

THE  
HISTORY & ECONOMICS  
OF THE  
LAND SYSTEM IN BENGAL

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K. C. CHAUDHURI

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HISTORY AND ECONOMICS  
OF THE  
LAND SYSTEM IN BENGAL

THE  
History & Economics  
OF THE  
LAND SYSTEM IN BENGAL

BY  
KSHITISH CHANDRA CHAUDHURI

WITH A FOREWORD

BY  
SIR P. C. RAY

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## FOREWARD.

The Permanent Settlement was the outcome of a combination of circumstances over which its authors had little control. On their acquisition of the Dewany in 1765 the East India Company as represented by their servants, i.e. the Council at Calcutta, became in fact the farmer-general of the revenue of Bengal, Bihar and Orissa. Their sole consideration was to raise as large a revenue as they could. Verelst who was Supervisor of Burdwan and afterwards Governor of Bengal has left it on record that "the lands were let by public auction for the short term of three years. Men without fortune or character became bidders at the sale, and while some of the former farmers unwilling to relinquish their habitations, exceeded perhaps the real value in their offers, those who had nothing to lose advanced yet further, wishing at all events to obtain an immediate possession. Thus numberless harpies were let loose to plunder, whom the spoil of a miserable people enabled to complete their first year's payments".

The cup of woe of the unhappy people was filled to the brim when the great famine of 1770 broke out. It swept away ten millions i.e. one-third of the entire population of Bengal and more than 35% of the land was turned into wilderness for lack of tillers. From this dreadful year "the ruin of two-thirds of the old aristocracy of Lower Bengal dates. The Maharaja of Burdwan, whose Province had been the first to cry out and the last to which plenty returned, died miserably towards the end of the famine, leaving a treasury so empty that the heir had to melt down the family plate, and, when this was exhausted, to beg a loan from the Government, in order to perform his father's obsequies. Sixteen years later, we find the unfortunate young prince unable to satisfy the

Government demands a prisoner in his own palace". (Hunter: Annals of Rural Bengal).

Warren Hastings was nominated Governor-General of India in 1772. His reputation stands high as an administrator and statesman, but he had the heart of adamant. He fully realized that the one thing needful to strengthen his own power was to find money anyhow by hook or by crook, by fair means or foul. Provided Bengal was made paying and the home remittances were regularly sent, he would be given a *carte blanche* as to the methods he adopted for raising revenue. The hapless ryots were made over to rapacious and unscrupulous landgrabbers and harpies. Then was perpetrated one of the grossest acts of tyranny and extortion recorded in history. The old Zemindars, many of whom were feudal lords under the Moguls, fared still worse. The graphic pen of Hunter has given us a vivid picture of their miserable plight as shown above.

The instruments chosen by Hastings for squeezing revenue out of the miseries of the ryots and their landlords, have earned unenviable notoriety, thanks to the eloquent tongue of England's greatest orator. One or two passages from Burke's impeachment of the great proconsul may not be out of place here:

"It was not a rigorous collection of revenue, it was a savage war made upon the country.

"And here, my Lords, began such a scene of cruelties and tortures, as I believe no history has ever presented to the indignation of the world; such as I am sure, in the most barbarous ages, no political tyranny, no fanatic persecution has ever yet exceeded.

\* \* \* \* \*

"The punishments, inflicted upon the Ryots both of Rungpore and Dinagepore for non-payment, were in many instances of such a nature, that I would rather wish to



draw a veil over them, than shock your feelings by the detail.

\* \* \* \* \*

“Children were scourged almost to death in the presence of their parents. This was not enough. The son and father were bound close together, face to face, and body to body, and in that situation cruelly lashed together, so that the blow, which escaped the father, fell upon the son, and the blow, which missed by the son, wound over the back of the parent. The circumstances were combined by so subtle a cruelty, that every stroke, which did not excruciate the sense, should wound and lacerate the sentiments and affections of nature.

\* \* \* \* \*

Your Lordships will not wonder, that these monstrous and oppressive demands, exacted with such tortures, threw the whole province into despair. They abandoned their crops on the ground. The people, in a body, would have fled out of its confines; but bands of soldiers invested the avenues of the province, and, making a line of circumvallation, drove back those wretches, who sought exile as a relief, into the prison of their native soil. Not suffered to quit the district, they fled to the many wild thickets, which oppression had scattered through it, and sought amongst the jungles, and dens of tigers, a refuge from the tyranny of Warren Hastings.”

No wonder that Lord Cornwallis who succeeded Hastings in 1785 should have to observe 2 decades after the great famine. “I may safely assert that one-third of the Company’s territory in Hindustan is now a jungle inhabited only by wild beasts.”

It is a mistake to suppose that Lord Cornwallis was the real author of the Permanent Settlement. We have seen above that the yearly or triennial settlement of the revenue brought Bengal to the verge of ruin and bankruptcy. Philip Francis in a masterly minute in 1776

had already pointed out that a Permanent Settlement was the sole panacea for the evil and it no doubt considerably influenced the leading English statesmen of the time including Pitt and Dundas, the President of the Board of Control. In their despatch of April 12, 1786 the Court of Directors laid down that the Settlement of land revenue should be permanent and that this Settlement should as far as possible be made directly with the Zemindars. At first a decennial Settlement was suggested as a provisional measure and if it proved satisfactory, it was to be made permanent. In fact, Lord Cornwallis had to carry out the mandate of his masters. "It is thus clear that the Permanent Settlement was no product of any pre-conception of Lord Cornwallis in favour of the landlord system of England". The measure in fact had taken its shape before the English nobleman arrived in Bengal.\*

I have been at the pains to discuss the genesis of the Permanent Settlement because without a proper understanding of it the question at issue cannot be adequately be dealt with.

Thanks to the cruel and oppressive exaction of the revenue following close upon the heels of the great famine, the Zemindars had been ruined, the ryots fleeced to the skin had been reduced to abject misery. The short-sighted policy of the Company had all but killed the hen which used to lay the golden egg. The Governor-General was now confronted with a serious problem. "The Calcutta Exchequer had been emptied to carry on the Maharatta war and the Company was borrowing thankfully at exorbitant rates..... In the end of 1790 the war with Tipoo had drained the Company's warchests, and the failure of the crops in the Southern India left the whole deficit to be borne by the Bengal districts." (Hunter L. C.) In fact Bengal was the "milch cow" from which the other provinces drew their supply.

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\* J. C. Sinha—Economic Annals of Bengal.

In his historical minute, dated 18th June 1789 Mr. Shore (afterwards Lord Teignmouth) laid the foundation of that settlement on which the East India Company and Lord Cornwallis were determined.

"Discussing the three possible methods of land Settlements in Bengal, viz. a Settlement with ryots, a settlement with farmers of the revenue, and a Settlement with Zemindars, Mr. Shore proved conclusively that the last one was the only one consistent with good Government and the improvement of the country." Our author has studied the subject with care and diligence. He has sought information at first hand, has ransacked the wormeaten archives of Government Records. He has the rare gift of condensing the vast materials at his disposal into a brochure of 148 pages. He divides his subject into two parts, part first being devoted to the historical evolution of the land system of Bengal from the time of the Permanent Settlement, while part second is a valuable adjunct to it, as it deals with its Economics. In the latter part he has enriched and fortified his own arguments with ample quotations from the masters of Political economy. It has been all along maintained by a certain School of Economists, that a Permanent Settlement effected directly with the ryots would have been conducive to the welfare of the masses, the tillers of the soil, who constitute nearly 80% of the population of Bengal and who are really the backbone of the country. The existing system has lent itself to the creation of an interminable series of subtenure holders, e.g. *Pathanidars*, *Gantidars*, *Maureshidars*, *Dar-Maureshidars*, *Chhe-mauresiders* and so forth, who interpose between the Zemindar and the ryots.

This grand array of middlemen numbering sometimes as many as 20 to 25 in the Districts of Barisal and Faridpur, intercept most of the profits accruing from the produce of the soil, they are no better than so many drones and parasites who really eat up the fat of the land. One reason why Bengal is so backward in commercial and industrial enter-

prises and has been lagging so far behind some other sister provinces in trade and business is to be traced to the land tenure based upon the Permanent Settlement. The Zemindars and the Middle classes belong as a rule to the high castes—the *intelligentsia*—and being assured of a living have grown indolent and averse to business.

It is easy to be wise after the event. One should however take into consideration the state of Bengal and the condition of the ryots in the period immediately preceding the Cornwallis enactment. More than one third of the Company's possessions had gone out of cultivation as we have seen above. Due realisation of revenue had become an impossibility. There were rich fertile lands lying waste for want of cultivators ; in fact, there was a regular competition going on among neighbouring Zemindars to secure them ; and they were so much in demand that it became customary to entice them away by offer of more favourable terms.

This probably accounts for the fact that no proper precaution was taken when the new scheme was launched to protect the tenancy rights of the ryots. In the course of a decade or two, thanks to the recuperative power of the rich soil of Bengal, when agricultural prosperity was restored and when in the natural course population multiplied, there began a regular scramble for the land. The ryots being at the tender mercies of the Zemindars, the latter had now an easy time of it and they were not slow to take the fullest advantage of the opportunity in rack-renting their hapless tenants. The law of distraint again gave them a lien over the crops. The poor ryots were reduced more or less to the condition of tenants-at-will or serfs.

Our author has drawn a vivid picture of the injustice done to the ryots and has given a valuable summary of the successive measures adopted by Government from the time of Lord Moira (1815) to that of Lord Ripon for the protec-

tion of their occupancy rights culminating in the famous Act. VIII of 1885.

That the Permanent Settlement if made directly with the ryots would have conduced to the happiness and prosperity of the maximum number of people admits of no controversy, but for its non-adoption Lord Cornwallis and his school can scarcely be blamed. For reasons explained above the land revenue system was in a state of chaos. There was no proper survey, nor record of rights worth the name. The temptation was thus too great to come to an understanding with the party ready at hand. Political reasons also underlay at the bottom. The Governor-General was anxious to create a landed aristocracy, which for its own stability and existence would be loyal to and rally round the Foreign Government in the time of an upheaval or rising.

The creation of a body of land-owners with perpetual tenure has been objected to by several eminent authorities including Sir Henry Maine, who maintain that it was also done carelessly and recklessly. "In many cases, persons were confirmed in proprietary rights who had been merely farmers or collectors of revenue under the native Government, and who had not a shadow of legal title to the land ; only the person who paid the revenue for a whole estate into the treasury was taken to be the owner ; the definition of the village unit was neglected in the arrangement with the larger proprietors, some of whose estates were afterwards found to comprise districts widely separated from each other. Numerous varieties of subtenure then existed in Bengal ; but of these the Government took no account ; and while they exhausted language to limit their own demands on the Zemindars, they enacted no rules to protect and encourage the ryots or sub-tenants in their holdings."\*

It should, however, be borne in mind that the measure was disliked by the very class for whose benefit it was

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\* Torrens—Empire in Asia, pp. 204-5.

passed. The sale laws made it unpopular. "Though apparently milder than the old method of realizing revenue through imprisonment the sale laws gave the last blow to the old aristocracy of Bengal. In the course of twenty-two years following the Permanent Settlement, one third or rather one half of the landed property in Bengal was transferred by public sale. This created a panic and it was sometimes difficult to get purchasers for defaulting estates. Cases were not rare when the sale proceeds did not cover the amount of arrears, thus causing a loss to the Government." (Sinha).

Lord Cornwallis has been found fault with for his hasty conclusion of the Permanent Settlement with the Zemindars instead of with the ryots. Let us for a moment turn our eyes to Madras, where with the experiment of Bengal to guide him Thomas Munro had effected a Ryotwari Settlement; but he almost pathetically writes that the pressing demands of the revenue authorities prevented him from showing that consideration for the people which his own judgment suggested. Every succeeding Board of revenue would signalise its administration by raising the revenue. In fact cases are on record showing that lenient and considerate collectors who had made moderate assessment were visited with displeasure. Under Lord Wellesly the Polygars who represented a class similar to that of Zemindars of Bengal were extinguished. The result has been that this Province has no strong, influential, prosperous middle class, forming a natural link between the cultivators and an alien Government.

Munro had laboured all his life to obtain for the cultivator of Madras a fixity of rental, so that all improvements made by him might lead to his own profit..... "The Madras Ryot" said the administration Reports of 1855-56, "cannot be ejected by Government so long as he pays the fixed assessment.....the ryot under the system is virtually a proprietor on a simple and perfect

title and has all the benefits of a perpetual lease.”\* Strange as it may appear these repeated assurances have been ignored and set aside and at each periodic revision of the Settlement more and more is squeezed out of the unhappy ryot leaving him poor and resourceless. The humane and statesmanlike utterances of Shore were clean forgotten namely that “The demands of a foreign dominion like ours ought certainly to be more moderate than the impositions of the native rulers ; and that, to render the value of what we possess permanent, our demands ought to be fixed ; that, removed from the control of our own Government the distance of half the globe, every possible restriction should be imposed upon the administration of India without circumscribing its necessary power, and the property of the inhabitants be secured against the fluctuations of caprice, or the license of unrestrained control.” This is a clear indication of the fate which would have awaited the peasantry of Bengal if any loophole had been left for the later administrators to wriggle out of the permanent Settlement.

The Bengal ryot is hopelessly ignorant and illiterate. He is thrifless and improvident to a degree. Once there is a good harvest or bumper crop with high price ruling in the market, his extravagance and reckless expenditure knows no bounds. Two years ago the price of jute was a record one ; the superior quality fetching as much as Rs. 25/- to Rs. 30/- per maund. The result was that ryots began to imitate the ways of the *bhadralok* classes and to indulge in the luxury of buying foreign goods, including showy apparel of artificial or Japanese silk, gaudy articles of diverse sorts, bicycles, gramophones and what not. Last year there was an abnormally low price of jute, so much so that many cultivators left the plant to rot in the fields or under water and as the price of the staple article of food, rice, was proportionately high, they had not

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\* R. C. Dutt : Econ. Hist. of Brit. India, 5th ed., p. 168.

only to pawn those articles of luxury, but to borrow of Mahajans at exorbitant rate of interest. Paradoxical as it may seem the very rapid means of communications—the Railways and steamers tapping hitherto inaccessible localities—has been a cause of their improvident habits. Formerly the peasantry used to lay by one year's grain in addition to that required for their annual consumption as a provision against a bad year. Now all this is a thing of the past. Mr. Ramsay Macdonald who visited India in 1910, had the discerning eye to observe that "Railways have added to the difficulties and have widened the apparent famine area.....One firm alone sucks the sap of Indian life like a tropical sun leaving dust and barrenness behind" (Awakening of India).

An intelligent peasantry capable of looking after its own interests and of understanding what is good for it presupposes wide-spread primary education. Our author is by no means blind to this defect in the system. He realises that "A high level of education diffused among the population at large, is a *sine qua nan* for the success of peasant proprietorship," and he repeatedly refers to the backwardness of education. Again, "The essential conditions for the success of the system of peasant proprietorship is lacking, namely the existence of a well-educated and enlightened class of peasantry." Since the enactment of the Tenancy Laws "Peasant proprietorship has existed in some degree in Bengal" to quote the words of our author. But the very modified protection he enjoys has brought the ryot no near to his goal. In many districts I find that a few thrifty intelligent cultivators who are able to lay by a handsome amount of money, advance it to their thriftless neighbours, who seldom get out of the grip of the former and who in course of time become full-fledged Mahajans and mortgagees of the latter. Thus a class of serfs is being created who toil and drudge but all the fat of their land is eaten by their rapacious neighbours, the Jotdars.



The aim of the future legislation should be towards safeguarding the rights of the ryot so that he may not be ejected or be liable to harassing suits for the enhancement of rent instituted by greedy landlords. But the one thing needful precedent to the consummation devoutly wished for by our author is the dissemination of primary education. The ryot must first be raised to a higher level of intelligence.

Mr. Chaudhuri's essay is an opportune and valuable contribution on the subject. It is true that the scheme he formulates may be regarded as *Utopian* today but that is no reason why it should not be discussed in all its bearings. Every student of Indian Economics will welcome his labourious dissertation.

P. C. Roy.

## INTRODUCTION

No plea is perhaps needed for publishing an Essay on the land system in Bengal. In a country where the vast majority of the people live by agriculture, there can never be any risk of the land system being studied too much. On the other hand, of Bengal it can be asserted without any fear of contradiction that the land system has been studied but too little. At this hour there exist special reasons why particular attention should be directed to this question. For some time past attempts have been made to amend the Bengal Tenancy Act. In the discussions that have taken place in this connection lawyers have taken too large a part. The result has been that while the legal aspect of the question has been brought into clear relief, the economic issues have been totally, and most harmfully ignored. Yet it is the economic issues which most vitally affect the progress of agriculture. Legislation should be guided by the broader principles of social welfare.—It should not be based solely on ingenious, hairsplitting discussions of statutes and of any real or imaginary rights bestowed by them. At the present moment the position of Indian agriculture is being reviewed by a Royal Commission which has been entrusted with the task of devising methods for improvement and progress. The land system of a country presents certain limiting conditions for the development of its agriculture. It is high time to realise how far the land system of Bengal tends to help or hinder agricultural progress.

For a clear understanding of the present position, and for devising a policy for the future, it is absolutely necessary to have a thorough knowledge of the past. In the first Part of the book an account has been given of the history of land legislation from 1793 onwards. The introduction of the permanent zemindary system constituted a

definite break with the past. Since then the development of the land system has, on the whole, preserved its continuity. For convenience sake, an account of the preceding period under British rule has been omitted from this book. Ascoli's "Early Revenue History of Bengal" contains the best summary account of that period. Recently, Prof. Ramsbotham has published a more detailed account of the period 1769-1787. The best written account of the period subsequent to 1793 is contained in Field's 'Introduction to the Bengal Code' and in his "Landholding and Relation between Landlord and Tenant in various countries." In the following pages an attempt has been made to give a brief running account of the period from the point of view of the student of Economics. In the first place it has been thought necessary to give a summary of the Grant-Shore, and Shore-Cornwallis controversies. Shore and Cornwallis are often referred to whenever there is a discussion on the permanent settlement, but they are seldom read. The result has been a large volume of misunderstanding. If one wants to realise the motives with which the Permanent Zemindary System was introduced, and the revolutionary nature of the change effected by it, one can do<sup>up</sup> better than follow the stages of this controversy. After persual the assiduous reader will, perhaps, pardon the writer for giving what, at first sight, may appear to be undue importance to this controversy. The political, and economic history of Bengal in the 19th Century is being forgotten too fast. It has by no means been an easy task to write a connected account of the development of the land system during this period. The writer has tried his utmost to make proper use of all the materials available to him, and he trusts the reader will find some interesting facts which are not so generally known.

Part II contains an analysis of, and critique on the present system. The aim of the writer has been mainly to point out certain defects and evils which are inherent in the system. He has made his own suggestions regarding

reform and has stated his case with candour and firmness. He does not, however, claim any infallibility for his opinion. He will consider his labour amply rewarded if this brochure will help to draw the attention of the public to a much neglected but very important subject.

The author is deeply indebted to Dr. Nares Chandra Sengupta M.A., D.L. Advocate of the Calcutta High Court for help and encouragement in the preparation of this volume. He also takes this opportunity for expressing his gratitude to Dr. Sir P. C. Ray for kindly looking through the manuscript, and writing a Foreword.

K. C. C.

CALCUTTA.

The 23rd Sept., 1927.

Note:—There are endless varieties of land tenure in Bengal. But by far the most important and the most largely prevalent system is the permanent zemindary system as introduced by Lord Cornwallis, and modified by later Regulations and Acts. By the expression "Land System" used in the title of this book, this particular system is meant. It should always be borne in mind that this system is fundamentally different from a Permanent Ryotwari Settlement. The late Mr. R. C. Dutt, when he recommended a permanent settlement for the whole of India, did not sufficiently emphasise the difference between Zemindari and Ryotwari Settlements. Consequently his arguments were vitiated to a large extent and Lord Curzon had an easy task in demolishing them by exposing the evils of the Bengal System.

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## APPENDIX

### Note on the status of the Ryots between 1793 & 1858.

The legal status of the ryots between 1793 and 1858 has been the subject of vigorous controversy. Even as early as the second decade of the last century, it became a subject of dispute. Responsible servants of the Company, who had spent years of their life in revenue administration expressed diametrically opposite opinions. This difference of opinion between persons, who were in the best position to know, clearly brings out the utter state of confusion in which the law was. And when the law was uncertain, any legal rights possessed by the ryots were worse than useless.

In the judgments delivered by the several judges in the Great Rent case, an attempt was made to determine the exact legal situation. The question was whether the zemindars had any powers to arbitrarily increase the rates of rent. Justice Trevor, after making a laborious research into the existing state of law, expressed the opinion that under Regulations of 1793, the rents of Khudkhash ryots could not exceed the Pergunah rates. According to him, the Pergunah rate represented something very definite. It was equivalent to the ussal jama of Todar Mal *plus* abwabs recognised at the time of the Permanent Settlement. This perganah rate set the upper limit to the rent realisable from the khudkhash ryots. The perganah rate, however, represented a fixed amount in kind and its money value was liable to fluctuations. The position of the khudkhash ryots was, according to Justice Trevor, very adversely affected by legislation between 1812 and 1842, till they were reduced to the status of mere tenants-at-will ; and customary rents gave place to competitive rents.

As to the pykost ryots, Justice Trevor held that they never had any rights independent of the particular engagements under which they held land. Act X of 1859 sought to reinstate the ryots in their original position, and Justice Trevor wanted to interpret it in that light.<sup>1</sup> The other judges agreed more or less with the opinion expressed by him. But the Chief Justice, Sir Barnes Peacock wholly disagreed with them. He said, the pergunah rates were fictitious; they never existed except on paper. Since 1793, the zemindars were regarded as absolute owners of the soil and had full powers to eject the tenant and enhance his rents. Sir Barnes Peacock absolutely denied that the intention of Act X of 1859 was to give any kind of authority to the Perganah Rate.

In order to have a correct idea of the exact position occupied by ryots between 1793 and 1858, we should sharply distinguish between the question of law and the question of fact. So far as the question of law was concerned, perhaps Justice Trevor was right in his interpretation of the Regulations of 1793 and of subsequent years. But so far as the question of fact was concerned, certainly Sir Barnes Peacock was more right than anyone else.

In the Minutes of Lord Hastings and Colebrook, in the correspondence between the Court of Directors and the authorities in India, and in the various statements received at different dates from collectors, and judges, one

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<sup>1</sup> His estimate of the protection given to ryots was, however, grossly exaggerated. According to his own interpretation, the Perganah rate could not but represent a very uncertain and variable sum of money. The Perganah rate was the "Assal jama" of Todar Mal plus abwabs. The abwabs, in most cases, were illegal cesses and there were no limits to the number or amount of them.

Again, Justice Trevor says that the Perganah Rate represented a fixed amount in kind and its money value was liable to fluctuations. While these two facts are borne in mind, no body can dare assert that the Perganah Rate represented "something very definite."

is surprised to see the confusion and anomaly and the absolute lack of any knowledge on the subject. But while the law was in a state of confusion, the practice was ruthless in its effects.

The following extracts from the evidence given by James Mill before the Committee of the House of Commons of 1832 will give a clear idea of what the practice was.<sup>2</sup>

"3138.—To what extent do you believe that the Permanent Settlement did affect the rights of the ryots?— I believe that in practice the effect of it has been most injurious. The most remarkable circumstances and that by which all the rest seem to have been introduced, was the interpretation put upon the effects of the sales of land, particularly public sales that were made for arrears of revenue. The idea came to be entertained that the purchasers at these sales were proprietors; a man that purchased an estate was considered to be the proprietor of the estate; and in consequence of this notion of proprietorship, and the great powers that are annexed to it in the mind of an Englishman an idea seems to have been entertained that the purchaser of this estate purchased the rights over it as completely as a man would purchase rights over an estate, by purchasing it at a public sale in England. Those auction purchasers, as they were called, proceeded to act upon this assumption, to impose new rates upon the ryots, and even to oust them wherever they found it convenient. When applications were made to the Courts, and they were not early made, because the people are exceedingly passive, the judges for the most part coincided in opinion with these auction purchasers, and decided that the rights included everything, and that the ryots were in the condition of tenants-at-will. This has

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<sup>2</sup> James Mill was Examiner of Correspondence at the East India House and was in the best position to get at all the facts of the situation. There can be no doubt that a man of his intellectual calibre and honesty made the very best use of his opportunities.



proceeded to a very considerable length ; because during the first years of the operation of the Permanent Settlement a very great transfer of property took place. It appears also that the same sort of feeling as to the rights of the ryots, which was spread by the interpretation of the act of purchasing, has pervaded also the other properties which had not changed hands, and even those cases of transfer which took place by private bargain ; and that generally in Bengal now there is hardly any right recognised as belonging to those inferior holders.

“3139.—Do you conceive that at present the transfer of property by any means is held to give the new acquirer a complete right over the cultivators?—I believe so: the thing is not so distinctly made out upon the records in other cases as in that of the auction purchasers, but there is every reason to infer that the same sort of feeling that was generaed in the case of those estates that were sold, now pervades the whole of them. There is a very remarkable expression in one of the Despatches from the Government of Bengal that the rights of the ryots of Bengal under the operation of the Permanent Settlement had passed away *sub silentio*.

“3140.—Has it come to your notice that the Government of Bengal, some years since, directed queries to be circulated among the collectors, in the permanently settled provinces, to ascertain whether in point of fact, the transfer of property was held to annul existing rights?—Yes, there were queries of the description circulated, and replies were obtained from a great proportion of the Collectors and Judges ; there was diversity of opinion upon the matter of right, but with respect to the matter of fact, it was admitted that generally such had been the construction.

“3144.—Are you of opinion that at present the ryots have no rights at all in the land?—Generally that is the case ; they are mere tenants-at-will of the zemindars in the permanently settled provinces.

"3182.—Do you understand that the zemindars enhance the rates frequently and capriciously upon the the ryots?—The understanding is that they take from them all that they can get ; in short, that they exact whatever they please.

"3183.—What defence has the ryot against such exaction?—According to what is now the common understanding, and apparently the decision of the Courts, they have no defence whatever but that of removal ; they may decline to pay what is exacted and quit the land.

"3184.—Is there no distinction between cultivators who inherit and those who are annual, what are called khudkhist and pyekhast ryots?—I understand that in Bengal, under the Permanent Settlement, that distinction is obliterated, and that the ryots in Bengal are considered as mere tenants-at-will.

"3204.—You spoke of a contrary opinion having been established by the decision of the Courts : will you explain more particularly the way in which those decisions originated?—It is impossible and needless to refer to particular cases. When disputes arose upon the claims of the zemindars and the ryots thought it necessary to contest them by instituting suits, it seems to have been generally held that the ryot had no remedy against the claim of the zemindar ; and when these decisions were confirmed by the Sudder Adawalat they became law.

"3205.—Was the decision as confirmed by the Sudder Adwalat founded upon the Regulations of 1793 only?—Such was the Court's interpretation of those Regulations. I may refer to a very important discussion which has recently taken place, and of which the documents will be laid before this Committee, in the selections now preparing at the India House. Mr. Harington, one of the most instructed and painstaking of the Company's servants in India to whom we owe that very valuable book, the Analysis of the Regulations, recorded in 1827 a Minute in which he maintained at much length, that the rights of

ryots were unimpaired by the Regulations of 1793; and the draft of a Regulation for the better protection of the rights of the ryots was then prepared by him and sent home. This proposition of Mr. Harington was referred to the Sudder Adwalat, and minutes upon the subject were furnished by the several judges differing in opinion from Mr. Harington, and the other members of the Government. Among those judges of the Sudder Adawalat I may mention Mr. Ross, one of the most valuable of the Company's servants a man of great zeal, probity, and experience, who declares absolutely that the ryots in Bengal had no rights, and never had any. These documents must be regarded as of high importance; because so direct a difference of opinion among the best informed and most trustworthy witnesses shows in how much obscurity the subject lies. \* \* \* \*

James Mill's remarks leave no room for doubt regarding the actual position of the ryots. In the controversy that took place between 1831 and 1841 in connexion with the modification, and amendment of the Sale Law, the same facts emerged more clearly, and prominently. Most of the Collectors maintained that the ryots were mere tenants-at-will and had no rights whatsoever in the land they occupied and cultivated. In a Note dated the 13th March 1838, the Sudder Board of Revenue took great pains to refute this opinion. By laboured interpretation, the Board tried to show that under the Regulations of 1793, the rights of cultivators were adequately safeguarded; it was only the enactments of later times and the wrong application of the older Regulations that had obliterated the rights of tenancy. But, in any case, the fact remains that since the introduction of the Permanent Settlement, the zemindars enjoyed the fullest rights of proprietorship and the ryots became mere tillers of the soil with no rights therein.

**CHECKED-**  
**2003-04**