

The Rent Question and its Impact on the Peasants of Rarh Bengal (1820-1860)

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[Editorial Note: The present paper focuses on the peasant studies in Colonial period and has explored the notion of 'rent' and its impact on the socio-economic condition of peasants especially in the select district of Rarh Bengal like Burdwan, Bankura and Midnapore.]

***Abstract-** The history of peasants form an interesting theme in the agrarian studies of Bengal. The central theme of peasant studies revolves on the notion of 'rent' which is the root cause of their exploitation. Research works on the origin of rent, their circulation in the economy is well known discourse in Bengal. However, research work on the imposition and operations of rent laws, its impact on the agrarian structure, at intra-regional level is less known. Based on this concept, the present paper seeks to explore the notion of rent, its variation, its circulation in the economy, and finally the background that necessitated formulation of rent Act X of 1859 and its immediate consequences on the peasantry in the select districts of Rarh Bengal. (Burdwan, Bankura, Midnapore). While extrapolating the issue, the paper also tries to bring the inner strife between the occupancy and non-occupancy tenure of the peasants, their role in safeguarding their rights and finally the consequences of the rent legislation on them during 1820-1860.*

***Keywords-** Peasant, Rent, zamindars, legislation Agriculture, Rarh.*

Introduction

The term peasant generally refers to the small scale agriculturists who take active part in the production process. In colonial context, the peasants were the heterogeneous class which consisted of sharecroppers, agricultural labour, tenants and the landless peasantry; who thrived on the agriculture for their basic subsistence. The peasants had a small holding which was exclusively controlled by him. The peasant tills their own land and participates in the process of cultivation.

With the coming of the English East India Company, the self-sustained economy of the peasant gradually transformed itself into capitalist one. Apart from the new landed- gentry, most of the peasants were unable to incur benefit from this process.

They remained in utter distress. The precarious condition of the peasants was due to the imposition of enhanced rents on them by the administration.

The permanent settlement gave absolute proprietary rights to the landowners. But it remained silent on the rights of the peasants on their land, most of them lost their hereditary rights during the land auction process. They were continuously rack-rented by the petty officials and were turned into landless labourers. The British administration was unable to tackle the situation, though there was an ardent need for protection of peasant rights; nothing could be legalized till 1859.

Based on this theme, my paper dwells on the Concept of rent, types of rent, Variation of rent rates that was active in the districts of *Rarh* Bengal during the said period. It also deals with necessity, and the process that led to the passing of the Rent Act X in Bengal and its impact on the peasants of the district of Bankura, Burdwan and Midnapore.

Literature Review

Historians from worldwide have embarked on different issues of peasantry. Their canvas of work on the peasantry, revolves on landed relations, changing patterns in agriculture, the growth of the land market, the operation of rural credit in the village economy and finally, the transition of peasant economy to a capitalist economy.

N.K Sinha's Comprehensive work on *History of Bengal* in 3 volumes, Benoy Bhushan Chowdhury corpus of work, consisting of his dissertation; "*Growth of Commercial Agriculture in Bengal*", His articles; *Land Markets in Eastern India*, and *The Process of Depeasantization in Bengal and Bihar, 1885-1947*, depicts the changes in the status of the peasants. He argues that the burden of taxation was a direct outcome of arbitrary increase of ground rent by the zamindars during the colonial period. The increase of rent came into forefront during the mid-eighteenth century, when the gradual substitution of occupancy ryots by non-occupancy rights took place in British India.

The awful condition of the peasantry of Bengal during the 19th century have been beautifully etched by R.C. Dutta, in his work *Peasantry of Bengal*. Bankimchandra Chattopadhyay's erudite essay, *Bangladesh Krishok*. Rev Lal Bihari Dey's work, *Bengal Peasant Life* and so on.

Precise works on the outcome of rent legislation are quite common in official tracts of Parbati Churan Roy, "*The rent question in Bengal*", and Radharomon

Mukherjee, *Occupancy rights, its history and its incident*. However, the background to the rent legislation in Bengal, its necessity, the role of peasants in procuring their rights is less focussed area. This is the gap in the existing historiography which my paper intends to cover.

Area of Study

The study is conducted on the semi-arid region of Bankura, Midnapore and the fertile tract of Burdwan, together comprising the South-western part of Rarh Bengal. The term “*Rarh*” is derived from the word Rarha which means rough and uneven. Archaeological excavations and old records identify the region extending between Chotanagpur Plateau in the West and Ganga in the East. The districts of Bankura, Midnapore being semi-arid and the frontier zone was a zone of turbulence, naturally parts of these districts were restructured into separate police units. These administrative changes affected the condition of peasants who were more efficacious to the question of rent than Burdwan. In the fertile tract of Burdwan, the coercion of intermediary owners increased the burden of rent of the poor peasants. The present paper had tried to draw the variations which the district witnessed during the period 1820- 1860.

The land revenue administration of the nineteenth century revolves around three pillars, Landlord, Peasant and Government. The definition of peasant, landlord and government is widely known, and well explained. The common theme which binds them together is “rent” and it is the question of rent which redefines their position in the society. Hence it is important to know about the concept of “Rent” before moving forward on the intricacies associated with it.

Terminology

The term rent means a fixed payment done by a peasant to his immediate lord in the form of kind or cash for using the former’s land for agricultural purposes. According to Karl Marx, “ground rent is a socially determined category that arises from a historically conditioned process that precedes (and confronts) capital as it emerges from the womb of simple commodity production.” (Ramirez 2009; p-2). It was usual from the ancient period that the peasants used to give their rents to the government. They enjoyed the fixity of tenure and were liable to pay rent after harvest. “The sources of real oppression were then the secret abwabs or un-avowed taxes imposed on the *ryots* by the Zamindar.” (Roy 1883; p-44). This rack-rented the peasants and left them in desolate and distress. The situation further worsened

with incessant revenue experiments by the English East India Company and with the promulgation of Permanent Settlement in 1793 CE, the situation took a grave turn.

The Era of Permanent Settlement and Thereafter

The chief concern of the government was to secure the revenue and the government found the most convincing way by settling the rents with the Zamindar, whom they believed to be the real proprietors of the Indian soil. The Permanent Settlement had recognized the Zamindar as the sole proprietor of the soil but in doing so “it left the subject of the relation between the Zamindar and ryot open for later legislation”. (Raha 2012; p-8)

The situation took a worse turn when the landlords were bestowed with the power “to summon riots and attach their crops and property in case of an arrear of rent by Act of 1799 and Act V of 1812 commonly known as *Haptam* and *Panjam*. The British administration had sought it to be the most convenient way to ensure greater punctuality in the timely realization of revenue. The law was too harsh, and oppressive than any other existing law of the time. The permanent settlement, as argued by R.C. Dutta, failed to improve the condition of the *ryots*.

Cornwallis, by introducing the Permanent Settlement in a hasty way, left the relation between the *ryot* and the zamindar open for later legislation. Apart from the moukhary and Istemaree tenure, the rights of the cultivators were virtually left at the mercy of the zamindars. They were rack rented by them. Therefore, the condition “of the *ryot* of the present day is as thoughtless and improbable a creature as he was centuries ago”. .” (Rickards 1820; p-433). Despite the energetic efforts of the English administration to remedy the defect of the revenue administration, the condition of the peasant remained in the same state.

James Mill, while observing the condition of the *ryots* in Bengal stated, that the relation between the *ryot* and zamindar was remarkable; while the zamindar could rob a *ryot*, the *ryot too* had its power to distress the zamindar. With the commencement of *Haptam* and *Panjam*, the condition of the peasantry had become deplorable. They were ill-paid, poorly clad, and were unable to obtain effectual redress for prosecution, exaction and dispossession. To add to their woes, they were further repudiated to seek redress against prosecution, exaction and dispossession in Court. However regional variation existed everywhere, which directly bore its impact on the peasantry in Rarh Bengal.

Therefore, to understand the system of rent management in the aforesaid districts, it is necessary to have a glimpse on the land tenure of the districts.

Types of Cultivating tenure:

The district of Burdwan, Bankura and Midnapore consisted of innumerable tenures; the greatest number of which was prevalent in the district of Midnapore. Apart from the *mourasidari ijaradars*,¹ the cultivating tenures in the districts were subdivided into three distinct division i) cultivators holding their lands with a right of occupancy in perpetuity and free from liability of enhancement of rent. ii) cultivators holding their lands with a right of occupancy in perpetuity and free from liability of enhancement of rent.

ii) Cultivators holding their land with a right of occupancy subject to fair and equitable progress of rent and finally the tenants at will. In the district of Midnapore and Bankura the cultivating tenures were more widely scattered than Burdwan where the resident cultivators could be traced up till 1859. The pahikasht ryots of the district were further subdivided into *nij-ganjpahikasht* and *baze-ganjpahikast*. (Mill 1826; p-206)

The *baze-ganjpahikasht* were the migratory cultivators who made waste land suitable for cultivation. Similarly, there were *ryots* cultivating a certain amount of land at fixed rates and *khamar ryots* who were equivalent with sharecroppers. They used to receive a certain portion of produce as their share. Besides this, there were *mutwari ryots* who derived their subsistence from the land, with the help of the *pahikasht*. (Hunter 1878: p-22)

The district of Bankura from the time of the permanent settlement was divided into several holdings which were further subdivided into *miadijama*, *jungalbaree* tenure, *Mourassi*² and *moukhary* tenure³, *korfa* and *dar-korfa* tenure⁴. The *miadi-jama* corresponds to the *ijara* lease whereby the cultivators held the land temporarily for the fixed period under a *patta* or lease. The *jungalbaree* estates were concentrated in the remote part of the districts where “the wastelands are leased out for the favourable purpose of being cleared of jungle and brought under cultivation”. (Ghosh 2003: p-98).

¹ Temporary lease holders of land.

² Hereditary tenure

³ Rate of rent fixed in perpetuity,

⁴ Under raiyat

This was the general trend of the cultivating tenure that was evident in the districts of Rarha Bengal in the 19th century. The condition of the peasantry and their response to the rent management cannot be visualized, unless we have a clear knowledge on the changing agrarian structure of the region. These changes which started after the ravaging famine of 1770, became more pronounced, with the strengthening of sub-infeudation and the growth of commercial agriculture in the districts.

Agrarian Structure

During the 18th century the main objective of the British government was to ensure a steady flow of revenue from the zamindars “whom they regarded as the land captains and entrepreneurs to accomplish the agrarian revolution, an idea which was evident in contemporary England.” (Hunter 1878: p-3). Therefore, to ensure smooth flow of revenue, a series of revenue policies was undertaken by English East India Company, none of which was successful. The faulty revenue policies became the reason for the marginalization of the peasantry. As the rent assessed on the land was flatly made on speculation, the collectors mercilessly extorted the peasant at their will. There was no provision for remission of revenue during natural calamity. Such a scenario was witnessed in Bengal in the ravaging famine of 1770, which was indeed a man-made disaster.

The Famine of 1770 and After

The decades following the famine of 1770 was a period of distress. A number of constraints sealed the fate of the cultivators in Bengal. W.W. Hunter in his book *Annals of Rural Bengal* has clearly viewed that the famine was responsible for the most pronounced stratification of the peasantry. The famine and the incessant revenue policies of Hastings resulted in the process of substitution of resident *ryots* with non-resident ryots known as *pahikasht*. The *pahikasht ryots* formed the core of the new cultivating class in *Rarh* Bengal. The *pahikasht* were offered half of the concessionary rates by the zamindars than *khudkhasht*.⁵ As such “the long-resident cultivators came to resent the privileged position of the *pahikasht* cultivators. When the government tried to place both the *khudkhasht* and *pahikasht* on equal footing, “the *pykast ryots* refused to pay the enhanced rate”. (Mcclane 1993; pp-205). On being pressed, they retired with their crops in the native villages.

⁵ Resident cultivator

The growing discontent of the *pahikasht* created a tension among the ryots. During this period, the tribal migrants played an active role in the cultivation process in the western districts of *Rarh* Bengal. Elsewhere, the middling caste consisting of Hindu and Muslim peasants were active participants in the recovery and reclamation process.

Apart from the *pahikasht ryots*⁶ there was a rise in the population in the districts of Burdwan division. The cadastral survey undertaken during this time reveals that the number of inhabitants increased to an average of 6 people in Burdwan, average of 5.5 per person in Midnapore and 5 per person in a house in Jungle Mahal. This clearly proves that the increase in population provided manpower for the agriculture in the districts.

Condition of Agriculture

During the late half of the 18th century, the possibility of the development of agriculture was more distinct in Burdwan than in Bankura. In Burdwan the possibility of this development arose due to. increase in grain prices., the growth of commercial agriculture and iii) granting and distribution of pattas to the peasants.

In the district of Jungle Mahals, the principal crops of the district were rice, indigo, and tobacco. The introduction of cash crops had hardly affected the agrarian condition; “but the cultivation in the district have extensively increased by the reclamation of extensive jungle tracts within the last twenty or twenty-five years.”(Hunter-83)

In the district of Midnapore, the principal staple crops was rice, apart from rice the cultivation of cotton, mulberry, and indigo was widely practiced in the districts. Though the area of cultivation of rice increased during the period, no improvement was seen in the quality of the production.

The Agrarian structure in 1840

The introduction of the cash economy led to a change in the position of intermediaries in Bengal. Profits incurred from the cash crops in the districts of Midnapore, Burdwan led to the differentiation of peasantry. It saw the rise of yeomen class who had strengthened their position by entering into the land-owning

⁶ Migratory cultivator

business These rich peasants had eventually turned into Jotedars and participated in the agricultural production of Burdwan and Midnapore.

However, the marginal peasants, tribals and non-occupancy ryots of the districts of Rarh Bengal remained in distress. The reason for their distress was rooted in illegal cess and abwabs which enhanced the rent of the peasants . The gradual substitution of non-resident *ryots* created a tense situation, since if the non-resident *ryots* were unable to pay their rents, they could be ousted easily by the zamindars at their will. Therefore, an organized attempt to secure the rights of the peasant became utmost necessary and this necessity became evident in minute, newspaper, proceedings. literature and through the voices of the contemporaries. The next segment deals with the background and circumstances leading to rent legislation in *Rarh* Bengal.

The pre 1859 phase

The introduction of the Haptam of 1799 and Panjam of 1812 led to the peasant exploitation in Bengal. The system remained uninterrupted till the major step towards the peasant legislation was taken. It was Mr J. Harrington who in his minute ‘*On the regulation of Ryot in Bengal*’ spoke about the condition of the peasantry in Bengal. He pointed out that the condition of the peasants deteriorated after the introduction of the Patni system in the district of Burdwan. While, going through net collection of revenue accrued from the districts of Bengal, he said that “in one district in Burdwan from 1800 and 1810 the rent of the *ryots* had doubled.” (Harrington 1856:29). The reason behind the enhanced rents was the presence of multi-layer lease holders in the district.

The view of Harrington is criticized by Santosh Kumar Dutta who argued that the, “*Patni* talukdars had tried to keep their *ryot* satisfied because, upon their punctual payment of rent depended the security of maintaining their estates and prosperity.” (Chakravarti.1974: p-32). He further argues that by the year 1830, the authorities had received very few complaints from the side of the zamindars and the *ryots*. However, the view of Santosh Kumar Dutta could not be taken into account, since the contemporary journals claim that the condition of the peasantry of Burdwan was comparatively worse when compared with the other districts of Bengal. Mr B. Bayley, the then Officiating Collector of Burdwan stated that due to the *Patni* system, the poor ryot lost the custodian of the zamindars forever. He also adds that the *Patidar* were so powerful in this region that the officials of the zamindar remained loyal to the *patnidars*.

However, the *patnidars* and his allies became prey to the illegal cesses and abwabs which were enforced from them alongside with the revenue. The *patnidars* were bound to pray Shubho-Punnaho on the beginning of Baishak or the financial year. The *patnidars* were summoned in the office by the zamindars to pay off his stipulated revenue and to meet the expenses of customary gifts in festive season. Such imposition of illegal cesses, abwabs forced *patnidars* to extract from the *ryots* who were driven into destitute and poverty. The condition of the district had become such horrid that Mr Dampier the Superintendent of Police says that,

In this district as well as in other region where there is much underletting, holders of the land and others apparently engaged in trade and of some respectabilities are engaged as protectors of Dakoits and receivers of the property.” (Calcutta Review-1846; 32).

The ordinary peasants remained in distress and destitute, they were unable to reap profit from price induced inflation. The communication of the districts was poorly developed, hence, the peasants had rare access to the world market. The crops were produced for the purpose of mere subsistence, and the surplus which was left out was paid out as debt to the moneylenders.

Bankura

In the district of Bankura, the question of rent had been the pivotal issue which spurred up after the permanent settlement had been introduced to the newly formed provinces of West Burdwan. In the arid district of Bankura, presence of different tenures and different methods implied for extracting rents was a principal factor to reckon with: The *ryots* of the district had to pay two types of rent on produce, one being the Sanja consisting of fixed produce. Whereas, when a cultivator had to pay a certain amount of produce from his cultivation, it was known as bhag. The peasant thrives on two third of the produce of the cultivator and the rest one third was taken by the zamindar themselves. Prior to 1859, there had been inconsistencies in the collection of rent. Such inconsistencies resulted in the enhanced revenue, which was levied to the poor *ryot* by the tehsildar during that period. Apart from that, the rent levied on the newly accredited resumed land of the district of Midnapore and Bankura had been source of clash and conflict, in which the *ryot* sometimes sided with the Zamindars.

In such districts, rent was kept low and frozen to the reclamer. However, the tactics of measures were largely employed, “to enhance rent at fixed rate”. (Robertson 1826;61). These tactics were generally employed by the Zamindars who also doubled or tripled the rent whenever they wanted, exploiting the peasantry. Such incidence of enhancement of rent was deduced from the suits of Talukdari claim of Bhagnath Chakroborty of Bancoorah who sued a petition of claiming reduction in the rent due to certain land that was included as *lakhiraj*. (S. Sinha, H. Banerjee 1989;221). The deputy collector on inspection found out that ryot had indeed concealed the great part of land. The exact reason for the concealment of the land was not known, probably the lands had been subjected to denudation for which it was concealed by the *ryots*. There was an instance of imposition of *abwabs* imposed on *Jalsasan* land. The *jalasasan* tenants were given waste lands in a certain area for the first few years, after which the rent was levied on the land, which was highly assessed, leading to their impoverishment.

Midnapore

In the district of Midnapore, the rent was given in kind by the Collector except in the province Bogri, where the rent was fixed on the land, and adding extra benefit to the peasant when compared with the ryot of another district. The economic condition of the peasantry of Midnapore was in a deplorable state. According to Syed Rashid Ali, “the marginal raiyats of the district who held a small farm less than 6 or 7 acres were in a precarious state.

Though the official records shows that the rent of the district assessed remained unaltered from 1839 to 1856, and the ryots paid the same rent, except in the year 1856, when the question of rent levied for the lands lost through alluvium and its adjacent land drew the attention of the authorities. As per as the customs, whenever a rent was levied on the alluvium land, in case of its denudation, the rent for the deluded land and its adjacent land was to be remitted. But unfortunately, in Midnapore, though the rent levied on the land lost vide alluvium was remitted, the remaining rent on the adjacent land was, “still levied at the same rate before and the ryot position is so-far unchanged.” (Lawrence Report 1884;75).

The poor ryots of Midnapore had always remained in a distress, unable to reap the fruits of their production. In case of valuable cash crops, “the cultivator’s profit on 1/3rd beegah was 5 rupees to 10 rupees for ordinary rice cultivation, 20 rupees for sugarcane, 70 to 85 rupees for mulberry” (Parliamentary Papers, London:1872;36). However, as the cultivation was to be carried out by their own

expenses employing labours, if necessary: at the end the profit incurred was spent in payment of the labour, this case was also applicable to the moukhari ryots and the share-croppers who were practically ruined under such prevailing circumstances.

Throughout in the nineteenth century the peasantry in Midnapore have been subjected to severe exploitation, a writer in the Friend of India had aptly remarked, that the ryot makes scarcely half of his rent as taxation he is taxed on every circumstance, and the abwab levied on him was collected brutally.

The peasants of this district had also witnessed a series of dispossession during this period. Judicial records give an instance of *ryot* Mutthur Maitte, when ejected by the plaintiff, Bangshe MuddanMitter for arrear, aided with his opponent Kishan Kishore Ghosh to recover back his proprietary rights over the land. Civil suits related to the extortion of the ryots could be deducted from the judicial proceedings of the district court. Examples of such could be deduced in 1853, when the property of a ryot of Midnapore was confiscated, his homestead was burnt down and he was brutally tortured to death. On another occasion a poor ryot Sheikh Khajroo was seized by Nemaï Chakraborty for trespass, and compensation was demanded for the trespass done on the four beegah paddy land. However, the official investigation revealed that that suit was falsified to harass the *ryot*.

The district also witnesses several suits pertaining to the bond debts of the poor *ryots* to the moneylenders where the bonafide documents were usually fabricated for malicious purposes.

Midnapore Raiyat Association

In Spite of the severe extortions which the peasants of Midnapore faced over the time, they never did remain an idle spectator to the exacerbating nuisance of the privileged class. The *riots of Midnapore* became a unified force, to raise their voice against their oppression. They tried to turn down the cards of the Zamindars and the moneylenders, and made every possible way to seek the attention of the government through their meticulous organization. In the year 1856 a meeting was held by the riots of Midnapore at the Town Hall leading to the formation of 'Midnapore Raiyats Association' to redress the grievances of the riots. The organization was opposed to the exploitation that the riots had faced over decades. Vehemently condemning the exactions, the association said:

“It is an established principle of the political economy that whatever remains of the produce of land, after

paying the wages of the labour, and the interest of capital should go to rent, any rent taken in contravention to this principle is sheer oppression....” (Sircar 1856; Kolkata)

The raiyats demanded to settle estates grants, pattah or leases to the cultivator fixing according to the just and equitable rate. They also requested to modify the severity of the law of Haptam and Panjam. The Zamindars were asked to give a month’s notice to collect the rents. There should be grant of remission of revenue in case of natural calamities, and finally the raiyats demanded honest and independent police administration to keep a check on the police. The association of the Ryots have been revolutionary since it provided social impetus to the future emancipation of the peasantry, a process which officially started with the promulgation of Rent Act X of 1859.

Rent Act X of 1859

The problem of the agricultural profits and capital formation at the primary level did not concern the officials as they relied on the efforts of the planters and their ability to transform the capitalist farming into small-farming. The gradual transformation of the ryoti-jotes to demnese-jote and the gradual eviction of the moukhari ryots opened up the question of the occupancy rights of the peasant.

The harshness of the Haptam and Panjam had affected the general interest of the peasantry, since the Zamindars could force the attendance of the riot in the Court for and could sue of his land in case of an arrear.

The first attempt to revise the harshness of the Law of Sale and Law of Distraint was undertaken vide Regulation XII of 1817, whereby in each village a separate put wary division was made where from the patwaris served as an independent agency for maintaining a record of reciprocal rights of both the parties concerned with the rights of the land. (Bandyopadhyay 2007;56). The *cannungoes* failed to furnish information about the actual rental of the land held by the peasants, due to absence of pattah.

The protection of the rights of the khudkasht ryots was enumerated in the Regulation VIII of 1819, which provided that nothing in such shall entitle the purchaser of a public sale of arrear of intermediate tenure to eject a khudkasht ryot or a resident cultivator, neither they could cancel the bonafide agreements made with such tenants without “proof of the suit by the purchaser that a higher rate would have

been demandable at the time such engagements made by the purchasers predecessor...".(Calcutta Review 1883;42).

The next legislation pertaining to the issue of the tenurial rights was completely breached vide Regulation IX of 1822, which directed the registration of the village rights of the cultivators, whether possessing the right of hereditary occupancy or not. This sub-clause took for granted the rights of the riots by not mentioning the composition of hereditary class, their origin it created a vagueness and left the matter to be judged according to the discretion of the government.

A significant move towards protecting the tenurial rights was reflected in Harrington's *Minute and Draft of Regulation of Ryots in Bengal*. This was considered as a major intervention of the official authorities in favour of the riots. The landholders were asked to furnish the account of all the villages within their possession. They were asked to furnish the statement of the tenant, the land they possessed; and the rent levied on each. The minute also proposed to maintain records of the land held by the resident cultivator, irrespective of their occupancy status. 'The abwabs were abolished. The zamindars were advised to provide fresh patah to the riot specifying the rent to be paid by them. The draft also criticized the abuse of the powers of distraint and process of jurisdiction.

However, the draft never got a legal recognition since the fixation of rent might prove to be elusive for agricultural produce for which the English East India Company was not ready to abide. According to Chittabarata Palit, during the time, the government seemed finally to believe in laissez-faire and was convinced that the fixation of rent to be paid by the riots to the landlords was indeed a herculean task. The increasing encroachments of the right of the *khud-khast ryots* and the government inability to protect their rights roused a wave of indignation among the elites. Such instances could be seen in the series of memorandum presented by Ram Mohan Roy in his reply to the questionnaire sent to him by the select committee of the House of Commons in 1831 to renew the Company's charter in 1833. Speaking on the issue of the *ryot*, and on their *pattas* he spoke that the title-deeds should not be set aside except in certain specified cases, applicable to that period of general settlement and not-extending to forty years afterwards." Speaking on the issue of arbitrary increase of rents he observes: In practice however, under one or other of the preceding fair conditions, the landholders (Zamindars) through their local influence and intrigue easily succeeded in completely setting aside the rights even of the *khud-kasht* cultivators and increased their rent.

The worsening condition of the peasantry and the question of their occupancy, was further revoked by the Act XI of 1841. It empowered the auction purchaser to enhance the rents at their discretion. The new landlords could evict and eject all the tenants except the khud-kasht having the legal deeds of occupancy at fixed rents as the tenure holder enjoyed absolute power to increase rent, they could eject tenants of any category, if the former failed to clear off their dues.

The stringent clause of the Act XI of 1845 was repealed through Act I of 1845, but yet the uncertainties of the peasant's position had become a matter of serious concern. The long period of gestation of the government came to an end with the transfer of power from English East India Company to the crown resulting in the change in the administrative policies of India, which was soon reflected in the Rent Act X of 1859. (Roy 1832;55).

Rent Act of 1859 and its Aftermath

The Rent Act X of 1859 heralded a new era in the history of tenancy legislation in India. Through this legislation, the government tried to remove the abuse of the existing laws, especially the Haptam and Panjam. According to this legislation, "the ryots were classified into three categories: ryots holding at fixed rents, occupancy ryots and non-occupancy ryots." (Raha 2012,73).

- i) Ryots holding the rent unchanged for 20 years since the Permanent Settlement, were entitled to hold the rents forever.
- ii) The raiyats "who had cultivated or held lands for twelve years were declared to have a right of occupancy in the land, so long he paid the rent payable on account of the same. However, this did not apply to the proprietor's private land leases for a term of a year or a few years in case a written contract barring such incidents comes into forefront." (Mukherjee 1916,71).
- iii) The ryots without the rights of occupancy were declared to be entitled with pattas and rates that might be agreed upon by the zamindars and the ryots.

Thus, by the Act X of 1859 a distinct division between the khudkasht and the pahikasht ryots was made by conferring the occupancy ryots to the former. It safeguarded the peasant from the ambivalence and fear of dispossession in case of enhancement in rent. The provision of the rent act X was successfully implemented in the outskirts of Rarh and the rents for the occupancy ryots were fixed accordingly, which could be determined from the table below:

Table: 5.3- Average incidence of rent per acre in the districts of Bengal in 1860:

Thana	Incidence of rent per acre		
	Rs	A	P
Midnapore	3	15	5
Tipperra	3	2	2
Dacca	2	13	0
Bankura	1	12	0

(Source: Robertson: 1926.p-70.)

But did the Rent Act X of 1859 was able to expunge the age-old exploitation which the peasants had encountered over the years? In the nexus to the question, Rev Lal Behari Dey replied that the Rent Act X of 1859, was Magna Carta for the peasantry, which freed them from the vices of repression. It ended the era of apprehension, as the peasant could reap the fruits of his harvest with fixed rent without harbouring over the zamindars. It also put a blow to the existing illegal cesses and abwabs, which had increased the rent of Bengal. However, in his fiction, Bengal Peasant Life. He lamented by saying:

If this Act had been passed a few months earlier, Govinda would not have been ruined, but as the haptam and pancham had their full swing, his property was sold to the highest bidder. Govinda was now perhaps in a more helpless state than at the time when his homestead was reduced to ashes by the orders of the zamindar. He had hardly recovered from the effects of the conflagration when he was plunged into fresh. Debt.(Dey. 1816.p-366)

Gobindo Samantha, the example of a stereotypical peasant from the Aguri community of Burdwan and his condition prior to the rent legislation might induce us to question whether the condition of peasantry improved after the Legislation? Did it safeguard the proprietary rights of the peasantry? However, the reports and the proceedings of the civil suits of the period confirms us that nothing improved ever; Most of the time the zamindars relinquished the pattas before the expiry of

twelve years. Even the rent suits for the recovery of the residue due under regulation VII of 1799 was declared invalid in Burdwan. The immediate effect of the rent act was the anticipation which made both the landlords and tenants equally conscious about their rights. Speaking on the issue, the Governor- general says

“The general effect of the new law appears to have been levied satisfactorily. suits of arrears of rent under clause 9 SecXXIII have become as numerous as they were under the old law...” (Cases on Appeal to High Court,1864;340-41).

Impact of rent Act-X in Bengal

The immediate effect of Rent act X of 1859 in Bengal on its initial years was a sudden decrease in the number of revenue suits when compared with the cases of the corresponding period of the preceding years.

The general effect of the new law appears to have been satisfactory. The rent was satisfactory. Besides, the summary process for evicting tenants had not been resorted so frequently as expected.

The annual reports from the lower provinces of Bengal depict that the rent law worked effectively in different districts of Western Bengal. Constant supervision and proper management made it easier to access the cases without hassle. In case of extraordinary influx of cases “Deputy Collectors have been promptly appointed or transferred from one district to another to meet such sudden pressure (Annual Report 1861; pp-18).

The Act was thought to be so light at a point of time, that it seemed that suitors came solely for the purpose of registration. The Governor- General while looking through the returns from Lower Bengal stated that 63% of the total suits in which the judgement was instituted had no dispute within them. The increasing number of suits between the zamindars and ryots was largely due to the hassle created by the agents, who were employed by the zamindars to collect the rents. The regulation of 1859 had directed the authorities to dispense the receipts against the remittance of revenue; however, the *ryots* were unwilling to take receipts from the agents fearing the agents would take the money and would conceal the receipts to take money again. Therefore, the *ryots* used to keep their rents back in their pockets until they were summoned in the Court for disbursing their rent.

In the district of Burdwan, for the patnidar and their tenants “there was a special law for compelling them to pay their rent every half year.”- In most of the cases, the patnidars never paid their rents, and thus within every half –year he had to put for sale about eight hundred *Patni* tenures, depriving the *ryots* of his domain to enjoy the occupancy rights. Statistical evidences show that it had the rent suits and miscellaneous applications after rent act increased from 119 original suits to 635 in Burdwan. The East India Association undertook measure to seek permission from Legislative Council to allow Maharaj of Burdwan to institute suits to recover his lands from the government which was taken away on pretext of being invalid tenure.

In the district of Midnapore, the fixation of rent regarding the Junglebarry estate forms the basis of the litigation whereby it was decided that the rates of rents should be determined by the customary rates for smaller land adjoining by the riots in place adjacent to it. ‘But the rate of rent should be raised as per the prevailing customary rent not beyond it. In the district of Midnapore, the substantial ryots were unable to sublet their lands to the tenants who were denied from their occupancy rights. The beneficiary was of course the jotedars, who enjoyed the status of occupancy ryots in the district and sublteed their land to the tenants.

In the case of west Burdwan, in 1869, the enhanced rent was imposed for invalid lakhiraj tenure which was cancelled by the orders of the High Court. The incidence of increase or encroachment of occupancy holdings was relatively scarce in the district, since most of the region consisted of Junglbaree estate and constant substitution of different estates for a long time makes it impossible to trace the condition of the place.

Conclusion

In genesis, the tenancy legislation sought to bring out stability in agriculture and production. It restricted the possibility of enhancement of rent in Bengal. The situation was not the same in the districts of Rarh Bengal. The civil suits on occupancy rights were more in Burdwan when compared with Bankura and Midnapore. Burdwan. The fertile tracts of Burdwan lured the *patnidars* to devise tactful measures to devoid the occupancy status to the resident *ryots* of the district. In the districts like Midnapore and Bankura, the rents being low, the prospects of subletting the land to the tenants, was less than Burdwan. The occupancy *ryots* held

a premier position in the districts, by encroaching the junglebaree estate, which was never counted for rent purposes. However, it also prepared the stage for the further struggle over the occupancy status and rent in Bengal. For the time being, Rent Act X of 1859 was unable to attain its objective as the incidences of increased rent, encroachment remained unabated. However, it also made the peasant conscious of their rights. As more and more peasants came forward to protect their occupancy status, a series of clashes, protest, and indigo revolt, Pabna Riots came to surface in the districts of Rarh Bengal. This Act ushered a new dawn in peasant history which paved the way for further tenancy legislation in Bengal.

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