

## **CHAPTER-THREE**

### **REACTION TO THE COLONIAL AND LAND REVENUE SYSTEM (A)**

#### **UPRISINGS, (B) RENT ACT, 1859, (C) TENANCY ACT, 1885**

The East India Company got *Dewani* in the year 1765. After that the English East India Company dominated in Bengal, Bihar and Orissa. In 1770 great famine took place which changes the condition.<sup>1</sup> The Court of Directors of Company decided to abolish 'Dual Government'. Company thought about land and land revenue policy of India. The chief framer in this line was Warren Hastings (1773-1785) who experimented about land and land revenue policy of India. He formed '*Amini Commission*' (1776).<sup>2</sup> This commission fixed the rates of revenue according to the fertility of land. Later one year settlement was done instead of five years settlement. In the mean time Committee of Revenue was dismissed and formed Board of Revenue (1786).<sup>3</sup> Hasting's next successor was Lord Cornwallis who implemented ten years settlement and later he introduced Permanent Settlement (1793).<sup>4</sup> One thing must have had to mention that in Madras region and Bombay presidency *Rayatwari* Settlement was introduced. In 1822, the then Revenue Secretary Mackenzie introduced *Mahalwari* Settlement in north-western provinces i.e. north India.<sup>5</sup> Later, *Bhaiwachari* System was implemented in Punjab.

It can be said that in all these settlements, tenants were dissatisfied. Peasants, farmers, cultivators, and *raiya*s were oppressed and exploited by the hands of British government. Purchase, sale and transfer of lands became more difficult. The process of collection of revenue by the British government became a nightmare for the peasants. Setab Rai, Reza Khan, Debi Singh became the symbol of fierce.<sup>6</sup> The rural social unity towards the *raiya*s remain at stake. Besides colonial land revenue system has broken rural joint family and Panchayat system. On the contrary, atrocities of *naib*, *mahajan*, *jotdar* and *zamindars*

made the life of the *raiyyats* and peasants more terrible. Due to this oppression peasants organized themselves for further struggle.

### **(A) UPRISINGS**

In Bengal, feudal lords dominated at least fourteen hundred years ago. This history is the free feudal history of Bengal. Several dynasties ruled Bengal and Bengal also witnessed the downfalls of many dynasties. Hindu dynasties were replaced by Muslim dynasty after which British rule dominated in Bengal. But the feudal social structure of Bengal was not changed.<sup>7</sup> Unfortunately, the poor peasants, cultivators, labourers, suffered oppression some times by the hands of Hindu-Muslim feudal lords, *zamindars*, *mahajans*, *jotdars* and British officials. At that time revenue officers were the most powerful and the common people always avoid them. Cultivators have no freedom in the society. Zia-ud-din Barni described the position of cultivators as a 'group of beasts'. Common people always suffered. For this reason some times peasant agitation took place. The most précised compendium of the evolution of historical transition of North Bengal in terms of social-political movements, struggles, and insurgencies reflecting the grievances, anguish, tensions and aspirations of the people vis-à-vis the roll of different political parties in the last few decades.<sup>8</sup>

In the middle or the 10<sup>th</sup> century AD, Divya the Kaivarta leader agitated against the rule of Pala king Mahipala II.<sup>9</sup> This revolt was known as Kaivarta revolt. The Kaivartas were a very powerful and warlike people in northern Bengal. Divya was their chief. R.S. Sharma gives a fine picture about Kaivarta revolt and it is a ground question for us that whether it is a peasant revolt or the outbrast of the Kaivartas.<sup>10</sup> The Kaivartas were both fisherman and cultivators. As a tribe the Kaivartas were absorbed in Brahmanical society as a low mixed caste. According to Manu (x.34), the Kaivartas were boatman. But in East Bengal

most of them seem to have been peasants and as such were identical with the *Mahisyas* who were considered to be the offspring of a *Kshatriya* father and *Vaishya* mother. Some Kaivarta chiefs were given land as service tenures by the Pala rulers.<sup>11</sup>

It is not easy to identify the aims and objectives of the peasant revolts and the issues involved in them. The revolt seems to have raised the ritual status of the Kaivartas. In spite of instances of peasant protests assuming varied forms in early mediaeval times, by and large, the peasants lived in a state of reconciliation and resignation with the situation imposed on them as a result of the rise of landlords and the erosion of their communal rights. The Kaivarta revolt was not a proletarian revolt against the ruling class, or the rise of lower caste against the higher one.<sup>12</sup> It was revolt to overthrow the weak royal power. The social significance of the revolt was that it throws a good deal of light upon the feudal structure of the society. It may be looked upon “as a finger-post to indicate the final decline and fall of the Pala kingdom of Bengal”.<sup>13</sup>

During the time of Muslim rule feudal lords' atrocities gradually increased. In Sultanate period Ala-ud-din Khalji and Muhammad bin Tuglaq suffered organized peasants' protest. During the Mughal rule from Akbar to Aurangzeb, several organized peasants' agitation took place. Due to increase of revenue rate, peasants and cultivators were organized against the royal powers. In the 17<sup>th</sup> century Ramdas Adak wrote<sup>14</sup>

*“Dase khajnar tare palaiya jai*

*Videsha bargi buji dharilo sipoy”*

(People are fleeing from the country by the pressure of taxes but in outside the invaders are arresting soldiers.)

In the pre-colonial and colonial period several uprisings emerged sometimes against the kings, royal power, British government, *zamindars*, *jotdars* and *mahajans*. Peasant, cultivators, labourers and common people joined their hands against oppressions. In 1713 Murshid Quli Khan appointed as an administrator of Bengal by the Mughals and he declared himself as an independent ruler and he stopped paying revenues to the Mughals.<sup>15</sup> During the reign of Aurangzeb feudal land holders organized agitation against the Mughal rule. Maratha, Rajput, Jat and Sikhs were organized for the interest of national feelings.

In the 17<sup>th</sup> century Bengal's economy was dominated by the capitalist class. Big merchants like Murshidabad's Seth family played a significant role. Unofficially, Jagat Seth controlled the currency of Bengal at that time.<sup>16</sup> During this time economy was flourished by the hands of cotton. *Zamindars* collected revenues and deposited large number of revenues to the national fund. *Zamindars* also collected revenues from the peasants in a brutal method. Murshid Quli Khan and his successors were independent. Murshid Quli Khan formed a new revenue system.<sup>17</sup> At that time, *zamindars* enjoyed their proprietor rights and they would inherit it from their predecessors.

One important thing was that feudal structure was built with the help of agricultural system. Agricultural system became the backbone of feudal system. So peasants were exploited by this system. Peasant's chief aim was to abolish the feudal system. With the comings of the British, feudal system of Bengal gradually perished and subdued. But peasants were covered with a new conspiracy which was very much similar with the British feudal systems. Peasants and cultivators organized uprisings against this new feudal system.

Most of the peasants agitated because they were deprived by the land lord, *mahajan*, *zamindar*, *jotdar* and by the Royal powers. The province of Bengal was under going a period of turmoil especially during the time of the East India Company and in northern India, numerous landless peasants from themselves into large or small groups and

moved from place to place resorting to plunder and dacoities for their livelihood.<sup>18</sup> Many of them settled in several parts of Bengal especially in northern region. But their ranks were again swelled by a large number of peasants evicted from land due to Bengal famine of 1770. *Gosain, Naga, Purbia, Bhojpuri* religious sects' organized Sannyasi and Fakir agitation and this rebellion swept the whole of northern Bengal.<sup>19</sup> Holy places like Mahasthangarh in Bogra district, the holy shrines of Hazrat Pandua in Malda and Dinajpur were dominated by them.<sup>20</sup>

The Sannyasis became very powerful in the late 18<sup>th</sup> century. They captured the power of Coochbehar and occupied that state.<sup>21</sup> The Sannyasis built up their citadels in places like Jalpaiguri, Dinajpur, and Malda etc.<sup>22</sup> The activities of the Sannyasis continued till the end of the 18<sup>th</sup> century. Majnu Shah, Musa Shah, Cherag Ali, Bhabani Pathak, Devi Chowdhurani organized Sannyasi revolt.<sup>23</sup> After Warren Hastings; Lord Cornwallis became the Governor General of Bengal. But exploitation continued in a new way. Cornwallis' Permanent Settlement of 1793 made the *zamindar* as a new class. They exploited and deprived the poor peasants and cultivators on behalf of the English East India Company.

During their time a group of Sannyasi and Fakirs entered Rajshahi and plundered companies' property, revenue, *zamindar's* house etc. The Sannyasi and Fakirs selected the factories and revenue offices of the company, the *kachharis* of rich landlords and the granaries of the merchants as the main targets of their attack.<sup>24</sup> Many *mahajans* and *zamindars* lost their lives by the hands of Sannyasi and Fakir rebels.<sup>25</sup> After that properties of *zamindars* and *mahajans* were captured by the agitators in the district of Malda and Dinajpur. Johuri Shah, an important leader of the revolt, was arrested in Malda. Considerable quantities of arms were seized from the jungle of Pichchli in Malda. Majnu Shah, the noted leader of the rebellion was also injured and took shelter at Patna.<sup>26</sup> Atis Kumar Das Gupta wrote, "In Bengal the Sannyasis acquired rent free lands in Malda, Dinajpur and Mymensing from small

*zamindars* during the 18<sup>th</sup> century. The settlement of land with Sannyasis seems to have served two purposes for the *zamindars*. First, the grant of *sibottor* was a religious performance of the *zamindars* and also a symbol of their status and power in village society. Secondly, the *zamindars* often got the service of the armed Sannyasis to supplement their own forces to repel the aggression of other rival *zamindars*.”<sup>27</sup> During this time Bankim Chandra wrote two novels namely ‘*Anandamath*’ and ‘*Devichoudhirani*’. In these two novels Bankim Chandra depicts the picture of Great Famine of 1770 and Sannyasi Revolt.<sup>28</sup> In 1783 uprisings of the peasants of Rangpur was also memorable.<sup>29</sup> It can be said that the insurrections of the peasants of Rangpur in *Uttarbanga* was first organized revolt against the East India Company. This protest or revolt was motivated by both the Hindus and Muslims of *Uttarbanga*.

*Santhals* were migrated from their homeland. These immigrated race established their homeland called *Damin-i-koh* or skirts of the Rajmahal hills, during the second half of the 18<sup>th</sup> century and the early 19<sup>th</sup> century from Cuttack, Dhalbhum, Manbhum, Barabhum, Chotanagpur, Palamu, Hazaribagh, Midnapur, Bankura and Birbhum.<sup>30</sup> The *Damin-i-koh* was formed in 1832-33.<sup>31</sup> *Santhals* classes were protested against the *mahajan* and British exploitation. Finally, *Santhal* revolt took place. The insurrection of 1855 was not a mere spasmodic outburst of the crude instincts of the semi-savage *Santhals*.<sup>32</sup> In fact the *Santhals* of Malda and Dinajpur were also organized. The movement was not anti-British in the beginning; but it was directed chiefly against the *mahajans* and traders. Later it took an anti-British shape. Sidhu, Kanu’s *Santhals* revolt spread in several parts of Bengal. Oppression over revenue collection took a new shape. But the punishment and imprisonment of the *Santhal* leaders became terrible. The editor of the ‘*Friend of India*’ (July-December, 1885) and the ‘*Calcutta Review*’ (1856) advocated strong measures of punishment for the *Santhal* insurgents.<sup>33</sup>

The Sepoy Mutiny of 1857 had little effect upon North Bengal and Dinajpur. Coochbehar, Jalpaiguri, and Dhaka declared revolt against the British government. Solders of Jalpaiguri started their campaign from Jalpaiguri to Dinajpur. But the European soldiers appeared with their naval power to subdue this revolt.<sup>34</sup> When the news came, the soldiers of Jalpaiguri moved towards Malda. In the meantime they plundered the house of *zamindar* Santi Mohan Ghosh who was then the *zamindar* of Tajpur.<sup>35</sup> In Malda Chuman Singh protested and revolted against the British government.<sup>36</sup> News of some scattered incidents came from Coochbehar. Leaders of Sepoy Mutiny took some important steps against British government.<sup>37</sup>

In the first half of the 19<sup>th</sup> century a number of peasant uprisings took place in Bengal. Among them the rising of the indigo cultivators of Bengal and the militant movement launched by the Wahabis spread to different regions of northern India. The Wahabi movement was basically a religious movement and had very little to do with any sort of class struggle. Wahabi movement was spread in Dinajpur, Malda, Bogra, and Rajshahi.<sup>38</sup> The main centre of Malda was Enaitpur and Maulana Nasir-ud-din organized the movement.<sup>39</sup> In 1868 the movement appeared so strong and organized in Malda that the District Magistrate wrote, “the Wahabi movement in Malda is at present very vigorous and will so continue until we meet the *moulvis* with their own weapons.”<sup>40</sup> As an official report states, intensive propaganda was conducted by the leading Wahabis of Malda and Rajshahi, where *Pirs* and collecting agents collected *Baitul-Mal*, and their principal topic of preaching was the approaching declaration of *jihad*.<sup>41</sup> One of the pioneer Wahabi leader in North Bengal was Abdur Rahaman.<sup>42</sup> After that Rafique Mondal who was originally a peasant, and Amir-ud-din connected with the Wahabi movement in Malda.<sup>43</sup> Both Amir-ud-din and Ibrahim Mondal of Islampur were front-rank leaders of the movement in North Bengal.<sup>44</sup> They were sentenced to life imprisonment and their properties were confiscated by the government.<sup>45</sup>

The indigo cultivators agitated against the planters in the thirties and the forties of the 19<sup>th</sup> century. Their agitation again flared up in 1859-60. In this period the districts of Pabna, Rajshahi, Rangpur and Malda were seriously affected.<sup>46</sup> In Malda indigo revolt took a violent shape. The indigo factory at Bakrabad in the district of Malda was ransacked by the rebel planters.<sup>47</sup> Apart from these, factories of Pabna, Nadia, and Jessore were also attacked by the indigo planters. Jaduram Mundle a peasant cultivator of Kaliachak village of Malda and his 173 fellow peasants submit a petition.<sup>48</sup> The petition complained that the managers of the indigo factories commenced to force them to write an agreement for cultivating indigo to which they did not agree on account of their lands becoming unproductive by continuously cultivating indigo. However, in reply to the queries of the Commissioners of Bhagalpur about the oppression of the cultivators, Herbers Mosley, the officiating Magistrate of Malda wrote that the petition was 'untrue' and the 'oppression on the part of the factory' was a 'myth'.<sup>49</sup>

In Dinajpur indigo planters established their home for indigo plantation. Indigo factories and indigo plantation continued with full swing. Several factories were established such as Goamalati (Malda), Belbari (Uttar Dinajpur), Mahipala (Dakshin Dinajpur), Madnabati (Malda), Mathurapur (Malda), and Khidirpur (Banshihari, Dakshin Dinajpur) etc..<sup>50</sup> Many rice lands were converted for indigo plantation. British indigo planters exploited the peasants and ruined the economic condition of North Bengal as well as Bengal and Indigo cultivators also paid a large number of revenue to the British government.<sup>51</sup> So the financial condition of the peasants and cultivators gradually degraded.

Naturally revolt started. For the time being indigo plantation was stopped. In 1860, the government had appointed the Indigo Commission since there was widespread protest against the oppression of the indigo planters.<sup>52</sup> The Commission which submitted its report in 1860, found the system of indigo cultivation as 'radically unsound' and recognized the fact that the cultivators were exploited by the indigo planters.<sup>53</sup> During the rules of Indigo

Commission until 1873, at least 70/80 *bigha* of the agricultural field were converted to indigo plantation.<sup>54</sup> Lastly indigo plantation was totally stopped in the year 1887.<sup>55</sup>

In some areas the peasants revolted in the early seventies of the 19<sup>th</sup> century. At Sirajganj in the district of Pabna the peasants revolted against the oppression of the land lords.<sup>56</sup> The Pabna rising was immensely significant since unlike the Wahabi movement it was devoid of any communal elements. In the period that followed peasant movements took place in the districts like Rajshahi, Dinajpur and Bogra where landlords were terribly oppressive.<sup>57</sup> Throughout the second half of the 19<sup>th</sup> century the people of this agricultural region where cottage industry was fast declining, lived in object poverty.<sup>58</sup> The wages of different kinds of labour prevalent in the late eighties were very low compared with the prices of food.

We already discuss that *Santhals* were migrated from their homeland. After the Santhal revolt, many of them came from Santhal Paraganas, Birbhum and they settled in North Bengal and the *Santhals* were permanently established their homeland in Malda and Dinajpur.<sup>59</sup> In Malda, Gazole, Bhutni, Habibpur, Bamongola, Chanchol, Harishchandrapur, Ratua, Manikchak and Nawabganj were dominated by the *Santhals*. It gives the number of *Santhal* population as 72,145.<sup>60</sup> In West Dinajpur especially Tapan, Balurghat, Gangarampur, Kumarganj, and Hili regions were dominated by the *Santhals* and they made their homeland. But northern part of North Bengal i.e. Jalpaiguri, Coochbehar and Darjeeling represents different picture.

In North Bengal, *Santhal* discontent again spread over the region of Malda, (especially, Adina) Dinajpur etc. Adina revolt of the *Santhals* spread under the leadership of Jitu Betka, Asu Santhal, and Arjun Santhal and others. In Malda Satyam Sibam movement was organized. The Satyam Sibam was almost a continuation of the Kherwar movement without a break, with the additional prospect of better placement of the converts in the Hindu

caste hierarchy.<sup>61</sup> The specificity of its locale, particularly the agrarian economy dominated by the Hindu-Muslim *jotdars*, the exploitation and oppression by the village *mahajans* and keep competition from the Muslim *Sherhabadiya* agriculturists in *Barind*, had its distinctive imprint on the movement.<sup>62</sup>

The time of origin of the Satyam Sibam sect among the *Santhals* of *Barind* was not a unanimous one. In the opinion of J.N. Sengupta, Satyam Sibam sect was founded in 1905.<sup>63</sup> While M.O. Carter mentions the time as 1917.<sup>64</sup> Kasiswar Chakraborty was the chief framer of Satyam Sibam movement.<sup>65</sup> Jitu refused to pay revenue to the government. In 1926, the '*Sanyasi Dal*' under Jitu's leadership defied police order to perform a *kali puja* to assert its new Hindu status.<sup>66</sup> Jitu told- the *zamindars* will be driven away. There will be no more *zamindars*.<sup>67</sup> The emergence and growth of the Satyam Sibam movement among the *Santhals* of Malda continued from 1905-1932. All *Santhals* protested against the oppression of *mahajan*, *jotdar*, and *zamindars*. Twenty one *Santhals* including Jitu died in this insurrection.<sup>68</sup> This revolt of the *Santhals* was primarily directed against the oppressive local landlords who became evident from their suspension of payment of rent to them. The landlords and businessmen of Malda were anxious to put down the rebellion and provided the authorities with whole hearted assistance. Thus the Malda uprising was a copy book case of class conflict.

The socio-economic cataclysm brought about by World War I, not only ushered in a new era for the Indian labour but also awakened the peasantry, long subjected to dumb misery and oppression, to a new political consciousness. As rightly pointed out by Narendra Dev, the war and its effects had created those conditions which helped the Indian peasants to make a resolute break with their indigenous past and to acquire a new confidence in themselves.<sup>69</sup> With the appearance of communism in the Indian political scene, revolutionary ideas began to steal their way into the peasant movement.<sup>70</sup>

For right of land and crops, a section of people in Malda and Dinajpur joined hand. These classes were known as *adhiar*. It is very difficult to identify in North Bengal that who is *jotdar* and who is *adhiar*? In North Bengal most of the *jotdar* belongs to *Rajbanshi* class. They are divided into two sections such as Hindu *Rajbanshi* and Muslim *Rajbanshi*.<sup>71</sup> Their interest centred round land. In this land, *jotdars* and cultivators remained same anthropological clans. But in other parts of Bengal, land and its related pictures are totally different. These *zamindars* belong to higher castes and peasants are constitutes of sabultern class Hindu and Muslims. There were lot of differences between *zamindar* and common people. But it is very difficult to identify *jotdars* and *adhiars* because both of them belong to live in a similar socio-cultural atmosphere. For this reason relations between *jotdars* and *adhiars* never reached in a bitter condition.<sup>72</sup>

But the *adhiars* were most exploited class in North Bengal. For their right they organized themselves in the earliest of 1940. Due to the initiatives of *Kishan Sabha*, *adhiar* movement organized but the atrocities of *zamindar* and police gradually increased.<sup>73</sup> In this context we can say the actual picture of Tebhaga movement of Dinajpur, Malda and the rest of North Bengal. In Khapur (present Dakshin Dinajpur) twenty-two peasants died by the firing of police.<sup>74</sup> These peasants died as a martyr. Communist Party supported the *adhiars*. Actually communist leaders follow the footprints of V.J. Stalin's slogan- "maintain good relations with the cultivators."<sup>75</sup> After the Khapur incident, leaders and some important personalities of Dinajpur arranged a convention.<sup>76</sup> Jibinath Das, Snehalata Ganguly, Bina Roy Chowdhury and Dharaninath Roy Chowdhury strongly protested the Khapur massacre.<sup>77</sup>

In Malda, Tebhaga movement was not organized in a large way. But Hindu-Muslim unity was maintained in Malda. Krishna Binod Roy published an essay in a leaflet form. His essay "*Krishaker Larai Kaida: Banglar Tebhagar Larai*" inspired the *adhiars*.<sup>78</sup> In Malda, Tebhaga movement rapidly spread in Gazole, Old Malda and Habibpur. *Santhal*

and *Rajbanshi bargadars* participated in the Tebhaga movement.<sup>79</sup> This movement organized the *adhiars*. Leaders like Narendra Nath Chakraborty, Harekrishna Das, Joygopal Goswami, Chabilal Mondal, Abdur Siddique and Manik Jha actively participated the movement. Manik Jha was one of the chief framer of Tebhaga struggle in Malda.<sup>80</sup> The main secret report of Tebhaga was reserved in West Bengal State Archives, File No.6/M/38/47B,CEC,48/15-107, Land and Land Revenue Department, L.R. Branch.<sup>81</sup>

Now the question arises who are *adhiars*? Why they took part in the movement? First one was share-cropping. The impact of colonial economy on the agrarian structure in Bengal can be measured with reference to the evolution of share-cropping during British rule. An attempt has been made to study this evolution in the Malda and Dinajpur district in particular and other districts piecemeal.<sup>82</sup> Share-cropping is commonly understood as production in which the landholder and his tenant share the crop raised by the latter on the former's land on a half half basis. The land holder may supply inputs like seed and plough or lend money and grain, and demand a surcharge on the agreed division of the crop, although as a rule, all accessories of cultivation are furnished by the share-cropper and from the legal point of view, he is deprived of the status of a tenant or a *raiyat*.<sup>83</sup> In Bengal he enjoyed no rights till the end of colonial rule neither security of tenure nor fixity of rent.

Malda and Dinajpur provided a good evolution of share-croppers in this colonial framework. At the time of the Permanent Settlement these areas were a sparsely populated reclamation area. The headman and other pioneer-farmers owing the land at quit-rent from the *zamindars* claimed half the produce for supplying agricultural implements and subsistence while the work of cultivators was going on. Bell has shown insight in analyzing the working of this colonial economy through the agency of a new class of *zamindars* and *jotdars*. These rural parvenus were not promoting *barga* cultivation for enhancement of rent alone. They wanted to introduce both extensive and intensive dimensions to the whole

arrangement by controlling production of cash crops in keeping with the growing demand for them in the international market.<sup>84</sup> This would fetch them enormous profit. Instead of capitalist inputs, they employed armies of *bargadars* on a crop sharing basis. They were also the moneylenders and grain dealers in the village and through these levers of control; they had reduced the shares of the *adhiars* to the minimum. *Abwabs* were also collected from the share of *adhiar*.<sup>85</sup>

The *adhiars* were exploited in several ways by the hands of *jotdars-zamindars* and moneylenders. The share-croppers had no legal rights and were helpless against oppression and they had no incentive for improved agriculture.<sup>86</sup> Settlement Reports of Malda district point to the story of rural pauperization. *barga* system was another part of exploitation of the peasants and cultivators. In Malda the *barga* system thus inevitably results in bad agriculture and bad economy but it has an aspect which ultimately must lead to a still greater evil, namely the absorption of the cultivating class into a class of landless labourers devoid of rights whose interests were no longer bound up with agricultural prosperity.<sup>87</sup>

Though share-cropping smacks of an equilibrium and immobility in production, it registered the dynamics of a downward mobility of the landed peasantry into landless and pauperization. Seen from the sole of productivity alone, the human cost is frequently overlooked and colonial impact is measured only in terms of static expansion.<sup>88</sup> The exploitation of *bargadars* in Dinajpur made them rebellious and rural tension mounted in areas like Thakurgaon as early as 1939-40 and this sparked off the Tebhaga struggle in 1946.<sup>89</sup> Another innovation by the *jotdars* for effective exploitation of the *adhi* system was the introduction of capital inputs like cane-crusher or oil-press. Inputs of such capital by the *jotdar* entitled to a greater share of the produce from the *adhiar* who would use them. The dangers of this dynamics of share-cropping resulted in progressive pauperization and disintegration of the peasantry and at its climax forced many of them to trek to the urban

centers initially for work and later for begging. The village was no longer the refuge of the urban spillover. It was no wonder therefore that deep unrest among share-croppers existed in districts like Malda and Dinajpur in the year 1939-40. Aided by communist cadres in 1946, it developed into the Tebhaga struggle, directed at a better deal for the share-croppers and their eventual emancipation. *Statesman* newspaper depicts the picture of Tebhaga Struggle at that time.<sup>90</sup>

The exploitation of *bargadars* in Malda and Dinajpur were made *adhiars* rebellious. *Krishak Sabha* and Communist Party gave a new momentum in this movement. In 1939 peasants organized movement against their eviction this movement known as Hattola or Tolagondi movement. In Malda Hattola movement first started at Nawabganj under the leadership of Ramendranath Mitra. A movement around the issue took place at Ramchandrapur hat of Nawabganj. Ramendranath Mitra along with other *Krishak Sabha* activists like Mokim Karmakar, Mainuddin Ahmed, Tarun Miah, Naba Biswas, Althab Hossain and Tamijuddin Biswas participated in the Hattola movement.<sup>91</sup> Manik Jha and Naren Chakrabarty also came from Malda to organize the Hattola movement. They threatened some shop-keepers and cordoned the *zamindar's* men who went to collect the usual *tola*.<sup>92</sup> Successful campaigns was also launched in Sripur, Mathurapur and Aiho.<sup>93</sup> In Nator *Burir Suta* movement became popular. In jalpaiguri and Dinajpur *Kholan Bhanga* movement organised by the cultivators and *adhiars*.<sup>94</sup> After the grand success of Hattola movement, *adhiar* movement got a new momentum and spread throughout the Dinajpur and some parts of Malda. Common people also joined hand in this peasant protest. Statistical records during this period indicated that 65% of lands were under the suzerainty of 14% people and 70% cultivators were landless and *jotdars* cultivated their land by these landless peasants.<sup>95</sup> From this production  $\frac{1}{2}$  or  $\frac{1}{3}$  of the produced crops were distributed among the

peasants. Apart from these *Kholoni*, *Barkandaji*, *Jarudari*, *Ojoni* taxes were also collected from the peasants.<sup>96</sup>

*Adhiars* strongly protested against this type of oppression. At last they organized revolt. This movement was guided by Communist Party. During this time CIL (Communist League of India) was very powerful. Later RSP (Revolutionary Socialist Party), CPI M-L (Communist Party of India, Marxist-Leninist), FB (Forward Block) supported this movement. Actually left ideology and concept reached its peak during this time. It was not an exaggeration to say that during this period Leftist ideology reached its zenith.

From 1793-1947 interests of *raiya*s, their applied taxes renovated by the implementation of Rent Act of 1859, Bengal Tenancy Act of 1885 and Bengal Tenancy Act of 1928 and 1938 (correction).<sup>97</sup> But due to the pressure of *zamindar* class, these steps were not fruitful enough for the favour of peasants. In 1938 Fazlul Haque government appointed a Revenue Commission under the guidance of Sir Francis Floud.<sup>98</sup>

The Report of the Commission (1940) showed that between 1928-40, almost 29% of the land transferred in Dinajpur was turned over the *barga* and the figure for all Bengal was 31-7% but the number of *bargadars* recorded for Dinajpur was only 13.8% and 21.1% for all Bengal.<sup>99</sup> Actually *bargadars* did not come to record their names out of fear of *jotdars*. The census of 1951 gives such indications. In the year 1951 there were 43,755 *bargadars* in West Dinajpur according to cultivators and 13,012 according to *jotdars* and in 1957 survey and settlement, their number swelled to 76,054.<sup>100</sup> The Floud Commission expressed its deep concern for the growing landless of the landed peasantry in Bengal and their conversion into *bargadars*. Their special recommendation was for the record of rights of tenancy for all *bargadars* supplying plough, cattle, seed etc. and their right to have  $\frac{2}{3}$  of the produced crops.<sup>101</sup>

*Adhiars* organized agitation against *jotdars*, *zamindars*, moneylenders and *mahajans*. Physical assault of the *adhiars* increased day by day. This recommendation was the magna carta of the Tebhaga struggle.<sup>102</sup> *Bengal Provincial Kishan Sabha* (BPKS) organized the *bargadars*. The BPKS operated from this strong base through speeches, leaflets and direct action in the villages of Malda and West Dinajpur. In order to abandon meetings of Communist Party, Malda district administration implemented 144 Rule and some illegal cases were made by the name of communist leaders.<sup>103</sup> The main slogan of this movement was ‘store the paddy in your own barn’, ‘we demand  $\frac{2}{3}$  of the produce’ etc.<sup>104</sup> The police suppressed the movement but the *bargadars* including women fought with courage against police action defying death to voice their grievance.<sup>105</sup> The government realized the gravity of the situation and the *Bargadars’ Act* was proposed in 1951 but indefinitely shelved due to strong *jotdar* opposition and the over riding issue of the *zamindari* abolition.<sup>106</sup>

Due to the oppression of the British police, *adhiar* movement lost its momentum but this was for the first time land and its related movement took the shape of peoples’ movement. Whether the movement should outburst as militant, there is a controversy between the Communist Party and the *Bangio Pradeshik Kishan Sabha*. But it can be said that land movements’ root was made by the *adhiar* movement. By the hands of Tebhaga and *Adhiar* movement, a new uprising swept the northern part of North Bengal and influenced West Bengal. This movement came to be known as Naxalbari movement.<sup>107</sup> This was the front paw of the revolutionary armed struggle launched by the Indian people under the guidance of Mao Tse-tung’s teachings.<sup>108</sup>

“Naxalbari has shown us the way to the Indian people’s democratic revolution as much as it has unmasked the true face of the neo-revisionists.....”

From the Declaration of the Revolutionaries of the Communist Party of India (Marxist);  
November, 1967.

In 1967, a non-Congress, United Front Government was sworn in West Bengal. The crux of the problem in West Bengal as also in other states of India was land. The United Front Government was pledged to bring about the long over due land-reforms, which in bread and butter terms meant to the poor and landless peasants, a small plot of land for each, and release from the usurious burden.<sup>109</sup> At the time of Harekrishna Konar, a veteran CPI(M) leader, was the minister in charge of land revenue of the state and he announced a policy of quick distribution of surplus land among the landless and stopping of eviction of share-croppers.<sup>110</sup> Konar also thinks to distribute land among the landless and poor peasants on the basis of consultations with the members of Gram Panchayat.<sup>111</sup>

*Benami* land (malafied) was one of the important factors at that time. Malafied transfer continued at that time. Some major steps were taken by the Land Acquisition Act of 1954 but in reality malafied transfer was not stopped.<sup>112</sup> The Marxists were also coming to realize that the rural lands who were in possession of surplus land, could always take the help of the law to delay the seizure of their land and thus postpone for an indefinite period the distribution of the surplus land.<sup>113</sup> About the issue of land Left Front government started a close fight against Congress government at that time. Mean while Charu Majumder a devoted Leftist worker was quickly explaining to his followers that the steps for land re-distribution announced by Harekrishna Konar would not only fail to satisfy the landless, but would an augur danger, if implemented, for the future peasant movement. Konar's line differs with Charu Majumder.<sup>114</sup> Hence, Charu Majumder's followers were already active among the peasantry of North Bengal. After the formation of United Front Government, a conference was held in Siliguri in the Darjeeling district of North Bengal.<sup>115</sup> From the conference, an ideological tug-of-war started between CPI (M) and CPI (M-L).<sup>116</sup> Land structure, its distribution, right of landless peasants, structure of land revenue, *benami* land etc. that was drawn by the colonial government (British government) again rose by the Leftist leaders.

One thing must be clear that to abolish *zamindari* system, West Bengal Estates Acquisition Act of 1953 was passed.<sup>117</sup> But the *zamindars*, *jotdars* and *mahajans* did all that they could do to frustrate the objects of the Act. *Zamindar's* men (*naib* and *gomastas*), turned land reform officers by all known tricks of the trade and applied them to sabotage the object of the Act in order to promote the interests of their old masters. Since land used to be permanently settled with the *zamindars*, the records of rights and other connected papers in respect of such lands and tenancies created thereon by the *zamindars* and subordinate intermediaries were all with them.<sup>118</sup>

Mean while a group of peasants organized by Charu Majumder to occupy land with arms on 3.3.1967, demarcated land with red flag and declared it as the land of *Krishak Sabha*, a sub organization of CPI (M).<sup>119</sup> Actually Naxalbari, Kharibari and Phansidewa police station which were dominated by the *Rajbanshi* class of people suffered a land crisis. They were also getting threatening and attacking by the *jotdars*. Several incidents like riot and plundering frequently took place. It would be fatuous to think that the peasant struggle in Naxalbari suddenly flared up in 1967.<sup>120</sup> In reality Naxalbari movement witnessed continuous peasant movement since 1946. From Tebhaga movement peasants and tenants learn a new lesson about peasantry. During the Tebhaga movement of 1946 that the *bargadars* were first drawn in the peasant movement in 1948-50, there was “an interruption in the struggle” as the CPI pursued “the ultra leftist” line.<sup>121</sup> A continuous movement starts from 1951; the *Kishan Sabha* built up its organization during 1951-54; in 1955-56, the bonus struggle of tea garden labourers and the peasant movement proceeded hand in hand.<sup>122</sup> Naxalbari unit organized movement for the occupation of *benami* land during 1958-62, clashes occurred between the *jotdars* and the peasants.

Now we enter the main events. After the grand success of peasant conference in Siliguri Sub-division, the peasants, tenants and farmers being strengthened by their earlier

militant struggles, looked forward expectantly towards Kanu Sanyal and Charu Majumder and played a leading role behind the Naxalbari scenario.<sup>123</sup> Charu Majumder addressed a meeting of party cadets area on and clarifying the attitude towards middle and rich peasants, he said- “We shall always have to decide-on whose side or against which side we are. We are always on the side of poor and landless peasants. If there is a conflict of interests between the middle peasants on the one hand and the landless peasant on the other, we will certainly on the side of the landless peasant.”<sup>124</sup> Actual grievances were that in Naxalbari region, there were so far no land reforms and land distribution. Peasants organized against the *jotdars*. It was decided in 7<sup>th</sup> May, 1967 that the land and cultivated areas were distributed among the peasants and it was also decided that police force should be obstructed and the deeds and land papers of *jotdars* will spoiled and destroyed.<sup>125</sup> At that time Tusher Chotopadhaya’s revolutionary poem strengthen the mental strength of the peasants<sup>126</sup>

*“Tomar rakter madhyai vidraher agun*

*Ar biplober turyanadh sunte pai*

.....

*Tomar rakter madhyai manusher mukti*

*soshoto manuser jaigan suntei pai”*

(I can feel the fire of revolution and the clarion of revolt in your blood.....I can see the freedom of men and the perpetual victory song of mankind in your blood.)

Peasants organized meetings and conferences. Volunteers were organized by the local leaders when police force reached Batchai joth. Protesters raised their voices against the police. In the meantime police started firing and six peoples were shot dead.<sup>127</sup> Conditions became more critical at that time. Naxalbari got a new phillip and enthusiasm in 11<sup>th</sup>

November, 1967 when Sushital Chakrabarty, Charu Majumder, Saroj Dutta and other prominent leaders supported the movement and they raised the slogan of 'Agricultural Revolution'.<sup>128</sup> After independence in 1947, the WBEA Act, 1953 was passed its implementation began from 1955, and then there came the West Bengal Land Reforms Act, the *zamindari* system and the *jotdari* systems were done away with; and the amount of lands possessed by *jotdars* or *zamindars* were brought under ceiling.<sup>129</sup> But the *jotdars* possessed the excess land in the name of each member of the house. Throughout North Bengal many middleman and *jotdar* maintained large proportion of land by the name of their servants and even animal also.<sup>130</sup> Moreover they possessed the excess arable lands over ceiling declaring them as *bheri* and garden.<sup>131</sup> Malda and Dinajpur also represented the same picture. Actually ceiling and distribution of land among the landless peasants, started from 1967 by the State government.

Naxalbari movement was different from Tebhaga. There were twenty-one years' long gaps. But both these movements inter-related with each other. Tebhaga shows its reactions to the colonial land revenue system. While Naxalbari flourished in the post-colonial period but this uprising indeed left a far-reaching impact on the entire agrarian scenario of North Bengal. To begin with, the uprising which was widely publicised, inspired, the rural poor in other parts of the country to launch militant struggles.<sup>132</sup> For the first time, a cobwebbed, discreetly shadowed corner of the North Bengal's socio-economic life-the social fabric of the landless labourers and poor peasants fast being reduced to the landless-leapt into life, illuminated with a fierce light that showed the raw deal meted out to them behind all the sanctimonious gibberish of 'land reforms' during the last fifty years.<sup>133</sup> Naxalbari preferred armed revolution.<sup>134</sup> It was said a general belief in armed revolution as the only way to get rid of the country's ills was in the air, and the possibility of its drawing near was suggested by the Naxalbari uprising. Utpal Dutta gives a speech in 10.09.1967 in the Saheedbag *Maidan*

(field) of Coochbehar and he mentioned peasants were fighting for their proper demand of land and their demands were atleast two-hundred years old.<sup>135</sup>

Dissension among CPI (M) and CPI (ML) came in front of us.<sup>136</sup> Especially, the dissension among CPI (M) ranks not confined to West Bengal for long. Several Communist Conferences took place about the ideology of Communist Party.<sup>137</sup> It, therefore, reiterated its decision to 'achieve the establishment of people's democracy and socialist transformation through peaceful means' and stressing at the same time the need to be ever vigilant and prepared to meet all exigencies if the ruling classes restored to violence.<sup>138</sup> Although the CPI (M) refused to call the Indian state neo-colonial, it admitted the existence of trends moving in that direction. But it was not prepared to take to arms because of the fear of being crushed by the superior military force of the state. In the middle of November, 1967, a conference was held in Calcutta, called by the *All India Naxalbari Krishak Sangram Sahayak Samiti*- an organization which grew from the Naxalbari Peasants Struggle Aid Committee, and was acting then as a sort of liaison body between different Maoist groups both outside and inside the CPI (M).<sup>139</sup>

Naxalbari faded its colour within few days. Although the Naxalbari uprising was militarily a failure but its significance threw a new light about the socio-economic problem and Communist politics got a new horizon. Naxalbari movement created an atmosphere of the birth of mass movement in India which motivated every section of people. But for the time being this movement faded its colour. By the end of 1972 it was said that West Bengal was the most peaceful state throughout India.<sup>140</sup>

From pre-colonial to post-colonial period several uprisings took place. North Bengal witnessed the domination of the feudal suzerainty. From Kaivarta revolt to Naxalbari - it was a long journey. During the reign of Muslim rule, feudal lords' oppression increased. From the time of Aurangzeb, feudal land holders organized insurrection against Mughal rule.

In the *Nawabi* period, Murshid Quli Khan emerged as a powerful ruler. Collection of land revenues increased. *Zamindars, jotdars, mahajan's* dominance over land gradually increased. After the coming of the British, land scenario was totally changed. Their chief aim was to achieve more profits from land. For this reason they increased the revenue rates by several methods and tactics. Dissensions took place against the *Raj*. Several uprisings flourished due to the over pressure of the land revenue. Colonial land revenue system dissatisfied the peasants and common people. Hence, several uprisings like Santhal, Sepoy mutiny, Wahabi, Indigo, Tebhaga and Naxalbari occurred. For a long time *zamindar, jotdar's* role could not satisfy the peasants and cultivators. Rural tensions gradually mounted. All these insurrections, uprisings were organized to bring an end of British exploitation and oppression. In reality, excess collection of revenues by the British government, made them unpopular.

After independence *zamindari* and *jotdari* system was abolished. Political parties want to redistribute land among the poor people which changed the scenario of North Bengal. Share-cropper, middleman and *bargadar's* appearance changed the socio-economic structure of the rural society of North Bengal. They added a new flavour for the transformation of the rural society of North Bengal.

## **(B) BENGAL RENT ACT, 1859**

The draft of Bengal Rent Act was taken to Selection Committee so that fixation and collection of rent can be done legally. After investigating different reports the Select Committee came to the decision that the *raiya*s will not get any legal justice unless they do not have in their possession the heir deeds. Most of them do not possess proper deeds of the land they have been possessing for long. Even they do not get the receipt of the rent paid by them and since the receipt is not in particular format, the year is also not mentioned in the receipt. A number of tenants have been evicted and have been engaged as tenant to different

place and thus have reached to a messy condition.<sup>141</sup> They came under neither in the definition of '*Khud Kasth*' nor in the '*Pahi Kast*'.<sup>142</sup> *Zamindars* or the intermediaries established different persons as tenants for different purposes and in different terms. In ancient India, in the Sultanate period, even on the eve of Permanent Settlement, roughly accurate accounts of different kinds of tenants have been found. But no idea could be formed by the Select Committee about the condition of tenants from the regulation of the Permanent Settlement to the period of Bengal Rent Act.

The Rent Act of 1859 was originally a Bill "designed only to amend the law for the recovery of rent in the Bengal Presidency, or as it was put at the time to provide for the revision and consolidation of the distrains and summary suit law which then comprised the law for the recovery of rents. It was not intended to be, in any complete sense, a codification of the law of landlord and tenant. The substantive portions of the Act were not designed to create or limit rights. They were meant to be merely declaratory of the law as it stood."<sup>143</sup>

The most common cause of friction was the *zamindari* attempts to enhance rent. Many *raiyyats* resisted such attempts, which often resulted in the deterioration of law and order. In the 1840's and 50's many Indigo planters brought *benami raiyati* rights of the *raiyyats*. Thus a bill was introduced to the Legislative Council which was passed into a law as Act x, 1859.<sup>144</sup> While defining rights and liabilities of *raiyyats*, the Act had classified them into three broad groups; *raiyyats* paying rent at fixed rate; *raiyyats* having rights of occupancy, but not holding at fixed rate of rent; and *raiyyats* having acquired no occupancy right and paying rent at a competitive rate.<sup>145</sup> The Act gave some facilities to the *raiyyats* but it could get directions to the atrocities of the *zamindars* towards peasants.<sup>146</sup> Except revenue, in the name of *Parbani*, *Dak kharcha*, *Tahasilana*, *Dahhila* etc. *abwabs* were collected from the peasants and cultivators which made their life more miserable.<sup>147</sup>

According to Section 2 of the law, the tenant must get lease of land from the person whom he paid the rent.<sup>148</sup> The area of land, serial numbers of plot, the amount of

annual rent, the different time of paying the rents and the number of paying rent instalment all these must be mentioned in the *Patta*. Besides, if there prevailed any special condition or rights or if the rent was to be paid through the mode of crops, then the amount of crops to be paid and in which time – mentioning all these information an immediate owner gives a *raiyat Patta* and the relation between the owner and the tenant will be maintained by that particular *Patta*. In order to determine whether a *raiyat* enjoys the possession of a land in terms of heredity (*Mourasi Makrari*) or he is a ‘*Khud Kast Kadimi Raiyat*’, in Section 4 it is said that if the rent for a *raiyat* remains unchanged for the last twenty years, the *raiyat* will be considered as ‘*Khud Kast Kadimi*’ and an owner of permanent *Patta* since the inception of Permanent Settlement.<sup>149</sup> In Section 5 it is said that if the revenue is not fixed for a occupant *raiyat*, the *Patta* is to be given to the *raiyat* after fixing the revenue in fair and equitable terms.<sup>150</sup> If any question arises regarding fixing the fair and equitable revenue, the amount of revenue paid by the *raiyat* previously will be considered appropriate for him.

If *raiyat* cultivates any land except the own property or the farmland of a *zamindar* or middleman through revenue, it was directed as the lawful duty of the *zamindars* to give *Patta* to the said *raiyat*. However, in terms of cultivation of the said lands the independence of the owner above the lands shall remain uninterrupted. In Section 6 of this Act, a historical resolution has been adopted. If a tenant keeps a land in his possession for more than twelve years or cultivates the land for the same period, he will get the honour of ‘*Khudkast raiyat*’.<sup>151</sup> Besides, it is further said that if the *raiyat* gets the possession of the land by inheritance from his father and if his father’s possession and his own possession together amounts twelve years, he will get the right of occupancy for the land and he will also get the *Patta* in accordance with that.<sup>152</sup> It is also said in this rule that the tenant will acknowledge the receipt of *Patta* and he will give his consent to perform his duty in written to his owner.

In Section 10 the tenants get the right to file a suit against the *zamindars* for the first time.<sup>153</sup> If the tenants think that much rent has been charged from them illegally, the

tenants can file suit against their *zamindar* in the Revenue Court and in that case they will get the compensation double of the paid rent. A tenant have the right to take extra production of crops from the *zamindar* but the quantity was not mentioned.<sup>154</sup> It is also instructed for the first time that receipt must be given against payment of rent and if the receipt is not paid, it will be considered that by collecting the revenue without proper receipt, the owner has violated the law. Earlier, *zamindars* could compel tenants to step in their *Kachari* for collection of rent or the like reasons. Though in the Act of 1812 *zamindar*'s power of arrest was withdrawn, but compelling the tenants to be present in the *Kachari* of the *zamindars* for paying rent or the pretext of paying rent was nothing but another form of arrest. But with the initiation of this Section 10, this practice has been abolished.<sup>155</sup>

In case of non-payment of arrear rent or some other reasons for example, on the completion of agreement/contract or if the land is used for any other purpose except cultivation, the *zamindars* cannot evict the tenants. Notice has to be sent through the collector within the month of *Chaitra* and the tenant can only be evicted by order of the collector. Increase in rent, collection of due rent, eviction case against violation of contract – all these cases must be suited in the court of Collector or Additional Collector and everyone must follow the verdict unless any appeal is filed against the verdict formed.<sup>156</sup> It means both *zamindars* and the immediate owner got same legal status as that of the *raiyyat* and in order to consider the allegation from both side there established impartial revenue court. However, few questions were definitely raised initially as to why collectors or the deputy collectors were entrusted to consider the matters of revenue collection or eviction of the *raiyyats*.

B.H. Bedan Powel, in his book '*Land System of British India*' Vol-ii, has clearly explained the government's view why the Collector or the Deputy Collector has been entrusted with the charge of judging rent and eviction relating matters. Civil Courts of Justice were completely devoid of the practical world. They could make hair-splitting analysis of any law, but for fixation of revenue or to take decision in the matter of eviction of the *raiyyats* one

must have proper knowledge of the land records as well as a direct connection with the practical world. Officers dealing with land management and knowing the local details in many cases, acquire a sense of fitness and practical power which are invaluable, but cannot always be adequately explained in a formal judgement.

The detailed structure of rental court of 1859 is still prevalent.<sup>157</sup> Later on in Bengal Tenancy Act; the power of Revenue Officer was transferred to *Qanungo* for definite reasons. Firstly, without decentralization, the *raiyyat* cases cannot be solved within a short period in less harassment. Secondly, the *Qanungos* or the Revenue Officers have a direct contact with the *raiyyats* and they are a direct witness of different matters between the *raiyyats* and the immediate owners. So, their practical experience weighs high than that of the Collectors or the Deputy Collectors. When the Bill was sent to the Select Committee, there for the fixation of rent directions were given to depend upon the Pargana Revenue Rate. But, after a lot of search and analysis the committee came to the decision that there were no known Pargana Rates. That is why, in law fixation of rent was directed to be done according to the customary and fair rates instead of pargana rates. This rate, however, was applicable for only the *Khud Kast raiyyats* or the settled *raiyyats* and for the others rent will be fixed as per the mutual agreement between the *raiyyats* and the immediate owner.<sup>158</sup> For the distribution of *Patta*, it is said that those who have been in possession of a land for more than twelve years, only they are entitled to receive the *Patta* and if the rent is paid regularly, their *Patta* will be authorized to be renewed as per law.<sup>159</sup>

In case of Permanent Settlement both *zamindar* and *raiyyats* showed their reluctance in giving and accepting *Patta* for a scheduled period of time. Similar is the case with this. Those who have been enjoying the possession of *raiyyat* from generation to generation, refused to curb their right.<sup>160</sup> The government, however, in order to assure the *raiyyats* issued a notice mentioning that since the mediaeval ages there are a number of rules and regulations come into force for the '*Khud-Kast*' and '*Pahi-Kast*' *raiyyats*, but nowhere

there is written anything about their rights or responsibilities. Besides, since they did not have any *Patta* or written deeds in their hands, often even a number of *Khud-kast raiyats* fell victim of the atrocities of the immediate owners.<sup>161</sup> To save the tenants, the government., in Bengal Rent Act have divided them into two sections- occupancy and non-occupancy so that the former could be given a greater degree of protection than to the latter.<sup>162</sup> Following this viewpoint of the government. Many *raiya*ts received *Patta* and later on in Bengal Tenancy Act proprietary of rights were prepared based on this *Patta*.

Act x of 1859 defined the rights and obligations of different categories of interests in land.<sup>163</sup> The Permanent Settlement through defined the rights of *zamindars* and other proprietors remained silent about the right of *raiya*ts. The regulation of I, 1793 had vaguely recognized the customary rights of *raiya*ts but no clear definition was given about those rights in the regulation. When disputes arose in individual cases, the *zamindars* claimed absolute rights over land, where as *raiya*ts also claimed customary rights courts were also not sure as to the rights of landed interests below the *zamindar* class, and consequently they passed conflicting decrees with far reaching consequences on the relations between *zamindars* and *raiya*ts.<sup>164</sup>

No clear direction regarding fixation of rent was indicated either in Permanent Settlement or in Bengal Rent Act 1859.<sup>165</sup> In the Permanent Settlement only for the ancestral *raiya*ts (*Mourasi Mokrari Kadimi Raiya*ts) or the *Khud Kast raiya*ts it was said that before the inception if this settlement whatever amount of rent they used to pay, it will be cited in their *Patta* permanently and the *zamindars* would never be able to enhance the amount of rent.<sup>166</sup> For the others, in order to fix the rent sometimes it was said to follow the prevalent Pargana Rate and sometimes it was said to fix the rent in accordance with the current equitable rate. During the time of Permanent Settlement as the amount of land was huge, rent didn't increase much. But within a very short period of time the demand of land started to increase and there found almost a kind of competition among the *raiya*ts for receiving the

lease of land. Secondly, taking the advantage of inadequate amount of land *zamindars* fixed the rent a much higher than the amount in which it should have been fixed. In villages in the agricultural lands the rent was comparatively less but, keeping pace with the growing competition, in the non-agricultural lands and in market areas rent was fixed in much higher for both the agricultural and non-agricultural lands.

In 1862 a case was filed in Bengal High court regarding fixation of rate of rent and the Chief Justice Sir Bares Peacock gave a verdict that the rent prevalent in Bengal was actually Malthus explained economic rent.<sup>167</sup> It means that after subtracting all expenditure and capital profit from total production, the rest part would be given to owner as rent. This decision of the Chief Justice was completely antagonistic to the age old conception of rent in India and it was proved even disastrous for the *raiyyats* and government, that is why, could not accept it in reasonable grounds. Then in 1865, the matter was discussed in detail in a full bench in High Court and it is known as '*Great Rent Case*' in history.<sup>168</sup> Finally, after a long hearing the Court verdicted that in Bengal Economic Rent was never in practice and what is prevalent here is a fair and equitable rent. It means rent will be fixed based on the rents paid by the neighbouring *raiyyats*. Depending on this case, High Court, in another case, verdicted that the same rule should also be followed for fixing the rents of the non-occupancy *raiyyats* as it is not at all logical to fix different amount of rent for *raiyyats* living in the same neighbourhood.<sup>169</sup>

According to Bengal Rent Act there are some tenants who after receiving *Patta* transfer their lands. Through the exchange of a '*Patta*' or deeds the tenants begin to consider themselves as land owner. But in the Sadar Civil Court the matter came into the judgement whether the *raiyyats* had this transferable right or not. The *zamindars* opposed this transferable right of the *raiyyats*.<sup>170</sup> Through the Permanent Settlement the *zamindar* has been proclaimed as the sole owner of the land and he has been given the ownership right through rent-rolls

(*Touzi*). So, through the Bengal Rent Act, by bringing both the *raiyat* and *zamindar* under the same code of law, the *raiyats* were benefitted in the following manner:<sup>171</sup>

i) Through *Patta* the '*Khud-Kast Kadimi Raiyat*' started receiving a time-bound schedule of right.

ii) The '*Khud-Kast Kadimi raiyats*' had been giving a particular amount rent since the Permanent Settlement. Presently it enhanced and equalled to Fair and Equitable Pargana Rate.

iii) Being failed to pay the rent or instalments even the *Khud-Kast raiyats* became liable to be evicted through the verdict of revenue court.

iv) Due to the absence of proper law the *Khud-Kast raiyats* had been enjoying the rights of land transfer. But through the Bengal Rent Act and later on through the verdict of Honourable High Court this right of the tenants had been withdrawn.

On the contrary, the tenants had to pay excess rent in comparison to the land they were given in lease. The tenants were made to sign or give thumb impression in the agreement paper forcefully. The *zamindars* would collect cess or illegal revenue forcefully from the tenants. This cess was of various kinds and it was so widespread that in order to find a solution the farmers didn't have any alternative but to revolt. The condition of *bargadars* was just like slave. They toiled round the year but they were compelled to handover the entire production to the landlord at the end of the year. In turn, the landlord would give them a small share as per their wish. Thus Rent Act proved nothing good to the poor.

The *zamindars*, on the other hand, being not bound to distribute *patta* for the other *raiyats*, still continued giving the lease of land only through the rent receipt and it was quite impossible for the *raiyats* to get the privilege of law for the issues of their enhancement of rent or for their sudden eviction. In some cases even a time *Khud Kast raiyat* being unable to prove his possession of land for an uninterrupted twelve years was deprived of the rights of the *Khud Kast Kadimi* and came under the status of a mere temporary *raiyat*.<sup>172</sup> It is a known

fact that judicial trial is always expensive and therefore a purchasable article. Other than the issues relating to life and death the common people or the people belonging to the poverty line tried to keep safe distance from the court of law. And the same thing happened here too. The *raiya*s used to visit the court of law only when they had been evicted from a land unlawfully.

The worst effect of Bengal Rent Act is that the *zamindar* or intermediaries stopped to lease the same land to a tenant for a long period.<sup>173</sup> The first category of *raiya*s was defacto peasant proprietors. Their rights were confirmed by custom and by law. Their rent could not be enhanced by the superior proprietors under any pretext. They were socially known as *mirast* or permanent *raiya*s. The former *Khud Kast raiya*s holding land for more than twelve years continuously were declared as occupancy *raiya*s of the second category. Their rent could be enhanced, but no attempt for revision of rent could ignore the *pargana* rate. The third category or non-occupancy *raiya*s, who were once as *Patkasta raiya*s, were declared as *raiya*s having uncertain rights in land and the superior proprietors were free to enhance their rents according to market competition. The Act could not satisfy the *raiya*s, especially the third category of *raiya*s who constituted the large majority of rural societies.<sup>174</sup> On the contrary, the tenants had to pay excess rent in comparison to the land they were given in lease. The tenants were made to sign or give thumb impression in the agreement forcefully. The *zamindars* would collect cess or illegal revenue forcefully from the tenants. The condition of *bargadars* was just like slave. They toiled round the year but they were compelled to hand over the entire production to the land lord at the end of the year.<sup>175</sup> Thus Rent Act proved nothing good to the poor tenant.

The Rent Act proved in the end nothing but loud roars and for the *raiya*s, rather than bringing relief this Act caused much harm to them. Day by day, the continuous high rents, unbearable forceful tax collection and the frequent eviction made the life of the whole cultivator class shattered. Besides, a number of peasants' movements were also reported to be

formed in some places. In 1868 Lord Laurence was the Governor General of India.<sup>176</sup> Once, finding the inexplicable condition of the peasants of Bengal and Bihar and a comparatively less production in crops, he remarked “the Government should enact rule at its earliest to improve the present pitiable state of the poor tenants. The tenants can lead a free and prosperous life if they are not forced to pay anything but proper and accurate rent”.<sup>177</sup> At this time in Bengal and Bihar a great dissatisfaction among tenants began to take shape consequent to which in 1873 agriculture movement initiated in Pabna district.<sup>178</sup> Only the 1873 movement of the Pabna district played an important role for the passing of the Bengal Tenancy Act. In spite of shortcomings Bengal Rent Act of 1859 paved the way for a larger reform in agrarian relations effected by the Bengal Tenancy Act of 1885.

### **(C) BENGAL TENANCY ACT, 1885**

In the year 1874 Bihar was attacked by a terrible famine and there established a Famine Commission.<sup>179</sup> The Commission in its report provided a detailed account of the deplorable condition of the cultivators of Bengal and Bihar. Together with all these reasons in the year 1876 there passed an Act called ‘*Agrarian Despatches Act*’, this could not be implemented at all.<sup>180</sup> On the other hand, landlords in order to collect their due rents started pressurizing the government and for the establishment of a kind of new rent collection rules, government prepared a Bill on it and it was sent to the Select Committee. However, this Bill was sent back from the Select Committee and the Committee suggested for the re-thinking of the smooth relationship among the government, landlords and *rai-yats*. In 1879 Bengal and Bihar Revenue Commission was formed by the initiatives of the Board of Revenue member Dampier.<sup>181</sup> Monmohan Ray, Parimohan Mukherjee and Bajendra Nath Shil were the members of this Commission.<sup>182</sup> By the recommendation of this Commission a draft Bill was placed in 1880.<sup>183</sup> After a number of additions, alteration, question-answer and debate the Bill was sent to the Select Committee in the year 1884. This Bill was discussed in the Select

Committee for nearly sixty-four times and after a number of amendments the Bill was presented before the Council. On the 11<sup>th</sup> March 1885, the Bill was approved by the Council and consequently on 14<sup>th</sup> March by the Governor General of India and with this 'Bengal Tenancy Act-1885' (Act-VIII of 1885) takes its birth and there started a new era of tenancy in Bengal.<sup>184</sup>

The Tenancy Rights Bill was submitted to the Central Legislative Assembly after it was passed at the State Legislative Assembly. After submitting the Bill at the Legislative Assembly, the minister in charge of the Central Legislative Assembly, Mr. C.P. Ilbert observed of the total population majority are the peasants and few of them are tax collector *zamindars* and their officials. The boundary lines of rights of these two classes are very indistinct and uncertain the method the state adopted for defining their rights is unclear. As a result of his clash between these two classes has become inevitable. Moreover, inhuman tyranny of the *zamindars*, and sometimes militancy of the peasants in some parts of West Bengal has created a deep crisis in the land reforms system.<sup>185</sup>

Bengal Tenancy Act of 1885 was an enactment of the Bengal government defining the natural rights and liabilities of *zamindars* and tenants in response to widespread peasant discontent threatening the stability of the colonial system of governance. The Permanent Settlement gave absolute proprietary rights to landholders but was silent about the rights of tenants, although it vaguely recognized their customary rights. The Act defined rights and obligations of immediate tenancies and *raiyyati* tenancies. However inferior tenancies such as *kurfa*, *barga*, *chakran*, *nankar*, *karsha* and so on still remained undefined. The Act also enacted rules for under taking a detailed survey and prepared for different interests in land from *zamindars* to ordinary *raiyyats*.<sup>186</sup> It is in this Act where, for the first time, we get legal definitions of landlords, intermediates, *raiyyats*, rent and the like. Previously, due to the unavailability of the proper definition of these terms, often there were chance to misrepresent the words and even the Honourable High Court faced a lot of troubles

while issuing a verdict on it. According to this Act tenants were divided among four categories, viz.<sup>187</sup>

- i) Settled *raiyat* or occupancy *raiyat*
- ii) Non-occupancy *raiyat*
- iii) Under *raiyat*
- iv) Share-cropper.

Later on in the year 1928, in the amendments of 'Bengal Tenancy Act' the share-croppers were left out from the definition of tenant.<sup>188</sup> While giving the definition of 'rent' it was clearly stated that the legal amount of cash or crops paid by the tenants to its immediate owner for the occupancy or for the cultivation of land, is called rent. This definition of 'rent' cleared the difference between the revenue and rent. Later on, it was more clearly stated that the amount of cash directly paid to government is revenue; and the amount of cash or crops paid by the tenant to its immediate owner or by the immediate owner to the landlords is rent. To explain, what is directly paid to sovereign authority is revenue.

For the 'occupancy *raiyat*' it was said that if a *raiyat*, occupies single or multiple plots of land within the boundary of a village for more than twelve years, that *raiyat* will be considered as 'settled *raiyat* or occupancy *raiyat*'.<sup>189</sup> Rent Act provided the tenants freedom from the rigidity of the occupancy of a piece of land for more than twelve years and for this the previous tactics of the immediate owners of the land diminishing the rights of the *raiyats* did not prove much effective.<sup>190</sup> Further it was said that if a 'settled *raiyat*', in future, makes arrangement of other piece of land within the village, he will enjoy the settled *raiyat* proprietary right for that piece of land too. He has merely to show that he has held some land continuously within the village boundaries for more than twelve years, and he then becomes a 'settled *raiyat*' of his village and acquires occupancy rights in all the lands which he may hold in the village at the present or in any future time.<sup>191</sup> If a *raiyat* demands that he is a 'settled *raiyat*', it will be the responsibility of the landlord to prove his demand. The landlord

being unable to prove his point with the help of proper proof and information, the demand of the *raiyat* will be granted.

Settled *raiyat* can hand over his owned piece of land and in this transfer and in this transferring both the donor and the recipient will enjoy the same rights and responsibilities over the piece of land. However, the under *raiyat* and the non-occupancy tenants have not been bestowed this right of transferring. Actually, by providing the rights of transference to the settled *raiyats* government, to some extent, decreased the absolute proprietary rights of the landlords and with this numerous settled *raiyats* received legalised approval over their rights. Thus the rights of the landlords made limited only to the collection of rents from the tenants. The Bengal Tenancy Act deeply influenced many surveyors.<sup>192</sup>

Besides, it was decided that rents can be increased at a maximum of 02 annas per rupee for a settled *raiyat* and once increased it cannot be increased for the next fifteen years.<sup>193</sup> For other *raiyats* the actual rent will be settled as per the agreement of the immediate owner and the *raiyat* and regarding the increase of the rent the same principle remains applicable as once the rent agreement is done the rent cannot be increased for the next fifteen years.<sup>194</sup> For the fixation of the rent Bengal Rent Act, for the first time, gives direction to consider the production power of the land. If the landlords do not play any role for the increase of this production power, the owner too cannot demand excess rent.<sup>195</sup> In the Duars region of North Bengal, Bengal Tenancy Act of 1885 was implemented in the year 1899.<sup>196</sup> The landlords are often encouraged for the development of the land and to protect the land from natural disasters like the floods and the like. If for the developmental initiatives there is some growth in production, the landlord is allowed to increase the rent as per law. On the other hand the tenants are also encouraged in cultivation and it is said that if they can make the development of the land, they themselves will enjoy the benefit of it and for this rent will not get increased for them.

In terms of the fixation of rent in Section 27, 29-30 and in Section 38 it has been clearly stated that at present whatever amount of rent is fixed for a land, that amount of rent will be considered justified and proper.<sup>197</sup> If the amount of land gets increased for a *raiyat* due to the appearance of new sandbanks adjacent to his land; or if the amount of land gets decreased due to the disintegration of river or sea, the total amount of rent will get increased or decreased for a *raiyat* based on the condition. For a non-occupancy *raiyat* or for an under *raiyat* if it appears that the fixed rent is comparatively less, for the increase of rent the matter must be settled after proper hearing under the competent authority.<sup>198</sup> If the both parties fail to make an unanimous decision, the immediate owner may suit a case to the Revenue Court and the rent will be fixed as per the verdict of the case. Without the proper guidelines of the law and without the order of the court of law no *raiyat* can be evicted from a land.<sup>199</sup> The *raiyat*, who succeeds in availing the status of middleman, can never be evicted from a land for arrear rents. However, by making the *raiyat* sold the proprietary of right, the arrear rent can be collected. For the collection of arrear rent the direct croaking power of the landlords was withdrawn. However, this power can be applied if one comes with the court order.

The biggest step of this Bengal Tenancy Act is that this Act explains the inter relationship between landlords, intermediaries and *raiyats* and helps in preparation of records of rights. As per the Bengal Survey Act Cadastral Survey is absolutely necessary in order to prepare map for every village so that detailed record of rights can be prepared based on this Cadastral. In the 10<sup>th</sup> Chapter of this Act Section 101 to 120 clearly explain of how a record or a map is to be prepared and what are the necessary matters should be mentioned in a record of right.<sup>200</sup> In the Permanent Settlement and thereafter in different regulations and laws the rent collectors (*Patwaries*) and the Subordinate Revenue Officers (*Qanungoes*) were directed to keep records of *raiyats*, but due to the influence of the landlords as well as government's less interest in preparation of Record of Rights, government was totally

unaware of millions of *raiya*s. On the other hand there were parganas which didn't come under Permanent Settlement. There due to the presence of *Patwari System*, the *raiya*s were directly under the government and the government machineries itself used to prepare and preserve the Record of Rights of the *raiya*s. In Bengal, Bihar and Odissa through the medium of Permanent Settlement the landlords being entrusted with every right, the government didn't have any information about the *raiya*s.<sup>201</sup> Whereas, a continuous oppression from the landlords and due to a sheer disorder there started forming an air of annoyance among the *raiya*s and their collective protest even shook the pillar of the Great British Empire. In the meantime the Government of India marked Bengal, Bihar and Odissa as no record states the Lieutenant Governor was directed to prepare record of rights for the *raiya*s. The interesting fact is that according to the directions, there prepared a detailed record of rights for the *raiya*s and later on in independent India the records of rights were even corrected in 'Landlord Possession Act', but based on the old available records Delhi Government had been marking the State of West Bengal as 'no record state'.<sup>202</sup> In a conference of the Revenue Ministers, former Land and Land Reforms Minister (Left Front government) Benoy Krishna Chowdhury brought this mistake to light and it was corrected from thereon.<sup>203</sup>

The main characteristic of Bengal Tenancy Act is that it issued strict restrictions over the transference of land belonging to the tribals. In chapter 7(A) of this Act it has been said that the tribals cannot transfer their land to anybody who does not belong to their community. But, if no one of his community shows interest in purchasing the land and, it becomes extremely necessary for the tribal land owner to sell his land, then, after seeking prior permission from the District Magistrate the same piece of land can be sold to a purchaser belonging to other community.<sup>204</sup> If a man belonging to a tribal community himself is the *raiya*t or a middleman, he, for his land, may settle another person as a *raiya*t or a subordinate *raiya*t, but that man too must be within his own community. Moreover, even he

wants to make mortgage of his land, that mortgage should be a usufructuary one and a tribal *raiyyat* can make such kind of mortgage to a person belonging only to his own community. Besides, it was further mentioned that no mortgage will take legal validity unless it is registered under the competent authority. The Santhal revolt, the eviction of *Santhal* or backward tribes declaring them as tribes having no land and such matters compelled the government to think of the tribal community in the Bengal Tenancy Act and we find its reflection in Chapter 7(A) of this Act.<sup>205</sup> Another important regulation of this Act is to fix the boundary of land of a *raiyyat*. Only that person will be termed as *raiyyat* whose total share of land is within 100 *bighas*. If a person holds the possession of land measuring more than 100 *bighas*, he will be categorised as ‘middleman’ unless otherwise directed as per the court of law.<sup>206</sup>

In Section 181 of this Act the homestead land was given a different recognition from that of the ordinary lands and it was further said that if a *raiyyat* or an under *raiyyat* holds the possession of a land, he will be considered as the *raiyyat* of the said land as per the said law.<sup>207</sup> Actually, in the Bengal Tenancy Act no clear explanation was made between difference of the agricultural and non-agricultural land. Every type of land was given the status of land. Only in Section 182 homestead land was discussed differently. If there is a homestead land of a farmer alongwith his agricultural land, then, inspite of the land being shown as the homestead one it is considered as agricultural land as a whole.<sup>208</sup> If one possesses no other land but homestead land, even his land has been termed as ‘non-agricultural land’, but it terms of rent or other related matters directions have been given in general guidelines of the law. Only in the 10<sup>th</sup> chapter through the directions for preparation of the proprietary right there is a mention of occupiers of non agricultural land. If the whole Act is analysed it will be found that no careful effort is made for the classification of land in the Bengal Tenancy Act. Other than the surface of the river everything came under land. This matter of classification of land is being discussed in this much detail because later on by

classifying the land in different categories the process of preparation of proprietary of rights has been made much complicated in one hand and on the other hand the owner of big lands got much opportunity to violate the law of having maximum amount of land. Actually, in no definition of economics such a variety of land was made. Even in the laws prevailing for a long time there wasn't found much variety of land. Only in the *Zamindari Occupancy Act* and in the *West Bengal Non-Agriculture Act* lands have been classified in thousands of categories and consequently the whole matter got much complicated. In the second amendment of the *West Bengal Land Reforms Act* the definition of land has been brought back in old form where the term land included every category of land.<sup>209</sup>

Rigid step is taken by law to restrain the use of land. If any tenants use the leased land for any purpose other than the schedule one, he may be evicted from land. Later this regulation of Tenancy Act is maintained in all rules. At present for protection of nature and for necessity of cultivation, the need for this control is felt at every moment. The impact of the Tenancy Act of 1885 deeply influenced the agrarian change in the Bengal Presidency. The Tenancy legislation of 1885 aided and abetted subletting, sale, mortgage and transfer of holdings to keep up *laissez faire* in land market.<sup>210</sup> The land lords resorted to *khas khamar* (self-cultivation) with farm servants and *barga* (share-cropping) with the share-croppers or *bargadars* to evade occupancy rights of the tenantry granted in the Acts.<sup>211</sup> The latter categories were not protected by law. The Settlement Reports are replete with such cases of depeasantisation attempted by landlords to unsettle the settled peasants through levers of coercion and credit.<sup>212</sup>

Bengal Tenancy Act is no doubt a unique historical deed related to land and tenant. Yet this Act has some noteworthy flaws:

Firstly, in case of tenanted stability, a tenant has to cultivate a land in his own village for twelve years.<sup>213</sup> Many tenants have been cultivated lands in neighbouring villages for a long time, but due to restriction of boundary they had not given tenant stability in another

village though they were in possession of land for a long period. Actually the Tenancy Act of 1885 did not protect actual tillers of the soil.

Secondly, a large section of farmers in Bengal are share-cropper for many reasons. Though share-cropper were acknowledged as tenants by original law, in the corrigendum of 1928 this acknowledgement was ignored and consequently in undivided Bengal at least 50 % share-croppers turned to mere rented servants or land labourers losing their all rights.<sup>214</sup>

In law it is said that only just and lawful rent would be imposed. We have witnessed earlier that as there are several layers between *zamindars* and original peasants and the advent of new *zamindar* or middleman due to marketing of the right of former *zamindars*, rent has increased at every step. Naturally, peasants had to bear the burden of excessive rent. Again, ancestral tenants enjoyed the advantage of unchangeable rent, but this law has erased this facility.<sup>215</sup> Thus they are burdened with excessive rent.

Thirdly, in law only three kinds of tenants are mentioned but in reality so many kinds of tenants have been created in several times for various purpose and conditions. At the time of preparing title deed, revenue officers failed to categorise all tenants to anyone of the three types and finally bring all types of tenants under title-deeds.<sup>216</sup> So a big difference prevails between law and title deeds.

Fourthly, law verdicts to stop any illegal payments. But there is no provision for peace settlement. *Zamindar* or middleman continues to collect illegal revenue ignoring law.<sup>217</sup> So, tortured peasants take the path of movement.

Fifthly, law has provision for preparing title deed, but there is no scope of its rectification consequent to which title deed got back dated and non-existent within a short duration.

So Bengal Tenancy Act could not satisfy the *raiyyats*. But the British government supported the Bengal Tenancy Act and passing the Act for their own interests.<sup>218</sup> The Tenancy Act has not sought to maintain an economic unit of holding. It has encouraged

defaulting regular payment of rent by *raiya*s, the period of limitation being three years. The method of realization of rent is neither speedy nor effective.<sup>219</sup> The Act intensifies the shortage of capital in agriculture.

Actually, colonial land revenue systems could not satisfy the common people. All the British land settlements were implemented in favour of the government. In every case Indians were exploited. As a result of which frequent uprisings took place during the colonial rule. It was seen that in every cases North Bengal always victim and worst sufferer land in the geo-political atlas of Bengal. Rent Act of 1859 and Tenancy Act of 1885 of the British government could not fulfill the needs of cultivators, peasants and tenants. Day to day increase of revenues created lot of problem among the peasants. Moreover the role of *zamindar*, *jotdar*, and moneylender class made the life of the peasants more miserable. These powerful sections of people joined hands with British government and plundered the common people.

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