Chapter 5

INTELLIGENTSIA PERCEPTION OF AGRARIAN ISSUES IN THE LATE 19th CENTURY

Till the enactment of Act X of 1859, agrarian thinking in Bengal was primarily concerned with the condition of the ryots under a system which left the rights of the ryots undefined. But in the post-1859 period, thinking reached a level of maturity. The intelligentsia became concerned about other agrarian issues. To their newly awakened legal sense, the legal uncertainty of the peasants’ position was a matter of serious concern. There was a growing demand for legislative interference to rectify the uncertain nature of the peasants’ position. The question of landlord-tenant relationship in the rural countryside also attracted their attention. They became increasingly concerned with the growing deterioration in this relationship and concertedly tried to convince the government about the gravity of the situation and the need for remedial action. As there was more and more depiction in contemporary literature and journals of the exploitation of the ryots by the zamindars and the impoverished state of the former, the intelligentsia became increasingly aware of the problem and began to look for a satisfactory solution.

Among other issues which interested the intelligentsia were the relationship between the moneylender and the ryots, the structure of landed society, poverty, indebtedness, agricultural commercialization and the general nature of agriculture. It is not that the late 19th century intelligentsia always offered a coherent solution to all agrarian problems or that, they always had an accurate understanding of these problems. The exactness of many of their ideas has been questioned by recent researches. However, it is not our intention here to question the validity of their ideas. We have attempted to present logically, the ideas of the intelligentsia on some of the major agrarian issues in the late 19th century. They widely used the press to voice their demands and express their ideas. The ideas of the intelligentsia were reflected in the articles they wrote in the newspapers and in some cases in some major literary works, particularly prose and plays.
5.1 Landlord-tenant relationship and the Bengali intelligentsia

In view of the heightening tension between the landlords and the tenants, the intelligentsia hoped that the government would soon remedy the defects of the Permanent Settlement. After a prolonged period of non-intervention, spanning over six decades, the government enacted Act X in 1859. But it soon became clear that, instead of restoring amity between the landlords and the tenants, it contained the seeds of growing tension. Act X was only a half measure which did not serve the interests of either the landlords or the tenantry. Under the Act, the new occupancy ryot was required to furnish the almost impossible proof that he had held every particular field of his holding for 12 years. The zamindars moreover, could easily evade the law by shifting his tenants from one field to another in order to prevent the accrual of occupancy right. Besides, the law also allowed the ryot to contract himself out of the occupancy rights. Consequently, the capricious zamindars often successfully forced the ryots to give up their occupancy title. Moreover, the Act neither gave the occupancy ryots any protection from constant enhancement, nor determined any rules for fixing an equitable rate of rent. The law did not define the occupancy ryots' right to improvements or determine his right in them in the event of his eviction.

Under the Act, the right of enhancement of rent by zamindar was very difficult since he had to furnish the impossible proof that he was in the same proportion in which the increase in the value of produce had taken place. The Act thus placed the right of occupancy which it recognised in the tenant and the right of enhancement in the landlords, on a precarious footing. It gave, or proposed to give the ryot a right, which he could not prove and the landlords, one which he could not enforce. Quite naturally, the Act came under fire.

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Landlords strongly reacted to the Act. To the landlords, the provisions relating to occupancy right were rightly distasteful. They also demanded greater facilities for enhancement of rents. They were led by Joykrishna Mukherjee of Uttarpara who, characterised the Act as ‘an apple of discord’ which, had vitiated the entire relationship between the landlords and the tenants in Bengal and asked for its revision. The British Indian Association complained that the existing Act was not precise, distinct or adequate with the result that neither the tenants nor the landlords could clearly comprehend their respective rights. Consequently, the secretary of the Association demanded that the law should be suitably amended, greater facilities should be given for the proper realisation of rents and definite rules for the enhancement of rents should be laid down.

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1 Refer to chapter III for provisions of the Act.
2 Mukherjee, Radharaman, op. cit., p.87.
3 Bengalee, 28 October, 1873; Friend of India, 16 October, 1873.
4 Letter from the Secretary, British Indian Association to F. Clarke, offg. Secretary to Government of Bengal, dated 12 June, 1875 (British Indian Association Records), Progs. of the Annual meeting, dated 7 and 29 April, 1874, Circular dated 8 June, 1875 (British Indian Association Records), cited in K.K. Sengupta, Pabna Disturbances, p.118.
The main argument of the landlords was that its enactment was a direct violation of the Permanent Settlement. Joykrishna Mukherjee said that some sections of the Act infringed on the zamindar's rights and privileges and reduced him to the position of a tax collector. At a meeting of the British Indian Association on 28 July 1865, he stated that it had done no good either to the zamindar or to the ryot. He believed that, after six years of the passing of the Rent Act there was a widespread feeling that some of its provisions had introduced great confusion and uncertainty into the system of land tenure creating a split between zamindars and ryots forever.

Most important alterations made in the existing law by Act X, which were greatly resented by the landlords were to be found in sections VI and XI which declared that, zamindars could not any longer compel attendance of peasants at their courts for the adjustment of rent or for any other purpose and created the occupancy right. Certain zamindars and other landholders of Nadia made a petition to the legislative council for amendment of those sections of Act X.

The East Bengal Landholder’s Association said that the Act gave a very important position to the ryots by the bestowal of the right of occupancy; but by its creation the government took away from the zamindar a portion of the rights conferred on them by the Permanent Settlement.

The landlords used to regard themselves as sole proprietors of lands. Hence, to them the right of occupancy was an invasion of their right conferred on them by the Permanent Settlement. This idea led them to prevent as far as possible growth of the right of occupancy. The resentment of the landlord class with regard to the occupancy right was largely due to the fact that the right was closely linked with right of enhancement which, the landlords thought had been greatly limited by the Rent Act. The landlords desired a speedy realisation of rent and greater facilities for the enhancement of rent. They wanted that the provisions concerning occupancy right be abolished.

The English business community in Bengal generally extended support to the landlords and urged the government, to modify those provisions of the rent law which expressly acted against the interests of the former. The British civilians desired a change because the ‘agrarian conflicts not only disturbed the social equilibrium in the districts but also caused great administrative difficulties.

In the twenty years following the enactment of Act X, the landlords carried on a prolonged struggle for the restoration of their rights. The ryots on the other hand, had no platform of their own from which to voice their grievances and demands. They had no association of their own. The act did not satisfy them. The large section of under-ryots was ignored by it. Ultimately, driven to despair by the exploitation of landlords they would rebel in 1873.

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5 A lover of justice, Permanent Settlement Imperilled.
6 Bengal Land Revenue Progs, no. 2, 1861.
7 ibid., nos. 14-52, 14 February, 1879.
8 Progs. of the British India Association’s annual meetings, dated 7 and 29 April, 1874.
9 Sulabh Samachar, 2 September, 1873.
when a large part of the Bengal countryside would be affected by agrarian disturbances.

The mounting tension between the two classes soon attracted the attention of the intelligentsia. Both classes found their supporters among them. Those who criticised the Act were frankly partisan in their attitudes. Many of them strived to protect their vested interests by expressing solidarity with the landholding classes. However, there was also a section which emerged as champions of the interests of the ryots. In the 1860s and 1870s, they struggled to safeguard the interests of the latter and were vocal in their condemnation of the exploitation of the zamindars. Depending on whose interests they supported, the intelligentsia may be broadly classified into two groups — pro-landlord and pro-ryot.

In this section, the handling of the problem of landlord-tenant relationship is to be studied in two broad phases. The first phase constitutes the twenty year period following the enactment of Act X. In the second phase is to be seen how the two sections tried to safeguard the interests of the agrarian class they were defending during the marathon rent controversy between 1880-1885, inaugurated by the appointment of the Rent Law Commission which culminated in the enactment of Bengal Tenancy Act in 1885. This was a chance to ensure the practical application of their respective claims.

5.1.1 Intelligentsia support for the landlords

It was the British Indian Association which first came forward in support of the landlords. It was formed in 1851 by the landed aristocracy. It included, among others, well-known men like Radhakanta Deb, the Derozian Rangopal Ghose, landlord and lawyer Prasanna Kumar Tagore, Calcutta High Court Judge Sambhunath Pandit. Its landlord members were determined to maintain every clause of the Permanent Settlement. It was based on an alliance between the landowners and the merchants and a certain segment of the intellectuals. An alliance between landowners and merchants was easily achieved, since they formed sections of the same class; and at many points the two sections overlapped. It was customary for prosperous merchants to invest capital in land. But the intellectuals who joined the Association were not landowners.

The case of Kristodas Pal is worth mention. In 1858, he was appointed Assistant Secretary of the British Indian Association. Very early in his life, he made a mark as a journalist and became editor of Hindoo Patriot. He had great influence on the zamindars. In his dual capacity he found ample outlet for his skill and for almost a decade he enjoyed political leadership. In 1872, the government nominated him a member of the Bengal Legislative Council. Again when the Bengal Tenancy Bill was being considered, the idea occurred to the Governor-General, Lord Ripon, of appointing a representative of the zamindars to his Council. Entrusted with the selection, the British Indian Association chose K.D. Pal. Week after week he conducted an agitation to prevent infringements of the Permanent Settlement. Neither in his speeches, nor in his writings did he ever criticise the conduct of the landlords, men who lived in luxury and indolence. Consequently, he lost the right and power to lead the rapidly growing middle class.
The *Hindoo Patriot* became a mouth-piece of the British Indian Association. This journal had during the indigo rebellion, under the leadership of Harishchandra Mookherjee, vehemently supported the peasantry. After his death K.D. Pal became its editor in 1861. From then till the latter's death in 1884, it was to act as a champion of the rights of the landlords. The management of *Hindoo Patriot*, started in 1853, soon became the responsibility of a body of trustees who were prominent members of the Association. The *Hindoo Patriot*\(^{10}\) blamed Act X for destroying the goodwill between the landlords and the ryots. There was a demand for a change in the agrarian law and a clear definition of the relation between the zamindars and the ryots, a demarcation of their individual rights. It found that the administration of Act X by the civil courts had made serious encroachments upon the rights of the landlords. Whatever the complaint, it was all on the side of the latter; it concluded that the ryot was well-off\(^11\). Thus, it felt extremely grieved to see that the solemn pledges given by Lord Cornwallis had now been violated by the government. The *Hindoo Patriot* observed:

> The old good feeling between the zamindar and ryot had been destroyed; the latter who used to look up to the former as his ma-bap (paternal relationship), no longer cherishes him the same regard; discord had taken the place of harmony and hostility that of amity\(^12\).

Another pro-landlord journal *Spectator* observed that Act X deprived the zamindars of many of their feudal privileges, such as that of compelling by force any tenant to attend the estate office. This created an impression among the tenantry that the sovereign was on their side. The *Amrita Bazar Patrika* vehemently attacked the government for taking away this right from the zamindars and made the government, responsible for teaching the ryots to have recourse to courts on every trifling occasion\(^13\). It was published since 1868 and edited by Sisir Kumar Ghosh. His pro-landlord stance during this controversy, was in marked contrast to his active support for the rebelling indigo peasants. It also blamed Act X for destroying the goodwill between the landlord and the ryots and appealed, for a demarcation of their individual rights.

The agrarian crisis in Pabna in 1873, gave the landlord class an occasion to vent their indignation against the Rent Act and the government. The pro-landlord press made the Rent Act responsible for the beginning of the peasants' rising in Bengal. The *Amrita Bazar Patrika* remarked:

> In the country in which from the immemorial upto twenty years ago, the landlord and the tenant were as father and son ... the penal code and Act X have destroyed the cordial relation between the landlord and the tenant\(^14\).

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\(^{10}\) Bengalee, 5 July, 1873.
\(^{11}\) Hindoo Patriot, 13 October, 1873.
\(^{12}\) Ibid.
\(^{13}\) Bengalee, 5 July, 1873.
\(^{14}\) Amrita Bazar Patrika, in Bengalee, 5 July, 1873.
The *Truth* remarked:

The fact is that the law governing the ryots and the landholder is extremely defective and quite different from the spirit of the age. It is absurd to expect with this state of the law to see the relation of zamindar with his lands and tenants placed on a satisfactory footing.\(^{15}\)

*Desh Hitoishini* suggested a scheme of reforms as the best way to reconcile the differences between the zamindars and the ryots:

Let the land be divided into different classes according to its productive quality and a certain rate of rent be fixed on each class. The zamindars will be bound to levy only those rents and the ryots to pay them under the orders of government. Neither party will be distressed and the zamindars will make themselves liable to punishment if they try to extort more ... If some such arrangement is not made and the Permanent Settlement rights infringed upon, neither party will be benefited; on the contrary it will tend to increase the existing ill-feeling.\(^{16}\)

Writing on behalf of the landlords the *Hindu Ranjika*, edited by Srinath Singha the president of Boalia Dharmasabha of Dacca, pleaded for revision of the Rent law since the existing law was absolutely inadequate to give the zamindars their due.\(^{17}\) This was in fact, the overall demand of the intelligentsia supporting the landlords' cause in the post-1859 period. They wanted pre-1859 status quo to be maintained. They wanted no change in the Permanent Settlement. They wanted for the landlords, unrestrained right of rent enhancement, eviction and distrain. They were against any form of occupancy rights for the peasants.

In the meantime, combined peasant resistance led the zamindars to realise that mere coercive measures were not sufficient to frighten the ryots into submission. Therefore, attempts were made by the zamindars to contain their challenge by granting since 1874 large number of perpetual leases. Zamindars evidently, were facing great difficulty in the collection of rent in the face of growing tension in agrarian relation and decided to share agricultural profits with the under-tenure holders instead of, taking all the trouble for the collection of the same. With the same end in view, they pressurised the government to compel the occupancy ryots to part with them a portion of the profit. In 1876, in the course of the debates on the Agrarian Disputes Act, Kristodas Pal urged that the indefiniteness of the Act X of 1859 had brought suits for the adjustment of rents to a deadlock.\(^{18}\) Lt. Governor Temple concurred with the opinion that some principle for determining of rent

\(^{15}\) *Truth*, in *Bengalee*, 6 September, 1873.
\(^{16}\) *Sahachar*, 16 February, 1874 (*RNP*).
\(^{17}\) *Hindu Ranjika*, 31 December, 1870 (*RNP*).
\(^{18}\) *The Gazette of India*, 1883, Extraordinary, p.130.
should be fixed by legislation, and in August 1876 proposed to introduce a Bill to define the principles on which the right of occupancy ryots and tenure-holders should be fixed, to simplify the procedure for realising arrears of rent in undisputed cases, to extend the definition of occupancy ryots' and to render the interest of a ryot of that class liable to sale for default in paying rent and transferable by private agreement. Temple suggested that the rent of occupancy ryots should be fixed at rates less by at least 25 per cent than, the rate ordinarily paid by the non-occupancy ryots. In case of difficulty, such rent should be calculated at 20 per cent of the value of gross produce as the basis for determining the rent of an occupancy ryot. This would mean that an occupancy ryots' rent, calculated on that basis and being at least 25 per cent less would be 15 per cent of the value of gross produce.

The proposals of Temple were not, however, fully considered when, early in 1877, Sir Ashley Eden (1877-82) took over as Lt. Governor. It was then arranged that larger amendment of the law should be deferred, and a bill providing only for the realisation of undisputed arrears, be introduced at once. Eden was anxious to provide the zamindars at an early date with a reasonably summary procedure to enable them to overcome the passive resistance of their ryots. But he also wanted to see the Bengal ryots, as a class, secured in the enjoyment of those rights which the ancient land law and custom of the country intended them to have, protected against arbitrary eviction, left in the enjoyment of a reasonable portion of the profit of cultivation. But the government found it almost impossible to frame a procedure which 'shall be perfectly fair to both parties and yet afford such special facilities to the zamindar as he seeks to secure.'

It was, however, found when the bill for the recovery of the arrears of rent was introduced, that it was impracticable to limit its scope. The Bill for speedy realisation of arrear rents evoked widespread protest. It failed to satisfy either the zamindars or the ryots. The zamindars were dissatisfied with the provisions relating to occupancy tenures. They contented that the right of transferability would not be conducive to the interest of either the ryot or the zamindar. The Bill was virtually dropped and the Lt. Governor appointed a Rent Law Commission in 1879.

5.1.2 Reaction of the Pro-ryot section of the intelligentsia

In the two decades following enactment of Act X, a considerable section of the educated middle class took up a liberal stand in favour of the ryots. They were mostly engaged in the learned professions and government services. The zamindars frequently expressed their regret in saying that 'unfortunately a portion of our educated young countrymen seem to

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19 Ibid.
21 The Gazetteer of India, Extraordinary, 1883, p.130.
sympathise with the ryots. These liberal intellectuals defended the ryots' cause. But they did not enter into the depth of the agrarian problem. Even they did not desire a radical change of the agrarian structure.

Act of 1859 engendered a bitter conflict between the zamindars and the liberal intelligentsia. Lal Behari Dey, a journalist of repute, observed that:

Any one who has paid attention to the subject of the tenure of land in Bengal can hardly deny that tenure is based on the right of labour. He who clears the land of jungle becomes its owner. It is true he pays a certain share of his profits to the government or to the zamindar, who is usually a collector of tax appointed by government; nevertheless the right of ownership lies with the cleaner of the jungle, and the occupant of the soil. This theory underlies all legislation of land in this country. It is implied in the protection given to casual occupants, and in the right with which the law invests an occupant for a certain period to keep possession of the land on the payment of a customary rent. The zamindar, on the other hand, practically regards himself as the owner; and hence there has been, ever since the effecting of the permanent settlement, a perpetual struggle between the ryot and the zamindar, the one insisting on the payment of a fixed rent and the other endeavouring to enhance that rent under all sorts of protests.

Act X of 1859 renewed that struggle. Lal Behari’s Bengal Peasant Life or Govinda Samanta gives a vivid description of the lives of the poverty-stricken and exploited peasantry. Here he has described the condition of the poor Aguri peasantry of Burdwan region. On the one hand, he has written about their social life — rituals connected with birth, marriage, village school, meetings of the village women etc. On the other hand, he has shown how the peasants were exploited by the zamindars and their gomasthas and lathials; the mode of operation of the merciless moneylenders and; the exploitation of the dishonest darogas and other government officials. He was deeply pained by the sufferings of the peasants. He advocated compulsory education for them for their benefit. In this regard he wrote the essay ‘Compulsory education in Bengal’ (1869).

The charge of the landlords that Act X had encroached upon their rights was refuted by the Bengali liberal press. Both the Sadharani and the Som Prakash edited by them, argued that Lord Cornwallis had made Permanent Settlement with the zamindars but the helplessness of the peasants did not escape his eyes; that is why he passed Section 8 of Act I of 1793. It was in pursuance of this provision that both Act X of 1859 and Act VIII of 1869 were enacted. The Bengaliee defended the government for passing the Rent

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25 Speeches of the National Members of the Governor-General’s Legislature Council on the Bengal Tenancy Bill, Appendix, pp.i-ii.
26 Lal Behari Dey studied in Duff’s school. He taught for sometime in Hooghly Mohshin College. He edited journals like Sambad Arunoday, Bengal Magazine. His best literary works include Folk tales of Bengal and Govinda Samanta.
27 Dey, Lal Behari, Bengal Peasant Life, 1878, p.275.
28 Som Prakash, 1st Ashar, 1271 B.S., no.31 (RNP); Sadharuni, 11 July 1875.
Act, as it said, 'the fact is, the rent registration of 1859 was forced on the government of Lord Canning by a mass of evidences collected by Sir Frederick Halliday and Sir Frederick Currie showing that the old regulations had worked oppressively'. The *Bengal Magazine* observed that 'it was Lord Canning who composedly ventured to set at naught the absurd theories built up on the so-called 'right of propriety' of the zamindars and after a lapse of 66 years to make really earnest endeavour in this Act X of 1859 to give effect for the first time to the clause of the Permanent Settlement'. The *Reis and Rayyet* remarked that 'whatever grasping landlords may say the peasantry of a country have as good a claim on the protection of government as they. Nor can it be denied that, if they had done their duty fairly by the tenantry, the unpleasantness of state intervention between them in permanently settled Districts would not have arisen'. The *Sulabh Samachar* observed that:

> The object of the Regulations framed by the British Government for the good of ryots, is being frustrated by the machinations of selfish zamindars.

It asked for a redefinition of the respective rights of the landlords and the tenants, while the *Sahachar* suggested that the zamindars should not be regarded as the sole proprietors of land. It wanted to fix a ceiling on agricultural holdings and asked that the increased value of the land should not be appropriated by the landlords alone. Thus in the perception of some intellectuals, the zamindars and ryots were co-partners in the agricultural process.

As to the leadership and control of the journals defending the ryots' cause, most of them belonged to the professional classes. Akshaychandra Sarkar (1846-1917), the founder-editor of the weekly *Sadharani*, was educated at Presidency College. A lawyer by profession, he was founder-member and assistant secretary of Indian Association. Krishnamohan Banerjee (1813-1885), founder-editor of *Enquirer*, was founder-member of Academic Association and Society for the Acquisition of General Knowledge and also member and President of Indian Association. He was educated at Calcutta School Society's School and Hindu College and a teacher by profession. Rangalal Banerjee (1827-1887), also associated with Indian Association, edited *Education Gazette*. He was an eminent Bengali poet, who after his education in Mohsin College, Chinsura, joined government service. Surendranath Banerjee (1848-1925), was educated at Doveton College, Calcutta and Calcutta University. He joined the Indian Civil Service but, was dismissed from service. A teacher of Metropolitan and City College, he was founder-member and secretary of Indian Association and proprietor and editor of *Bengalee*. Krishnakumar Mitra (1852-1937), the editor of *Sanjivani*, was a member and assistant secretary of Indian Association. He was educated at Mymensingh District School and Presidency College and was a teacher of

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29 *Bengalee*, 25 October, 1873.
30 *ibid.*, 9 August, 1873.
31 *Reis and Rayyet*, 11 August, 1883(*RNPF*).
32 *Englishman*, 8 July, 1873.
33 *ibid.*, 2 September, 1873.
34 *Sadharani* was published from Chinsura. Bankimchandra and Jogendrachandra Basu, the writers, were associated with this.
City College. *Reis and Rayyet* was edited by Sambhuchandra Mukherjee (1839-1894). He also edited *Mookherjee's Magazine* and was a teacher by profession. Sambhuchandra was associated with journals like *Hindoo Patriot*, *Morning Chronicle* and *Samachar Hindoostani*. He wrote books like *The mutinies and the people*, *The career of an Indian princess* etc. Dwarkanath Vidyabhushan (1820-1886), educated in Sanskrit College, was a teacher and founder-editor of *Som Prakash*. He was a teacher of Sanskrit College. He edited *Som Prakash* from 1882, when it was first published, till his death in August 1882 except for a brief spell when it was edited by Mohanlal Vidyabagish and Dwarkanath's nephew, Sibnath Sastri.

The Bengali liberals however, could not be unanimous on the question whether the ryot would benefit by the Rent Act. Akshaychandra Sarkar said in the *Sadharani* that Act X of 1859 would serve as a 'fort for the protection of ryots'\(^35\). In the *Bengalee*, Surendranath Banerjee regarded the Act as the Magna Carta of the cultivating classes\(^36\). Lal Behari Dey remarked that:

> The year 1859 witnessed a great change in the status of the Bengal ryot. Act X of that year is justly regarded as the Magna Carta of the peasantry of Bengal; and though owing to causes inherent in the ryot himself... that celebrated piece of legislation has not done him all the good it is calculated to do, it must be admitted that it has effected his legal emancipation\(^37\).

However, some of the protagonists of tenant right among the liberal Bengali intelligentsia found fault with Act X. Dwarkanath Vidyabhushan, persistently pleaded for a revision of the tenant law and for the enactment of a permanent settlement between the landlords and the tenants\(^38\). R.C. Dutt shared the opinion. He forcefully pointed out that, the basic defect of Act X was its failure to secure to the tenants the right of occupancy\(^39\). R.C.Dutt said that the Act had actually done the ryots more harm than the absence of special regulation\(^40\). Bankimchandra Chatterjee, the foremost Bengali novelist of the time and a leading member of contemporary Bengali elite society, felt that Act X had failed to become a Magna Carta of the ryots. According to him, though the Act could not remove the basic agrarian maladies, it had created the conditions for almost incessant enhancement of rent. It was his contention that the number of ryots whose rents could not be raised under the Act was quite insignificant\(^41\). According to him, the Act did not restore all the rights which the peasants had lost; it did not prescribe any rule by which they could get relief from oppressions. He therefore, questioned the probity of the Act:

\(^{35}\) *Sadharani*, 9 May, 1875.  
\(^{36}\) *Bengalee*, 1 March, 1879.  
\(^{37}\) *Dey, Lal Behari, op.cit.*, chapter LIX, p.275.  
\(^{39}\) Dutt, R.C., *Peasantry of Bengal*, 1874, pp.210-214.  
\(^{40}\) *Bengalee*, 27 September, 1873.  
\(^{41}\) Chattopadhyay, Bankimchandra, 'Bangadesher krishak' (Bengal peasantry), *Bankim rachanabali*, Sam-sad edition, pp.257-314; the ideas of Bankimchandra and R.C.Dutt will be discussed separately in chapter VI.
How is that in spite of the existence of good laws and judicial courts the zamindars, who are legally guilty are not punished? ... What kind of law is that by which the weak alone are punished and which is not applicable to the powerful?\textsuperscript{42}

The \textit{Bengal Magazine} commented that the zamindars, seeing their rights clearly defined in it, had resorted to enhancement whenever convenient and had owing to their superior knowledge and wealth succeeded in many instances in obtaining all they wanted\textsuperscript{43}. The \textit{Som Prakash} remarked that section 17 of Act X did not seem to be perfect; agricultural activity had deteriorated, production reduced and suffering of the cultivators increased as a result\textsuperscript{44}.

Since, there was a rise in prices during this period, the authors of the Act of 1859 recognized zamindars' claim to enhance rent on the ground of increase in the value of the produce\textsuperscript{45}. An important factor affecting food prices and trade (both internal and external) in food stuffs had been the development of communication, particularly the construction of railways and the fall in the cost of transport. With the increase in transport facilities there was a rise in the general price level of food grains in many areas, as food grains could now be transported from district to district and to the port for export. The extension of production of crops for the market, especially the export of rice greatly affected the price of that crop. Contemporary journals were loud in criticising the government’s policy of free trade. The \textit{Sambad Prabhakar} found in it the increasing suffering of the common men\textsuperscript{46}. The \textit{Sadharani} condemned the policy of ‘Political Economy’ followed by the government\textsuperscript{47}.

Unexpected support came from The \textit{Pioneer}. The Allahabad newspaper, which generally supported official policies wrote:

\begin{quote}
But with the law now as it stands, it is pretty clear that the zamindars will have the best; the ryots the worst of a pitched battle. The Act X without knowing is a Magna Carta for the zamindars. This Act can be used against the ryots as an engine of oppression in the matter of enhancement of rent\textsuperscript{48}.
\end{quote}

All in all, Act X fell far short of the expectations of a majority of the intellectuals and did not serve the interests of either the landlords or the tenantry. It was clear to the progressive intellectuals that Act X had failed to provide a satisfactory definition of the landlord-tenant relationship. In spite of creating occupancy right in land, it failed to evolve a proper rule for enhancement of rent. Under the Act, the new occupancy ryot was required to furnish the almost impossible proof that he had held every particular field of his holding for 12

\textsuperscript{42}Majumdar, Biman Behari, \textit{op.cit.}, p.191..
\textsuperscript{43}The \textit{Bengal Magazine}, 27 September, 1873.
\textsuperscript{44}Som Prakash, 4 Aswin, 1271 B.S., no.45(RNP).
\textsuperscript{46}Letter of Humanities', \textit{The Hindoo Patriot}, 9 May, 1857.
\textsuperscript{47}Sadharani, December 1873.
\textsuperscript{48}Pioneer, 16 July, 1873.
years. The zamindars could easily evade the law by shifting his tenant from one field to another in order to prevent the accrual of occupancy right. The law also allowed the ryot to contract himself out of the occupancy rights.49

In fact, the Rent Act, specially its enhancement clause failed to satisfy landlords or the middle class intellectuals. The landlords had wanted an unrestricted right to enhancement of rent; they had also desired an unhindered collection of arrear rents; but they found that they could not secure the enhancement that was legitimately due to them.50 Therefore, they resorted to illegal means to make up for their loss and launched a crusade against the very concept of occupancy right, which had the effect of precipitating the agrarian disturbance of 1873. The liberal section also found that the rent cases had continually increased.51 The high handed attitude of the landlords had led the ryots to organize dharmaghats(strikes)52 and 'combination.'53 Hence, they wanted to bring to bear on the government the needed pressure for hastening with amendment of the Act.

In an article entitled 'What kind of settlement ought to be made between the zamindar and the ryot', the Som Prakash suggested, that the origin of all agrarian risings from the Rungpore rebellion of 1783 to the Pabna rebellion of 1873 could be traced to enhancement of rent.54 So the editor suggested that, the best means of containing the excess of zamindars in this regard was to make a permanent settlement making the zamindar a middleman between the government and the ryot. It would prevent the zamindar from annoying the ryot by enhancing his rent at his will. At the same time, a special law should be made for the punishment of those who 'improperly combine and refuse to pay their just dues.' This would gradually put an end to such combinations. None would suffer if a permanent settlement was made with the consideration of the expenses and profits of the ryots as well as the zamindars and the government and there would be no cause for dissatisfaction.55

Sulabh Samachar in particular, asked for a redefinition of the respective rights of the landlords and the tenants and like Som Prakash demanded permanent settlement between the landlords and the tenants.56 Another influential journal Samachar also pleaded for an amendment of the law and suggested that the zamindars should not be regarded as the sole proprietor of land. It wanted to fix a ceiling on agricultural holdings and asked that the increased value of the land should not be appropriated by the landlords alone.57

The Grambarta Prakashika said that, the basic defect of Act X was its failure to secure to the tenants the right of occupancy and that there should be a permanent settlement

49R.C. Dutt, The Peasantry of Bengal, pp.210-14.
50ibid., no.22, 14 June, 1661.
51Som Prakash, 18 Agrahayan, 1279 B.S., no.3(RNP).
52Bengal land revenue Fregs, no.14-70 (71), May, 1879.
54Desh Hitoishini, 1 September, 1873 (RNP 13 September, 1873).
55Som Prakash, 14 July, 1873.
56Sulabh Samachar, 2 September, 1873 (RNP).
57Samachar, 16 February, 1874 (RNP).
58ibid.
between the ryots and zamindars like that between the latter and the government⁵⁹. Its editor Harinath Majumdar (1833-1896), was born in a respectable tīl family in Kumarkhali village in Nadia. Brought up in poverty, he could not complete his education. All his life, he struggled for the cause of the poor and exploited villagers. He was associated with Sambad Prabhakar and from 1863, with Grambarta Prakashika. He later became editor of the latter. He authorised 18 books like Bijaybasanta, Kabita Kaumudi etc. He also composed baul songs⁶⁰.

To highlight the exploitation of the zamindars, the Grambarta Prakashika reported how the small zamindars in the village Ajil, under Bhaluka station on the western side of the river Gauri, extorted the peasants. In a span of 2 to 3 months the peasants lodged 3 to 4 complaints at Kushtha against physical torture, looting of houses and cows, confiscation of grains. But in the end, these complaints were never settled in the courts. The police which was entrusted with the task of finding evidence failed to produce it. Nor did they produce the complainant in the court. They actively supported the zamindars to prevent justice from being done⁶¹. Act X, the journal claimed, had brought no improvement in the condition of the ryots. It blamed the indifference of the government for this. Though it had reformed the legal system and set up courts to settle disputes, the zamindars never brought defaulting peasants to court. They preferred to use corporal punishment in their kutcheries to settle the matter. Though, there were good and bad landowners everywhere, most zamindars were merciless in collecting their dues. If any ryot was brave enough to complain to the higher authority for redress, it became difficult for him to survive in the village and he often had to shift his residence⁶². Some educated zamindars of Bengal were trying to adopt the ways of the English landholders. But they were few in number and even in their estates exploitation had not ceased. Where the zamindar was not directly involved, his naib and other amlahs did the work. The defaulters were forcibly brought to the kutcherry by the lathials. Even his womenfolk were not spared. Zamindari officials often persuaded their unsuspecting masters to order surveys of land, which were conducted by their kin. If the ryot could suitably bribe the official then, they would calculate 1 bigha as 20 cottahs or else 15 cottahs would equal 1 bigha and the rent would be hiked accordingly⁶³. It was further stated that some zamindars paid their naibs somewhere between Rs 5 to Rs. 10. But the monthly expense of a naib was Rs. 40 to Rs. 50. Then there were religious festivals like Dol and Durgotsav and social ceremonies, funerals, rice-eating and weddings. The zamindar and all his officials collected abwabs from the poor peasants to meet these expenses. The ijaradars, dar-ijaradars, all collected them. The more the number of intermediaries between the ryots and the zamindar, the greater was the exploitation. The peasantry of Bengal was peace-loving. So they tolerated all these without much protest⁶⁴.

⁵⁹ Grambarta Prakashika, 16 February, 1884.
⁶¹ Atyacharita praja’(Oppressed tenant), ibid., Falgun, 1279 B.S. / February 1st week, 1873.
⁶² Jamidar o praja (Bangla Pradesh)’(zamindar and tenant), ibid., Asar, 1279 B.S. / June 1st week, 1872.
⁶³ Jamidar’, ibid., Asar 1279 B.S. / June 2nd week, 1872.
⁶⁴ Praja, jamidar o government’, ibid., Asar, 1279 B.S. / July 4th week, 1872.

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Harinath reported an incident where some poor peasants of a far-off village visited him and complained that the zamindari officials had made it impossible for them to reside in their ancestral homes. They said that a man in their village had a piece of good jot. After his death his widow inherited it. But the zamindari officials in return for a hefty bribe gave the pattah of the land to another person. The widow complained and made these peasants her witness. But the zamindari officials took them to the kutcherry and threatened them to say that the widow had no right to the jot. But in the court they could not lie and admitted that the widow was the real successor. She got a decree from the court accepting her right. This enraged the zamindari officials who confiscated their jots, detained them in the kutcherry without any plausible reason, abused and beat them. When they objected they were fined. Their families were starved. If they failed to go to work any day there was no food for them. They did not have the resources to absent themselves from work and seek redress in the court. They further told Harinath and his associates that they planned to sell their plough animals, utensils and their stock of grain to bribe the officials and pacify them. If this failed to cool the latter's anger, they would flee from their village. When Harinath advised them to seek the help of the magistrate, who he felt would solve their problem, the ryots refused. They said that the magistrate might be just and sympathetic, but they were poor and it would be difficult to find any witness. They appealed to Harinath to write about their woes which alone they felt might bring them justice. This indicates the faith that Harinath and his Grambarta Prakashika had been able to instill in the minds of the villagers.

It is well known that in his effort to depict the exploitation of the zamindars, Harinath came into conflict with some local zamindars. During the agrarian disturbances in 1873, Harinath whole-heartedly supported the rebelling peasants. He strongly criticised those contemporary newspapers which supported the zamindars. His main target was Kristodas Pal.

Harinath blamed the zamindars for the revolt of 1873. Some zamindars had increased the rent tremendously. This was clear from a comparison between their earlier and present incomes. Harinath advocated the appointment of a Commission to enquire into the causes for the dispute. It was the only way which would help the warring factions. He strongly believed that once the 'kind government' realised the miserable condition of the hapless peasantry there would be peace in the countryside. In the Commission, he advised the government to appoint neutral and knowledgeable persons to represent the cause of the ignorant peasantry. The problems causing the revolt had to be settled immediately. The government, he advised, should fix the yardstick for the measurement of land and the rate of rent. Otherwise, the relationship between landlords and peasants would continue to remain vitiated. He advised modifications in Act X of 1859 as it gave no rights to the majority of the peasantry. In case of crop failures the peasants had to bear the brunt of the loss while, in case of plenty the zamindars pocketed the profit. Harinath was aware of the fact that since the zamindars were the immediate oppressors of the tenantry, the

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65 editorial, *ibid.*, 1279 B.S. / September 4th week, 1872.
66 *Ryot Hangama* (Ryot agitation), 1st Jaisthya, 1283 B.S. / 13 May, 1876.
67 editorial, *ibid.*, 8 Bhadra, 1280 B.S. / 23 August, 1873.
relationship between the two classes had to improve. It was necessary to educate the ryots, make them aware of their rights and convince them to look after their own interests. On the other hand, it was necessary to reduce the power of the zamindars over them. The relationship between them had to be properly defined and regulated by law. The peasants should be provided with easy means of redressal of their grievances. It was imperative for the government to play an active role in defining landlord-peasant relationship. The zamindars should be made to realise that it was their duty to look after their peasants. He distinguished between good and bad zamindars and asked the government also to make this distinction. It was the bad zamindars who had ruined the country. The liberal intelligentsia wanted a new rent law as a means to counter the very real challenge of high landlordism which, threatened to take away even the limited rights which the tenantry enjoyed under the existing law. The agrarian rising in Pabna and other districts provided this urban intelligentsia with an opportunity to ‘project themselves as the leaders of a purely rural movement against the landlords, traditionally the leaders of the rural society of Bengal’. However, they did not want any change in the existing property relations. What they wanted was certain tenant rights within the framework of the Permanent Settlement. As the Som Prakash observed:

We do not want to see one class benefited at the cost of another. On the contrary, it is our prayer that impartial justice may be meted out — that the weak be protected from oppressions, that the night of trouble of the ignorant and dumb ryots may forever pass away.

The Rajshahi Samachar remarked:

We are neither of those that seek to recover for the zamindars the rights lost to them by the passing of Act X, nor of those that proposed to obtain an extension of the rights of the tenantry.

Other vernacular newspapers also expressed similar views. The Sulabh Samachar stated that the government should compel the zamindars to fulfil their obligations to the ryots under the Permanent Settlement.

Thus, while advocating the need to safeguard the rights of the peasants, the intelligentsia on the whole were against any form of threat to established property structure. They were not prepared to condone any form of violent activities on the part of the ryots. They made their disapproval felt during the peasant revolts in Pabna and in other districts. Even the Bengalee which consistently espoused the cause of the tenantry did not fail to remind the government:

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68Kharap o bhalo zamindar (zamindars good and bad), ibid., December 30, 1873.
69Sen Gupta, K.K., op.cit., p.122.
70Som Prakash, 13 October, 1873 (RNP).
71Rajshahi Samachar, 23 June, 1875 (RNP).
72Sulabh Samachar, 1 September, 1873 (RNP).
Though our sympathies are invariably in favour of the oppressed against the oppressor, we have none to spare for the Pabna ryots. If they were oppressed by their zamindars they had the courts of justice open to them. Nothing can palliate, much less excuse the outrages which are committed by them\textsuperscript{73}.

Bankimchandra Chattopadhyay observed:

- We have been pained and disgusted by the conduct of the Pabna ryots\textsuperscript{74}.

In the meantime, the relation between zamindars and their ryots in east and north Bengal having become extremely unsatisfactory, the attention of Lt. Governor Temple\textsuperscript{75}(1874-77) was necessarily drawn to the rent question. He realised that certain measures should be taken to solve the difficulties between landlords and tenants. On 10 July, 1876, the Agrarian Dispute Act V (B.C.)\textsuperscript{76} was passed by him in face of great opposition from the contemporary journals who thought that the Act would ruin the tenants' right accrued by the laws of 1859 and 1869\textsuperscript{76}. The Indian Association said that the transference of enhancement suits from the civil courts to the hands of the collectors, who had already a variety and multiplicity of work to do, would not be conducive to strict and proper justice\textsuperscript{77}.

The pro-ryot section of the intelligentsia severely criticised Temple's proposals\textsuperscript{78}. The \textit{Dacca Prakash}, the leading vernacular newspaper of eastern Bengal, admitted that Temple had given up the pro-ryot policy of his predecessor\textsuperscript{79}. Surendranath Banerjee characterised him as a feeble administrator who was induced by the zamindars to ignore the solemn pledge to the ryots contained in Act X of 1859\textsuperscript{80}. Dwarkanath Vidyabhushan feared that the proposed measure, would ruin the tenantry by offering greater facilities to the zamindars to oppress the former\textsuperscript{81}. The \textit{Amrita Bazar Patrika} warned the government, 'If the present bill be passed into law, it will be a signal for the immediate outbreak of a fearful rebellion in Bengal'\textsuperscript{82}. In fact, most of the vernacular newspapers asked the government to abandon

\textsuperscript{73} \textit{Bengalee}, 5 July, 1873.
\textsuperscript{74} \textit{Banga Darshan}, Bhadra, 1280 B.S., p.237.
\textsuperscript{75} Buckland, \textit{op.cit.}, vol.II, p.637.
\textsuperscript{76} Som Prakash, 5 March, 1875.
\textsuperscript{77} Bagal, J.C., \textit{History of the Indian Association}, Appendix, p.X.
\textsuperscript{78} Refer to earlier section for Temple's proposal.
\textsuperscript{79} \textit{Dacca Prakash}, 26 December 1875 (RNP).
\textsuperscript{80} \textit{Bengalee}, 3 May 1879.
\textsuperscript{81} Som Prakash, 5 March, 1875 (RNP).
\textsuperscript{82} \textit{Amrita Bazar Patrika}, 20 May, 1875.
In the meantime, when Temple’s successor Eden introduced a bill for the recovery of the arrears of rent, the ryots apprehended that the land would then pass into the hands of the moneylenders. Their attitude was best described by the *Bengalee* in this way:

> We are threatened with all sorts of evil if the bill is passed; ryots will be reduced to homeless beggary; lands will pass into the hands of moneylender; perhaps the arrangement of the solar system will be destroyed if occupancy rights are made transferable.⁸⁴

The ryots contended that the summary procedure laid down in the bill would virtually deprive them of the right of defending rent suits instituted against them by the landlord. The ryots therefore complained that, ‘looking at the mass of papers attached to the bill, there does not appear any urgent necessity for such stringent and exceptional provisions in the law as are sought to be introduced in the bill’⁸⁵.

Ultimately, when the bill was dropped and a Rent Law Commission appointed in 1879 the *Bengalee* showed its satisfaction in saying that:

> We congratulated Sir Ashley Eden in not having persevered with the Bill and on his having appointed a commission which will go into the question carefully and minutely and end their labour by presenting a bill on the subject.⁸⁶

Thus we see in the two decades following enactment of Act X in 1859, lucid descriptions by the pro-ryot section of the intelligentsia of the merciless exploitation of the ryots by the zamindars. There was increasing concern over the steady deterioration in the zamindar-ryot relationship. They all wanted guarantee of some rights of occupancy for the tenants. Though, opinion was divided on the merits of some of the clauses of Act X it was from the point of view of the interests of the ryots. They all wanted curtailment in the powers of the zamindars in the spheres of rent enhancement and eviction. Government initiative to protect the ryots was welcomed. Some tentative suggestions were made as to how rural peace could be maintained. There was also recognition of the fact that the peasants themselves were beginning to protest against their unrestrained exploitation. The idea of the permanent settlement between zamindars and ryots was proposed for the first time.

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⁸³ *Sahachar*, 21 March, 10 May, 1875;
*Barisal Bartabaha*, 12 May, 1875. It was the first Bengali newspaper to be published from Barishal. It was a fortnightly edited by Iswarchandra Kar who resided in Magura village;
*Suhrid*, 8 June, 1875;
*Hindu Ranjika*, 6 May, 1875 and many others (*RNP*).
⁸⁴ *Bengalee*, 8 March, 1879.
⁸⁵ *Bengal Land Revenue Progs.*, no.14-70/71, May, 1879.
⁸⁶ *Bengalee*, 26 August, 1879.
5.1.3 The rent question and the legislative process

On 9th June, 1880, the Rent Law Commission submitted its report with a draft landlord and tenant Bill. In the draft Rent Bill, the Commission desired to maintain the existing rule by which occupancy right was acquired by 12 years' continuous possession. The Commission also gave those ryots who held land for 3 or more but, less than 12 years, a higher position and status than that of the tenants-at-will. The Commission however, refused to give occupancy right to the korfas or under-ryots. The holding of the occupancy ryot was declared to be transferable by private sale or gift and divisible by will but he was prohibited from mortgaging his holding. The Commission thought that this would most effectivley prevent the ryot and his holding from falling into the hands of a mahajan. The Commission further suggested that, no ryot should be ejected from land in which he possessed a right of occupancy whether for non-payment of rent or any other cause not being a breach of a stipulation in respect of which, such ryot and his landlord had contracted in writing, but the ryot should be liable to ejectment for a breach thereof. One novel concept introduced by the Commission was that, if the ryots were forced to relinquish their lands, the zamindars were required to give them one year's enhanced rent as compensation for disturbance besides the value of their improvements.

The Commission retained the three grounds of enhancement under existing law but it split the second ground into two parts:

1. That the productive power of the land has been increased otherwise than by the agency or at the expense of the ryots and from causes not merely temporary or casual.
2. That the price of produce has been increased otherwise than by the agency of the ryots and from causes not merely temporary and casual.

Regarding the question of enhancement on the ground of the increased productive power, the Commission clarified that if the improvement was made by the landlord only and not by the ryot, the landlord could enhance the rent and if neither of them was responsible for the increased value then the increment would be equally shared by the landlord and tenant. The same procedure would apply in the case of price rise.

The fair rent was also given a safeguard of a maximum limit beyond which rent could never be enhanced. The Commission enacted (under section 23) that when the rent of an occupancy ryot was enhanced upon the first, third or fourth ground, the enhanced rate should not be more than one-fourth of the average annual value of the gross produce. The Commission further said that when the rent payable by a ryot for an occupancy holding was paid in kind, and the ryot received no assistance from his landlord towards producing

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89 ibid., pp.29-31.
90 ibid.
91 ibid., p.84.
the crop, such rent should not exceed 50 per cent of the gross produce in the case of staple crops; that in the case of special crops, if the landlord and tenant had contracted in writing for any particular share of the gross produce, in such contract the landlord should not be entitled to recover any other or greater rent than 25 per cent of the average annual value of the gross produce.

The Rent Bill of the Commission was not passed by the Government of Bengal. The government of Sir Ashley Eden submitted in July 1881, another draft rent bill in which some of the pro-ryot clauses of the original bill were modified. Eden's Bill was however further modified by the Government of India which proposed to take the classification of land, instead of the status of the tenant, as the basis on which the recognition of the occupancy right should be effected and to attach the right to all ryoti lands. But the Secretary of State opposed this proposal. Thereupon, the Government of India declined to introduce a bill in a form which the Secretary of State disapproved and it was determined that the measure should be framed upon the lines suggested in the latter's despatch.

On 2nd March, 1883, Sir Courtney Ilbert introduced in the Council a revised bill. This bill was however, based on the original bill submitted by the Rent Law Commission. The two main objects of the bill were, as Mr. Ilbert said, to give reasonable security to the tenant in the occupation and enjoyment of his land and to give reasonable facilities to the landlord for the settlement and recovery of his rent. Provisions were made in the bill to realise these objects. The right of occupancy could be secured by any ryot who held any ryoti land (whether the same or not it did not matter) in the same village or estate for a period of 12 years. Thus the acquisition of the right of occupancy by newcomers could not be evaded 'by the simple device of shifting the tenant from one holding to another before the period of twelve years has run out'. The occupancy ryot was given the right to transfer his holding, subject to a right of pre-emption in the landlord to have them at a price to be fixed by the civil court. Regarding the right of transferability of the occupancy ryot, the bill said that it had to be looked at from two points of view, from the point of view of the landlord, and secondly, in the interest of the tenant. From the former point of view, the government would not allow an objectionable tenant to be forced on him against his will and therefore granted him a right of pre-emption in every case of transfer. From the point of view of the occupancy ryot's interest, the government came to the conclusion that, in the absence of evidence of any evil consequences which had already followed from such transfers or which might be anticipated as likely to occur in the near future, it would be unwise to oppose the growth of the very strong tendency towards transferability which the prevailing customs showed to exist in rights of this class in almost all parts of the country.

92 ibid., p.16.
93 ibid.
94 ibid., p.809.
95 ibid.
96 The Supplementary Gazette of India, 21 April, 1883.
97 The Gazette of India, Extraordinary, 1883, p.134.
98 ibid., p.135.
The Bill gave some protection to the ordinary ryot from arbitrary rack-renting and eviction. Where the ordinary ryot refused to agree to an enhancement of rent, the landlord could not eject him without paying him, besides any amount that might be due to him as compensation for disturbance, equal to certain multiple of the yearly increase of rent demanded. Again the landlord should not eject an ordinary ryot except for arrears of rent; on the ground that the ryot had used the land in a manner which rendered it unfit; that he had refused to agree to an enhancement of rent. An occupancy ryot, whose holding consisted of ryoti land and who paid rent in kind, or paid as rent the value of a certain share of the actual gross produce of the holding, might, notwithstanding any contract to the contrary, sue to have his rent commuted into a money rent. The Bill provided that a money rent payable by an occupancy ryot might be enhanced by a contract in writing, approved of and registered by a Revenue officer appointed by the local government in this behalf, and a Revenue officer should not approve or register such a contract until he had satisfied himself that it was fair and equitable. It fixed the limits up to which the court was to enhance in cases, in which the enhancement was claimed on the ground of an increase in the productive powers. The enhancement should not in any case be more than one-fifth of the established average annual value of the gross produce of the land in staple crops calculated, at the price at which the ryot sold at harvest time.

The rent of an occupancy ryot once enhanced, could not be enhanced for 10 years. Where an occupancy ryot paid rent in kind or paid as rent the value of a certain portion of the holding on which staple crops were grown, more than half the gross produce or its value, as the case might be. The ordinary ryot should pay such rent as might be from time to time agreed on between him and his landlord but subject to the provision of Section 119, which made 5/16ths of the average annual value of gross produce the maximum of the rent.

The Bill was regarded as an excellent measure, broad and liberal in its scope, impartially fair to the different classes whom it affected and calculated to apply a practical remedy to the evils of which landlords and tenants alike had lately complained. But the bill did not create the right of occupancy in favour of the actual cultivators of the soil. On the other hand, it distinctly said that the sublessees, who after all were the actual cultivators of the soil, would not acquire the right unless they happened to pay their rent directly to the zamindars. Thus, the Bill was bound to create a set of occupancy tenants who were not the actual cultivators, but middlemen, and these middlemen would be in a far better position to oppress the cultivators. The scope of acquisition of occupancy right was limited to lands in the same village only.

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99 ibid., p.141.
100 ibid., p.102.
102 The Supplementary Gazetteer of India, 21 April, 1883, p.867.
103 ibid., pp.832-833.
104 Mukherjee, R.R., op.cit., p.99.
On 14 March 1883, the Bill was sent to the Select Committee which submitted an amended bill on 29 March, 1884. The Select Committee included pro-zamindar stalwarts like Maharaja of Darbhanga and Kristodas Pal and other members like Bayley, Reynolds, Hunter, Gibbon, Lt. Governor of Bengal and Ameer Ali. The Committee made certain changes in the bill\textsuperscript{100}.

The provisions of the amended bill, in some particulars did not sufficiently protect the interest of the tenants. It greatly facilitated the enhancement of rents, especially by the substitution of the simple ground of a rise in prices for the old rule which required proof of an increase in the value of the produce\textsuperscript{106}. While this great advantage had been given to the landlords, the checks provided by the original Bill that the enhanced rent should not in any case exceed one-fifth of the estimated average value of the gross produce of the land in staple crops, calculated at the price at which ryots sold at harvest time, had been taken away. The plea that the rate of rent paid by a ryot was below the prevailing rent had been retained as a ground of enhancement. The bill provided no limitation whatever on the rent which a landlord might demand when a tenant was first admitted to the occupation of land. Even in the case of a settled ryot, the landlord might demand an increase of 25 per cent on the rent previously paid. These sections put into the hands of the landlords immense power for enhancing rents up to the maximum amount which a tenant would agree to pay rather than give up the land\textsuperscript{107}.

As to the ground of enhancement on the basis of prevailing rates, the bill recognised enhancement up to the average rates payable in the pargana. The recognition of such a principle was not only dangerous but, without any correlative ground of reduction, unjust. That average would furnish the basis for a fresh increase until the highest possible rate was reached. The suits on the ground of prevailing rates would be entirely one-sided. The landlord might sue to enhance on the ground that a tenant's rent was below the prevailing rate, but the tenant could not claim a reduction on the ground that he was paying more than the prevailing ratio. The inevitable result of the introduction of the principle of an average rate would be that, all rent would be levelled up to the maximum.

These evil consequences could have been avoided, if the Select Committee had accepted two of the recommendations of the Government of Bengal. The latter\textsuperscript{108}, proposed first to abandon the provision of enhancement on the ground of 'prevailing rate', and second to prescribe an absolute limit beyond which no claims of enhancement should be allowed\textsuperscript{109}. The Government of Bengal felt that if the landlord's demand was restricted to one-fifth of the gross produce in staple crops, rack-renting would be effectually stopped, the cultivation of the more valuable crops would be encouraged, and the agricultural advance of the country would be secured. But these views were not accepted by the majority of the select committee with their pro-zamindar bias and the amended bill left the occupancy ryot without any adequate security in the matter of fair rent.

\textsuperscript{100}Refer The Gazette of India, part V, 29 March, 1884, p.26, for details of the Bill.
\textsuperscript{106}ibid., 12 April, 1884, p.276.
\textsuperscript{107}ibid.
\textsuperscript{108}In its letter dated 15 September, 1884.
\textsuperscript{109}The Extra Supplementary Gazettee of India, 14 February, 1885, p.3.
The amended bill also left the non-occupancy ryot at the mercy of his landlord as regards his rent. When first admitted to occupation he must pay such rent as might be agreed upon between himself and his landlord. It is true that, if he was afterwards called upon to agree to an enhancement, he might demand a judicial rent for a term of 5 years. But this provision would be inoperative for it is quite clear that unless he came to terms with his landlord in the matter of rent, the landlord would not formally demand an enhancement, but would sue to have him ejected\textsuperscript{110}. The landlord was thus in a position to exact from the non-occupancy ryot the highest rent which the land could possibly bear, a rent which would leave the tenant nothing more than a bare subsistence and the demand of enhancement might be repeated year after year.

The amended bill also did not facilitate the acquisition of the right of occupancy by the non-occupancy ryot. It provided that he should not contract himself out of the power to acquire the right. But this stipulation was useless so long as the bill afforded a simple and effectual means of ensuring that the right should never accrue. The right could be acquired only by 12 years continuous occupation of village land. The bill gave the landlord the power to rack-rent the non-occupancy ryot during 11 years, to evict him in the 12th, and then to readmit him and begin the process again. The non-occupancy ryot was thus a mere tenant-at-will, with absolutely no right beyond those which his landlord might be pleased to allow him.

No protection was also given to the mass of under-ryots. It was said that they might secure to themselves the same rights by taking registered leases. But it must be remembered that the majority of the under-ryots were too poor to demand registered leases.

The Bill which was finally approved by the Council and which became law on the 1st November 1885, was in some respects a compromise and if was less thorough and complete was certainly a more practicable and workable law\textsuperscript{111}. The Act did not contain some of the pro-ryot clauses of the bill of 1883. Nevertheless, it was an improvement upon the old Act of 1859. The Act removed the defect in the law relating to occupancy right by enacting that a ryot who had been in possession of any land for 12 years, either himself or through inheritance, would become a settled ryot of the village with occupancy right in the land he already possessed. But fixity of tenure was weakened by the limitation of the definition of the settled ryot to the village alone. The occupancy ryot could not be ejected except by court decree on the ground that 'he has used the land comprised in his holding in a manner which renders it unfit for the purposes of tenancy, or that he has broken a condition consistent with the provisions of this Act, and a breach of which is, under the terms of a contract between himself and his landlord liable to be ejected'. Yet, it afforded a remedy against absolute ejectment\textsuperscript{112}. A occupancy ryot was not liable to ejectment for arrears of rent.

The non-occupancy ryot fared worse from the final bill. The gross produce limit of his rent was struck out; he was declared liable to ejectment on the grounds:

\begin{itemize}
  \item \textsuperscript{110}\textit{ibid.}, p.22.
  \item \textsuperscript{111}Mukherjee, Radharaman, \textit{op.cit.}, p.98.
  \item \textsuperscript{112}Baden-Powell, \textit{The land system of British India}, vol.I, p.652.
\end{itemize}
(a) that he had failed to pay an arrear of rent;
(b) that he had used the land in a manner which rendered it unfit for the purposes of the tenantry;
(c) that he had refused to agree to pay a fair and equitable rent or;
(d) that the term for which he was entitled to hold at such a rent had expired\textsuperscript{113}.

He could not claim a judicial rent for a period longer than 5 years. If the ryot agreed to pay the rent so determined, he would be entitled to remain in occupation of his holding at that rent for a term of 5 years from the date of the agreement but, on the expiry of that term would be liable to ejectment subject to the provision of the Act unless he had acquired a right of occupancy\textsuperscript{114}. Thus a non-occupancy ryot might be ejected at any time before he had acquired a right of occupancy without obtaining any compensation for disturbance.

As to the under-ryots, it was admitted that they might have a right of occupancy by custom. It imposed a limitation on their rent of 50 per cent above the rent paid by their ryots to landlords in cases where a registered agreement had been executed. The period of leases to under-ryots was limited to 9 years and they could be ejected on the expiry of the lease. The under-ryots therefore remained unprotected\textsuperscript{115}.

Thus under the Act VIII of 1885, the occupancy ryots did not get what the Rent Law Commission wanted to give them and the non-occupancy ryots and the under-ryots remained exposed to the undisturbed operation of competition. It failed to provide necessary remedies for all the problems and left a large part of them for future settlement.

The marathon rent controversy had thus come to a close. Set against the background of mounting agrarian discontent in eastern Bengal, it had developed into a struggle between custom and competition; between tenant right and high-landlordism.

5.1.4 Reaction of the landlords and the pro-landlord intelligentsia to the changes proposed by the administration between 1880-85

The zamindars saw with suspicion both the appointment of a commission and the proposal of a bill to be prepared by the latter. K.D. Pal expressed his contempt by saying that:

Heretofore, the complaints were about the recovery of rent and the settlement of rent, but now came theory for a general revision of the rent law and a comprehensive revision of the substantive rights of landlords and tenants\textsuperscript{116}.

He further remarked:

\begin{itemize}
\item \textsuperscript{113}ibid., section 47.
\item \textsuperscript{114}ibid., section 46.
\item \textsuperscript{116}Speeches of the Native Members of the Governor General's Legislative Council, p.17.
\end{itemize}
That commission I believe was appointed with a view of securing to the Bengal ryots that were popularly called the three F's (Fixity of tenure, Fair rent and Free sale)\textsuperscript{117}.

'A Lover of Justice' declared that 'the appointment of a commission would aggravate the animosity already fermented by the enactment of Act X of 1859 between landlords and tenants and would raise hopes and expectations which can never be realised by any commission that might be appointed\textsuperscript{118}.

When the recommendations of the Rent Law Commission were made public in 1880, the smouldering discontent of landlords flared up into open protest. Zamindars in different parts of the province had zealously set about to assert the rights which they considered to have been secured to them by the Permanent Settlement and which, they now imagined were about to be encroached upon by the changes proposed to be effected in the law between the landlord the tenant\textsuperscript{119}. Meetings were held in Calcutta, Bankipur and other parts of Bengal\textsuperscript{120}. The provisions of the draft Bill were scrutinised.

The zamindar of Dacca, the Nawabs and Khan Bahadurs of eastern Bengal in a meeting held in the North Brook hall in Dacca, on December 12, 1880, condemned the Rent Bill\textsuperscript{121}. K.D. Pal in his speech before the Governor General's Council said that:

\begin{quote}
I do not quite understand the primary object of the Bill. Is it to prevent dispute and obligation and to promote peace and harmony amongst zamindars and ryots by reasonable fair and equitable provisions, or is it to redistribute rights in land, to promote and foster litigation, and set class against class. I should be very sorry to believe that the authors of the Bill had the latter object in view\textsuperscript{122}.
\end{quote}

Durgacharan Laha, another pro-zamindar stalwart, shared the same view. He observed that the provisions of the rent bill introduced a radical change in the established law. This was calculated to create an unnecessary conflict in the relations existing between landlord and tenant\textsuperscript{123}.

In his speech, Raja Narendra Krishna Dev, the president of the British Indian Association, strongly resented that:

\begin{quote}
Never was such a stupendous work undertaken with so little preparation or executed with such scanty materials. The Commission undertook to amend
\end{quote}

\textsuperscript{117}\textit{ibid.}
\textsuperscript{118}A Lover of Justice, \textit{op.cit.}, p.29.
\textsuperscript{119}\textit{Bengalee}, 13 November, 1880.
\textsuperscript{120}\textit{Som Prakash}, 27 Poush, 1287 B.S., no.9 (RNP).
\textsuperscript{121}\textit{Bengalee}, 18 December, 1880.
\textsuperscript{122}\textit{Speeches of the Native Members, op.cit.}, p.17.
\textsuperscript{123}\textit{ibid.}, p.35.
a law which was the handwork of men like Sir Cecil Beadon, Sir John Peter Grant, Mr. Curie and Sir Henry Ricketts. They had before them no statistics whatever regarding the conditions of the agricultural population or transactions and litigation with which they were connected. They did not examine a single zamindar or a single ryot. They took little account of the opinions of the District Officers and yet they have unmercifully handled some of the most important provisions of the early regulations and Act X of 1859 which have worked so smoothly and satisfactorily for so long a time, they have suggested the infringement of rights in a way which lead one to suppose that the field of Indian legislation was a tabula rasa and they have proposed changes in the substantive law and the law of procedure which would not only be most unjustifiable in their effects on the rights of property and would also create constant dissension.\textsuperscript{124}

Ashutosh Mukherjee, the ablest advocate of the landholders in the last few years supported the same view. He observed that:

The Permanent Settlement is a solemn written contract between the state and the landholder. It is as much a contract as the promissory Note of the Secretary of State for India ... It is a contract for the benefit of which the majority of the present landholders of Bengal have admittedly paid full value.\textsuperscript{125}

The next issue in the debate was the Rent Bill of the landholders of Bengal and Bihar. Questioning the very authority of the Council to enact such a Bill, they contended that the Cornwallis Code had most effectively tied the hands of succeeding administrations from interfering with the relations between landlord and tenant so far as the subject of rent was concerned. The official supporters of the Bill, on the other hand, maintained that all that Lord Cornwallis had done was simply to declare the assessment on landholders final and unalterable.\textsuperscript{126}

Expressing the opinion of the zamindars and their supporters the \textit{Reis and Rayjet} commented further:

We do not, indeed expect that even among the most strenuous supporters of the Bill any one will be found to maintain that a legislative enactment which constitutes the foundation of the rights of property should have its interpretation, however wrong, corrected and set right after the expiration of ninety years. Such a reform, if it is a reform, would be worse than the most administrative abuse.\textsuperscript{127}

\textsuperscript{124} Progs. of the quarterly General Meeting of the British Indian Association, 1st October, 1880.
\textsuperscript{125} Reis and Rayjet, 23 December, 1882.
\textsuperscript{126} ibid., 31 March, 1883.
\textsuperscript{127} ibid., 21 April, 1883.
Siva Prasad, another pro-zamindar stalwart remarked:

India has been famous for the honour of her contract. It will be a pity to teach her now that a man's contract is nothing, that even legal contracts are good for nothing.\textsuperscript{128}

K.D. Pal said in the Legislative Council that even the Act of 1859 did not do away with the material incidents of proprietary right. Though it recognised the occupancy right of the tenant under the 12 years rule, it did not take away the right of enhancement of rent, of eviction of the ryot, and many other rights inherent in an absolute proprietor of the land. But after the lapse of ninety years, the zamindars are now told ... that they must prepare their minds to surrender their rights as soon as they can, that there is another class waiting to participate in the land with them, that in fact there is to be redistribution of the landed property.\textsuperscript{129} As expected, the zamindars as a class presented a stiff opposition.

At the meeting of the British Indian Association held on 5th April, 1883, Maharaja Jotindra Mohan Tagore Bahadur, Ex-member of the Vice Regal Council said:

If however, the zamindars are considered an anachronism in the communistic spirit of the age ... it would be better to purchase the zamindars out by paying them a fair market value for their estates.\textsuperscript{130}

On 17 November, 1883, a large public meeting was held at the town hall, Calcutta, under the presidentship of Babu Brojendralal\textsuperscript{131}. Most of the members who were present at the meeting, gave their opinions against the Rent Bill.

At the same time, the pro-zamindar press joined the zamindars in criticising the revised bill of 1883. The \textit{Dainik Varta} said that it did not appear from the form in which the Bengal Tenancy Bill had been introduced that the measure was intended for the good of either the country or the ryots. It seemed to have been undertaken from a desire of making changes. If the good of the country had been the object, the condition of the Khas Mahal tenants would have first attracted attention\textsuperscript{132}. The \textit{Charu Varta} pointed out that the Permanent Settlement confirmed the rights of the zamindars. It had not created the class of zamindar. It transcended the abilities of the writer to understand how Mr. Ilbert could think it his duty to destroy the right respected by Muhammedans and confirmed by the British Government in former years\textsuperscript{133}. The Rangpur \textit{Dik Prakash} said that the government was labouring under a wrong impression that every zamindar was an oppressor. It was not so much the zamindar as the middlemen, generally illiterate

\textsuperscript{128} Bengalee, 17 March, 1883.
\textsuperscript{129} \textit{Speeches of the Native members of the Governor General’s Legislative Council on the Bengal Tenancy Bill}, p.16.
\textsuperscript{130} \textit{ibid.}, Appendix, pp.I-II.
\textsuperscript{131} Som Prakash, \textit{11 Agrahayan, 1293 B.S. (RNP)}.
\textsuperscript{132} 5 March, 1884 (RNP).
\textsuperscript{133} 10 March, 1884 (RNP).
and blinded by self interest that tyrannised over the tenants\textsuperscript{134}. The \textit{Reis and Rayyet} said that, as regards the Bengal Tenancy Bill, they had sufficient confidence in the justice and moderation of the present administration to believe that the bill would yet be modified so as to bring it to be regarded as a measure intended in the interest of both the classes whom it would affect\textsuperscript{135}.

Durgacharan Laha said that the provisions relating to occupancy rights were entirely new and these changes were most objectionable. The existing law or custom did not support them, nor were they based upon the enactment which were superseded by the Act of 1859. These and other provisions introduced a radical change in the established law and were calculated to create an unnecessary conflict in the existing relations between landlord and tenant\textsuperscript{136}. Raja Siva Prasad said that as a result of this drastic measure, a new class of petty sub-proprietors, generally of the \textit{baniya} class, would emerge. The ‘so-called tenants of today will all become \textit{pakka} (strong) proprietors’ only to transfer their land to \textit{baniyas}, pocketing all the money which now may find its way to a certain extent to the purse of the natural and lawful proprietor, the zamindar, and still of as little use to the state in time of need as a straw\textsuperscript{137}. Besides the Bill would in no way ameliorate the condition and promote the well being of the cultivators of the soil who, would always remain subtenants and constitute the mass of the rural people\textsuperscript{138}.

In the Select Committee, to which the Bill of 1883 was sent, K.D. Pal dissented from the report of the majority members. Commenting on the government’s move to revise the Rent Act he said that, the position of the zamindars was made worse than it had been in the original bill. His objections to the Bill were based on these grounds:

1. It went against the ancient and existing land law of the country, taking away on the one hand and conferring on the other, rights which were inconsistent with the law;
2. It assumed a construction of the Regulations, which was opposed to judicial decisions and took for granted statements and facts not supported by evidence;
3. It did not fulfil the primary object for which it had been originally sought, namely, the simplification of the procedure for the settlement and realisation of rents. It was calculated to sow disputes and dissension between the landlord and tenant and flood the land with litigation to the detriment of the peace and welfare of the agricultural community;
4. It would tend to reduce a large proportion of cultivating ryots into agricultural day labourers;
5. By abolishing the freedom of contract between the landlord and the tenant, and by making the Court and the Revenue officer the referee and arbiter in all matters of zamindari management and ryoti action, it would neutralise the vital principle of self reliance in the agricultural population and destroy its backbone, hamper the free operation of economic laws and stereotype the patriarchal face of Government with the aggravating evil of litigation at almost every step\textsuperscript{139}.

\textsuperscript{134}20 March, 1884 (RNP).
\textsuperscript{135}11 August, 1883, (RNP).
\textsuperscript{136}The \textit{Supplementary Gazettee of India}, 21 April, 1883, p.867.
\textsuperscript{137}Speeches of native members, \textit{op.cit.}, pp.20-34.
\textsuperscript{138}ibid.
\textsuperscript{139}The \textit{Gazettee of India}, 29 March, 1884, p.85.
The zamindars did not find any need of the bill. They frankly accepted the basis of Act X of 1859 and wished to remain on that footing. They thought that the actual cultivators would hardly gain much under the present bill. It was the jotedars and middlemen who would benefit. In other words, a class of small landowners was to be realised in the place of the large zamindars. The Bill had converted nearly the whole body of ryots into occupancy ryots and they prayed to be spared the small margin of non-occupancy holdings and waste lands, if only for the honour of their class. They criticised the attitude of educated young men who had wanted a permanent settlement between the ryots and the government.

The zamindars prayed for a postponement of the Bill even at the last stage. They had it in their power, if they wished it, to bring about a postponement, by making speeches upon each amendment which might have carried the Bill into the next session. But they declined to play the tactics of Irish obstructionists. At a meeting held at the house of the Maharaja of Darbhanga, they recorded a protest against the Bill, on the eve of its enactment into law, and a sum of about thirty-five thousand rupees was subscribed on the spot to carry on further agitation in England.

On more than one occasion, the zamindars talked about ‘Revolution’ and apprehended great danger arising from the enactment of the new law. K.D. Pal contended that the bill like Act X of 1859 and every piece of legislation of the kind affecting landlords, was an attack on the Permanent Settlement. He regarded the bill as revolutionary. By its obstruction to freedom of contract and other provisions it tended to redistribute property. Maharaja of Darbhanga said that the clauses of most revolutionary character and infringing on strictly guaranteed rights had been introduced, which had created a great deal of unrest and mistrust in the minds of the zamindars. He feared that it would lead to great rural unrest. Pearymohan Mukherjee followed on the same strain. He said:

The landholders stand aghast at the dreadful vista of unmerited and uncompensated loss of power and prestige, price, and produce, which the measure threatens them with, trembling at the idea of the pains and penalties, the law suits and litigation of which they are to reap a plentiful crop, involving zamindar and ryot in one common ruin. Nor are the ryots more appreciative of the benefits intended for them. They loudly express their consternation at the prospect of a law, conceived with the best intention for their benefit, but which, they think, will actually make their position much worse than at present.

140 Reis and Rayyet, 17 March, 1883 (RNP).
141 Speeches of Native members, op. cit., Appendix, pp.I-II.
142 Reis and Rayyet, 17 March, 1883.
143 The Gazetteer of India, 1884, p.277.
144 Bengal, 14 March, 1885.
145 Reis and Rayyet, 17 March, 1883.
146 The Gazette of India, April, 1884, p.277.
147 Bengal, 14 March, 1885.
148 ibid.
The amended bill of the Select Committee also failed to satisfy the Bengali press. The *Ananda Bazar Patrika* believed that, if the Bengal Tenancy bill was passed into law, there would be a fearful increase of litigation in the country. Dissension would increase among the classes with interest in land\(^{149}\). The *Bharat Mihir* expressed the same view, that many provisions in the amended rent bill would give rise to excessive litigation between zamindars and ryots\(^{150}\). When in spite of all protests the Bengal Tenancy Act was passed, the pro-landlord intelligentsia were thoroughly dissatisfied.

5.1.5 Reaction of the pro-ryot intelligentsia towards government proposals and the attitudes of the landlords and their supporters

It may be seen that, all those intellectuals who were protagonists of peasant rights were either service-holders or belonged to the different professions. R.C.Dutt was a high ranking civilian, Bankimchandra and Parbaticharan Roy were associated with the provincial administrative department. The latter was the author of the book *The Rent Question in Bengal*\(^{151}\), where he tried to show how ill-founded were the demands of the zamindars and also emphasised the necessity of a law in favour of the occupancy ryots. Dwarkanath Vidyabhusan, Surendranath Banerjee and Lal Behari Dey were journalists and teachers by profession while Anandamohan Bose was a lawyer. Inspired by Benthamite ideas, they were keen to undertake measures to safeguard the rights of the peasants. The progressive section of the intelligentsia was no longer willing to accept the domination of the zamindars in the rural society. In the decade preceding the enactment of the Bengal Tenancy Act, the question of peasant right became a hotly debated issue among the urban intelligentsia.

During the controversy over the Rent Bill, the Indian Association was campaigning for pro-ryot changes through peasant meetings and Rent Unions. Most of the prominent members of the Association were highly successful professionals including apart from those already mentioned, men like Gurudas Banerjee(1844-1918), a teacher and lawyer; Hemchandra Banerjee(1838-1903), a munsif, later a lawyer in Calcutta High Court and government pleader as well as an eminent poet; Kalicharan Banerjee(1847-1907), teacher and prominent leader of Indian Christians; barristers Lalmohan Ghose(1849-1909), Manmohan Ghose(1844-1896), Umeshchandra Banerjee(1844-1906) and Anandamohan Bose(1847-1906); Chandranath Bose(1845-1911), a teacher and later deputy magistrate; Rajnarayan Bose(1826-1899), a teacher; Bholanath Chunder(1822-1910) a merchant and author; Umeshchandra Dutt(1846-1907), teacher and principal of City College, editor of *Bama Bodhini* and a social reformer; Dwarkanath Ganguly(1845-1898), a teacher, social reformer; lawyer Rashbehari Ghosh(1845-1921); Rajkrishna Mukherjee(1845-86), a teacher and lawyer; Narendranath Sen, attorney, Calcutta High-Court and editor of *Indian Mirror*. Most of them were products of Hindu College. Established in 1876, the Association

\(^{149}\) *Ananda Bazar Patrika*, 15 September, 1884.

\(^{150}\) *Bharat Mihir*, 5 August, 1884 (*RNP*).

\(^{151}\) *ibid.*
from the beginning took up the cause of the exploited workers and peasants. In 1879, assistant secretary Dwarkanath Ganguly and some of his young friends proposed that, though the membership fee was Rs. 10 per annum, that of the ryot and worker members should be Rs. 1 per annum. In 1880, the proposal was accepted. Yet, its challenges to the zamindar-dominated British Indian Association was often seen by contemporaries in European terms as a struggle between an old aristocracy and an emergent ‘middle class’. Actually the conflict was never very fundamental and was patched up quickly enough after the 1885 Act. The ‘middle class’ in colonial Bengal was not based on properly bourgeois forms of industry, trade or even land management. Its members were only too eager to buy positions in the vast and growing Permanent Settlement hierarchy, through intermediate tenures or superior ‘ryot’ rights once they had climbed the ladder of success via English education and the liberal professions.

On the issue of the recommendations of the Rent Law Commission, the arguments of zamindars were refuted by the ryots’ friends. Syed Ameer Ali was practically the sole Indian member in the Legislative Council to raise his voice on behalf of the ryots. The fact that the majority of tenants in Bengal-proper were Muslims prompted him to espouse their cause. He said in the Legislative Council:

I do not propose to enter here into an examination of that somewhat obstruse question-given to the necessity for legislation to regulate the relation of landlords and tenants in the country ... whether the state by ensuring the zamindars against enhancement and variation of its own demand (and that in fact is the meaning of the Permanent Settlement) had abdicated in perpetuity its legislative function to protect and safeguard the interest of another class ... a much larger and more permanent class. If the contention of the landlords on this head is correct the result necessarily follows that the government of this country is an incomplete government; that it has in fact established an imperium imperio, and that, so far as the ryots are concerned it has delegated all its powers to the ever-shifting body of zamindars.

The opinion of Ameer Ali actually represented the views of the partisans of the bill and advocates of the rights of ryots.

When the vocal section among the population made demonstrations in different parts of the province in opposition to the Rent Bill, the recommendations of the Rent Law Commission got spontaneous welcome from the ryots and the liberal intelligentsia. Through the efforts of the Indian Association public meetings of the ryots were held at Rohouta, Kissengunge, 152Syed Ameer Ali (1849-1928), was born in Chinsurah, Hooghly. A lawyer and historian, he did M.A., B.L. and became barrister from London in 1873. He taught in Presidency College and Law Department of Calcutta University. He was Presidency Magistrate and judge of Calcutta High-Court (1890-1904). In 1877, he established National Muhammedan Association. In 1909, he became the first Indian to become member of British Privy Council. He wrote some books in English: The Spirit of Islam (1891), A Short History of the Saracens (1899), Personal Law of Muhammedans, Muhammedan Law (2 vols.), The Code of Civil Practice, The Ethics of Islam.

153 Englishman, 22 January, 1879.
Goospaxa, and Gopalpur, in the Nadia District; at Logusai in Birbhum; at Rahita in the 24 Parganas; at Baidyabati in Hooghly; at Burdwan and in the town of Calcutta itself and the ryots were for the first time taught to feel an interest in their own welfare. At Kissengunge the ryots held a big meeting where they decided to make an appeal to the government in order to press the bill into law. The Commission of Presidency Division reported that the ryots were in favour of the Rent Bill. About the end of February a large meeting of some 14,000 ryots took place at Meherpur (Nadia Sub-division) at which a good deal of abusive language was used. It was further stated that enhancement was to cease. The meetings of the ryots in different parts of Bengal enabled the government to form a tolerably current idea of the views of the ryots.

The Indian Association itself was an enthusiastic supporter of the Rent Bill. In reply to the Government’s letters to the Association on the subject, the Association supported the claim of the government to legislative interference. The Association felt that the occupancy tenure should be made transferable and that it should be allowed to be mortgaged. It wanted that the prescriptive right for acquiring occupancy status should be reduced to three years. It also desired to impose a maximum limit for enhancement. The Association expressed surprise at the attitude of the British Indian Association which refused to support the bestowal of occupancy right upon the ryots.

But there appears to have developed certain differences in the attitude of the pro-ryot section of the liberal intelligentsia about the benefits likely to follow from the new rent act. The Bengalee felt that the rent bill would confer a substantial boon upon the peasantry of the land. But the Som Prakash criticised the ryots for supporting the rent bill and predicted that it would do great harm to both, the zamindar and the ryot.

Again when the Rent Bill of 1883 was proposed, the pro-ryot weekly journal like the Burdwan Sanjivani, condemned the attitude taken by the zamindars towards the Bill by remarking that, the strong agitation set on foot by the zamindars augured no good for the poor ryots. The zamindars had money. They were raising subscription and engaging eminent men to advocate their case, but the poor ryot had neither the means nor the intelligence for making an agitation. Their minds were full of anxiety as to how to pay their rents and maintain their family and children. The Bengalee remarked that:

The zamindars have commenced an earnest agitation with reference to the rent bill. It will not be for us to say a single word against that agitation. Each community is bound to protect its own interest by every legitimate and constitutional means. But we do think, it is deeply to be deplored that their Calcutta
leaders should have entered into a confederacy with the prominent members of the Defence Association and with the prominent members of the Tory Party. These are men with whom the zamindars should never have negotiated for let it never be forgotten that behind the interest of the class or the party, are the thrice — seared interest of our country; and those, who have not scrupled to injure the larger interests are not to be instructed with the protection of the smaller ones.\(^{162}\)

About the tenancy bill, the *Bengalee* wrote:

> We have repeatedly pointed out that one of the most serious defects of the present bill is that it excludes the *Khas Mahals* from the operation of its provisions and that it fails to provide adequate safeguards in the indigo planting districts, for the protection of the ryot. We fail to see why there should be one law for the Government estates and another for private estates. Why there should be one procedure for the former and a different procedure for the latter?\(^{163}\)

When the Select Committee submitted an amended Bill in 1884, the pro-ryot section of the press soon expressed its opinion. *Som Prakash* did not want any extension of the right of occupancy and condemned the provision of the Rent Bill which provided that if a ryot could prove 12 years possession of some of the lands occupied by him, the possession by him of the remaining lands for 12 years would be taken for granted.\(^{164}\) It also criticised the provision which conferred on the occupancy ryot the right of transferability. It said that by this provision the ryot would be allowed to transfer his holding to any person without the consent of the local court. The zamindar would have the first option of purchase if he agreed, to pay the price agreed upon between him and the ryot or fixed by the court. The ryot possessing the right of occupancy would disappear from Bengal in course of time on account of these provision. The zamindar would purchase the right of occupancy from the ryots and would rent lands so purchased to the ordinary ryots.\(^{165}\) The *Sanjivani* said that every just man would admit that, if there was an increase in the produce of any land without any additional labour or cost on the part of the tenant, the zamindar would be entitled to a portion of the additional produce. But if a ryot increased the produce of his land by bringing machine from England or by manuring the soil, the zamindar should not have the right to enhance rent. There was a section to that purpose in the old Tenancy Act. But the Select Committee had substituted a new section for it. The purpose of that section was that, the zamindar would be able to enhance rent if he could only show that the ryot was obtaining a large income by the sale of the produce of the land. This section was unjust and would be a source of much oppression to the ryots.\(^{166}\) The *Bengalee* opined that

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\(^{162}\) *Bengalee*, 2 January, 1884.

\(^{163}\) *ibid.*

\(^{164}\) *Som Prakash*, 7 July, 1884 (*RNP*).

\(^{165}\) *ibid.*, 28 April, 1884 (*RNP*).

\(^{166}\) *Sanjivani*, 5 April, 1884
the Bill would cause great hardship to the ryots as a class. It was the most disappointing
of the series of Bills that had, from time to time, been framed by the government for the
settlement of the rent question. While it afforded exceptional facilities to the zamindar
for the enhancement of rent, it took away, to the same extent, that security of tenure on
the part of the ryot, which had been the object of the Bill to promote. The enhancement
sections had been so recast, the facilities given to the zamindars for enhancement of rent
were so complete that a very material improvement had been made in the position and
status of the zamindar, without any corresponding security being given to the ryot in the
enjoyment of his tenure167.

Ameer Ali pleaded for tenants who had no representative of their own in the Legislative
Council. He insisted not only on the passing of the pro-ryot clauses of the Bill, but he
also demanded an extension of occupancy right to the non-occupancy ryot and under­
ryots. He said that the Bill provided no efficient safeguard against the ejectment of a
non-occupancy ryot to prevent the possibility of his acquiring an occupancy right. He also
said that no protection was given to the mass of under-ryots168. He wanted a free transfer
of occupancy holdings and moved an amendment that occupancy ryot should be entitled in
Bengal proper, to transfer his holding in the same manner as the other immovable property,
provided that the landlord shall be entitled to a fee of ten per cent of the purchase money169.
He objected to the amendment proposed by the zamindars in the provision relating to the
transferable right of occupancy ryot. He said that the amendment would have the effect
of doing away with the established custom, which existed almost in every district with
reference to every description of tenures170. He also objected to the enhancement of rent
on the ground of increase in the prices of staple food crops. He questioned:

Is it fair or reasonable to constitute a rise in the price of staple food crops as a
ground of enhancement when hundred other circumstances like the increasing
cost of production, increasing cost of the basic necessities of life ... tend to
show the ryot of today in a majority of instances is not a whit better off than
the ryot of twenty years ago171?

A section of the press supported him. His opinion was reiterated in the Sakti:

The zamindars were blinded by their self interest, so it was expected that the
zamindars would urge that there was no necessity for the enactment of the
Tenancy Bill. But no other measure was so important as this bill and unless
the rent question was properly settled it would end in a great commotion172.

It was edited by Dwarkanath Gangopadhyay. Others associated with it were Herambachandra Moitra,
Krishnakumar Mitra, Kalishankar Sukul, Gaganchandra Hom and Pareshnath Sen.
167 Bengalee, 28 February, 1885.
168 The Supplementary Gazettee of India, 14 February, 1885, p.17.
170 The Gazettee of India, April, 1884, p.649.
171 The Supplementary Gazettee of India, 14 February, 1885, p.17.
172 Sakti, 14 August, 1884 (RNP).
The *Samvad Bahika* said that:

... the zamindars were very powerful while tenants were very weak. The latter could not easily contest with the former in open law courts. It therefore, asked government to enact the law in such a way as to protect the interests both of the landlords and the tenants173.

The *Bengalee* viewed the Bill as an attempt on the part of the government to fulfil some of the promises made to the ryots in 1793. It observed:

We are far from sharing the gloomy anticipations of the Maharaja(of Darbhanga) or the Hon’ble Pyary Mohan Mookherjee. We do not look forward to any great commotion or any political danger, arising from the enactment of the new law174.

The Indian Association, which from its inception, had been supporting the cause of the ryots however, pointed out some of the shortcomings of the Bill. In its letter addressed to the Government of Bengal on the subject of the Tenancy Bill it suggested that the definition of tenure and that of ryot should be made as precise as possible, so that there might not arise any confusion between the two classes of tenants; it persistently asked:

Will the man who holds 500 bighas under a zamindar, and cultivating 40 or 50, sublets the rest, be considered a ryot? As he actually cultivates 40 or 50 bighas, he must be a ryot, and therefore the actual cultivator of the remaining 450 bighas under him will be classed as under-ryot and will be incapable of acquiring rights of occupancy. There again would be lamentable result, substantial middlemen would be protected, but the cultivators of the soil would not be benefited175.

Speaking on the subject of enhancement of rent, the Indian Association observed that the tenant should be left free to contract upto the maximum limit to which, rent could be enhanced in a court. There was no reason why, it should not be left a matter of free contract between landlord and tenant. But the Association said:

At the same time, it should be provided that a tenant should be debarred from offering an enhancement within ten years from the date of the last enhancement, and that nothing in the section should prevent him from avoiding a contract, within a reasonable time, on grounds of which other contracts may be avoided176.

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173 *Samvad Bahika*, 7 August, 1884 (RNP).
174 *Bengalee*, March 14, 1885.
175 *Bengalee*, 5 April, 1884.
176 Ibid.
The Association further pointed out that:

To find out what the prices of food grains are and have been and where there has been an increase in prices, is what the revenue authorities can determine from enquiry and there can be no objection to their determining this authoritatively for the benefit of zamindars. But here their work must stop. Armed with these figures (Which the ryots shall be unable to contest) let the zamindars seek enhancement in the Civil Courts and there alone should it be decided on evidence what the equitable rent should be\textsuperscript{177}.

The Association found that the law of distraint was still a powerful instrument of oppression and annoyance. It said that:

An unscrupulous zamindar, if he wants to ruin a refractory ryot, will have no difficulty whatever in providing before a court of law which has not the opportunity of hearing the other side, a claim for money to which he is not fairly entitled. The Bill afforded the landlord unusual facilities for the realization of his arrear of rent and in the second place the provisions of the civil procedure code for attachments before judgement, which were made applicable to rent suits, were sufficient to protect him against any loss that he might apprehend at the hands of his designing tenants. These were their safeguards already provided for in the Bill and these exceptional powers for distraint were not needed\textsuperscript{178}.

The Indian Association took a prompt action in connection with the Bengal Tenancy Bill, as revised by the select committee. The Association felt it to be its duty to record its protest against a measure, which having been intended for the benefit of the ryots was likely to prove disastrous to them. The Committee of the Association sent a letter to the government of India, recording their objections to the Bill\textsuperscript{179}. The Association observed with great truth that the bill had thoroughly dissatisfied all parties, and that it would be found ineffectual to protect the interests of the ryot, especially after the recent agitation which had produced an unhappy tension between zamindars and ryots, in all parts of the country. They said that under the new Bill, the occupancy right was no longer transferable. Transferability was to be regulated according to custom. The Committee failed to see what possible objection could there be to making the right transferable throughout Bengal? To leave it to custom in view of the present tension between landlords and tenants, was to invite the zamindar to contest it in a court of law, every time the opportunity occurred. It was needless to point out, how in such a contest the ryot would find it very difficult indeed to maintain his just rights, against the power and resources of the landlord. The bill had done more harm than good in this respect. For, whereas, formerly the zamindar might have been content to allow custom to have its course, now, after the present agitation, it was to be

\textsuperscript{177} ibid.
\textsuperscript{178}ibid., 12 April, 1884.
\textsuperscript{179}ibid., 28 February, 1885.
feared, a disposition would be shown to contest cases of the transferability of the occupancy right, which would not have been so contested before. The Committee urged that the new law should authoritatively declare that at least in Bengal, the occupancy right should be transferable by sale. The committee of the Indian Association also pointed out that security of tenure could exist in name only, when the zamindar was armed with unlimited powers of enhancement. Besides, the provisions which entitled the non-occupancy ryot to compensation, upon unjust eviction have all been omitted. If the object of the bill was to enable non-occupancy ryots to acquire gradually the position and status of the occupancy tenant, the omission of the compensation clauses would effectually prevent the fulfilment of this object. Regarding the under-ryots, the committee said that under the new bill, the position of the under-ryot was actually worse than what it was at present, for under the present law, the under-ryot might acquire the occupancy right. The committee was of the opinion that under-ryots like non-occupancy ryots, should be entitled to compensation upon unwarrantable disturbance of possessions, and that facilities should be given to them to rise to the status of occupancy ryot\textsuperscript{180}.

But the government did not pay any heed to the protest of the Indian Association. It was through the intercession of Viceroy Dufferin that the council made a number of concession to the zamindars. This watered down the effect of the original Bill in favour of zamindars.

A section of the pro-ryot intelligentsia, however, approved of the Act. R.C. Dutt observed that, in Bengal where the land laws of 1885 saved the cultivators from undue enhancements, the average rent paid by cultivators to landlords did not exceed one-sixth of the gross produce in any district and fell far short of it in eastern districts\textsuperscript{181}. This Act, he said, effectively protected the cultivators of Bengal against all unjust enhancements and ejection by landlords\textsuperscript{182}. It was thus after the labours of a century that British administrators had solved in a satisfactory manner the great 'Land Question' in Bengal, firstly by extending protection to zamindars by the Regulation of 1793 and secondly by extending protection to actual cultivators by the Act of 1859 and 1885. The consequence was that, in Bengal, the cultivators were more prosperous, more self-relying and more safe against the worst effects of famine, than the cultivators of any other province in India\textsuperscript{183}.

5.1.6 Some observations on the issue of landlord-tenant relationship

It is clear that in the 1870s and 1880s, the Bengali urban intelligentsia was divided into two camps on the question of landlord-tenant relation. By 'tenant' the progressive section understood only those ryots, who had under Act X of 1859, acquired occupancy status after having cultivated the same plot of land for 12 years. They were not concerned with

\textsuperscript{180}ibid.

\textsuperscript{181}Bengalee, 14 March, 1885.

\textsuperscript{182}Dutt, R.C., 'Presidential Speech', 27 December, 1899, Lucknow Congress, in his \textit{Speeches and Papers on Indian Questions}, 1897 to 1900, p.125.

\textsuperscript{183}Dutt, R.C., in ibid., 1901-1902, pp.4-5.
the fate of the other categories of ryots like the agricultural labourers or the sharecroppers. Even the Indian Association, which proclaimed itself to be the upholder of peasant rights, laid no proposal for them before the Rent Law Commission in 1879.184

Even though the Bengali intelligentsia thought quite seriously about the question of zamindar-peasant relationship, they could offer no permanent solution to the overall agrarian problem. The larger section of Bengal’s agrarian society was left untouched by the Act of 1885. Besides, even though the progressive intelligentsia became concerned about the occupancy ryots, they did not want any revolutionary change in the agrarian social structure. So they did not want abolition of the Permanent Settlement. In fact, it is not difficult to prove from their articles in newspapers, essays and speeches that they wanted to protect the rights of a particular category of ryots within the framework of the Permanent Settlement. That is why Dwarkanath Vidyabhushan wrote in Som Prakash that they did not want the destruction of one class of peasants in the interest of another. They only wanted to protect the weak against the oppression of the strong.185 The mouth-piece of the progressive Brahmos, Sulabh Samachar, observed at the same time, that the government should force the zamindars to discharge their responsibilities towards the ryots as per conditions laid down by the Permanent Settlement. Many of the contemporary journals expressed similar sentiments. This is surprising in view of the fact that most of them were aware that the Permanent Settlement was one of the main reasons for the deterioration in the relationship between the landlord and the tenant.186 Bankimchandra wrote in 1872 that Bengal’s decline was inevitable since it was a Permanent Settlement. Yet he wrote in the same essay that abolition of the Permanent Settlement would create great dislocation in society.187

Since the progressive intelligentsia wanted to safeguard peasant right within the existing social framework, they opposed any act of violence on the part of the peasants. During the Pabna uprising they were particularly vocal in their disapproval. In actuality, they could not get rid of their traditional ideas of prevalent social class distinctions and property relations. Probably they wanted to use the issue of peasant right to win in their greater political struggle against the landlords and the conservative intellectuals. That is why they could not channelise peasant grievances in eastern Bengal into an organised peasant movement.

184 Bengalee, 28 October, 1873; Hindu Ranjika, 31 December, 1873.
186 Som Prakash, 13 October, 1873 (RNP).
187 Sulabh Samachar, 11 September, 1873.
188 Grambarta Prakashika, 17 March, 1875; Sadharani, 2 May, 1875; Bangabandhu, 29 August, 1873.
189 Chatterjee Bankimchandra, Bangadeshar krishok, p.70.
190 ibid., pp. 84-85.
191 Bengalee, 5 July, 1873; Som Prakash, 7 June, 1873 (RNP); Sulabh Samachar, 15 July, 1873.
5.2 Intelligentsia perception of moneylender-ryot relationship

In the colonial political economy, the crucial link between subsistence and the market ensured that the moneylenders were to emerge as major claimants of the peasants' surplus from the late nineteenth century. It was a period of rapid expansion in jute production as well as that of other cash crops like sugarcane. During this period, particularly in the last quarter of the century, the rapid expansion in international trade provided the stimulus for the growth of the acreage under raw jute as well as the establishment of a jute manufacturing industry in eastern India. This trend continued, in spite of some short spells of decline, till the end of the century. This period also witnessed an increase in rice production. These increased the cash needs of the peasantry. The peasants required cash to pay the revenue, to undertake agricultural work and also for conspicuous consumption. For this they had to depend greatly on the moneylenders. In most cases, the moneylenders did not constitute a differentiated class. The moneylending landlords and the traders provided them with the necessary capital.

The relation between the ryots and the moneylenders increasingly attracted the attention of the intelligentsia from the 1860s. The contemporary intelligentsia reviewed the role of the moneylenders from different angles. On the one hand, they played a positive role. They provided credit to facilitate the process of production, to pay the revenue and to tide over other difficulties. On the other hand, the peasants, artisans, traders and others who took credit had to pay a high price for the help. The accumulated interest most often exceeded the principal sum. A large portion of the crop was taken away by the moneylenders. In contemporary literature, essays and articles in newspapers the oppression of the moneylenders was discussed. They perceived that like the relationship between the zamindars and the peasants, the relationship between the ryots and the moneylenders too had a great impact on the agricultural process.

The Sulabh Samachar, observed that the exorbitant demands and the crude extortions of the moneylenders were responsible for the ruin of the ryots. The government was aware that, the oppressions of the zamindars coupled with the exorbitant demands of the moneylenders were the main sources of peasant discontent. In an article headed 'Condition of the cultivating classes', the Howrah Hitakari observed that, the condition of the cultivator in this country was far from enviable. The poverty of the cultivator was solely due to the mahajans. Payment of high rates of interest hardly left him anything wherewith to liquidate the principal. The Som Prakash commented that, the oppressions of the zamindars alone, did not bring about agrarian disturbances. In the oppressions of the mahajans was to be found another cause. It was the rapacity of the latter which exasperated the ryots, already reduced to poverty.

These views bring to light the oppressive character of the moneylenders. Yet they served

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192 Sulabh Samachar, 14 January, 1873 (RNP, 25 January, 1873).
193 Howrah Hitakari, 21 May, 1876 (RNP, 3 June, 1876).
194 Som Prakash, 27 September, 1875.
a very important purpose. They played a positive role in economy. The Ananda Bazar Patrika observed, there were few among the Bengal peasantry who could do without their aid in times of adversity brought on by the failure of crops. Discontinuance of the mahajan’s business would be a misfortune rather than a gain to the tenants. It was, however, not the object of the journal to deny that the mahajans charged excessive rates of interests, and in their transactions with the cultivators, said the journal, they did many things which were far from honest. Yet they were a necessity to the Bengal cultivator. R.C. Dutt said,

The mahajans discharge a very important function in the social economy of Bengal, so important indeed, that all agricultural work would be at a standstill without their assistance.

When the ryot needed money either to pay a tax or for his own support, either to pay the zamindar’s rent or to sow his lands, he had to borrow money or dhan at any rate at which it could be had. Exorbitant rates, said R.C. Dutt, had naturally raised a class of people who, following different pursuits of life depend mainly on lending money. Not only the ryot, even the zamindar, the taluqdar and the grantidar resorted to the moneylender in times of need. The latter lent money and dhan at rates of interest which were never less than 25% and seldom less than 37½%. Proposals were often made to put a stop to this sort of thing by government interference. But R.C. Dutt observed,

We are afraid such steps if taken will produce much harm and no good. The prudence and foresight of the moneylenders compensate for the improvidence of the entire village population of Bengal and they, as a body, save entire classes of people from utter ruin year after year.

Many of the zamindars could hardly pay revenue to Government every year without the assistance of the mahajans. Hardly 10% of the ryots could, without such assistance carry on their agricultural work year after year. They borrowed dhan mostly in Baisakh for the purposes of sowing as well as to live upon, and paid off this agricultural debt at a high rate of interest either at the Aush harvest in Bhadra, or at the Aman harvest in Magh. ‘Nor would the rates seem exorbitant’, wrote R.C. Dutt, ‘when we consider it a tax which shameless improvidence pays to the only means that can save it from ruin — when we further consider the risk undertaken, the difficulties which often attend recovery, and above all universality of the demand’. Since the laws of demand and supply regulated and determined the rates, government interference would only create mischief. Any usury laws that might be enacted were sure to be evaded, and the poor ryots who constituted the bulk of the borrowers would have to pay the cost of such illegal evasion over and above the rates. Dutt however, pointed out:

195 Ananda Bazar Patrika, 7 September, 1880.
196 Dutt, R.C., The Peasantry of Bengal, pp.96-104.
197 ibid.
It is not our intention to defend moneylending as a profession we admit all that has been said against it, we admit it has a demoralizing effect on those who borrow, and smothers all noble feelings in those who lend, by teaching them to extort heartless gain in the coolest and cruellest manner from poverty and distress. But admitting all this, we maintain that the profession has become a necessity and settled down into a custom, and government interference will only do harm.

Again,

It is expected that a single enactment will in the day change the improvident habits which the people ... have acquired in centuries? If not, the only other means to do away with money-lending at high rates would be for government to advance money and dhan at smaller rates, - taking upon themselves the burdensome duty of realizing their loans from poor ryots. We hardly believe our government are prepared to go far, as it would involve them in endless complications, and law suits. Then, there is simply 'no' other alternative than to leave matters alone198.

The Ananda Bazar Patrika observed, that while it was necessary that the peasantry should be saved from ruin caused by the rapacity of the mahajans, it was equally necessary that they should be provided with facilities for borrowing money at low rates of interest199. 'It is idle to urge that, loans failing, they will learn to grow provident.' That was a work of time. For the next 20 years at least the government had to sanction the establishment of loan offices throughout the country200. The Bishwa Dut proposed that the government should establish a number of agricultural banks which would provide the peasantry with loans at a low rate of interest201. In an article, the Bangabasi enjoined the government to make provisions for the proposed agricultural banks to grant loans not only for agricultural purposes but for other purposes also202.

The intelligentsia observed that the ryots' relation with the moneylenders underwent certain changes in this period. The question of rent was closely connected with the question of interest. The Grambarta Prakashika observed that, no peasant could survive without the assistance of the moneylender203. He needed the latter's help not only to meet his daily expenses, but also his rent requirements and all the expenses involved in putting his land to the plough.

The cultivation of cash crops entailed a larger capital outlay. In return the debtor had to hypothecate a portion of his produce as debt payment. The creation of occupancy right in

198 Ibid.
199 Ananda Bazar Patrika, 7 September, 1880.
200 Ibid.
201 Bishwa Dut, 2 January, 1878 (RNP, 19 January, 1878).
202 Bangabasi, 16 December, 1882 (RNP, 23 December, 1882).
203 Grambarta Prakashika, 12 September, 1880.
land gave moneylenders a better security for the realization of their loans. The editor of Grambarta Prakashika observed that the peasant’s land provided far greater security for the realization of loans by moneylenders. These facilitated the alienation of peasant’s holdings to them. But this alienation was not that frequent. Even where the peasant lost his right to the land there was not much change in his position. He was seldom ousted from the land. He continued to cultivate it as before and handed over a portion of his produce. In Bengal the moneylenders did not constitute a differentiated class. The rich peasants and the zamindars mainly constituted this group. Bankimchandra’s fictitious Paran Mandal’s last resort was the mahajan. The zamindar himself was the mahajan. He demanded rent from Paran who needed money not only to pay it and meet his daily expenses, but also needed seeds for sowing the field. The zamindar then acting as mahajan met his needs and took away everything in the form of rent or interest.

5.3 Poverty and indebtedness

Linked with the question of credit were the problems of poverty and indebtedness. They were the main reasons for land transfer. The real cause of the poverty of the agricultural population, said R.C.Dutt, was not over-population. Population did not increase faster than the area of cultivation. It was not the natural improvidence of the cultivator, ‘for those who know the Indian cultivator will tell you that with all his ignorance and superstition’, he was as provident, as frugal, as shrewd in matters of his own interest, as the cultivator in any parts of the globe. According to Dutt, it was not the moneylender who, by his fraud and extortion kept the tillers in a chronic state of indebtedness. The cultivators were forced under the thraldom of moneylenders by the rigidity of the government revenue demand. The village industries like spinning and weaving had been killed by free competition with the steam and machinery of England. The cultivators and the village industrial classes, therefore, virtually depended on the soil as the one remaining source of sustenance. Dutt thus concluded that:

The material well being of the people ... depends on successful agriculture, on flourishing industries, and on sound system of finance ... four-fifths of the population of India depend directly or indirectly on agriculture. It is the main industry of India, the main source of subsistence for the people ... If agriculture flourishes, if the crops are safe-guarded, if the land is moderately taxed, the people are prosperous. If any of these conditions is wanting, the people must necessarily be on the verge of starvation, and must perish in years of bad harvest.

204 ibid.
205 Bankimchandra Chattopadhyay, op. cit., p.293.
207 ibid.
208 Dutta, R.C., 'The Economic Condition of India' (Speech delivered at the Philosophical Institution, Glasgow on 4th September, 1901) in Speeches and Papers on Indian Questions, 1901 and 1902, p.70.
A correspondent of the *Education Gazette* wrote about the poverty of the agricultural tenants. The high rents charged by the zamindars was the chief cause of this. The other causes were: over-population; the available extent of land was gradually becoming limited for agricultural purposes; a lack of such necessary agricultural appliances as manuring, irrigation, and others owing to the poverty of the tenantry; extension of the cultivation of jute and other articles affecting injuriously, the cultivation of paddy.

The impoverishment of the rural masses was responsible for the great loss of lives during famines. The *Som Prakash* remarked that,

> The chronic poverty of the people and their ignorance of the uses of irrigation were important causes of famines.

The proper means of preventing the recurrence of famines were: an improvement of the condition of the people, a habit of storing up and not selling surplus grains, and construction of irrigation canals from the proceeds of the road cess. The *Sahachar* published an article headed the 'Cause of Famine'. The writer dwelt on the almost complete denudation of the country, which had been brought about by the clearing of forest lands and trees for the purpose of cultivation at the present time, and which had affected injuriously the amount of annual rainfall and the rotation of the seasons. In yet another article, the *Sahachar* mentioned some other causes which were responsible for the recurring famines of Bengal and the chronic poverty of the people. They were: the zamindari settlement of land, under which the rights of the ryot were not respected, and the duty of improving the soil was solely thrown upon him; under it the ryot was further subject to the payment of a large number of illegal cesses to the zamindar, the backward state of agriculture and the ignorance of the peasantry; the increasingly extensive cultivation of jute which took up land which would otherwise have produced food crops, besides adversely affecting the fertility of the soil; want of seasonal rains and the indifference of educated natives to agriculture and agriculturists. Another contemporary journal *Hindu Ranjika* listed as probable causes of the famines: no definite measures had been taken for the improvement of agriculture, the inattention of educated men to the improvement of trade and agriculture. Cultivators were exceedingly ignorant and knew nothing about the proper way in which agricultural duties had to be carried on. Neither tenants nor landlords tried to improve the productive power of the soil. Indigo and jute cultivation had tended to diminish that of rice. No steps had been taken to bring the vast extent of waste land under cultivation. The free exportation of grain was yet another cause of the distress.

It may thus be concluded that, peasants borrowed in order to pay the rent as well as to buy grain during the lean season. The debts kept on accumulating. The fact that, they

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209 *Education Gazette*, 1 April, 1878 (*RNP*, 13 April, 1878).
210 *Som Prakash*, 19 February, 1877.
211 *ibid*.
212 *Sahachar*, 1 April, 1878 (*RNP*, 13 April, 1878).
215 *ibid*.
had to sell their grain during the harvest to pay their dues meant lower cash returns. They did not have sufficient resources to take advantage of the lean season. The pressure of population on land, because of the increase of population and the decline of village industries, weakened the bargaining capacity of the tenants. The low level of technique precluded noteworthy increase in output. There was increase in output but that was mainly due to the extension of cultivation after the Permanent Settlement. But the increase in population, as Bankimchandra remarked, soon outstripped the extension of cultivation. Agriculture remained stagnant. Lack of adequate capital in the hands of the peasant, naturally meant the absence of productive investments on land. This was particularly noticeable in the case of irrigation. Absence of irrigation facilities severely handicapped agriculture in regions of uncertain rainfall.

5.4 Agricultural stagnation and its remedy

The Bengali intelligentsia observed that, throughout the period agriculture remained stagnant. It was a subsistence economy. High land revenue demand, the growing antagonism between zamindars and ryots and the consequent increase in rent and illegal cesses, deindustrialization, increase in population and the consequent pressure of population on land, lack of security of tenure of the bulk of the cultivators, rural indebtedness and lack of capital accumulation and investment on land were some of the reasons in the perception of the intelligentsia for the stagnant nature of agriculture. Moderation of the land tax and the extension of irrigation works — canals, tanks, and wells — suggested R.C. Dutt, were two indispensable measures for the improvement of agriculture.

An important requirement for agriculture, observed R.C. Dutt, was not new implements and new methods of cultivation but a sufficient supply of manure and irrigation works. Cattle manure had always been and was till date, the universal fertiliser and the only cheap and available manure. But with the destruction of forests and scarcity of firewood, cattle manure was primarily used for fuel, and thus the supply of manure for land was decreasing. Forests should be reserved for both valuable timber as well as the supply of sufficient and cheap firewood for the cultivators.

Another requirement, observed R.C. Dutt was a sufficient supply of water. The rainfall was uncertain and sufficient attention had not been paid in the preceding hundred years to the construction of new irrigation works. In Bengal, remarked R.C. Dutt, where the rainfall was copious and the fields were often inundated by rivers, shallow ponds excavated in the fields were the most suitable irrigation works. Public revenues should be spent, not on railways but on irrigation. Had more attention been paid on irrigation, famines would have been impossible. 225 million sterling had been spent on railways while only 25 millions had been spent an irrigation in India. Dutt suggested that canals would contribute to the

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216 Chattopadhyay, Bankimchandra, *op.cit.*, pp.300-301.
217 Dutt, R.C, 'Indian Agriculture', in *Speeches and Papers on Indian Questions 1891 and 1901*, pp.98-100.
218 *ibid.*
stability of agriculture. The Sahachar suggested that, the enormous water supply in the river should be utilized by means of an extensive system of irrigation canals\(^{219}\). Agriculture would thus be relieved of its dependence on a certain amount of seasonal rainfall.

Since lack of adequate capital hindered agriculture, the intelligentsia suggested that the ryots should be provided with easy credit at low rates of interest. The Sulabh Samachar remarked that, the North Western authorities had ruled that the ryots should have loans from the treasury of the government. This had brought great relief for the ryots, as the rate of interest charged by the government was low. There was no reason why such steps could not be taken in Bengal\(^{220}\). The Banga darpan urged decrease by law, of the rate of interest on loans. If 8 annas per cent per month or Rs.4 on a 1000 were prescribed, the oppression of the moneylenders would decrease\(^{221}\). The editor of Amrita Bazar Patrika however observed that, if the Government prescribed the maximum rate of interest at which the mahajans should lend money, this instead of proving a convenience to the poor would act injuriously\(^{222}\). The mahajans would at once refuse to advance money. Interest was not arbitrarily increased, but only according to circumstances. Money was daily becoming scarce. So unless the same friendly relations that formerly subsisted between creditors and debtors was restored, any attempt on the part of government to interfere would do more harm than good.

This establishment of agricultural banks was suggested as the best means of providing easy credit to the ryots. The Howrah Hitakari suggested that the government should open a number of agricultural banks for granting loans at 12 per cent. The rate of interest between the mahajans and the ryot should be fixed at no higher than 15 per cent\(^{223}\). In an article on the miserable state of the peasantry and petty zamindars, the Bharat Mihir said that, on account of their poverty, they were forced to borrow money at high rates of interest, in order to cover the necessary expenses of food and clothing\(^{224}\). Many families had been literally ruined by the exorbitant interest they were obliged to pay. It was the duty of every good government to seek to remove the misery of the subjects. The government should adopt the system of the Prussian government on this point, viz. lend money at low rates of interest to the peasantry. In order to accomplish this object, it should establish some banks. The journal further suggested that loans should be granted for all purposes.

The editor of Charu Varta, however, objected to the proposal to establish agricultural banks on the ground that the condition of the agricultural classes would not improve until there was an augmentation of wealth in the country\(^{225}\). The opening of agricultural

\(^{219}\) Sahachar, 24 December, 1877 (RNP, 5 January. 1877).  
\(^{220}\) Sulabh Samachar, 14 January, 1873 (RNP, 25 January, 1873).  
\(^{221}\) Banga darpan, 17 February, 1877 (RNP, 3 June, 1876).  
\(^{222}\) Amrita Bazar Patrika, 27 February, 1873.  
\(^{223}\) Howrah Hitakari, 21 May, 1876 (RNP, 3 June, 1876).  
\(^{224}\) Bharat Mihir, 25 May, 1876 (RNP, 3 June, 1876).  
\(^{225}\) Charu Varta, 20 November, 1882 (RNP, 2 December, 1882)
banks, instead of serving this important purpose would rather aggravate the poverty of the cultivators by making it easy for them to obtain loans. The journal further remarked that until the people were taught to be economical, and encouraged to effect improvements in their land, agricultural banks would not succeed in removing their poverty\textsuperscript{226}. These banks, if established, would give loans only for improvement on land. In order to meet the expenses of conspicuous consumption they would have to resort to the mahajans. So the establishment of agricultural banks would not meet the credit needs of the ryots.

The journals \textit{Howrah Hitakari}, \textit{Charu Varta} and \textit{Bharat Mihir} observed that, commercialization of agriculture could have brought about a change in the traditional organizational form of production. But this did not happen because what occurred in Bengal was not a normal process of commercialization. The peasants did not choose their cash crops in response to market stimulus. The normal process of commercialization would have meant marketing of an increasing amount of the surplus product, be it a subsistence or a cash crop. What happened was forced commercialization. Commercialization tended to reduce the availability of food. It did not involve much change in the traditional system of production. The peasants themselves carried on agriculture. The longer credit needs which commercialization entailed, were met to an extent by the moneylenders. It was the cultivation of indigo, which alone entailed a new type of organizational form of production. But the cultivation of indigo became an organized system of oppression. The peasants resisted the forced cultivation of indigo. The intelligentsia mounted a vigorous campaign against the indigo system. A small group of Calcutta educated mukhtars and journalists took up the cause of the ryots in the mofussil courts and sent reports on their sad plight to the Calcutta press. The ryots were given free advice and legal aid. Dinabandhu-Mitra gave a vivid picture of the oppression, practised on the hapless ryots in his \textit{Neel darpan}. Act XI of 31st March, 1860 was denounced by Harishchandra Mookherjee, the fiery editor of \textit{Hindoo Patriot} as 'Ryots Coercion Law'. From 28 April 1860, a new section in the \textit{Hindoo Patriot} under the heading 'The Indigo Districts' was opened for the publication of news and letters regarding indigo cultivation\textsuperscript{227}. Liberal intellectuals belonging to different professions expressed their support for the indigo cultivators.

Another name that comes to mind is that of Sisir Kumar Ghosh (1840-1911) who would later found the \textit{Amrita Bazar Patrika} and the Indian League (1875). He travelled throughout the villages in Jessore, Nadia, to mobilise the peasants. He regularly wrote letters to the \textit{Hindoo Patriot} describing the oppression of the planters. Manmohan Ghosh too, used to write letters from Krishnanagore describing the tales of woes of the ryots. They found support from Radhikaprasanna Mukherjee, an Inspector of Schools. The stiff resistance of the peasants and their supporters resulted in the destruction of indigo cultivation in Bengal. The support of the intelligentsia to the indigo peasants strengthened the movement.

\textit{Prakash} and \textit{Charu Mihir}.

\textsuperscript{226}ibid., 27 November, 1832 (\textit{RNP}, 9 December, 1882).

\textsuperscript{227}The indigo revolt and Harishchandra's views have been discussed earlier.
5.5 Contemporary journals and structure of landed society

In the contemporary journals, the intelligentsia took up various other issues related to agriculture and agrarian society. They discussed in detail the impact of commercialization on landed society and how it led to impoverishment of a certain section of the peasantry. Another important development which they highlighted was the increasing differentiation within the peasantry and the condition of these classes.

An important development in the agrarian sphere in the perception of the intelligentsia, was the increasing differentiation among the peasantry in the course of our period. The Grambarta Prakashika divided the agricultural population into three classes: those that owned small holdings; actual cultivators and labourers who worked for wages. Exportation and the consequent rise in the price of corn had, to a certain extent, raised the status of those who belonged to the first class. But even they, reported the journal, were not well-off. Prices were not always high; while the fertility of the soil had diminished. The agriculturists of the second class, who drove the plough with their own hands, lived from hand to mouth. Their wants, and consequently their expenses, had increased; they did not enjoy plenty throughout the year. A failure of crops in the season reduced them to poverty and debt. The condition of the labourers who constituted the third class, however, observed the correspondent of Grambarta Prakashika, was the most miserable. When a famine occurred they were the first to feel its pressure. At such times they earned higher wages, but the prices too were proportionately high.

The Ananda Bazar Patriotka referred to a class of 'intermediate tenants' which occupied a position between the zamindars and the ordinary ryots. The journal lamented their miserable condition. In an article headed 'The Middle Class Tenants and the Rent Law', the Amrita Bazar Patriotka, made the following observations:

In order to check the recurrence of agrarian rising in the mofussil, Sir Richard Temple has lately written a Minute on the Rent Law ... the middle class men have now found an opportunity to come forward and establish their rights to the land. This opportunity they should not let slip. We have strong reasons for warning them repeatedly on this point, for they constitute, as it were the backbone of society.

The journal further observed that in Bengal, landed property was the chief source of the improvement of middle-men. The zamindars possessed the proprietary right but middle-men had all along been closely connected with it, and where they had any influence the former was almost powerless, and there the condition of the cultivating ryots was found

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228 Grambarta Prakashika, 3 November, 1877.
229 Ananda Bazar Patriotka, 18 August, 1884.
230 Amrita Bazar Patriotka, 8 June, 1876.
to be much better. The cultivating ryots thought it better to remain under jotedars and grantidars, who constituted the intermediate class, even at a higher rate of rent.

The *Samaya* referred to a class of under-ryots\(^{231}\). The absence of the power of transferring occupancy right compelled many tenants to relinquish land, when they could not cultivate it. If they had such power, they might mortgage the land in time of need. But the rate of interest being high, if a tenant once pledged his land he could scarcely recover it. Slowly, but gradually, it went to the moneylender, and the latter being in most cases rich peasants, the tenant became an under-tenant to his creditor. The *Hindu Hitoishini* referred to the process by which some members of the tenantry improved their condition and some among them gradually came to possess authority over the rest of their class:

One of them obtains for cultivation some pieces of land from the zamindar on a low rental, but being unable to cultivate so much himself he sublets it at a profit (of half the entire produce) to another. The first, if he knows how to manage his property well, can lay up money in a short time. He gives loans...\(^{232}\).

He then instead of himself cultivating any land, leased it all out in *patni* to others and so became a *patnidar* under the zamindar, and were respected by the tenantry. The journal further observed:

Some three or four such men may be found in almost every village, who direct the tenantry as they please. The disputes of the zamindars are really with these men. The zamindar is not allowed to share in the enhanced value of the land, the whole of it being enjoyed by these headmen. The latter moreover takes upon themselves the power of deciding all civil and criminal matters, and the money which is easily realized by this means is divided amongst themselves\(^{233}\).

In the perception of the contemporary intelligentsia, a particular structure of landed property had thus emerged in their period. Below the zamindars, who possessed proprietary rights in land, stood a class of middlemen. They were otherwise known as the *pattanidar*. They occupied a position in between the zamindar and the peasantry. A class of rich peasants emerged at the top of the ladder. Apart from income from the land, they accumulated a considerable sum from grain-dealing and moneylending. They were ready to reclaim waste land and to cultivate richer crops. A class of sub-ryots also emerged. They leased the land from the richer peasantry who often dissociated themselves from agriculture in return for rent. Below them was the class of poor peasantry. They had lost their

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\(^{231}\) *Samaya*, 3 November, 1884 (*RNP*, 8 November, 1884)

Its editor was Jnanendranath Das, M.A., B.L..

\(^{232}\) *Hindu Hitoishini*, 8 January, 1876 (*RNP*, 15 January, 1876)

It was published from Dacca as a weekly since 1865. Its editor was Harishchandra Mitra. It was the mouth-piece of Dacca Hindu ‘Dharmarakshini Sabha’. Harishchandra was a teacher, writer and a journalist. He wrote poems, plays, text books etc. He also edited at different times journals like *Chittaranjika, Abakashranjika, Dacca darpan, Hindu Ranjika*.

\(^{233}\) *ibid.*
rights of occupation over the lands. But this very seldom led to absolute eviction. The dispossessed peasants in most cases continued to cultivate the same plot of land, in return for higher rents. At the bottom of the ladder were the agricultural labourers.

5.6 Concluding remarks

The three movements that took place in quick succession — the Revolt of 1857-58, indigo uprising and Pabna rent struggle — provided some object lessons for the intelligentsia. They revealed the power and convulsive effect of the popular uprising. The first and last showed that the educated and other respectable men could also be the target of mass anger. From the indigo uprising, the intelligentsia learnt that by championing the cause of the peasantry, the latter could be won over and a joint movement launched by the intelligentsia and the peasantry could have a more telling effect.

About the same time when the Pabna uprising took place, the Amrita Bazar Patrika wrote that the ryot and the middle class in reality comprise the nation and the latter was the friend of the former. It advanced the idea of a historical alignment of classes saying that, the socio-political situation of the country had grouped the ryot and the middle class or gentry together against the government and the zamindars\textsuperscript{234}. Some years later, the Bengalee wrote that, it was the ‘dumb peasantry of Bengal’ rather than the members of the British Indian Association or the zamindars in the mofussils or the residents of Calcutta who constituted the nation\textsuperscript{235}. Even Bankimchandra\textsuperscript{236} stressed the force of the majority. He said that, since the peasantry constituted the bulk of the population, if they rose in revolt then there might be a total upheaval. So the welfare of the country lay in the welfare of the cultivators\textsuperscript{237}.

It is thus evident that, there was a growing feeling among a section of the intelligentsia, increasingly inclined towards politics, that peasant support could provide solid mass base. This partly explains their attempt to champion the cause of the peasantry more purposefully.

But even these men who were sympathetic towards the ryots, were not free from limitations. They did not have a clear perception of British imperialism. They described the miserable conditions of the poor and hapless toiling peasantry and highlighted the apathy of the government and the exploitative character of the zamindars. The reluctance of the English magistrates to undertake any measure to improve their condition angered them. But they were unaware that the magistrates represented British imperialism and exploitation. They had great faith in the good intentions of the British and repeatedly emphasised that the misery of the ryots persisted because the Queen was unaware of their condition. They thus felt it to be their noble duty to use their pens to bring to her notice their plight.

\textsuperscript{234}Amrita Bazar Patrika, 26 December, 1872.
\textsuperscript{235}Bengalee, 19 February, 1881.
\textsuperscript{236}His agrarian ideas will be discussed in another chapter.
\textsuperscript{237}Bangadarshan, Bhadra 1279, B.S.(1872).
They did not give any elaborate details about how agricultural techniques could be improved. By this time agricultural revolution had taken place in European countries. Scientific agrarian techniques had been introduced to improve agricultural production and yield. But they seemed unaware of them and did not suggest their adoption by the Bengal peasantry. They failed to realise the absolute necessity of improving agricultural production for, without that there could be no real improvement in the condition of the peasantry. Their lack of knowledge of agrarian developments in the west is all the more surprising in view of the fact that, they were widely read in western philosophy and political thought.

After the enactment of Bengal Tenancy Act in 1885 interest of the intelligentsia in agrarian issues took the back-seat. In the same year, the Indian National Congress was established. From the next year onwards, some of the leading members of the intelligentsia became actively engaged in politics. There was a conscious effort to avoid all divisive issues. There was an attempt to uphold the united fabric of Indian society as, the nationalist movement gained ground. In the twelve years following enactment of Bengal Tenancy Act, the primary aim was to secure as many constitutional and political concessions from the government as was possible. Besides, a large portion of the Congress fund came from the landholders. Many of the Bengal zamindars were patrons of the Congress. The leaders could not afford to alienate this class at such a crucial stage in the country’s political development. Apart from this, the terms of the 1885 Act satisfied for the time being some sections of the peasantry and their patrons from the intelligentsia. The shortcomings of the Act were not visible for quite sometime.

Another fact that needs to be highlighted is, the silence of men like Harinath Majumdar and Surendranath Banerjee on agrarian issues in the subsequent period. Harinath, who spent his life in the villages championing the cause of the hapless peasants, dissociated himself from agrarian issues since the 1880s. He was not even involved, in political activities. Apart from ill-health, it is difficult to explain his silence. Surendranath on the other hand, was an active politician. Agrarian thinking of the intelligentsia, would again receive a boost in the post-Swadeshi period. In the period immediately preceding it, neither Bengali literature nor the journals gave much importance to agrarian topics. Not much was written on them.