permanent Settlement because it lead to a "complete social revolution with the communists on the top."¹²²

120. Ibid, p. 176.

121. Ibid, p. 179.

122. Ibid, p. 73.

The opinion of the Tenants in this respect were also very important to understand class interests and contradictions prevailing in Bengal society at that time. The Bengal Provincial Kisan Sabha was the spokesman of the peasants in the then Bengal. In its memorandum, the Bengal Provincial Kisan Sabha argued that in the real sense of the term the zamindars were not the proprietors of land. The Permanent Settlement conferred unrestricted right of land upon the zamindars. As a result, the peasants of Bengal were suffering from poverty and diseases to a great extent. The Kisan Sabha leaders maintained that most of the evils in the social life of Bengal were the direct or indirect results of the Permanent Settlement. According to them, the Permanent Settlement,

"provides an iron framework within which little in the way of practical reform can be effected. A legislative reform may be placed in the statute book, but it can be rendered nugatory by the power that rests with the landholding class. If it is intended to take the landholder, he can easily pass the burden on to those beneath him. One of the striking facts of the history of land legislation of the last century is that the good intentions of such Acts as those of 1859 and 1885 have come to naught and the abuses they sought to put down continued in an aggravated form."¹²³

Under the circumstances, the Kisan Sabha pointed out that the demand for the abolition of Permanent Settlement was the outcome of "deep rooted understanding of the impossibility of tinkering with the present systems of land tenure."¹²⁴ To the Kisan Shabha, the zamindar was

"simply and solely a Government agent with delegated powers; he collected from a certain area the moneys due from the peasant."¹²⁵

123. Report of the Land Revenue Commission, 1941, Vol. VI, op.cit., p. 5.

124. Ibid, p. 6.

125. Ibid, p. 10.

The said peasant organization added that "there can be no question that the appointment of a zamindar is an office. To deny this appears to me like denying that a man has a nose upon his face."¹²⁶

This view was supported by a British Official who wrote that a zamindar "as such, was originally the mere steward, representative or officer of the Government ... As zamindar he possessed no right whatever in the soil itself."¹²⁷

The zamindars exploited the peasants through revenue collection for the government which reduced the raiyats all over Bengal to hopeless indebtedness.¹²⁸ It is interesting to know how the zamindars were successful in extracting not only from the peasants, but also from their colonial masters. It was decided that from the total collection of revenue the government should take 90 per cent and rest 10 per cent was for the zamindars. The Company from 1765 to 1793 had been collecting little more than three crores of rupees as land revenue. But the Krishak Shaba argued :

"... according to the Cess Report of the Revenue Board the zamindars obtained 16½ crores approximately from the raiyats ... According to this arrangement (i.e., the proportion fixed in 1793), the zamindars ought to have received Rs. 40 lakhs; instead they appropriated Rs. 12½ crores, while the raiyats are actually paying 30 times more to zamindar than their due for the collection of revenue. For a century and a half the zamindars have appropriated a total amount of Rs. 1,800 crores approximately."¹²⁹

According to the Kisan Sabha, Bengal hardly benefitted from the Permanent Settlement. Rather just reverse was the case. The alluvial soil of Bengal had potentiality of

126. Patton, Asiatic Monarchies, p. 83. As quoted in Ibid, p. 10.

127. A.D. Campbell, 1822. As quoted in Ibid, p. 10.

128. As quoted in Ibid, p. 25.

129. Ibid, p. 36.

developing her own resources and as such all

"... to feed a population even greater than that which it supports, however meagrely, at the present moment. Not only has agriculture in the province failed to utilise the advance of science to increase its productivity, not only have no improvements in the land or in the mode of farming been made, but we actually see that the productivity of the land per acre has decreased with fragmentation of holdings. Moreover, in Bengal there are still vast areas of culturable waste estimated to be as much as one-fifth of the cultivated area. The reclamation of waste lands is a task that cannot be undertaken without capital; apart from other difficulties, irrigation and drainage schemes are necessary. The landlords, we have seen, have proved themselves unwilling or unable to undertake such a task; they are content merely to collect their rents. And as for the Government, it would appear that without the incentive of a potential increase in its revenue therefrom, such a task is not likely to be considered feasible. The ability, therefore, of the province to feed itself in the future must depend upon the determination which the whole problem of revising the land tenure system and the rehabilitation of agriculture is tackled."¹³⁰

As regards the compensation to the zamindars in case of the abolition of Permanent Settlement, the Kisan Shaba argued that "the zamindars have obtained so much profit out of their estates that they require nothing more."¹³¹ A prominent leader of Kisan Shaba and a member of the Legislative Council of Bengal, Mr. Bankim Mukherjee remarked to the Flood Commission that :

"... The land revenue system has already broken down but 80 per cent. of the Cabinet are landlords who want to revive the system. The recent tenancy legislation, ... was conceived by the landlords themselves and introduced in order to give the landlords a longer lease of life."¹³²

130. Ibid, pp. 41-42.

131. Ibid, p. 64.

132. Ibid, pp. 64-65.

However, after a long deliberation the Floud Commission recommended for the abolition of zamindari system in Bengal in 1940. But it was not possible on the part of the ministry of Bengal headed by Fazlul Huq to implement its recommendations since most of the members of the Cabinet, the Legislative Assembly and the main opposition party i.e. the Indian National Congress were against the recommendations of the Commission. With reference to the critical attitude of the Indian National Congress in regard to land reform Fazlul Huq in his welcome address to the special session of the All India Muslim League in April, 1938 at Calcutta maintained that

"The Congress loudly proclaims itself to be the friend of the Tenantry. And yet, what has the Congress Ministry done in Bihar for the Kisans as compared with what we have done for the Projas in Bengal? Let me give you a few salient points of contrast. In Bihar, 'Salami' has been retained at eight per cent while in this non-Congress province of Bengal it has been abolished altogether. In Bihar the right of zemindars to realise rent through certificates still obtains, but here it has been done away with. Here in Bengal we have also stopped enhancement of rent for a period of ten years but in Bihar no such relief has been given to the poor tenants... And yet Congressmen call themselves better friends of the masses than we of the Bengal coalition ... "133

Although A.K. Fazlul Huq was successful to form a coalition ministry with the Muslim League, his party was minority in his Cabinet. His own party members left him and blamed him as renegade. At that time the various political parties and peasant organizations including Kisan Sabha organized agitations and demanded implementation of the election programmes of Krishak Praja Party. The British Government could not appreciate Fazlul Huq's second coalition ministry with the backing of the Indian National Congress, instead of Muslim League in December 1941.

Due to some unconstitutional measures and the conspiracies of the British Government as well as other opponents of Fazlul Huq, his ministry reached a very critical stage. This is well revealed in the following letter of Fazlul Huq to the Governor of Bengal in August 2, 1942, in which he stated :

"Broadly speaking, there are two classes of cases ... In the first category I will put that class of cases wherein I have detected your personal interference in almost every matter of administrative detail, including even those where your interference is definitely excluded by the Government of India Act ... As it is, the Act is bad enough and is no better than a clever subterfuge by which the permanent officials have got all the powers but no responsibility, whereas the Ministers have all the responsibility and no powers. But the camouflage with which the Act abounds is so transparent that it is not difficult to detect that, beneath the pretentious device of Ministers functioning in a system of Provincial Autonomy, the real power is still vested in the permanent officials; the Ministers have been given a mockery of authority, and the steel frame of the Imperial Services still remains intact, dominating the entire administration, and casting sombre shadows over the activities of Ministers."134

In the above background Fazlul Huq's second coalition ministry fall in 1943. Naturally, it was not possible on the part of the weak ministry led by Fazlul Huq to implement the recommendations of the Floud Commission in regard to the abolition of zamindari system in Bengal. However, it was implemented in East Bengal after Partition of India in 1947 through the acquisition of zamindaries by the respective government in 1950. It was thus easier since most of the big zamindars whose estates were acquired by the Government of East Bengal belonged to the Hindu upper castes in a predominantly Muslim Society.

134. Bengal Legislative Assembly Proceedings, July 5, 1943, Vol. LXV, p. 45.

CONCLUSIONS

To the students of Sociology the study of land tenure system in any agrarian society is of utmost importance for the understanding of its social structure. It includes the various types of tenurial relationship that existed in the system of land ownership which is subject to change and takes many forms under the different historical phases of the development of society concerned. It is, therefore, not possible to understand the existing land tenure system of a particular society without knowing the historical background of the formation of different land ownerships.

In the case of Bengal, as is well known, the present land tenure system is largely a product of British colonial rule. The English Commercial Company occupied Bengal, which had been, as some colonial administrators described, the wealthiest part of India. The conquest of Bengal by the British led to destruction of its traditional social structure which took a new shape under its colonial rule. With the capture of political power in Bengal, the colonial rulers tried to reorganize the entire socio-economic set up of Bengal through various administrative measures. Of these measures, the Permanent Settlement of 1793, doubtless, consolidated the British rule in Bengal. For it created a new class of landowners in western sense of the term who were known as zamindars. They were mainly traders or banyans or the compradors of East India Company. This new land system vested the right of ownership in land with the zamindar but without political power. The collection of revenue from the peasants became their main concern. It appears from this study that the highest stratum of the new landed class of Bengal was largely absentee landlords,

and as such they had very little interest in agricultural improvement rather than living a luxurious life in urban centres, particularly in Calcutta. The subinfeudation (i.e. Patni system) process is thus both a cause and an effect of the absentee landlordism in Bengal.

The absence from the estates and their luxurious living in urban centers produced farreaching consequences on the socio-economic life of Bengal. Through the process of subinfeudation several categories of middlemen were created in rural social structure. In the above situation, contradictions developed between the zamindars and peasantry of Bengal. The peasantry demanded the stoppage of illegal taxes to be collected by the zamindars and their subordinate landholders. But it was not possible for them to organize a nation wide movement on these issues because they lack adequate political and class consciousness for forming a nation-wide organization. With some exceptions, their grievances could produce nation-wide impact.

Naturally there arises some questions about the lack of class consciousness and organization of the peasantry. The existing social structure was responsible for this. In the rural social structure of Bengal the zamindars and various categories of revenue collectors formed the upper social strata whereas peasantry belonged to the lowest social strata. The peasantry could not realize the fact that the zamindars as a class was fully dependent on the British colonial rulers both economically and politically. Thus they could not conceive of struggle against the colonial rule without going against the zamindars. The situation greatly changed with the birth of the Communist Party in Bengal

in early twentieth century. This party through its own peasant organization first introduced radical politics which aimed at changing the colonial social structure as well as the abolition of the existing land tenure system.

The present study shows that the Muslim middle class that emerged under the new socio-economic structure in early twentieth century Bengal was largely a creation of various administrative measures such as Permanent Settlement and English education. It is evident that bulk of the Bengali Muslim middle class came from the Jotedar category and rich peasant families. These economic class used to enjoy greater benefits of the sub-infeudation process. Not only that, in many places of Bengal, the Jotedars became economically more powerful than zamindars. But zamindars still had higher social status. The English educated Muslim middle class provided leadership in the politics of early twentieth century Bengal. The formation of the Krishak Praja Party was a case in point. The party supported the demand for the abolition of the zamindari system.

It is observed in the present study that in Bengal the political struggle and organization built up on the basis of class consciousness was primarily the work of the Marxists. The Communist Party of India through its various class organizations such as peasants and workers began to build up anti-colonial movements in Bengal.

The present study pointed out that the political parties which opposed the abolition of zamindari system in Bengal were the Indian National Congress, Swaraj Party and the All India Muslim League. These parties represented the upper class i.e. big businessmen, industrialists, zamindars, English educated middle class, bureaucrats and different

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professional grupos. These classes and groups were the chief beneficiaries of the British colonial rule in India. But there were contradictions among them on different issues. With the formation of Bengal Legislative Assembly in 1937 the class interest of these political parties became manifest. The differential election programmes of the Krishak Praja Party and the Muslim League were the clear examples in this respect so far as the Muslim Society of Bengal was concerned. The formation of the Flood Commission was the result of the contradictions of these forces represented in the Assembly. And this Commission submitted a report in 1940 which formed the primary basis for the abolition of the zamindari system in Bengal.

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