

# Peasant-Proprietorship in India.

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## Introduc

"The Rayat is India, and India is the Rayat, but in these stormy days the still small voice of the Rayat is drowned in the political whirlwind," says Mr. Hamilton, in speaking of the manufacture of "Souls of a good quality." Ever since the sovereignty of India passed into the hands of the East India Company, "creating the astonishing position, that a few commercial agents were handling the revenue of a kingdom in the name of an emperor" (Montagu-Chelmsford Report)," the Rayat who is really India, has been, and still is bled for the benefit of a handful of exploiters and speculators in revenue-farming, for the benefit of those who produce nothing but "wind and dust," famine and pestilence. We have tried to place the case of the Rayat from the remotest antiquity to this day, both before the Public, and before the Legislature, and we presume, we have proved to the hilt, that justice to the Rayat has been long over-due. Have we not a right to hope that after the King Emperor's message of the 9th February,

( ii )

1921 promising to Indians "Swaraj within the Empire," and "progress to the liberty which the other Dominions enjoy," have we not the right to expect that justice shall be done to the Rayat at last, to the Rayat who is India? The Royal promise of "Swaraj within the Empire," is a promise to "the many millions of our fellow countrymen who are not yet qualified for a share in political life," to whose "first representatives" at Delhi, the Imperial Message was delivered by the Duke of Connaught. Who are "the many millions" that His Imperial Majesty then held before His Majesty's eyes? Who but the Rayat, who forms 85 per cent of the people? And yet the Rayats are practically unrepresented in the Councils then opened under the new "Government of India Act" of 1919, which promises to the Indian Rayat, progress towards responsible self-Government, as in the other dominions of His Majesty. Take for example, the out-going Bengal Council. Out of a total of 139 members in the Bengal Council, there was not one who could with truth be called Rayat or "India" who could with

truth be said to represent the Rayat who is India, forming 85 per cent of the people. Babu Bhisma Dev Das, a member of the Committee for the Amendment of the Bengal Tenancy Act, justly complained saying, 'I wish to make it clear that there is no real representative of the tenants on the Committee.' The Tenancy Act was proposed to be amended by a Committee on which there was none to represent the "tenancy," the Ramayana was to be acted with the character of Rama left out ! Such has been the justice of the judgements of the so-called "first representatives of the people in the new Councils" on which his Imperial Majesty says, he reposes a "resolute faith". The fact is that out of the 139 members of the out-going Bengal Council, there was scarcely one whom we could look upon as a true representative of the people. Whose representatives then were those 139 members ? There were among them 19 Government officials, 17 non-official Europeans, 39 lawyers, and 35 Zemindars, each representing either himself, or his own section or class, with an axe of his own to grind. These make up 110 out of the 139. The rest are

usurers, Government pensioners, Doctors, &c. Where was there room for the true representatives of the Rayat who is India, forming 85 per cent of the people, whose number in the out-going Council, in the proportion of the population, might have been 118 out of the 139? Babu Bhisma Dev, a dummy member of the Amendment Committee, whom the Zemindar landlords and their patrons in the Council, set up as a stalking horse or a *Sikhandi*, to wear the mask of a representative of the Rayat, had at least the candidness to admit that there is no real representative of the tenants on the Committee. There could not be any real representatives of the Rayat on the Amendment Committee, so long as there were no real representatives of the Rayat in the Councils themselves. How then is the 'upliftment' of the "many millions not yet qualified for a share in political life." to be effected? Will the so-called representatives of the people, the Zemindars, Mahajans, officials, and lawyers, who directly or indirectly victimise the Rayat, or have their own sectional axe to grind, work for their "upliftment," cherishing the interests, of those unqualified millions

as their own" ? Will the leopard change his spots ? Could you gather grapes of a bramble bush ? They scramble to get into the Councils by hook or crook, in their own personal or sectional interest. But are they likely even to raise their little finger for "the training and expansion of the electorate," as the Duke of Connaught, the message-bearer of His Majesty in Parliament, told them, that it was their duty to do, when he opened the new Council for Bengal ?

How then is effect to be given to the wishes of the King-Emperor in Parliament, regarding the upliftment of those many millions ? Or how is their "progress to the liberty which the other Dominions enjoy" to be effected ? Is it too much to be hoped that the official members in the Councils, as the agents of His Majesty, will at least prove themselves worthy of the confidence and "resolute faith" reposed in them by his Imperial Majesty in Parliament, and loyally carry out the wishes of His Majesty in Parliament, "working for the upliftment" of the "many millions not yet qualified," "cherishing the interests" of those many millions, "as their own" and doing all



that they possibly can, for the training and expansion of the electorates ? They should not surely be men with an axe of their own to grind. We therefore hope the official members will justify their presence in the Council of the "peoples" by espousing the cause of the unqualified and unrepresented millions of our fellow-countrymen, the Rayats of India. We know we hope against hope, but shall be glad to find that we are mistaken. We have proved, we presume, that the Rayats have been the absolute proprietors of their lands, from the remotest antiquity, until under the East India Company, "a few commercial agents came to handle the revenues of a kingdom." The Rayat who is India, expects that at least the ministers and agents of His Imperial Majesty of all ranks, will now unite to do all they can, to undo the act of gross injustice done to the Rayat in the beginning of British rule in India, and abolish Zemindaries and *Khas Mahals*, thereby restoring to the Rayat his time-honoured right of absolute property in his own lands, thus bringing India into line with the advanced countries of the world.

COMILLA  
The 22nd January,  
1924.

Dvijadas Datta.

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# Peasant-proprietorship in India.

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*'Akshair ma divyah Krishimit Krishasva vitta  
ramasva vahu manyamanah | tatra gavah kitava tatra  
jaya tanme vichaste savitayam aryah'*

Rigveda X—34—13.

"Do not gamble. Carry on agriculture. Rejoice in what you acquire thereby. Have regard for what I tell you. That is the secret of making your cattle happy, and your wife happy. That has the Lord of all, the Creator himself, clearly revealed to me."

*Ya-ayuhallazina amanu anfeku min tayyibate  
ma kasabtum va memma akhrajna lakum minal arze'*

Suratul-Bakar—Ruku, 36.

"Oh ye who believe, spend what is sinless, out of the things you have earned, and out of the things I have brought forth for you from the earth"

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## SECTION 1

**The peasantry, the backbone of the people.**

From the above two texts,—the one taken from the Rigveda, and the other taken from the Koran,—it should be clear, that both for the Hindu, and for the Mahomedan, the best and

most sinless path for earning one's livelihood is agriculture.

What deep delight the ancient Rishis of India themselves took, in ploughing their own fields either themselves, or by hired labour, will be seen, from the rapturous utterances in regard to field-operations, of Vamadeva, one of the sacredest names in the Rigveda :—

*"Sunam nah fala vikrishantu bhumim sunam kinasa abhiyantu vahaih ॥"*

( Rigveda IV—57—8 ) etc.\*

"Merrily let our ploughshares plough the soil deep, merrily let our labourers follow after the plough-bullocks' etc ; or of Rishi Budha :—

*"Yunakta siva vi yuga tanudhvam krite yonau vapateha hijam | Gira cha sruhtih sabhara asanno nediya it srinyah pakvameyat ॥"*—"Oh friend, bind

the oxen to the plough, placing the yoke on their necks. Here, in the furrow made by the ploughshare, sow the seed. Let us sing the praises of God, that thereby our food may be plentiful, that our sickles may find near them plenty of ripe ears of grain to mow down" (X—101—3). How deeply the Rishis loved the lands they

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\* See Rigveda hymns IV—57 and X—101.

owned, the words of Rishi Matanga in the Ramayana, testify :—

*"Banesmin mamake nityam putravat parinukshite"*

( Kishkindhya, XI—57 )—

"These my woodlands I always protect as carefully as though they were my own sons."

Yet it is a fact, that in these days, educated people, some very good people among both the Hindus as well as Mahomedans, supposed to be the leaders of our nation, do not care to look for their livelihood in the pursuit of agriculture, rather prefer to live parasite-like on the earnings of the agricultural classes, as middlemen, or as lawyers trading on the evil propensities of men, for a livelihood.

Surely there is something rotten somewhere, a screw loose somewhere, in our body politique, which alone can explain this anomaly. The explanation is to be sought for in the existing laws regarding land-tenure, which has rendered agriculture in India profitless, even disreputable for the respectable classes, which has reduced the cultivating tenants our "bold peasantry, the country's pride", who form nearly

eighty-five per cent of the people of India, to the condition of slaves sweating "from morn to noon, from noon to dewy eve" merely for the wages of their manual labour,—not a living wage either. Yet we have, for the Hindus, the evidence of *Valmiki* to prove that as early as the days of the *Ramayana*, the cultivating tenants and cattle-breeders were a wealthy class— "*Dhanavantah surakshita serate vivritadvava krishi-goraksha jivinah*" (Ayodhya); and we have, for our Mahomedan brethren, the evidence of the Ayeen Akbery, which holds before them "the advancement of agriculture" as "the noblest employment" next only to "the reformation of the manners of the people" ( Gladwin's translation, page 2 ). In popular language, to be a "Gerastha", or to have "Girasthi" still means with us 'to have fields under our own cultivation', or to be a cultivating tenant."

If you ask a villager to-day if he has *grihasti*, he will understand you to mean whether he keeps ploughs and plough-cattle and fields to be ploughed thereby. Sixty years ago, before the

canker of the Permanent Settlement in Bengal, had destroyed the blooming rose of our village-life, by making the work of food-production for the people disreputable in the eyes of middle-class gentlemen, creating in them an unnatural passion for the do-little life of a mere rent-grabber, we ourselves saw village-gentlemen taking pride in carrying on agriculture, with the assistance of their own hired labourers, using their own ploughs and plough-cattle, and vying with each other to bring into their fields, like the English farmers of to-day to bring into their cattle-shows, the best plough-cattle, each gentleman having a *khamar* or holding of 10 to 20 acres of land under cultivation, of which he was himself the proprietor. \* If we were not blinded by the false glare of a one-sided education, which has been

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\* "Mr. A. D. Campbell in his summary of the Evidence before the Select Committee of 1831. says :— In the Lower Provinces of Bengal the Permanent Settlement, enabled the Zemindars, by ousting the hereditary cultivators in favour of the inferior peasantry, to increase the cultivation by a levelling system, which tended to depress the hereditary yeomanry or middle ranks of the community, and to amalgamate them with the common labourers and slaves, from whom the highest judicial authorities in Bengal are now unable to distinguish them."

(Field's Landholding, page 570)



charged not without reason, with inducing in us a slave-mentality, we should have no difficulty in realising that the freedom of spirit, and the health and vitality of the whole nation, stands or falls with the freedom of spirit, and the health and vitality of the productive classes, *par excellence*, in the case of India to-day,—the cultivating classes, who form the back-bone of our body politique, from whom the other classes of the nation derive support. We should deserve to be called blood-sucking leeches, if we cannot render to our food-producers an adequate return in some form of service useful to them. How truly does the *Ayeen Akbery* represent the position in society of the cultivating classes in relation to the other classes, when Abul Fazel says : “Husbandmen and labourers resemble earth, and by their exertions the capital stock of life is completed’ (Gladwin’s translation—Preface (X) †— How truly the following words of Rishi Daksha, the great giver of law in ancient India, describe the relation subsisting between the cultivating tenant, and the other classes of the community !

“The *grihasta* or cultivating house-holder, we are taught, is the daily food-giver of the *pitris*

(departed ancestors), the devas (angels), the men, and the insects and brutes ; therefore does the order of the cultivating house-holder occupy the highest place. Of all the other three *asramas* or orders of life, the cultivating house-holder (*grihasta*) is the source ; with his decay is involved the decay of the other three. The root of the tree maintains the life of its trunk, and so long as there is life in the trunk, the branches bear the foliage, and the moment the root dies, all the other parts perish. It should follow from this, that we should all unite in doing all we can, to protect the interests of the cultivating house-holder" \* (2-42, 43, 44, 45). Any thing

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\* *Pitrideva manushyanam kitanam chopadisyate |*  
*Devaischaiva manushyaischa tiryagbhi schopajivante |*  
*Grihasthah pratyaham yasmad tasmad jyeshthasrami*  
*grihi ||*

*Trayanam asramanantu grihasto yoniruchyate |*  
*Tenaiva sidamanena sidanti hitare trayah ||*  
*Mulaprano bhavet skandhah skandhachchhakhah*  
*supallavah ||*

*Mulenaiva vinashena sarvametat vinasyati |*  
*Tasmad sarvaprayatnena rakshitavyo grihasrami ||*

Dakshasanhita (2—42, 43, 44, 45)

we do to-day to help the cultivating tenants, who are the back-bone of the whole nation, to recover for themselves their old healthy life and growth, spoken of both in the Vedas and the *Ramayana* on the one hand, and in the *Koran* and the *Ayeen Akbery* on the other, we do it for the benefit both of ourselves and of our whole nation. It is now settled that the Tenancy Laws are to be reconsidered and recast. It is our duty then to examine, and carefully sift the question of land-holding in India, and frankly admit and rectify past errors, restoring to the peasantry, the rights and privileges to which they are entitled under "the ancient law of the country to which Lord Cornwallis appealed."

"Princes and lords may flourish or may fade,  
A breath can make them, as a breath has made,  
But a bold peasantry their country's pride,  
When once destroyed can never be supplied."

*Goldsmith*

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## SECTION II.

**“The laws and constitution of India”,  
the only legal basis of legislation  
regarding land in India.**

Lord Cornwallis, in the opening words of Regulation XIX of 1793, appeals for authority to the “ancient law of the country.” That was evidently in conformity with the provisions of the law enacted in the reign of George III (24 George III cap. 25), the 39th section of which, as Field in his Land-holding points out, required the Court of Directors to give orders “for settling and establishing upon principles of moderation and justice, according to the laws and Constitution of India—the permanent rules by which the tributes, rents, and services—should in future be rendered and paid to the United Company (page 487).” In obedience to these provisions, orders were transmitted to the Government of India for

the establishment of permanent rules for the settlement and collection of the revenue and administration of justice founded on the ancient laws and local usages of the country". (Field's Land-holding, page—487). This was in 1784, or about 20 years after the acquisition of the Diwani by the East India Company in 1765. It is clear from this that even the legislature of England in those early days of British rule, intended that "the ancient law of the country" should be the recognised basis for all subsequent legislation affecting land. Accordingly we find so late as 1905, that Lord Curzon in his "Land Revenue policy" (p. 5) also appeals for authority to "the ancient law of the country." We are bound to assume that the legislatures of both England and India, of those days, and also Lord Curzon in our time, really meant what they said, and that in all questions regarding land-tenure, the legislators' guide should be the ancient law of India, that "the ancient law of the country" should be the crucible in which to test the validity of the claim to be regarded as the proprietor of the arable land, whether put forward by the zemindar, or by the cultivating tenant. With regard to the

Mahomedan rulers, it is enough to say that however despotic the practices of some of them might have been, they never interfered with, nor altered by legislation our old Hindu laws and customs whether in regard to land-tenure, or the internal affairs of the old village-communities. They never needed to nor cared to assert their right of property in the people's lands. With all their faults, they were above that degree of meanness. The determination of "the ancient law" then being of such paramount importance, let us all join hands in making an honest and earnest effort to know what the ancient law on the subject of land-holding was, on which the British legislators as well as the Government of India from its commencement to this day, lay so much stress, and in the balance of that law weigh the cultivating tenant, the zemindar, and also the Government of India itself, to find who is the true proprietor of the arable land of the people, to find whether the cultivating tenant who appeared on the scene "when Adam delved and Eve span" is the proprietor, or the mushroom Zeminder, of most

of whom Mr. Shore wrote thus in his famous Minute of 2nd April, 1788 :— "Most of the considerable Zeminders in Bengal may be traced to an origin within the last century and a half."  
 (Field's Land-holding, page 505.)

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### SECTION III.

**Forest land in India *asvāmika* or ownerless,  
 as in Roman law—*Res nullius*, or thing  
 belonging to nobody.**

It is surprising however to think that while the Governments of both England and India laid so much stress on "the ancient law of the country," and the Court of Directors and the Governors General with breathless labour ransacked the collection papers of the Zemindars of those days of anarchy, exaction, and oppression, for twenty-eight long years from 1765 to 1793, for reliable information regarding "the laws and constitution of India ( 24 Geo. III cap 25), that though, after all that wading

through the quag-mire with difficulty and labour, the Court of Directors gave it as their opinion regarding the proprietorship of the zemindars in the land of the people :—“We felt the materials before us to be insufficient for forming a decisive opinion” (Letter of 19th September, 1792), that though the Government of India even realised that “the principle of the ruling power, ( e. g. Akbar, D. D ) dividing the produce with the cultivators annihilates the idea of a proprietary inheritable right” (in the Zeminder D. D.,—Field's Landholding p. 508 ) yet they never cared to make a reference or appeal to those eminent Sanskrit Scholars then in their service, Sir William Jones, who in 1783, was appointed “Judge of the Supreme Court of Judicature at Calcutta”, or to Henry Colebrooke whom “in 1805, Lord Wellesley appointed professor of Hindu Law and Sanskrit at the College of Fort William”, who in his ‘Miscellaneous Essays’ records as his honest verdict—“the ancient law of the country” to be that “the monarch has not property in the earth, nor the subordinate prince in the land” &c. ( Miscellaneous Essays,



page 320-21)—for a frank and free expression of their opinion.

But to proceed: "The earth" says the psalmist "is the Lord's, and the fulness thereof; the world and they that dwell therein" (24-1) which means that God has lent us his earth to produce from it, for the dweller's on it, food and clothing; so that he alone can have a just claim to property in land who reclaims it for growing crops thereon, and not the rent-grabbing middleman who, like the goldsmith stealing gold from his mother's ear-rings, as the Bengali proverb goes, would profiteer even in food-production. The ancient law and constitution of India also lays it down as the first principle regarding ownership in land, that forests and hills in India are without an owner :-

*"Atavyah parvatah punyah tirthanyaya-lanonicha |  
Etanyasvamikanyahur na cha teshu parigrakah" ||*

( Usanah Samhita V—16 ) || "Forests, sacred hills, places of pilgrimage, and temples dedicated to Devas, are without an owner, say they who know. There can be no acceptance by gift in regard to them." These utterances of Usanah are almost repeated word

for word in the Mahabharata, to show that they expressed a well-established law of India :—

*"Atavi parvatāschaiva nadyastirthamayani cha |  
Sarvanyasvamikanyahus na cha tatra parigrahaḥ" ॥*

(Anusashana parva, 69—35) ॥

In calling unreclaimed jungles (*ataayah*) as "ownerless" (*asvamikani*), it was intended that monarchs and princes, as much as any private individual whatever, could not claim the right of property in respect of unreclaimed jungles, that they were held as a sort of unappropriated reserved stock of land for food-production which any man could avail of, and appropriate, if he cleared it, and rendered it arable for growing food-crops on it, as the necessity arose, with the increase of population. This is in full agreement with the Roman law which calls unreclaimed forests as "*res nullius*," or 'a thing not belonging to any one'. It was so presumably in all countries where the Aryan races had settled. It seems to have been so in Great Britain before the Norman Conquest, when the rapacious Duke of Normandy, not contented with taking possession of the property of his opponent Edgar Atheling, compelled the Anglo-saxon

free men (ceorls) not only to admit that the land they owned was not really theirs, but the king's, but also that all land in England, owned or unowned, was the king's—"Terra regis." Be it said to the credit of our Mahomedan rulers, that notwithstanding their occasional freaks of absolute despotism, not one of them had the meanness to follow the example of William the Conqueror in England, and compel his Indian subjects "to take the oath of fealty and so become feudal tenants of the crown",—confiscating all the land of the country arable or jungle, owned or not.

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**SECTION IV.**  
**"Sthanucchadasya Kedaram"**

or

**To the reclaiming cultivator belongs  
the arable field.**

The king then was not the owner under the old law of the country, of the unreclaimed jungle-land in his kingdom, such as the *forest reserves* of the Government of to-day, which under the "law and constitution of India" to which the legislators both in England and in India appealed for authority, was *asvamika* or owner-less. Much less could the monarch be the owner of that land, after another has cleared the jungle, and made it into his own arable field. In such a case a middleman, such as a Zemindar of to-day, can have no leg to stand upon. Who then can be the proprietor, but the man who cleared the jungle, and made the land arable with intention to possess it for self and successors in interest? "*Sthanucchadasya kedaram ahuh salyavato mrigam*", says Manu (9-44), and Kalluka, his commentator, thus explains the text

“*Yena sthanumutpatya kshetram kritam tasyaiiva tat kshetram vadanti, tatha saradi salyam yena purvam mriga kshiptam tasyaiiva tam mrigam ahuk*”.—“The field is the property of the man who uproots the stumps of trees, and cuts down raised banks, so as to make it arable, in the same way as the speared wild deer is said to belong to the man who first threw that spear.” Any man was free to reclaim the jungle, as any man is free to spear a wild deer. To do the one, or the other, one need not wait for any man’s permission, for the jungle like the wild deer is ownerless—“*asvamika*.” On the other hand the monarch of the country, if he chose, might himself be the clearer of the jungle, doing it either himself or by hired labour, and in that case the monarch would be the owner of the land cleared by him. The mythical Indian King *Prithu* is said “to have milked from the earth seventeen kinds of crops”—“*teneyam prithivi dugdha sasyani dasa sapta cha*” (Santiparva LIX—112). *Prithu* was a teacher of agriculture to his subjects, as Kalidasa has put it, “*Prithupadishtam duduhurdharitrim*.” There is not the slightest evidence that “the laws and constitution of India” to which the Government

appealed for authority, allowed any sleeping rent-grabber to squat on the ground as proprietor, to hamper the natural growth of agriculture,— success in which depends on the outlay of both capital and labour, to hamper cultivation as the Zemindars of to-day are doing, of whom Mr. Shore in his Minute of 18th September, 1789, said that “he did not consider them fitted for the responsible rights of property which it was proposed to confer upon them” (Field’s ‘Land-holding,’ p. 490), whom Lord Cornwallis found it his interest to use as the cat’s paw of the East India Company for killing the middle-class yeomanry of the country, designating his Zeminders as the “actual proprietors of land”, which in truth they never were, probably taking shelter under the sophistry common in those days, “that a property in the soil must not be understood to convey the same rights in India as in England.” (Field, p. 511). A ‘spade’ is a ‘spade’ all the world over, and so is a ‘proprietor’ a proprietor.

Under “the ancient law of the country”, on which Lord Cornwallis professed to rely

for authority, but which he did not in right earnest try to ascertain, there is but one royal road for the acquisition of proprietary rights in arable land,—that road being the reclamation and cultivation with intention to possess it for self and successors in interest. That was the road to property in arable land for rulers and ruled alike, without any difference. Says Jaimini in his aphorisms of the "*Mimansa darsanam*"—"*sarvan pratyavisishtatva*" (6—7—3)—"It being the same for all"—which the commentator *Savarasvami* explains :—"Yavata bhogena sarva-bhaumo bhumerishte, tavata anyopi, na tatra kaschid *Viseshah*"—"By such enjoyment as the monarch exercises his right of property in the soil, by the same kind of enjoyment others also exercise their right of property in the soil ; there is no difference so far as that goes."

Is not the sovereign, by his right of sovereignty, the proprietor of all the land of the country arable or not ? Not so, by "the ancient law of the country." A well known *mantra* of the Rigveda which has always been recited at the coronation of the kings, runs thus :—

*A tvaharsham antaredhi dhrvastishthavichachalik |  
Visastva sarva vanchhantu ma tadrashtram*

*adhi bhrasat ||*

“We have chosen thee, make thyself at home with us, stand firm in your place, do not be moved. See that all the people desire thee for their king, that thy kingdom may not slip from thy hands” (X—173—1). What a lofty ideal of kingship have we here! “Sovereignty of the people” indeed! “See that all the people desire thee for their king”! Surely the *rishis* who held up this lofty ideal of king-ship before the people, who made the selection for the people, could not have been fools, like the frogs in the fable, to select a stork as their king, who would confiscate all their lands like the greedy Duke of Normandy.

Ages before the days of Manu, we find in the Taittiriya Brahmana of the Krishna Yajurveda, a distinction is drawn between land that was the king's private property, which he was free to give away to whom he chose, and the land of the country over which he had no right of property. It was a distinction very similar to that between the crown lands of English kings, and



the commons of the English people in pre-Norman times. "There can be hardly any doubt that the village lands, whether arable, meadow, or waste, were substantially the property of the villagers for the purposes of use and enjoyment. The idea that the common was the "lord's waste," and that he had power to do what he liked with it (much like the Indian Zeminders created by the Permanent Settlement, who will not allow a husbandman to excavate a tank or a well on his own land, for irrigation or drinking purposes, without extorting from him a heavy sum as *nazar*, D. D.) was, there is little doubt, the creation of the Norman lawyers." (Encyclopædia Brit.—Common.) There was a *Yagna* or ceremony of worship called '*visvajit*' in which the king gave away all his property,—such as we read of in the Kathopanishad, Nachiketa's father performed, "*sarvavedasam dadan*"—"giving away all his property." In connection with the *visvajit* yagna or sacrifice, the question what land was the king's property, and what land was not the king's property, was fully discussed. The Taittiriya Brahmana says : "*Etavan khalu vai purushah yavadasya vittam t*

*saravedasena yajeta*—“A man is measured by his property. Therefore should he perform the ceremony of worship, giving away all his property.” *Sayanacharya* commenting on the sacred text—“*Visvajiti sarvasvam dadati*”—“At the *Visvajit* ceremony, all that one has, is given away”,— observes : “Property alone is the object of gift. The bulk of the land of the country (*mahabhumi*) is it, or is it not to be given away ? It is the king’s (as the opponent—*purvapaksha*—may say— ), therefore let the king give it away. We reply :—To be king meaning only to protect, the land of the country is not the king’s property, it can not be given away. When a king of the whole country (the opponent may say) gives away all he has, at a *Visvajit yagna*, he ought to give away the land of the country including pastures, high roads, reservoirs of water, &c. Why ? For the land is his property. To this plea we reply : The *Smriti* or law books in calling the king the ruler of the country, mean that his ruling power (*isitritvam*) is in respect of giving lessons to the wicked, and protection to the good. The land of the country is not the king’s property—“*narajno bhumi dhanam.*” But

it is the common property of all who work on that land, and enjoy there-from the fruits of their own labour,—*kintu tasyam bhumau svakarmafalam bhunjananam sarvesham praninam sadharanam dhanam.*

Though a piece of land which one owns as his own, one may give away, the land of the country can not be given." The reader sees that the king is a ruler so far as he protects the good, and punishes the wicked,—*'dushtasikshasishtaparipalanabhyam' rajna isitritvam.*' This was also the Mohamedan ideal of a monarch, as described by Abul Fazl in his Preface to the Ayeen Akbery, including among "the four elements of monarchy", his being "the protector of the husbandman, and all the subjects of the state"—the protection of the husbandman being given the precedence, as carrying in the eyes of our Mahomedan rulers, greater weight than the protection of the Zeminders or Talukdars, or any other class of their subjects. How different this from Lord Cornwallis's ideal of protecting his own creatures, the Zemindars, before protecting the husbandman, if not surrendering the husbandman to the tender

mercies of the Zemindars, like surrendering the lamb to the wolf for protection ! \*

\* Speaking of the proclamation of the Permanent Settlement, Justice Field says : "This Proclamation couched in the language of distinct declaration as regards the rights of the Zemindars, but in the language of trust and expectation as regards any definition of their duties towards the raiyats, was enacted into a Regulation" (p. 516). "Sir Edward Colebrooke," says Field, "on the eve of finally quitting a country in which he had resided forty-two years, wrote as follows on the 12th July, 1890. :—"The errors of the Permanent Settlement in Bengal were two-fold ; first in the sacrifice of what may be denominated the yeomanry, by merging all village-rights, whether of property or occupancy, in the all-devouring recognition of the Zamindar's paramount property in the soil ; and secondly, in the sacrifice of the peasantry, by one sweeping enactment, which left the Zemindar to make his settlement with them on such terms as he might choose to require. Government, indeed, reserved to itself the power of legislating in favour of the tenants ; but no such legislation has ever taken place : and, on the contrary, every subsequent enactment has been founded on the declared object of strengthening the Zemindar's hands." (Land-holding p. 525)

Was not this insidious way of proceeding more mischievous, we ask, than the policy of confiscation of the people's land openly adopted by William the Conqueror in England ?

## SECTION V

### Jaimini on ownership in regard to the arable land of the country.

On the question of ownership in regard to the arable land of the country, the view expressed by the great philosopher, Jaimini, in his *Mimansa Sutra*, written about 400 years before Christ, '*sarvan pratyavisishtatvat*' (6-7-3), "all stand on the same level", and as interpreted by his commentator *Savarasvami*, who lived probably about the beginning of the Christian era, —*Kthetranam isitaro Manushya drisyante*'— —"men are seen to be the lords of their fields"— ought to be taken as final. *Savarasvami* discusses the question of the king's right to the arable land of the country. "He who is the sole monarch of the country may give away (the arable lands of the country). Not he also, we say. Why? The kind of enjoyment by which the monarch is the owner of his land, by the same kind of enjoyment others also (are the owners of

their land ). There is no difference so far as that goes. But from his being the sole monarch of the country, this is his special privilege that by his protecting paddy, &c., which grow on the earth, he is the owner of a fixed share of the produce. He is not the owner of the land." Mr. T. H. Colebrooke, the eminent English Sanskrit scholar was in India from 1782 to 1814, so that the Permanent Settlement of Bengal took place under his very eyes. Of all men, his opinion about "the laws and constitution of India," ought to carry weight. Eight years ago our attention was drawn to the following remarks of Colebrooke on Jaimini's aphorisms in his *Miscellaneous Essays* (P. 320-21), to which I would draw the special attention of both the public, and the framers of law, both in India and England.

"A question of considerable interest as involving the important one concerning property in the soil in India," says Colebrooke, "is discussed in the sixth lecture. At certain sacrifices such as that which is called *Visvajit*, the votary for whose benefit the ceremony is performed, is enjoined to bestow all his property on

the officiating priests. It is asked whether a paramount sovereign shall give all his land including pasture-ground, highways, and the site of lakes and ponds?—an universal monarch, the whole earth, and a subordinate prince, the entire province over which he rules? To that question the answer is:— The monarch has not property in the earth, nor the subordinate prince in the land. By conquest kingly power is obtained, and property in house and field, which belonged to the enemy. The maxim of the law that “the king is the lord of all excepting sacerdotal wealth”—concerns his authority for correction of the wicked, and protection of the good. His kingly power is for government of the realm, and extirpation of wrong; for that purpose he receives taxes from husbandmen, and levies fines from offenders. But right of property is not thereby vested in him; else he would have property in house and land appertaining to the subjects abiding in his dominions. The earth is not the king’s, but is common to all beings enjoying the fruit of their own labour. It belongs, says Jaimini, to all alike; therefore

although gift of a piece of ground to an individual does take place, the whole land cannot be given by a monarch, nor a province by a subordinate prince, but house and field acquired by purchase and similar means, are liable to gift". To this I should also add the following remarks made in connection with the Mimansa philosophy, by Mr R. C. Dutt, C. I. E. of whose scholarship, Bengal is justly proud :—"At certain sacrifices, the votary is told to bestow all his property on the officiating priests. The question is raised, whether a king should give up all lands, including pasture-lands, high-ways, and the sites of lakes and ponds. The answer is that a king has no property in the land, and cannot bestow it. His kingly power is for the government of the realm, but the right of property is not thereby vested in him, else he would have property in house and lands appertaining to his subjects. The lands of a kingdom cannot be given away by a king; but a house or field acquired by purchase, etc, may be given away". It should be clear to all honest enquirers, on the authority of jaimini, as interpreted by



that eminent Sanskrit scholar of England, Mr. H. T. Colebrooke, and that equally eminent scholar of Bengal, Mr. R. C. Dutt, C. I. E, that "the earth is not the king's", that "a king has no property in the land" of the people. "It belongs to all alike". "It belongs to all beings enjoying the fruit of their own labour." The finding of two such scholars coming from such distant quarters, and remote times, on the authority of so great a philosopher as jaimini, ought to be final, and set at rest all doubt once for all. Peasant-proprietorship then is the form of land-tenure established in India from time immemorial, "according to the laws and constitution of India" (24 Geo III, cap 25, sect 39), and that Lord Cornwallis in calling "all Zeminders and Independent Talukdars" "actual proprietors of land"; made a great mistake, inflicting the greatest wrong he could, upon the peasantry of India, the dumb millions who form eighty-five per cent of the population, for the bonifit of a handful of his own creatures. The proclamation of 22nd March, 1793, which declared the Decennial Settlement permanent, was practically a 'confiscation' of the

property in land of the entire population, in open violation of the law of both England ( 24 Geo. III cap 25, Section 39 ) and India. That proclamation however had this one redeeming feature that it reserved to "the ruling power" the power to rectify mistakes, and "protect all classes of the people, and particularly those who from their situation are most help-less"—the voiceless millions of the peasantry, the victims of the mistake. If the wrong inflicted by that mistake is not to be perpetuated for time without end, that power should now be exercised, and the wrong of the past now rectified. "It being the duty" runs the proclamation of 22nd March 1793, "of the ruling power to protect all classes of people, and particularly those who from their situation are most helpless, the Governor General in Council will, whenever he may deem it proper, enact such regulations as he may think necessary for the protection and welfare of the dependent talukdars, raiyats, and other cultivators of the soil" ( Field's Land-holding, p. 503 ). If the Government means seriously to do that duty of "protecting the most helpless" raiyats or "cultivators of the soil,"—maintaining intact

“the law and constitution of India”,— (and what reason can there be to doubt that the Government mean to do their duty ?)— it is just and proper that it being now proved beyond dispute, that under the Hindu law “men are the proprietors of their fields”—“*Kshetranam isitaro manushyah drishyante,*” and that by the Ayeen Akbery also the monarch is “the protector of the husbandman” (Abul Fazl’s Preface, Gladwin, XII), the Permanent Settlement of 1793 made by mistake, and that mistake openly admitted afterwards when the settlement of the “Ceded and Conquered Provinces” (N. W. P, U. P, etc) was made ( 1812 ), as we shall see as we proceed, should now be set aside, and peasant-proprietorship in the form approved by the ancient law of the country, formally declared as the only form of land-tenure for India approved by the legislatures of both England and India.

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## Section VI.

**Not 'rent' in the sense of 'unearned increment' in India, but *vali* or contribution for services rendered.**

If the cultivating tenant himself is the proprietor of the arable land in India, as we have shewn he is, and not the monarch, as we have shown he is not, and far less the monarch's "hereditary revenue-contractor",—the Zemindar, why, it will be asked, has the cultivating tenant been paying rent from the remotest times, to the monarch, either direct or through that revenue-contractor or Zemindar. True indeed, as Lord Cornwallis said in the preamble of Regulation XIX of 1793,—“By the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every acre of land.” Lord Cornwallis knew well enough of the ancient law of the country, only so far as it was the East India-company's interest that he should know; but he did not care to know more? It was expected that Lord Corn-

wallis would put to himself the question, why was it so ? Why was the ruling power in India entitled to a certain proportion of the produce, which is always liable to rise and fall with the actual yield of the soil, and not a fixed quantity of the produce, or its equivalent, a fixed sum of money. The reply to that question should have been sought for from the framers of "the ancient law of the country" to which Lord Cornwallis appealed for his authority for laying claim "to a certain proportion of the produce of every acre of land." It is curious that from Lord Cornwallis in 1793, down to Lord Curzon in 1905, not one of our Viceroys cared to put that question to themselves, or referred to the framers of the ancient law on which they took their stand. The monarch obtained a 'proportion' only, and not a fixed quantity of the produce, so that he might never forget that it was as much his interest as that of the cultivator himself, to secure from the soil its maximum yield, that the monarch would get nothing, if there was no yield, that he would get more or less, according as the yield was more or less, that the monarch and the cultivating tenant had a joint interest in

maintaining the productiveness of the soil, that while it was the interest of the cultivator to give the soil the finest tilth he could, to secure the largest yield, it was equally the interest of the monarch, for securing the same end, to lay out capital in providing facilities for irrigation, drainage, and manuring, and also providing pastures for the plough-cattle, and doing anything else that required a large out-lay of capital, which it was impossible for the cultivating tenant to do himself under his circumstances. Says Manu, that the proportion of the produce to which the ruling power is entitled is "an eighth, a sixth, or a twelfth for paddy" "*dhanyanama shtamo bhagah shashtho dvadasa eva va*" (Manu 7-130), in consideration, as Kulluka explains, of the quality of the land whether superior or inferior, requiring more or less labour in cultivation. \*Why should the ruling power get any proportion of the produce at all? Manu answers:—The king should always fix the taxes in his kingdom having due regard to

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\* *Bhumyutkarshapakarshapekshaya karshanadi  
klesalaghavagauravapekshoyam bahvalpagrahana  
vikalpah.*" (Manu—7-130) 1

the fact that the king and the operator both receive the fruits of thier labour,—“*yatha falena yujyeta raja karta cha karmanam, tathavekshyan nrivorashtre kalpayet satatam karan*” ( 7-128 ). Kulluka commenting on it, says :— “The king is to receive the fruits of his supervision &c, and the cultivator and the trader, the fruits of their cultivation, and selling and buying, &c. \* The reader sees that, by the ancient law, the king and the peasant both stand on the same level as regards the produce, as “joint owners,”\* each having to earn the share of the produce he is entiled-to, by rendering service in proportion. The king gets his share not as king, and not also as being the proprietor of the land, but as the remuneration for his “supervision, &c” (*avekshanadi*). That also was the ground on which Akbar in the Ayeen Akbery, exacted the “annual tribute of ten seers of grain from every Bigha of

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\* “*Yatha rija avekshanadi karmanah falenu yatha cha karshikavanigadayah krishe-vanijyudikahmanam falena samvadyante.*” 7-128.

\*See ‘Revenue Dispatch No 14 of 9th July 1862, published at Page 2889 of the Calcutta Gazette of 16th August 1862’ (Field, P. 691).

cultivated land throughout the empire," (Gladwin's translation, p. 189)—"in return for the cares of royalty," and not because he was the ruling power, as Lord Cornwallis seems to have claimed for the Company, or as "actual proprietors" of the land, as Lord Cornwallis claimed for his creatures, the Zemindars. The "certain proportion of the produce of every acre of land," which Lord Cornwallis claimed, and which the Indian husbandmen always gladly paid, from the remotest antiquity, was not what English people call 'rent', in the sense of an "unearned increment" demanded and paid for the use of land not one's own, but another's, or the king's. By "the ancient law of the country" to which our rulers from Cornwallis to Curzon appealed, the king or prince had to "earn" "that proportion of the produce" by rendering the services of supervision and protection (*avekshanadi*) of the crops, as Kulluka has said, or as Savarswami, the commentator of Jaimini's Mimansa Philosophy, to whom we drew the reader's attention before, has said :—"Being the monarch of all the land (*sarvabhaumatve*) this alone is his special privilege, that because he protects paddy, &c,



which grow on the land (*brithiviyam sambhutanam vrihyadinam rakshanena*), he owns a fixed proportion (*nirvishstasya kasyachit bhagasya ishte, na bhumeh*) of the produce, but does not own the land." The reader sees that this implies an unwritten primitive contract between the king and his subjects. It has been said that the very principle of the ruling power dividing the produce with the cultivators, annihilates the idea of a "proprietary inheritable right" in the Zemindar. Far less is there any room for a claim to the proprietorship of the arable land on the part of any "unnecessary middle man", without the consent, express or implied, of both the parties contracting. It ought then to be clear that the "Zemindars and Independent Taluqdars" whom Lord Cornwallis dubbed as the "actual proprietors of land," are really interlopers who crept in during a time of anarchy and chaos, and have no place in India, under a settled Government. It is remarkable that Colebrooke in his Miscellaneous Essays, speaking of Jaimini's verdict on the subject, says—: "The monarch has not property in the earth, and Mr. R. C. Dutt, C.I.E., dealing with Jaimini in his History of Civilization

in ancient India, confirms Colebrooke's opinion, saying "A king has no property in the land." Two such scholars coming from such remote quarters, giving the same opinion, ought surely, as we said before, to clear all doubt once for all. The king then has no right of property in the people's lands, yet has a right to a share of the produce, for services rendered, under an unwritten primitive contract. We referred to a hymn of the Rigveda recited at the coronation of the king "*a tvaharsham: &c*" (x-173-1), "We have chosen thee", &c, in which occur the words "*visastva sarva vanchhanti*" &c, "See that all the people desire thee for their king, that thy kingdom may not slip from thy hands." Does not that imply a primitive contract older even than the days of the Rigveda? The words "*visastva sarva vanchhanti*", "See that the people all desire thee for their king, are repeated in the Atharva veda (4-8-4), showing that the idea of a universal popular choice, based upon a primitive contract, always underlay the selection and coronation of the king. Indeed the idea of a primitive contract between the king and his

subjects is even more clearly expressed in the Atharva Veda than the Rigveda. "The king, enjoying prosperity himself (bhutah), fills the prosperous villages (bhuteshu) with things enjoyable (payah a dadhati). He becomes the lord of creatures (bhutanam). The Lord of death (mrityuh), who presides over *dharma* or right conduct, performs his coronation ceremony (rajasuyam). Let that king promise (*anumanyatam*) to observe the conditions of sovereignty (*rajyamidam*)\* Sayanacharya comments thus :— "The Lord of *dharma*, Death, performs the ceremony of his coronation that he may make him, by distinguishing between right and wrong, punish the wicked, and protect the good.\* Let the king thus crowned, promise to perform the work of the king, to punish the wicked and protect the good.\* As a part of that primitive contract

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\* *Bhuto bhuteshu paya a dadhati sa bhutanamadhipatir babhuva | tasya mrityuscharati rajasyuam sa raja rajyam anumanyatamidam ||*

\* "*Mrityuh dharmarajah dharmadharmapravibhagenā dushtanigraha sishtapalana karayitum tasya rajnah rajasuyam charati—idam karma anutishthati, sa kritabhisheko raja rajyam—rajnah karma dushtanigraha sishtaparipalanadikam rajyam—tad anumanyatam angikarotu*" || .

between the king and his subjects, it was settled, it was arranged from time immemorial, that the king should protect the crops grown on the land by the husbandman, and in return therefor, or as compensation therefor, be the owner of a fixed proportion of the produce, without having any right of property in the husbandman's land,—“*kasyachid bhagasya ishte na bhumeh*” (Savarasvami). The ancients realised full well that there are certain very onerous duties, which from their very nature, it was impossible for the individual husbandman to perform for himself, and on the due performance of which the success of food-production for the people, or agriculture, and the prevention of that “series of unprecedented calamities, which”, says Lord Curzon, “have in recent years, assailed the agricultural population” (Resolution issued by the Governor General in Council on the 16th January, 1902) depend. Such are, for example, the provision of water-supply during continued drought, for want of which, Lucknow, in spite of the otherwise richness of the soil, was, as we saw, in great part, a barren waste, and the provision of drainage channels to

prevent flood for want of which crops are destroyed in Bengal, producing famines every year, over extensive areas. It was to obviate such climatic disasters, and also for the prevention of theft, and wide-spread attacks of locusts, &c,—the people sought for protection at the hands of their kings, which the kings, in their turn, readily gave, receiving in return “a certain proportion of the produce of every acre of land”, to which Lord Cornwallis laid claim. The reader, we expect, will now see that the claim of the ruling power in India was not, under the ancient law of the country, a claim for rent in the sense of “an unearned increment” demanded by the king, and paid by the husbandman, for the use of land not the husbandman’s own, but another’s, or the king’s, but is a sort of fee or remuneration paid for services rendered, under a primitive contract, express or implied, between the king himself on the one hand, and his Indian subjects on the other.

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## SECTION VII.

### The evil effect of the substitution of money-rent for a variable proportion of the produce as revenue.

The rent, or more truly speaking, the contribution of the husbandman to the ruling power, called *vahi*, in return for the protection of the crops (*vrihyadinam*), was in Hindu times, as the reader has seen, an "eighth, a sixth, or a twelfth part" (Manu), or "a tenth, or an eighth, or a sixth part" (Gautama). What about the Mahomedan times? From the Appendix No 16 to Mr. Shore's Minute of 2nd April 1788, we learn "that the Institutes of Akbar continued in use until the time of Bahadur Shah" (1707 to 1712 A. D.—Field, p. 439), that is, till about 50 years before the East India Company's acquisition of the Dewani of Bengal, Behar, and Orissa (1765).

The Ayeen Akbery then was in force till 50 years before the grant of the Dewani in 1765, by which the East India Company became the ruling power. Those fifty years that intervened were times of chaos and anarchy, the titular em-

perors being mere puppets in the hands of designing adventurers. What have we in 'the institutes of Akber' as the Ayeen Akbery is called? In the Ayeen Akbery we read that "His Majesty divided the lands into different kinds:— (1) "*Poolej*" or land which is cultivated for every harvest (or what we call *Dofasli*,) being never allowed to lie fallow; ;" (2) *Perowty*, which is "kept out of cultivation for a short time, in order that the soil may recover its strength; ;" (3) "*Cheechar*" or land which had lain fallow three or four years; ; and (4) "*Bunjer*" or that which has not been cultivated for five years, and upwards. 'Both of the two first mentioned kinds of land, namely *Poolej* and *Perowty*, are of three sorts, viz. best, middling, and bad, *awal*, *duyam*, *saiyam*, as we now call them. They add together the produce of a Beegah of each sort, and a third of that aggregate sum is the medium produce of one Beegah of *Poolej* land, one third part of which is the revenue settled by His Majesty.' (Gladwin's translation—P. 244)\* How was it realized?

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\*We also read in a Government report of 1807 as follows:—"The assessment of Akbar is estimated by Abul Fazl at one third, and by other authorities at one-fourth of the gross produce."

"The husbandman has his choice to pay the revenue, either in ready money, or by *kunkoot* (appraisement), or by *Behawely* (actual division of the produce.) (P. 251.) The Viceroy is told that "he must constantly keep in view the happiness of the people." The instructions to the Collector of the revenues run thus :— "He must assist the needy husbandman with loans of money, and receive payment at distant and convenient periods. Let him (the *AMilguzzar* or Collector of the Revenues) not be covetous of receiving money only, but likewise take grain. The manner of receiving is after four ways :—first *Kunkoot* (*kun*—grain ; *koot*—conjecture or estimate.) The land is measured with the crops standing, and which (ie. the crops) are estimated by inspection. If any doubt arise, they weigh the produce of a given quantity of land. Second, *Buttiety* (*Bhawely*) which is after the following manner :— They reap the harvest, and collecting the grain into barns, there divide it according to agreement. Third, *khey*t *Buttiety*, when they divide the field, as soon as it is sown ; Fourth *Lang Buttiety* :—they form the grain into heaps, of which they make a division. Whenever it will not be oppressive to



the subject, let the value of the grain be taken in ready money at the market price" (Ayeen Akbery, Gladwin, (p. 262, 263). "In Akbar's time and long after," "said Mr. Shore, 'the rents were paid in kind" (Appendix No 16 to Mr. Shore's minute of 2nd April, 1788, quoted by Field, p. 433). It does not matter much whether the rent is paid to the ruling power in kind or in cash, so long as its value is only that of a proportion of the actual produce, i. e., its equivalent in money, so that there would always be present an inducement for the ruling power to perform duly and efficiently the duty of protecting the crops, et cetera, upon the due performance of which the right to demand rent accrues. Two things are here clear :— (1) Both under the Hindu and the Mahomedan rulers, there is no place here for any middle-man, or any other interloper to come in, as actual proprietor of land, no place here for any Zemindar or Talukdar to intervene between the *protecting* ruling power on the one hand, and the protected husbandman, on the other. (2) The actual value of the

share of the produce received by the ruling power, would, in that case, vary from year to year, rising or falling, according as the quantity actually yielded in any year by the lands, rose or fell. If the land was left fallow for recuperation, or for any other reason, or if the crop produced was destroyed by drought or by flood, or by a flight of locusts, or lost by theft or robbery, the share of the protecting ruling power would be *nil*. What does this come to? It comes to this, that unlike our days, as we have pointed out, it was the common interest of both the cultivating husbandman, and of the ruling power, that the land should actually yield the maximum it was capable of yielding; it comes to this, that in his own interest the cultivating tenant on his part would give unsparingly all the labour required for securing that maximum yield, and the ruling power too, in its own interest, would provide unsparingly all the facilities required for the protection of the crops, et cetera, as tanks, wells, or other reservoirs of water for irrigation, as protection against drought, and also provide suitable drainage channels for the free escape of

water, for protection against floods, in addition to protection against occasional wide-spread attacks of insect pests, or fungoid diseases, and against theft or robbery. What a happy union that was, of the interests of both the rulers and the ruled, for the production of the maximum quantity of food for the people! It was a union of gold with borax, "*Sonay Sohaga*," as we say in Bengali, so long as the so-called rent or *vali* contributed by the husbandman was demanded and paid as a "proportion of the produce," either in kind, or in its equivalent of money, varying in value from year to year. But that golden union was dissolved from 1765, when that puppet, now in the hands of the East India Company, and now in the hands of the Maharattas, the titular Emperor of Delhi, Shah Alam, by his *farman* or patent, invested that body of traders, the East India Company with a perpetual grant of the "Diwani of the provinces of Bengal, Behar, and Orissa"! The East India Company was a company of foreign merchants, and as such their one engrossing interest lay in the dividends they could pay to their shareholders.

They would never come out to India themselves, to administer justice, or to govern the country, so that as a body of administrators, or Governors, they were like fish out of water, in every way. Up to 1765, the East India Company were "occupied solely in the pursuit of trade," or, at the most, were in the state of mere pupa as a Governing Power. From 1765 "the military Government of the three Provinces of Bengal, Behar, and Orissa, the right to administering civil justice, and the complete control of the finances" passed into the hands of the East India Company, which henceforth, like dropping from the moon, without any direct knowledge of the country, and without any previous training whatever, became a fully equipped butterfly of a ruling power of the country, free to "fly or run," as they pleased. They did make a formal declaration of "the undoubted sovereignty of the Crown over the territorial acquisitions of the East India Company", and the British Crown too had, in return for the compliment, thus paid, ordered "that the territories then in possession and under the Government of the

Company, should continue under such Government in trust for Her Majesty, her heirs, and successors, until Parliament should otherwise provide" ( Field, P. 632. ). It was all a mere formal exchange of compliments, and against the ancient law of the country. After all, as a body of tradesmen, the sole interest of the East India Company was 'to levy from the people the greatest possible revenue that could be exacted from the people" ( Field, P. 481 ), 'ensuring to the company every possible advantage' (472.) What did it matter for them, if "in 1770 there was a great famine which was said to have destroyed a third of the inhabitants of Bengal?" What did it matter for them, if the settlement they made, "utterly ignored all rights of any kind in the raiyats" ( Field P. 491 ), so long as it secured "the greatest possible revenue," so long as it "ensured to the Company every possible advantage." Lord Cornwallis found it to the interest of the East India Company to take notice only of that part of the primitive contract between the ruling power, and the people of ancient India, to which

we referred before, whereby "the ruling power is entitled to a certain proportion of the produce of every acre of land"—*'nirvishtasya kasyachid bhagasya ishte'* (Jaimini, 6-7-3) (Reg. XIX of 1793). But what about the other part of that contract, by which the ruling power was in duty bound to protect the crops, *et cetera*, grown on "every acre of land"—*"prithivyam sambhutanam vrihyadinam rakshanena nirvishtasya kasyachid bhagasya ishte, na bhumeh"* (Jaimini, 6-7-3). The East India Company, like the cat of the adage, would have the fish, but will not wade to catch them! "To levy the greatest possible revenue" within the shortest time, and with the least effort, Lord Cornwallis set up a class of profiteering middlemen, who had no interest whatever in food-production, or in the protection of the husbandman's crops, &c., *"vrihyadinam rakshanena"*, the adventurous "revenue-contractors" eager to "exploit" the agricultural classes of the country, whom His Lordship gratuitously styled "the actual proprietors of land," without adducing any proof whatever. To these interlopers, His Lordship 'transferred the rights' of the ruling

power to a 'certain proportion of the produce', ignoring altogether their corresponding duties. We showed before that the ruling power had no proprietary right in the land— "*kasyachid bhagasya ishte, no bhumeh*,"—"the monarch has not property in the earth", as Colebrooke puts it. Sayana in his commentary of the Taittiriya Brahmana says :— "To rule means to protect. The earth is not the king's own. It cannot be given,... The earth is not the king's property."\* As for the right to the "proportion of the produce," it did not, could not, accrue under "the ancient law of the country," as Lord Cornwallis claimed, unless the duty of protecting the crops was duly and efficiently performed. One cannot but wonder, what the people of those days were. Right or no right, the Zeminder came to squat on the land of the husbandman, as over a herd of goats, compelling "the raiyats to be the absolute slaves of the Zemindars"? Thus runs the Proclamation of 1793 :—"The Governor General in Council expects that the

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*Palanasyaiva rajyatvat na bhur svam diyate  
na sa .....na rajno bhur dhanam. 1-4-7*

Zemindars will regularly discharge the revenue in all seasons ; and he accordingly notifies to them that in future no claims or applications for suspensions or remissions on account of drought, inundation, or other calamity of season, will be attended-to, but that in the event of any zemindar failing in the punctual discharge of the public revenue, a sale of the whole of the lands of the defaulters will positively and invariably take place." (Field, p. 515 ). The Zemindars being the creatures of Lord Cornwallis's Permanent Settlement, His Lordship was, of course, at liberty to impose on them any terms he chose. But the husbandman, whom the Government afterwards admitted to be the true proprietors of their lands, were not, in the same sense, the creatures of the Zemindars, so that the Zemindars had no right to impose on the husbandmen, as they actually did, any terms they chose. It was the duty of the ruling power to protect the people from such oppression by the Zemindar. But the East India company did nothing of the kind. A body of traders, whose sole aim was to secure the largest revenue,



elevated by an accident of anarchy, to the exalted position of a ruling power, thus neglected the very first duty of a ruling power, on the due and efficient discharge of which, their right to receive any revenue, depended. The mush-room Zemindar too, with impunity, followed in the footsteps of the 'shop-keeping' ruling power, that brought him forth, so that the duty of the ruling power to protect the people, or their crops from "drought, inundation, or other calamity of season" was, completely ignored. The idea that any duty was connected with the right to receive revenue, miscalled rent, was clean swept out of the slates of both the ruling power, and of the Zemindar, or other unproductive farmer of the revenue, to whom that ruling power transferred its so-called right to a 'proportion of the produce' as revenue, which, as we shown before, did not, and could not accrue, unless and until its corresponding duty was efficiently discharged. The court of Directors, as the agents of that body of mere traders, came to help the Zemindar by "positively prohibiting the making of minute scrutinies" (Field, p. 468), about "the rights

of the cultivators." The cultivating tenants who form eighty-five per cent of the population, were thus handed over to a handful of Zemindars as their serfs or rather slaves, as in Russia, where before the Act of Emancipation of 1861, "the lord had an almost unlimited right over the person and property of his serf." Both the ruling power, and the revenue-farming Zemindars, henceforth ceased to have any direct interest in the success of food-production for the people, or agriculture, for, henceforth they both regarded themselves as entitled to a fixed sum of money as *rent*, to give them a handle for their claim to property in the 'peasants' land', at a rate per acre or bigha, even though, on account of a drought or inundation or other climatic disaster, from which it was the duty of the ruling power to protect the crop, the land did not produce even a single blade of a cereal or a millet. The Permanent Settlement thus became a Procrustean bed to which the cultivating tenant, which means eighty-five percent of the whole population of Benal, Behar, and Orrissa, had to fit themselves. If he can not fit himself to that bed, let him be amputated.

Shorn of his right to receive protection against drought or flood or other climatic disaster, if he cannot pay the revenue, miscalled rent, or meet the exorbitant demands of the Zemindar, let his holding be sold for arrears of revenue, perhaps to some earth-hungry rapacious money-lender, or worse still, to the money-lending zemindar himself, who, too often, turns a village-Shylock demanding his "pound of flesh" from his tenants, both as zemindar, and as Mahajan, with absolutely no interest in the production of food or clothing for the people. What does he care, if the unhappy husbandman with his starving half-naked family be sent adrift, if need be, to swell the ranks of the "landless laborours, after the English type", too often unemployed, without the advantage of the English "pensioned unemployment", to die before his time, of famine or malaria. The Zemindars, the Zemindar-Mahajans, or the Mahajans, these Village Shylocks, provided they can "secure the honey of the season, they care not whether the bees live to make another supply." Indeed as agriculture stands to-day, not only is it immaterial for the Zemindar, or the Mahajan,

whether the land produces any crop, or it does not, it is even more to their interest, as we shall see, as we proceed, that the land should not produce, than that it should produce a crop. It is most shocking to read that the Zemindars created by the Permanent Settlement following the example of the Russian nobles before the Emancipation of the serfs in 1816, "utterly ignored all rights of any kind in the raiyats" (Field, P. 591), "the rayats were rendered liable to personal arrest, and imprisonment before trial" (Field, P. 672). Regulation V of 1812 is said to have "left no rights to the raiyats" (654). "We hear of nothing" says Justice Field, "we hear of nothing but arbitrary demands enforced by stocks, duress of sorts, and battery of their persons" (585), "Land-holders were empowered to distrain, without sending notice to any court of justice, or any public officer, the crops and products of the earth of every description, the grain, cattle, and all other personal property whether found in the house of the defaulter, or of any other person" (Field, P. 577). The Zemindars could even "delegate their power of distraint

to all agents employed in the collection of rent" (Regulation VII of 1799). Even the courts held that "the right of the Zemindar to enhance rent" is presumable until the contrary is shown" (556). Such is the woeful tale that the Permanent Settlement brought in its train, so that it has been rightly called "the most extensive act of confiscation that ever was perpetrated in any country" (652). Remedy there could be none, for, as Justice Field said, "Legal remedies are available only in the hands of the rich ; the poor are without the means of profiting by them" (674). What was the effect ? People having any capital to lay out, would never think of laying it out in agriculture, and agriculture without capital cannot be worthy of that name. It became every body's ambition, as it is to this day, to become land-lords, or farmers of rent,—Zemindars, Taluqdars, Mustagirs, or Ijaradars. We ourselves saw gentlemen who had extensive *khamars* or holdings under their own cultivation, parcelling them out among their own day-labourers as cultivators. Cultivation became a most dishonorable profession, and the word '*chasa*' (i. e. cultivator) a word of

“hissing”, and abuse, as it is to this day. Thus was the class of “wealthy and well-protected class of professional cultivators and cattle-keepers” “*Dhanavantah surakshitah krishigorakshajivinah*” of whom we read in the Ramayana,—the Indian peasant-proprietors of Hindu and Mahomedan times, corresponding to the yeomanry of Old England, quite wiped out of existence, under that chaos known as the rule of the East India Company.

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## SECTION VIII.

### Famines made legal grounds for the enhancement of rent.

The whole civilized world, as we shall see, has realised that, in the interest of the human race, all arable land should be held by the peasantry independently of any superior, independently of any unproductive revenue-farmers, like our Zemindars, as superior, that no one should have any right of any kind in arable land, not even the ruling power, or the Government, except so far as the success of agriculture depended on right. "The general result of the emancipation of the land, and the creation of peasant-proprietors" in parts of Prussia, says Field (P. 82), "has been that the standard of cultivation has been immensely raised, that the land yields infinitely more than it did previously." Under the ancient law of India all arable land in India was held, as we have shewn, allodially, as in most countries of the civilized world to-day, such as the United States or France, by the peasantry themselves, *sthanuchedasya kedaram*, and not feudally, like

the bulk of the arable land, in land-lord-and-capitalist-ridden England,—though even in England, sub-infeudation is disallowed by law. Under the ancient law of the country, on which Lord Cornwallis professed to rely, in his Regulation XIX of 1793, the right of the ruling power to receive the *vali* or contribution of a “certain proportion of the produce of every acre of land” was conditional, as we have shown, on the performance of certain specific duties” and was indissolubly linked to the duty or obligation of protecting the crops, &c, of “every acre of land”. “*Prajanam eva bhutyartham sa tebhyo valim agrahit*”,—“The King took rent from the people only for the benefit of those people.” The so-called revenue, *vali*, not surely “rent”, was merely the method of payment by the husbandman of the cost incurred by the ruling power, in supervising and protecting the crops, &c, of the husbandman. To use that *vali* or revenue for any other purpose, for example, for supporting a chain of “unnecessary middlemen”, was a misappropriation,—criminal or not,—let the lawyers judge. There was a primitive, though unwritten, contract, as we



have shown, between the husbandman on the one hand, and the ruling power on the other, which could not, in common fairness, be altered transferred; or broken, by either of the parties to that contract, without the consent of the other. By making the Permanent Settlement of the revenue, though not of the land, with a body of "hereditary contractors of the revenue", who were really a class of officers of the Government, surreptitiously, without reference to the wishes of the cultivating tenants, and styling by a mistake, now admitted, those interlopers, as "the actual proprietors", was not the East India Company, we ask, guilty of a breach of contract. ? Were not also those who, knowing it to be a mistake, submit to, and, support the Permanent Settlement, without a protest, signifying acceptance by silence,—"*maunam sammatilakshanam*", guilty as abettors of that offence? What becomes of the duty of the ruling power of "supervising and protecting the crops &c.", "*vrihyadinam rakshanena*", on the due performance of which alone the ruling power becomes "entitled to a certain proportion of the produce" as revenue. By Regulation VII

of 1799:— "The Raiyat was forced" says Justice Field "to give up his rights at once, or in defence of them to enter upon an expensive litigation with a powerful, and too often, unscrupulous superior" (578), to his own certain ruin. Says Justice Field: "In the Lower provinces of Bengal those raiyats who had rights lost them, because they were too poor and too ignorant of our forms of procedure, to produce proof; and the only records of their title were in the offices of the Patwaris who were abolished, and of the Zemindars who withheld them" (679). The yeomanry of the country, the land-lord peasantry of Bengal, were from time immemorial the co-partners of the Government, in the production of food for the people. By the Permanent Settlement the yeomanry were actually sold in their sleep, to be the slaves of a class of unproductive profiteering adventurous "contractors of the public revenue" called Zemindars. "As a natural consequence of the arbitrary power enjoyed by the Zemindars and its exercise, rents were in many parts of the country run up to the highest rates which the cultivators could pay, and retain a

bare subsistence for themselves, and their families (Field p. 675). Now as regards this "running up" of the so called "rents,"—as early as 1840, we read of Sir J. P. Grant justifying it on the false ground of their "right to enhance according to the present value of the land"—pleaded by the Zemindar, and supported by the Government. Under the "laws and constitution of India" the ruling power, we have shewn, was only concerned with a "proportion of the actual produce." The land and its present value, it was the proprietor husbandman's concern, not the Revenue-Contractor Zemindar's, nor of the ruling power. What had the Government to do with the "present value of the land"? All that they had a right to claim was a fair price for the services they rendered to the crops, &c, if they really rendered any. For the Zemindar, whose revenue was fixed in perpetuity to claim a "right to enhance according to the present value of the land" was not only self contradictory, but suicidal, for the Government could put forward a similar claim against them. For the agents of Government to support that claim may have

been full of a hidden meaning. Did it mean that the Zemindars were mere scape-goats or a mere cat's paw for the agents of the Government, to roast their own chestnuts with? No Hindu or Mahomedan ruler put forward the claim, "to enhance rents according to the present value of the land." Not even on their own behalf, not to speak of these mushroom revenue-contractors, who had not yet come into existence, in those days. The land was never in India the king's property, never a *terra regis*, as we have shewn, both by an appeal to the Hindu *Sastras*, as understood by eminent scholars like Messrs Colebrooke and Dutt, and also by an appeal to the Ayeen Akbery, in which too we read that Akbar bases his claim, not on any supposed right of property in the land, but only as a "return for the cares of royalty." When Lord William Bentinck spoke of "the rise of prices," and of the rights of the Government "to the increased rent," (His Lordship could only mean "increased revenue", and not rent (in the sense of an earned increment) "which would have accrued naturally from increased produce, enhanced prices, and the reclaiming of waste

land" (676), is it not clear that His Lordship knew as little as his predecessor Lord Cornwallis, that under "the ancient law of the country," or "the laws and constitution of India", to which the British Parliament bound down the East India Company, the land as we have shown, was the husbandman's absolute property, and that the right of the ruling power to any proportion of the actual produce, did not accrue unless that ruling power efficiently performed the duty of supervising and protecting the crops, &c, from droughts, floods, and thefts, &c. It should be borne in mind that the Government themselves in their Revenue Despatch No. 14 of 9th July 1862, published in the Calcutta Gazette of 16th August, 1862, after careful and prolonged enquiry, admit that "In India, the great bulk of the agricultural population are the proprietors"? By making the Permanent Settlement of the Revenue with the Revenue-contractors, without asking for the consent of the true proprietors of the land, the peasantry of the country, and without making any provision for the due discharge

of the duty of protection of the crops, &c, does not, we ask, the ruling power abandon their title to "the proportion of the produce", or to any benefit from "increased produce, enhanced prices, and the reclaiming of waste lands"? Waste lands in India, we showed before, are without an owner, *res nullius*, or *asvamika* (Page 15 ante). The truth is that after the Permanent Settlement, the *vali* or contribution for services rendered, as of old, ceases as such, but becomes a mere land-tax, like the *contribution fonciere* in France, levied on the income from land under a misnomer, and without fixing an assessable minimum, the Zemindar being the collector of that land-tax, though as a tax on the income from land, there should have been an "assessable minimum" to it. That assessable minimum of income in England is £. 160 or Rs. 2400 per annum. In India it ought not to be less than at least half that amount, or Rs. 1200 per annum, in other words, the largest majority of our Raiyats would have no rent, in the sense of land-tax, to pay. As an income-tax, the so-called *rent* is to be

assessed on the actual income of the husbandman, and should have nothing to do with the present value of the land," or with "increased produce, increased prices, and the reclaiming of waste lands"—all which, it is the business of the husbandman, the true proprietor of the land to look to. The principle of *Sthanuchhedasya Kedaram* has been admitted by the Government in their Revenue Dispatch No. 14 of 9th July 1862, saying, "the great bulk of the agricultural population are the proprietors". It should always be borne in mind that there never was any confiscation of the people's lands publicly declared, as in England after the Norman Conquest, by the Hindu, or the Mahomedan, or the British rulers, and till that was done, the cultivating tenant, and not the ruling power or the Revenue Contractor, must be presumed to be the lawful proprietor of his land, as he has been from time immemorial. The Zemindar is merely the owner of the Revenue, and not of the land. But as in the case of the Russian *Mir* or village community "what was revenue when paid to the

State, became *rent* when paid to a private individual, and the right to receive the rent gradually drew after it the proprietorship of the land ( Field, p. 167 ). In Bengal too, by the law of *might is right*, the Contractor of the Revenue, backed by the East India Company, usurped the proprietorship of the land, which Lord Cornwallis, in his ignorance, if not something worse, took for granted, calling the Zemindars, the "actual Proprietors of land" and that under the cloak of the ancient law of the country. The case, as it stands to-day, is evidently a case between the giant and the dwarf, where all the justice is on the side of the dwarf, and all the might on the side of the giant. In such a case, a blow from the giant's club will, of course, silence all objection, by the irresistible logic of the sledge-hammer, or as our poet, D. L. Roy, has said, "*sera praman lathir gulo.*" Accordingly we find it laid down by the Bengal Tenancy Act, VIII of 1885, that "the landlord of a holding", meaning the Revenue-Contractor Zemindar, or Talukdar, may institute a suit to enhance the rent of the cultivating tenant, on the ground



that there has been a rise in the average local prices of staple food crops,"—Sec 30 (b). What follows from this? The interest of the Zemindar Revenue-Contractor, to whom the ruling power has "transferred its (supposed) rights," which really did not accrue, as we have shewn, till the corresponding duties were performed, is to make the 'prices of staple food-crops rise', in other words, to create famines. The Revenue-Contractor would not care, as the ruling power might, as the ruling power actually did in England, by making her corn-laws, at first "wholly directed towards lowering the prices of corn elastic, and adapted to the time and the season. (En. Brit.)," The Revenue-Contractor, on the other hand, would not care if the prices of food-crops in India rose so high, that it went beyond the limits of the purchasing power of the poorer class of cultivating tenants, their landless labourers, and the landless unemployed *Bhadraloks*, which means 90 per cent of the people. Even Akber felt it to be his duty, as the ruling power, to direct the *Cootwal* to "see that the

market prices are moderate" (Ayeen Akbery, p. 259). All ruling powers are expected to follow Akber's example, at least till her industries are fully developed. In England itself, for example, before her industrial development was completed, the Government, to prevent scarcity of food-grain, passed "Corn Laws" which at first "appear to have been wholly directed towards lowering the price of corn," for, it is said, "as long as the rent of land was paid in kind, the sovereign, the barons, and other landholders had little interest in the price of corn, different from that of other classes (En. Brit.—Corn laws). But for a mere Contractor of the Revenue, hereditary or not, demanding money-rent at a rate per acre or bigha, what does it matter for him, if the masses suffer from scarcity, or even perish from the direst famine. For example,—what did it matter for them, if in 1770 (that is, five years after the Government passed into the hands of the East India Company), there was a terrible famine, which "is officially reported to have swept away one-third of the inhabitants" of Bengal (E. B.) What would that matter to-day for a mere

Revenue- Contractor ? "Middlemen have in all countries been found pernicious" says Justice Field. Provided middlemen secure the honey of the season, they care not whether the bees live or die ( F. 619 ). When a Zemindar finds it to his interest to cause the prices of food-crops to rise, so that he can make it a legal ground for claiming an enhancement of the rents of the peasantry, he will leave no stone unturned to make the prices rise, though a third of the people of Bengal should perish from famine, as in 1770. Prices may be made to rise very easily either by taking care to see that the supply is reduced, the demand increasing or remaining constant, or that the demand in the market is increased, the supply remaining constant, or being reduced. The supply of food-grain in the market may be reduced by the middleman, without any detriment to his own interests, by denying that active supervision and protection to the cultivators' crops, "vrihyadinam rakshanena" from floods and droughts, &c, or the giving of "loans" to be repaid "at distance and convenient periods" (Ayeen Akbery), in return for which the so called rent rather more truly, *pali*

or *tribute*, is really due. Has not that been hitherto done systematically by the Zamindars of Bengal, by refusing to the husbandman the advantages of wells, or tanks, or other facilities for the irrigation of *rabi* or dry season crops, even going the length of refusing the husbandman the right of cutting down trees on the land he pays rent for, which by their shade render the land useless for cultivation, without *nazar*. The *riayat* is not even allowed to excavate tanks or wells at his own cost, for irrigation, jute-steeping, or even for drinking purposes, unless he pays a large sum as *abwab*, or illegal fee, called *Nazarana*. That protection of the crops, is also equally systematically refused by the Zeminders, and other middle-men-landlords, by not providing drainage-channels for the free escape of water, to prevent inundation, and destruction of crops by floods. Worst of all, wholesale destruction of crops over extensive tracts by flood, now take place almost every year in Bengal, owing to the blocking of the natural drainage by rail-roads, now in Burdwan, because of the E. I. R. roads, now in Rajshahi because of

the ~~R. N. R.~~<sup>E. B. R.</sup> roads, and now in Tipperah because of the A. B. R. roads, blocking the free escape of water. Almost every year the *Gumti* in Comilla causes a breach in the Gang-ail or so-called embankment, flooding the country around, and destroying the crops of the husbandmen to the value of several lakhs! The same is true about the Damodar floods in Burdwan. What does it matter for the revenue-contractor Zemindar, and (shall we ask?) for the salaried agents of the Government, who may all comfortably "snore the sickman dead," having transferred the rights of the ruling power, to the revenue-contractor, to middlemen, though that right does not really accrue until this protection from floods and droughts, has been given. Rather the destruction of the crops over wide areas is a blessing in disguise to the Zemindar, for it will reduce the supply of food-crops in the market, the demand remaining constant, or perhaps increasing, so as to cause "a rise in the prices of staple food-crops," to justify an enhancement of the husbandmans' rent, thus helping to fill the purses of our revenue-contractors.

The deterioration of cattle due to starvation, for want of the public pastures of old, which have been misappropriated, has reduced the working-power of the plough-cattle; and reduced production; thereby also helping to raise prices, justifying enhancement of rent. Who is responsible? Who but those avaricious agents of the ruling power, who transferred to the Zamindars, the right of the ruling power to demand from the cultivator, not a proportion of the actual produce, but a baseless right to demand money-rent from them, at a rate per acre or bigha, whether there was any produce or not, — a right which the ruling power himself never had. Is it not then the interest of the Zamindar Revenue-contractor as well as that of the salaried agents of the Ruling power, whose salaries vary directly as the amount of Revenue collected from the people's food-producers, that rents are enhanced, and for that end, the prices of food-grain rise as high as they can make it? What is it to them then if the price of food-grain at any time exceeds the limits of the purchasing power of the laboring masses? With the right hand they will raise rents, and

with the left, they will organise and help relief-operations, and get a knight-hood or a Raja-Bahadurship; in return! Again the price of food-grain may also be made to rise by artificially increasing the demand for food-grain, the supply remaining constant. This is easily done by pushing on foreign exportation, and encouraging competition between the half-fed half-clad masses of India, and the millionaire merchants and capitalists of foreign countries. It should be borne in mind that famines in India are never famines due to want of food-grains in India; rather all our famines are due to want of money in the hands of the masses, sufficient to buy food-grains at the market prices current. It is the common cant among our profiteering middlemen, and the parasitic consuming classes generally, to speak of famines in India as "acts of God," as due to *the Failure of crops*, for which no man is responsible. That is very very far from the truth indeed,—for even in the worst year, there is food in India every year, more than double or treble the quantity of food that her population require for consumption in a year. While England does not produce in any year

food-grain sufficient in quantity to support her population for three months of the year out of the twelve, and yet she never knows what a famine, or even a scarcity means. India, which produces even in her worst year double or treble the quantity of food-grain required by her people, is in the grip of perennial famine ! Surely the riddle ought to be solved. Our famines, he who runs may read, are really famines of money. Even granting, for the sake of argument, that the Indian famine is the effect of the failure of crops, who, we ask, is responsible under "the ancient law of the country," who, but the ruling power whose duty it is to supervise and protect the crops, "*vrihyadinam rakshanena*," or the revenue-contractors to whom that ruling power has transferred his rights, and with his rights, his duties ? As matters stand to-day, however, it is the interest of both the highly paid agents of the ruling power, as well as the Revenue-contractors, the Zamindars, that the prices of food-grain should rise, and the yield of the soil should be reduced, to secure rise in prices justifying enhancement of Rayats' rents. This however could not be the case, so long as the ruling



power or even their mushroom revenue-contractor Zamindars, received rent as a proportion of the actual produce of the soil, 'under the ancient law of the country'. Under the present arrangement, having no direct interest in the increase of production, the agents of the ruling power as well as the Zemindars, to effect their object, now set up an unjust and unholy competition, under the cry of an abnormal free trade, between, on the one hand, the foreign merchants whose purchasing power has no limit, and on the other, the poor Indian husbandman, or his ill-paid, and too often unemployed, landless laborours, or the unemployed land-less gentry, the last relics of the old yeomanry of the country, whose purchasing power, speaking comparatively, is almost *nil*. At the same time the rent-receivers deny that protection to the crops, *et cetera*, of the peasant, from flood, or drought, or theft, &c, which they were bound to give under the ancient law of the country. So long as England was an agricultural country, the Government passed corn-laws, either to import foreign corn so as to lower

prices, and prevent scarcity, or to export English corn to foreign countries, so as to make agriculture more profitable by raising the prices of corn. The people being their own masters, they freely regulated their own affairs, sanctioning "import of foreign grain, varying in quantity with the abundance or scarcity of the 'home-harvest,'" so as to make famines impossible. By the elasticity of their corn-laws, before their industries were fully developed, and by their provision about *poor rates*, and the grant of unemployment-pensions, and old-age-pensions, poor houses, and infirmaries, famines are not heard-of in the advanced countries of the world, like England. But in India, where the people are not yet their own masters, and live upon agriculture alone,—their indigenous industries being practically dead,—the want of that elasticity of our corn-laws, and the absence of those poor rates, pensions, unemployment and old age, famines are become perennial in India. Enhancement of rent, under the present law, varies directly as "the rise in the prices of staple food-crops", which varies directly in the proportion that floods,

droughts, disease, *Kalaazar* among men, and rinder-pest among cattle, thefts inducing waste of time and money by litigation, cattle-trespass due to the misappropriation by the Zamindars, with impunity of the public grazing grounds, are permitted to work havoc among the growing crops, and the gathered stock of grain, and the plough-cattle, and which also varies directly in the proportion that the millionaire foreign merchants, offering competitive prices, are allowed to buy up and export our food-grain to foreign countries beyond the sea, without restriction, allowing the prices to rise up by leaps and bounds, beyond the purchasing power of the people, which even the Ayeen Akbery would not allow (A. Y259), without leaving enough corn in the country that our poorer productive classes (which means 85 per cent of our people) with their small purchasing power, can avail of. Thus the failure of crops from such preventible causes as floods, and droughts, &c, and ill-regulated competitive prices, due to unrestricted foreign exportation, which spell death to the productive masses of India, are a blessing in disguise to the unproduc-

tive, parasitic few, to whom the ruling power has transferred by statute, not the time-honoured right of the ruling power to a proportion of the actual produce, as the ancient law of the country sanctions, but money-rent to be paid to the drones, at a rate per bigha or per acre, by the cultivating tenants, or the true "workers", whether there is any produce or not, which the "laws and constitution of India" (24 Geo III. cap 25. sec.39) do not sanction, and are a blessing in disguise to the Zamindars and Talukdars though, as we have shewn before, the right of the ruling power or of the Zamindar-contractor of the revenue, does not accrue unless and until the duty of protecting "paddy &c." from drought, flood, theft, &c, is efficiently discharged.

Famines then are as preventible in India as in England. Shall we say that they are artificially kept up, as affording legal grounds for the enhancement of the cultivators' rents? Deny that protection to the crops from floods, droughts, and theft, &c, for which the rent is to be paid, create in the country an unequal and unholy competition in prices, in the name of free trade,

between the millionaire capitalists of foreign countries, with unlimited purchasing power on the one hand, and the ill-paid, and too often unemployed landless labouring masses of India, who depend for their livelihood solely on farm-labour, and not on the Industries, as in England to-day (indigenous industries being practically *non est* in India to-day), and famines in India are bound to be perennial, affording very satisfactory grounds for our Nero-drones to fiddle, while our Rome burns, very good grounds for "the enhancement of the money-rent paid by the Raiyat". You can not prevent such artificially created and sustained famines, by doles of private charity, by our so-called 'famine-relief-operations', any more than you can fill with water a bucket that has no bottom to it. Only restore to the husbandman his old pastures, his right to receive loans of working capital from the ruling power without interest to be repaid at "distant and convenient periods" (Ayeen Akbery), and give him justice for which he has to pay neither court-fees, process fees, nor lawyers' fees, and give him that free protection from floods, droughts, thefts, &c., "*Vrihyedinam rakshanena*," to

which he has been justly entitled from time immemorial, in return for the *vali* or contribution of a fixed proportion of the produce, now miscalled *rent*, instead of tax 'under the law and constitution of India', find employment, on a living wage, as all civilized states do, for the unemployed landless agricultural labourer, or if you can not do so, give him unemployment and old-age-pension, impose poor rates, open poor-houses, and infirmaries, or nursing homes, like other civilized states,—confine the rise in the prices of staple food-crops due to an unequal and iniquitous foreign competition, within fair and equitable limits, by suitable corn-laws, at least till her indigenous industries (not those which are the results of foreign exploitation), are sufficiently well developed, within the limits of the purchasing power of the masses of the Indian people, and famines are bound to be as impossible in India to-day, as they are impossible in Great Britain, or any other civilized country of the world. As for our so-called famine-relief operations by doles of private charity, do all you can, famines are bound to recur, though in the end you turn our whole nation into a nation of beggars. Rather

take a lesson from the Ayeen Akbery. "His Majesty in return for the cares of royalty exacts an annual tribute of ten Seers of grain from every Beegha of cultivated land. Granaries are erected in different parts of the kingdom, from whence the cattle employed by the state, are provided with subsistence. They are also applied to the relief of indigent husbandmen, and in time of scarcity, the grain is sold at a low price, but the quantity is proportioned to the absolute necessities of the purchaser. Likewise throughout the empire a great quantity of food is dressed daily for the support of the poor and needy" ( P. 189 ). Was not this an ideal form of 'poor rate' adapted to our Indian conditions ? And we to-day send the begging bowl round in the name of the nation, every year, and to every body in the world, thereby stifling the flame of national self-respect, and yet never dream of taking the steps really necessary for eradicating famines altogether, by following in the foot-steps of the advanced countries of the world ! O What a fall have we here !

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## SECTION IX.

The right of the ruling power to receive *vali* or contribution, now called rent, and the corresponding duties of the ruling power.

What are the sources of revenue for the ruling power, sanctioned by "the ancient law of the country," or "by the laws and constitution of India." Manu thus enumerates the principal heads of royal revenue:—(1) *Vali*, (2) *Kara*, (3) *Sulka*, (4) *Pratibhaga*, and (5) *Danda*. • "The king who accepts *Vali*, &c. but does not protect the people, goes at once to hell" (Manu, VIII—307). The commentator *Kulluka* thus explains the meaning of these terms:— (1) *Vali*, or the sixth or other proportion of paddy; (2) *kara*, or the monthly collections made from the occupants of homestead in villages and towns; (3) *Sulka*, or the collection of customs-duty, varying in amount according to commodity, and realised from tradesmen who have no fixed

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• *Yo arakshan valimadatte karam sulkancha parthivah | pratibhagancha dandancha sa sadyo narakam vrajat*, 8-307.



abode, but move about by land or water ; (4) *Pratibhaga*, or the daily collections of presents of fruits, flowers, pot-herbs, or grasses; &c ; and (5) *danda*, or legal fines. The Mahabharata speaks of these sources of revenue as the salary of the king, due to him from the people on account of the services rendered by him. "By realising the *vali* of a sixth part, the customs duties, and legal fines, and similar lawful salary, should the king desire to acquire wealth". "The king having made his subjects pay their lawful taxes according to rule, is to devote all his energies, whenever necessary, to supplying their wants, and to helping them to lay by provisions for future use" (Santi Parva, 71-10, 11). The king is a king for upholding social order, and not for his personal gratification. *Mandhata* know that the king is the protector of the people" (Santi Parva). We are however here concerned with the *vali* or *dhanyadeh shadbhagadikam* ( Kulluka, VIII—307 ), or the "contribution of the sixth part of paddy, &c, paid by the peasantry from the produce of their lands." The contribution of *vali* to the king, in, perhaps, a more general sense, is as old as the Rigveda, probab-

ly including in those days, all kinds of contributions, paid to the king. "*Atho te indrah kevalir viso balihritas karat* (X-173-6). "May the Food-giver of the world (Indra) make the people thine and thine only, bringing their offerings to thee (*valihritah*)."<sup>1</sup> This is addressed to the king, after he has been told to "see that the whole population desire him for king," (the modern idea of the sovereignty of the nation in the embryo), that his kingdom may not slip from his hands". In the Satapatha Brahmana, the king, when he is crowned, is distinctly given to understand that the crown is given to him that he may develop agriculture,—"*krishyai tva iyam te rat*" (2-1-15). What we call Land-Revenue to-day, is spoken of as *vali*, and as a *danam*, or gift to the king,—by the law-giver *Gautama*. "The gift of *vali* to the king by the husbandman is a tenth, an eighth, or a sixth portion of the produce." "*Rajne validanam karshakair dasamam astamam shashtham va*" (Chap. X). Says *Manu*, "Through trustworthy agents, the king should cause to be collected from the kingdom, the annual *vali*, and in return therefor, the king is to stand

as a father to the people ; and to follow the injunctions of the *vedas* in all his dealings \* (Manu VII-80). Notice the word "aptaih" or trust-worthy agents, very different indeed from that unscrupulous rack-renting class of farmers of land-revenue, like the Zamindar or Ijaradar of to-day, "and his myrmidons." Even as late as the days of *Kalidasa* who probably flourished in the sixth century after Christ, and may have been a contemporary of *Makamad*, the *vali* is said to have been realised by the king "for the benefit of those subjects from whom it was realised, even as the sun sucks up moisture only to return a thousandfold" :— "*Prajanameva bhutyartham sa tebhyo valima-grahit sahasragunam utsrash-tum adatte hi rasam ravih.*" (Raghuvansa-I-18). Thus the idea that "the king is entitled to a fixed share of the produce of the land, because of his protecting paddy, &c, growing on the land", runs all along, without change or interruption from the earliest times, so that it should be clear

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\* *Samvatsarikam aptaischa rashtradaharayed valim | syachchamnayaparo loke varteta pitrivannrishu,*  
*Manu VII—80.*

to the reader that this *vali* allowed to the king is very different from the rent or "unearned increment" due from the English farmer to an English land-lord, for the use of land admittedly not the farmer's own, but the land lords',—that "limited class of proprietors who were all-powerful in the ( English ) Legislature, to regulate its measures with a view to their own interests above all others" (Field, P, 41). On the other hand, the king in India has always been styled the protector of the cultivating and cattle-keeping classes, "*vispatih pita* ( R. V. X-135-1 ) "*visampatih*," the protector of the *vaisyas* of later times, whose special duty, says the Gita, is cultivation, cattle-rearing, and trade—"krishigo-raksha-vanijyam vaisvakarma svabhavajam" (Gita, 18-44). The *vali* or contribution of a fixed proportion of the actual produce, much like the "*contribution fonciere*" or contribution from land, in France, was a contribution towards the cost, the king incurred, in performing certain well defined, and very onerous duties in regard to the agricultural land, on the due discharge of which by the king, "under the meteorological" if not "economic conditions"

of India, as Lord Curzon points out, "the success of agriculture in India," and the prevention of "dreadful and desolating famines" depend,— duties, for example, such as the counteracting of "the effects of climatic disaster" (Land Revenue Policy, P, 3, 4), duties which the ruling power must efficiently perform for the peasantry, until at least an up-to-date system of "co-operative association" for agricultural purposes, has been introduced among the peasantry of India, as in the United States of America, or in most of the advanced countries of Europe, if the Indian peasantry are to discharge the duty of food-production for the people, with efficiency. The unaided peasantry of India acting individually, 'each for himself', as they are doing now, and not 'each for all, and all for each,' as in the advanced countries of the world, can not be expected to discharge the most onerous duty of food-production for the people, on the efficient discharge of which, the very life of the entire population of India, depends.

What are those well-defined onerous duties? What are those specific duties which the ruling

power in ancient India, was bound to perform, in return for the right to receive the *vali* or *contribution fonciere* of a sixth or other part of the produce of the land? What particular duties are involved under the general name of "protection of paddy &c." ? That the king had to protect the crops from meteorological disasters like droughts and floods, by providing tanks, drainage channels, and embankments, is clear enough, from the expression "*vrikyadinam rakshanena*". The Mahabharat and the Ramayana are full of interesting half-mythical, half-historical stories about the performance of *yagnas*, or sacrifices by kings, for protection against prolonged droughts, indicating the solicitude of the kings of ancient India, for giving protection to the people from the effects of droughts, &c. The silted up old tanks and *dighis* which we meet with every-where in the country, which to-day through our neglect, are become the breeding grounds for the notorious malaria-breeding *anopheles* mosquito, are standing monuments of the careful performance of the duty of protecting crops from drought, by the kings of ancient India. Lord Cornwallis, on the other hand,

as the agent of a body of dividend-grabbing company of merchants, by whom Bengal, Behar, and Orissa were ostensibly "held in trust for His Majesty," who were eager to have the fish without wading to catch them, in his anxiety to be relieved of this duty of giving protection to the crops from drought, &c. in his ignorance, makes that duty itself a ground for his Permanent Settlement. "The circumstance of the country" said Lord Cornwallis "being occasionally liable to drought and inundation, which Mr. Shore adduces as an argument against a permanent assessment, appears to me strongly in favour of it" &c. (Field, P. 493). He would have the *vali* of the "proportion of the produce" without protecting the produce from "drought and inundation", on which alone the *vali* became due. He would enjoy the right, without performing its corresponding duty. "The cat would have the fish, but would not wade to catch them". Here in Comilla, for example, 'the city of tanks,' we have some of the finest *dighis*, the work of the forefathers of the present Raja of Hill Tipperah, now getting silted up, and likely very soon to become, if they have not already be-

come, the breeding-grounds of malaria. The ruling power to-day does not realise, that it is unjust to the people, that they should pay the *vali* or land-revenue, but not get the necessary water-supply. The ruling power rather goes to levy additional cesses—Road-cess, and Public-works cess, or enhanced municipal cess, and embankment-cess, for that purpose. Well may the Raja of Hill Tippera, who realises the *vali*, snore, if not do worse, as the sickening report too often assails our ears, never dreaming, that, as a return for that *vali*, he owes any duty to those that pay the *vali*.

Again no crop can be grown, and there can be no crop to protect, unless the husbandman has well-fed, healthy and strong plough-cattle. Under the present, "economic condition of India," as we all know, as well as Lord Curzon, that the artificial feeding of cattle by the half-fed husbandmen, with cakes and corn, bought from the market, is out of the question. Whether the peasantry in ancient India, were or were not as poor as now, the kings in Hindu times as well as in Mahomedan times had to protect the husbandman's cattle by



providing, free of charge, ample pasture-lands for them. We read in Manu:—"A belt of grazing-ground round each village, of a breadth measuring 100 bows or 400 cubits, or of a breadth equal to three throws of a stick (*samyapatak*), should be reserved on all sides, and three times that breadth round each town. There, if cattle injure any unenclosed paddy, the king shall not, in such cases, punish the cattle-keeper" ( Manu, VIII—237, 238). "Grazing grounds as desired by the people, or ordered by the king, shall be reserved between the homestead and the fields,—a breadth of 100 bows shall be thus reserved" says Yagnavalkya. (II. 169, 170). That the Mahomedan rulers also regarded themselves as bound in duty to supply grazing-grounds for the cattle, in return for the land-revenue they received, we learn from the Ayeen Akbery, which lays down that "for every plough there shall be allowed (i e "permitted to graze" free of charge ) four oxen, two cows, and one buffalo, from whom likewise no duty shall be taken for pasturage" ( Gladwin's translation, P. 265 ). The Ayeen Akbery was in force in this country, as we have shewn, even till 50 years before the British came into power

in 1765. \* We could personally testify from what we ourselves saw sixty years ago, that as a relic of the pasture-lands of old, every village we visited, had, around it, a wide belt of grazing ground for the village-cattle, which also served as the play-grounds for the village-boys, as good as the Maidan or the Eden Garden of Calcutta. How stand we to-day The very cattle-tracks have been narrowed down in our life-time, from twelve feet to a minimum breadth of two or three feet, so that the cattle starve, and are degenerating for want of both food, and a run for exercise, over an ample pasture. "There are also abundance of fine oxen in Bengal," testifies the Ayeen Akbery. Where on earth are they now ? "A cow," says the Ayeen Akbery, "gives from one to fifteen quarts ( = about 20 seers ) of milk". What has caused the shrinkage, and drying up of the cows' udders to-day ? And yet Lord Curzon knew very well that "under the meteorological and the economical conditions of India," it is impossible that the

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\* "The institutes of Akber" says Shore. "continued in use until the time of Bahadur Shah, ( 1707 to 1712 A. D. )" Appendix No 16 to Mr. Shore's Minute of 2nd April 1788 ( Field, P. 439 ).

half-fed, half-clad husbandmen of India should purchase cake and corn from the market for the artificial feeding of their cattle, that they may be kept in health, with their quality undeteriorated. We are sick of the hypocritical talk about cow-preservation, which is become the fashion to-day. Men who have their own axes to grind, but have not even the shadow of any direct interest in cow-keeping, in order to gain popularity and a more extensive legal practice, patronisingly indulge in hollow talk about the preservation of cows! Our educated classes, our men of light and leading, what do they care, if the village-cattle perish? Not a hair of their body would be lost! Our ambition to-day is to be a full-fledged rack-renting Zaminder, or a Shylock of a money-lender, or both: Zemindar and money-lender combined, or at least to be a well-see'd and well-fed lawyer! We sweat from morning till evening driving the quill in the service of others, for a fixed salary. With us to-day, a gentleman or *Bhadralok* means a parasite, a drone, a meer consumer, who yields to the country no return for the wealth of the nation he consumes, who wastes away the wealth that others produce by

the sweat of their brow, and never dreams of making the smallest addition to the wealth of the nation. What interest have we in cattle-feeding, or cow-keeping, or cow-preservation? The production of 'the wealth of the nation', for which other nationalities exploit oceans and seas, and rake the bowels of mother Earth, with every aid that wealth and science can give, we leave to rude "unlettered hinds", to people, whom we brand as *chhotaloks*, though they earn their livelihood more honestly and honourably than ourselves, or our "legalised free-booters." All we care for is to prevent the husbandmen's cattle from trespassing into our ornamental gardens, or our compounds, or from otherwise disturbing our peace. This is very easily secured by multiplying the pounds, where cattle may be impounded, and starved, and at last sold for a fourth of their real value, to the highest bidder. For the last half of a century, the misappropriation (criminal or not, let our lawyers settle, ) of the public grazing-grounds, which were reserved, from time immemorial, for the benefit of the voiceless eighty-five per cent of the people,—our food-producers,—has been carried

on systematically by rack-renting middlemen, sometimes perhaps in collusion with swindling individual cultivators, under the very nose of the highly-paid Revenue and Settlement Officers of the Government, without a voice of protest from any quarter ! It does not move the hearts of our patriotic Congress-leaders, who are themselves, but too often, the eggs of Zamindars and Talukdars in the hatchery.

This does not complete the list of duties that the ruling power in Hindu times had to perform, in order to be entitled to a "certain proportion of the produce," which Lord Cornwallis claimed, unconditionally, and independently of the discharge of any duty to the husbandman by the ruling power, under "the ancient law of the country." We also learn from the Appendix to Mr. Shore's Minute of the 2nd April 1788, that "in Akber's time and long after rents were paid in kind" (Field, P. 433), and not in money, as now. The ruling power had, in return for the privilege of receiving "a certain proportion of the produce" in kind, not only to protect the crops from droughts and floods, and from the ravages of wild animals, and other pests, but also from

thieves and robbers, free of cost. As regards any loss arising from these causes, all that the husbandman had to do was to bring the fact to the notice of the monarch or his agent. It was the duty of the monarch to compensate the husbandman for his loss. In the case of theft, for example, the monarch had to find the stolen crops or cattle, and restore the whole of it to the owner, free of cost; or if it could not be found, to make good the loss of the husbandman, by paying him the full value of the stolen property, from the royal treasury. Says the law-giver *Vishnu*:—"The property stolen by a thief has to be found, and the whole of it restored to every caste, or if not found, its full value is to be paid from the king's own treasury" \* ( 3-46 ). Says the law-giver *Gautama*, "What is stolen by a thief, should be recovered, and restored to its proper place; otherwise its equivalent should be supplied from the treasury" ( 10 ). † Says

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\* *chaurahritam dhanamavapy sarvameva sarva-varnebhyo dadyat*" ( 3-46 ).

† *chaurahritamupajitya yathasthanam gomayet Kosad va dadyat*" ( 10 ),

the law-giver Manu, "The king's duty is to give back to all the castes their stolen property", \* (8-40) Arjuna's one year's exile as a penalty for entering Yudhishtira's bed-room for his bow (*gandiva*), to recover therewith the stolen cattle of a man, robbed of his cattle, is well-known. It was the king's duty, in return for what the people paid him as *vali* or *kara*, to administer justice free of cost, and settle all disputes, either personally or by trust-worthy agents,—even settle complicated boundary disputes after careful local enquiry, and after sifting the three kinds of evidence,—“written, oral and actual possession.” † Says Manu :—“As the hunter traces the hiding-place of the hunted deer, so by the light of reasoning, does the king determine the 'path of right'” (8-44). And all that was to be done free of cost! Thus was justice, which may to-day be said to be sold to the highest bidder, equal justice was within reach

\* “*Datavyam sarvavarnebhyo rajna chaerair hritam dhanam* (8-40)

† “*Likhitam sakhina bhuktih pramanam tri-vidham sneritam*”

(*Vasishtha Sanhita XVI*)

of the poorest, equal justice to rich and poor alike, free of cost ! But to-day justice has to be paid for, —and paid for heavily too ! paid sometimes to the tune of a few thousands per day, to learned counsels, to be ultimately fleeced from the husbandman ! The ruling power to-day is not bound to recover, or compensate the husbandman for the loss of his crops or cattle by theft or robbery. On the contrary, the sufferer who brings cases of theft of crops or cattle to the notice of the authorities, is victimised in so many ways, that it is sickening to think or speak of. He often loses in bonuses, in stamp duties, and lawyer's fees, more than he loses by the theft, and too often the property stolen is not recovered, not at least in good condition. How different this from the old Hindu ideal of kingship ! Let the reader judge whether Lord Cornwallis's claim to "a proportion of the produce", without the performance of those duties, on the due performance of which that claim was justified, was a just claim.

For a more accurate knowledge of the rights and duties of Hindu kings, we refer the reader



to the provisions of the *Sanhitas* or Hindu laws, of which we place a short summary before him, for his information.

( 1 ) *Manu, VIII.*

“The king is to restore to all the castes their wealth removed by thieves” ( 40 ).

“The king himself or his agent should not create causes of action (*vivadam*) or disputes. Nor should he appropriate wealth due to others ( 43 ). Just as the hunter (*Mrigayuh*) traces the path of the hunted deer by the drops of blood fallen on the ground, so should the king trace the path of justice and equity by inference” from circumstantial evidence ( 44 )

“Increase due to accumulated interest shall not exceed twice the principal, if realised in one instalment. As for increase in paddy, fruits, and cattle, it shall not exceed five times the principal” ( 151 ).

“Anything extracted under compulsion, enjoyed under compulsion, or written under compulsion, and all that is the result of force, shall be taken as not done, says Manu” ( 168 ).

“He who does not return mortgaged property, and he who without mortgaging property

asks for its return, both should be punished like thieves" ( 191 ).

"Land should be reserved on all sides of a village, of a breadth of 100 bows" &c. for pasturage" ( 237, 238, 239 ).

"When a dispute arises as to the boundary of two villages, the king shall determine the boundary, in the month of jyaishtha, when all boundary-marks are clearly seen" ( 245 ), &c. to "If the boundary can not be determined by marks, the righteous king shall himself fix the boundary from a consideration of the greatest benefit to all the parties concerned" ( 265 ).

( 2 ) *Yagnavalkya, I*

"The king is to protect the people from the oppressions of his own flatterers, from thieves, from the wicked, and the violent, specially from the Patwaries or scribes (*kayasthaih* ). The sins that people commit when unprotected, one half of those sins, is the king's, who takes taxes from them." ( 336, 337 ).

II, "When there are no marks to indicate the boundaries, the king is to fix the boundaries", &c ( 156 &c ).

"Grazing grounds are to be fixed as desired

by the village community, or as ordered by the king. Between the fields and the village-sites, there shall be reserved a breadth of 100 bows, between the fields and large woody villages (*karkatasya*) two hundred bows, and between the fields and towns four hundred bows" ( 169, 170 ).

"When a person arrested on suspicion of theft, can not clear himself, the stolen property is to be restored to the owner, and the thief punished for theft" ( 272 ).

( 3 ) *Vishnu*

"Property stolen by a thief should be recovered, and the whole of it restored to all the castes. If not recovered, its value should be paid from the king's own treasury" ( III-45, 46).

"In all cases restore to the owner the value of the crop destroyed" ( V-145 ). The "king should punish the destroyer of boundaries as a first class criminal, and compel him to restore the boundary-marks" ( 167 ).

( 4 ) *Gautama*

"The gift of *vali* ( or "*contribution fonciere*" ) to the king by husbandmen is a tenth, an eighth, or a sixth, of the produce" ( Ch X ).

( 5 ) *Vasishtha*

“The king's minister is to do the work of the council. When two parties quarrel, he is not to be partial to any one of them. If he does so, the guilt falls on the throne. If he does not, there is no guilt. He is to mete out equal treatment to all parties, otherwise the guilt will be on the throne. The king is to represent the interest of minors, who can not act for themselves. Treat those who can act for themselves, as such” ( Chap XVI ).

Indeed the old Hindu ideal of kingship would seem to us to-day to be very strange. “A king even if he be a baby, is not to be neglected as being a mere man ; he is a great divinity appearing in the human form” \* ( 7-8 ). “*Na rajnam aghadoskosti*”,—“The king can do no wrong” is but a Hindu version of the old English ‘Divine right of kings’. On the other hand, the abuse of the royal power by the king is condemned in the strongest terms :—“The king who foolishly oppresses his own people, by not taking care of

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\* “*Valopi navamantavyo manushya iti bhumipah | Mahati devata hyesha nararupena tishthati || 7-8 ||*”

them, before long he is dethroned" † ( 7-III ). "The king who does not protect but forcibly extorts the sixth part of the produce, such a king is said to be the carrier of all the excreta of the world.\*" ( 8-308 ). The *Mahabharata* is still more out-spoken, and condemns such a king in somewhat intemperate language, like Milton justifying 'Regicide' :—"The king who does not protect, but who extorts contribution, who destroys the kingdom, who is not a leader of the people, such a king is an incarnation of evil, who should be thrown into fetters by the people without any mercy, and.....The king who having promised, saying "I will be your protector," does not protect, against such a king the people should combine, and treat him like a rabid dog, quite out of his senses" † ( *Anusashana*—96-34, 35. )

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† *Mohad raja svarashtram yah karshayaty anavekshaya |*  
*Sochirad bhrashyate rajya jjivitachch savandhavah*  
 ( 7-III )

\* *Arakshitaram rajanam valishadbhagaharinam |*  
*Tamahuh sarvalokasya samagramalaharakam ||*  
 ( 8 308 )

† *Arakshitaram hartaram viloptaram anayakam | tam*  
*vai rajakalim..... prajah sannakhya nirghrinam ||*  
*Aham vo rakshitetyukta yo na rakshati bhumi-pah | sa*  
*samhatya ..... sveva sonmada aturah || ( Anusashana*  
 96-34, 35 )

## SECTION X.

### **The Mahomedan ideal of the rights and duties of the ruling power receiving *vall* or contribution.**

It seems that our Mahomedan Emperors, as a rule, observed the old Hindu laws with or without modification, as they suited their purposes or their times, without caring to promulgate new laws. Akber alone tried by his Ayeen Akbery to codify the Mahomedan law regarding land-occupation, and the rights and duties of the ruling power receiving, and of the husbandman, paying the land-tax, called *vali*. It should be borne in mind, as it appears from the translator's preface to the Ayeen Akbery, that the Governor General himself in his forwarding minute of the 2nd June, 1783, i. e., eighteen years after the Company obtained the Dewani, thus described the Ayeen Akbery :—"It comprehends the original constitution of the Mogul Empire." The Governor General who spoke of the Ayeen Akbery in these terms, could be no other than Warren Hastings himself, who spent in India thirty-five years of his life (1750 to 1785), so

that his opinion should be accepted without question. There could be no doubt that when the British Statute of 1787, 24 Geo III, cap 25, in its section 39, bound down the Court of Directors' in their legislation to "the laws and constitution of India," it referred to the Ayeen Akbery in particular.

The first and most remarkable point about "the original constitution of the Mogal Empire" as presented by the Ayeen Akbery, is, that when a Mogal Emperor, like Akber himself, claimed a contribution from the husbandmen, he claimed it, not on the ground that any confiscation of the husbandmen's land had taken place, when the Mahomedans conquered India, as in England, after the Norman Conquest, not on the ground that the land in India was ever a *terra regis*, but only as a "return for the cares of roylty" ( : 89 ). We have shewn that under the Hindu law—"the man who first breaks the fallow is the owner"—"*sthanuchedasya kedaram*," that "men are seen to be the owners of their lands"—"*kshetranam isitaro manushya drisyante*" (*Mimansa Darshanam*, 6-7-3) ; "the land is not the property of the king"—"*na rajno bhurdhanau*" (*Taittiriya Brahmana Bhashya*)

The Ayeen Akbery simply follows in the footsteps of the Hindu kings, by recording under the head of 'tributes and taxes', the husbandman's contribution of a portion of the actual produce of the land to the monarch. Thus we read in the section headed "Of tribute and taxes" (P. 238):— "In former times, the monarchs of Hindustan exacted the sixth of the produce of lands." How different this from "rent" in the sense of "unearned increment", now attempted to be thrust upon the Indian peasantry, after the example of England, where, says Justice Field:— "From the peculiar course of progress in England, the absolute ownership of the land, was, from the close of the seventeenth century, in the hands, not of the cultivators ( as under both the Hindu and the Mahomedan Governments in India, D. D. ), but of a limited class of proprietors ( who had no existence in India, D. D. ), who were all-powerful in the Legislature ( of England ) to regulate its measures with a view to their own interests above all others, there has been evolved a theory of Rent, \* not at all applicable to other countries" ( P. 41 ). Where-

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\* "The basis of this theory is the application of Capital to Land. It postulates the remuneration of the cultivator at no higher rate



ever the English nation", says Field, "has extended its sovereignty, it has directly or indirectly endeavoured to introduce its own system of land-holding (with subinfeudation without the safeguard of the Statute of Quia Emptores, which, we should think, is something infinitely worse than the English system. D. D. ), and apply this ( most mischievous, D. D.) theory of rent to other and different conditions of rural economy" ( 45 ).

This thrusting of the English theory of 'rent' on the Indian peasantry, is most galling, because it is attempted to be done under a false colour, in the name of "the ancient law of the country" which the reader should see, really lends no colour to it. For example, even Lord Curzon in his Resolution of the 16th January, 1902, on the Land Revenue Policy of the Indian Government, appeals to "the ancient law" of the country, for his authority, saying :—"By the ancient law of the country, to quote the opening words of

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than the bare wages of unskilled labour. The Capital employed must yield the ordinary rate of profit, not less than the average rate of profit derived from capital employed in other investments. The labourers who do the work of cultivation are paid the ordinary rate of wages ; that too often means the barest sustenance. All the profit which the land yields, after discharging those two items ( interest and wages ), is Rent" ( Field P. 42 ).

Regulation XIX of 1793, by which the Permanent Settlement was created in Bengal, the ruling power is entitled to a certain proportion of the produce of every acre of land, unless it has transferred or limited its rights thereto." Their Lordships, from Lord Cornwallis in 1793 to Lord Curzon in 1902, rest the claim of the Indian Government, to a share "of the produce of every acre of land," on "the ancient law of the country". Yet they do not cite, nor have they any time to discuss, what that "ancient law" was. They do not wish to recognise the unpleasant fact, so patent to all, that under the ancient law of the country, Hindu as well as Mahomedan, there was in India no rent in the sense of unearned increment, but only in the sense of a contribution for services rendered, or as the Ayeen Akbery puts it, "in return for the cares of royalty" (189). Could it be true, that what their Lordships did, they did under the cloak of the ancient law of the country, only as a sop to the Cerberus of the British Statute, passed in 1784— 24 Geo III, cap. 25, the 39th section of which required the Court of Directors to give orders "for settling and establishing

upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which tributes, rents, services of the Rajas, Zemindars, polygars, Talukdars, and other native landholders should be rendered and paid to the United Company" ( Field P. 487 ) ?

"Mahomedan law" quotes Justice Field from the Report of the Bengal Rent commission in 1879,— "recognized only two persons as having an interest in the soil, namely, the Government and the cultivator. The raiyats cultivated the land, and paid *kheraj* to Government. This *kheraj* was a share, a proportion of the produce, which was paid either in kind or in the money which represented its commuted value, which the Government itself fixed. .... If it be asked is *kheraj* rent, or does it include rent ? The answer must be in the negative, if by the term 'rent' is meant rent according to either of the theories of rent propounded by European Political Economists, \* ( which hold good,

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\* ( 1 ) Ricardo's theory that 'rent is what land yields in excess of the ordinary profit of stock, and ( 2 ) the theory of the modern school that "rent is the excess of profit after the repayment of the whole cost of production beyond the legitimate profit which belongs to the tenant as a manufacturer of agricultural produce."

not in India, but only where 'capitalist farmers' exist, as in England D. D. ) It was no part of the Mahomedan system that any person should stand between the Government and the actual cultivators, and intercept a portion of the *kheraj* paid by the latter" ( Field P. 798 ). The reader sees that there was no room here for the present "subinfeudation of rights in land.". The Mahomedan ideal of the mutual rights and duties of the ruling power is seen clearly reflected in the pages of the Ayeen Akbery. :—

( 1 ) The instructions issued by His Majesty to the Collector of the Revenues—called the Amilguzzar, and to the Collector of information, called the Tepukchy, are highly interesting and edifying, as throwing considerable light on the subject.

"He ( the Amilguzzar or Collector of the Revenues ) must consider himself the immediate friend of the husbandman, be diligent in business, and a strict observer of truth, being the representative of the chief magistrate. He must transact his business in a place where every one may find easy access, without requiring any mediator." Does not this, we ask,

exclude, what we have to-day :— ( 1 ) Official secrecy, ( 2 ) the sharkish gangs of lawyers from the “learned counsels” to the meanest touts, who throng our courts of to-day, to devour the substances of our food-producing husbandmen, and ( 3 ) court-fees, process fees, stamps, and other paraphernalia of our lawless law-courts ? “He shall annually assist the husbandman with loans of money.” “He must assist the needy husbandman with loans of money and receive payment at distant and convenient periods.” ? Does not this practically exclude those blood-hounds called Mahajans, some of whom combine in themselves the functions of money-lender, and Zemindar or Talukdar, thirsting after the husbandman’s pound of flesh, in the form of interest at the rate of 75 or even at times 150 per cent per annum. “Let him ( the Collector-Magistrate ) learn the character of every husbandman, and be the immediate protector of that class of our subjects.” Notice this ‘immediate friendship,’ this ‘immediate protectorship’ of the Collector and Magistrate, which presents a striking contrast to the existing state of the relation between

those officers and the husbandmen. To-day, if the Government proposes to do a bare act of justice to the husbandman, for example, to authorise a husbandman to excavate a tank on his own land for drinking purposes, without paying *Nazar*, which might go to curtail the illegal profits of the Zemindar, the doleful cry is heard, "With all these curtailments, the Zemindar can not live"! The Government in such cases, suffers itself to be accused of "thrusting the assassins' dagger." "Let him ( the Collector-Magistrate ) not be covetous of receiving money only, but likewise take grain". i. e. "dividing the produce" by kunkoot, Butteey, & c, ( = appraisal ). Whenever it will not be oppressive to the subject, let the value of the grain be taken in ready money at the market price." Notice, the demand in all cases is for a share of the "grain" actually produced, and not at a rate per Bigha in grain or money, whether there is any produce or not, like to-day. "In every instance he must endeavour to act to the satisfaction of the husbandman." "If after sending the Nesukh or estimate of assets of

revenue.”, says the Ayeen Akbery, “any calamity befalls the crops, Aumil shall immediately investigate the circumstances, make an exact calculation of the loss, and transmit the same to the presence, in order that it may either be approved of, or an Aumeen sent to make further enquiry.” In the light of this fact, were not, we ask, the terms of Lord Cornwallis’s Proclamation of the Decennial Settlement of 1793, which ran thus :—“He ( the Governor General ) accordingly notifies to them ( i. e. the Zemindar-contractors of the revenue ), that in future no claims or applications for suspensions or remissions on account of drought, inundation, or other calamity of season, will be attended to” ( Field, P. 515 ),—a demand which the East India Company enforced against the Zamindar-contractor, and the Zamindar-contractor enforced, and enforce to the letter, to this day, clearly against “the laws and constitution of India,” and therefore clearly *ultra vires*, under 24 Geo III, cap 25, Sect 39, the ruling power signifying its approval by silence. Again proceeds the Ayeen Akbery :—“If any one does not cultivate

*kherajee* ( i. e. revenue-paying ) land, but keeps it for pasturage, let there be taken yearly, from a buffalo 6 Dams, and from an ox 3 Dams, but calves shall be permitted to graze without paying any duty" ( 1 Dam = one fortieth or  $\frac{1}{40}$  of a Rupee, or  $1\frac{1}{2}$  pice ). Is not this conclusive proof that even the Mogul emperors did not violate the old Hindu law of "*sthanuchedasya kedaram*,"—the arable soil is the property of the man who first reclaimed it, that the Mogul Emperors recognised the peasantry as the proprietors of their lands, and free to cultivate or leave them fallow as they pleased, without being liable to pay the usual revenue ( *kheraj* ), when left fallow ? Add to this that the Ayeen Akbery says :—"For every plough there shall be allowed four oxen, two cows, and one buffalo ; from whom likewise no duty shall be taken for pasturage". Evidently the Mogul Emperors also recognised the old Hindu principle, however modified, that the ruling power was bound to provide free pasturage, "*Dhanuhsatam*" & c, for the husbandman's plough-cattle ( *Maun*, 8-237, 238, 239, and *yagnavalkya* 2-169, 170 ). Again says the Ayeen Akbery "the charges attending travelling,



feasting, or mourning,"—or what goes to-day under the name of *Barbadari*, and is often exacted from the husbandman, "shall not furnish pretences for exactions". While the "Report of the Committee (recently) appointed to consider the Amendment of the Bengal Tenancy Act, 1885, proposes to legalise Nazar or Salami saying :— "The transferer shall tender payment to the land-lord (revenue-contractor) of a fee which shall amount to 25 per cent of the consideration money," the Ayeen Akbery says :— "Neither is he permitted to receive Salamis of any kind" (Ayeen Akbery P. 261 to 265). Lastly the instructions to the Tepukchy or officer in charge of official information are as follows :— "Whenever a husbandman comes to settle his account, let it be done immediately." The Ayeen Akbery would not tolerate that ruinous dancing of attendance, without compensation, on the part of the husbandman, in his working season, and out of it, before the court-officers, and the Myrmidons of the Zamindars, and the Settlement officers,— a sight so sickening, and yet so common in our days. "If any place has been attacked and plundered, let a calculation be

made of the loss sustained in cattle and effects, which is to be entered in the journal, and the circumstances represented to the presence". (A. A, p. 268). The reader sees that the spirit, if not the letter, of the old Hindu laws, for the protection of the husbandman and his crops, runs unchanged through Mahomedan times.

Now for the administration of equal justice, free of cost, for rich and poor alike, which we found enforced under Hindu rule \* "*Rajamantri sadah karyani kuryad samah sarveshu bhuteshu*" ( *Vasishtha* —XVI ), "The king's minister shall do the work of the council (*sadah*), and be equally just to all'. How did it stand under Mahomedan rule? Let us in this connection first bear in mind the memorable words of the

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\* See *Mann*, VIII—40, 43, 44, 49, 151, 168, 170, 186, 187, 191, 199, 203, 230, 231, 238, 245, 250, 265, 304, 319.

*Vishnu*,—III—46. V—79, 145, 167.

*Yagnavalkya* — I—336, 337 ; II—153, 154, 155, 156, 157, 158, 161, 162, 163, 169, 170, 171, 172, 173, 174, 175, 271, 272, 273.

*Gautama* X.

*Vasishtha* XVI.

great leader of the "common-wealth of Islam," Caliph Omar, describing in glowing words, the lofty ideal of Islam, with which he began his own rule :—"By Allah, he that is weakest among you, shall be in my sight, the strongest, until I have vindicated for him his rights ; but him that is strongest, will I treat as the weakest, until he complies with the law." ( En. Brit. Caliphate). True, Omar's golden ideal is too good to be always realised in practice, and among our Mahomedan rulers there were good, bad, very bad, and indiffent ones. But we are here discussing laws and ideals. The Ayeen Akbery, which, no less an authority than Warren Hastings himself as "Governor General, "ventured to recommend to the patronage of the Board" in 1783, describing it as "comprehending the original constitution of the Mogul Empire," which, said Mr. Shore, in his famous Minute of the 2nd April, 1788, was "in use until the time of Bahadurshah ( 1707 to 1712 )." i. e., until fifty years before the Adminstration of our country practically passed into the hands of the East India Company, —the Ayeen Akbery presents before us the standard held before the

eyes of our Mahomedan rulers, as regards the administration of justice, free of cost, so as to make it equally accessible to rich and poor alike. We read in the Ayeen Akbery :—"Although it be the immediate duty of a monarch to receive complaints and administer justice ( evidently no court-fees or stamps were charged, so as to make the administration of justice a source of Government revenue D. D. ), yet seeing that it is not possible for one person to do every thing, it necessarily follows that he must delegate his power to another. This delegate must not be satisfied with witnesses and oaths ( like the judges, high and low, of the Civil Court to-day, and too often also of the Criminal Courts. D. D. ), but make diligent investigation. Divesting himself of partiality and avarice, let him distinguish the oppressed from the oppressor ; and when he has discovered the truth, act accordingly. He must examine each witness ( without the aid of lawyers charging fees often at fabulous rates. D. D. ) separately upon the same point, and write down their respective evidences. The Cazy tries the cause ; and the person who passes sentence, and orders punishment is called

the Meer Abdul" ( P. 258 ). "To receive complaints" was then admittedly "the immediate duty of a monarch." To make the filing of complaints and the settlement of disputes a source of revenue, by enforcing the payment of court-fees and stamp-duties, which means selling justice, by making it accessible to the rich, and inaccessible to the poor, was out of the question. The husbandman, beyond paying the royal share of the produce either in kind, or if he chose, in its equivalent of money, had not to incur any expense of litigation, whether as court-fees or as lawyer's fees. That indeed was the most effective way of bringing equal justice within the reach of the poorest, whenever any cause of action had arisen, between the rich and the poor. Compare with this the Hindu ideal as described in the Vasishtha Sanhita. "The king's minister shall perform the duties of the council. When two persons quarrel, he should not be partial to either. The guilt of partiality falls on the throne. If impartial, there is no guilt. He should mete out equal treatment to all creatures." \*

\* *Rajamantri sadah karyani kuryad dvayorvivadamana-  
yoratra pakshantaram na gachchet, yathasanamapa-  
radho hyante neparadhah. samah sarveshu bhuteshu*  
( XVI );

The monarch also took steps to nip in the bud disputes and causes of complaint. The Mahomedan rulers appointed the "Cootwal", who, says the Ayeen Akbery, "must be particularly attentive to the nightly patrols, that from a confidence in his vigilance, the inhabitants of the city may sleep at ease, and every attempt of the wicked be prevented, or frustrated. .... He shall cause the inhabitants to enter into engagements to aid and assist, and to be partakers in the joy and sorrow of each other." , Might we not then to-day take a lesson in Co-operative Association, from our Mahomedan rulers? Was not this the first attempt to sow in this country the seeds of a true Co-operation Association, helped, but not controlled by the ruling power, which, if allowed to grow without impediment, might to-day, have covered the country with a net-work of Co-operative Societies, which might have worked wonders, as it has done in all the advanced countries of the world to-day. Says the Ayeen Akbery "He ( the Kotwal ) must carefully attend to the income and expenses of every man. .... The idle he shall oblige to learn

some art." Was not this the best way to deal with the problem of unemployment? Was not this the surest way to eradicate famine? "He shall not permit any one forcibly to enter the house of another." Would not that forestall all cases of criminal trespass, and prevent the expenses of litigation,—no doubt causing a fall in the Stamp-Revenue, and the fabulous income of our lawyer patriots? "He shall discover the thief and the stolen goods, or be himself answerable for the loss." This is the form which the old Hindu law, "*Chaurahritam dhanamavapya sarvameva sarvavarnebhyo dadyat, anavapya cha svakoshadeva dadyat*" had taken under the Mahomedan rulers. The ruling power receiving the *vali* or *contribution fonciere* was, if necessary, to compensate the husbandman for his loss by theft. How does the law stand to-day, as regards loss by theft? We leave that question for the reader to answer from his own experiences, and those of his neighbours. "He (the Kotwal) shall see that the market prices are moderate." This was like what led to the framing of the Corn-Laws in England. "The frequency of local dearths, and the diversity and fluctuation of prices, were extreme. It was out of

this general situation that the first Corn-laws arose, and they appear to have been wholly directed towards lowering the price of corn" ( En. Brit. ). Nothing could be more effective towards famine-prevention, than keeping the prices of food-crops within the limits of the purchasing power of even the poorest. "Neither shall he allow the rich to buy more than is necessary for their own consumption." Contrast this with the practice of to-day, of allowing the millionaires of foreign countries through their agents, in the name of free trade, to bid for, and buy up, and corner, or export to foreign countries, whatever quantity of food-grain they want, causing the prices of food-grain to go up far beyond the purchasing power of the masses of our people, causing wide-spread and desolating famines! At the same time, it gives a handful of Revenue-contractors, Zemindars and Talukdars, who now have no direct interest in the success of agriculture, a legal ground for claiming enhancement of rent from the husbandmen, who form eighty-five per cent of the population. Again says the Ayeen Akbery, "He ( the Kotwal ) shall prohibit the making, selling, and buying of spirituous



liquors ; but need not take pains to discover what men do in secret." Let the reader compare with this, the Excise Policy of to-day, which is pursued more with the object of causing an increase of the revenue, than that of making the people more temperate, and is based on the paradoxical plea of "securing a maximum of revenue with a minimum of consumption." Lastly "He ( the Kotwal ) must not allow private people to confine the person of any one, nor admit of people being sold for slaves. He shall not allow a woman to be burnt contrary to her inclination" ( P. 258 to 260 ).

We showed before, from the Hindu law-givers Manu, Yagnavalkya, Vishnu, Gautama, and Vasishtha, the duties, the Hindu kings owed to the people, in return for the *vali* or contribution, now miscalled rent, after the analogy of the *terra regis* of Norman England. We now show from the Ayeen Akbery, which, on the testimony of Warren Hastings himself, "comprehends the original constitution of the Mogul Empire", what duties the Mogul Emperors knew that they owed to the people in return for the "proportion of the produce of every acre of

land" they were "entitled" to receive, which the East India Company also claimed. Thus we have before us a correct account of the duties of the ruling power "from the earliest times until the present" ( Regulation I of 1793 ) "by the ancient law of the country" ( Regulation XIX of 1793 ), on which Lord Cornwallis professed to take his stand, on which he was really bound in duty to take his stand, under the British Statute, passed in 1784, 24 Geo III, cap. 25, Section 39, which required the Court of Directors to give orders "for settling and establishing upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which the tributes, rents, and services of the Rajas, Zemindars, and other native land-holders should be, in future, rendered, and paid to the United Company." In obedience to these provisions," says Field, "orders were transmitted to the Government for the establishment of permanent rules for the settlement and collection of the revenue, and the administration of justice, founded on the ancient laws and local usages of the country" ( P. 487 ). How were the orders of the British

Crown, and of the Court of Directors carried out by the Government of India? Acting under the cloak of the mere name of the "established usage and custom," of "the Mahammadan or the Hindu laws," or "the ancient law of the country", & c., without its substance, Lord Cornwallis really threw overboard the Hindu laws, given in our Sanhitas, as well as "the original constitution of the Mogul Empire", given in the Ayeen Akbery, and therefore also necessarily the provisions of 24. Geo. III, cap 25, Section 39, as also the orders of the Court of Directors "for the settlement and collection of the revenue and the administration of justice" according to "the ancient laws and local usages of the country," when he dubbed his creature, the Zemindar-Contractor, whom the Ayeen Akbery calls "a Collector of the royal or jageer lands" ( i. e. the Crown lands ), as "the actual proprietor of land," repeating that expression more than a dozen times in that small Regulation I of 1793. as though believing that mere repetition, would serve for evidence and produce conviction in the mind of those beyond the seas, to whom he was

responsible, and who could have no direct knowledge about our people. We leave the reader to judge whether His Lordship's action was not *ultra vires*. If he had faithfully carried out the provisions of the British statute, and the orders passed under it by the Court of Directors, he would have followed the provisions of the Ayeen Akbery as regards the State demand, which lays down that "one-third part of the medium produce of one Beegah of *poolej* land ( that is Dofasli, or land always cropped ), is the revenue settled by His Majesty" (P. 244). Note the word *revenue* used here for the old Hindu *vali* or contribution, and not *rent* in the English sense of "unearned increment", due in England to the successors in interest of the barons of William the Conqueror, who, after the battle of Hastings, declared himself, "as the supreme owner of the land," thus confiscating the land of the people, to reward his "Norman followers" therewith. Here in Bengal there was no battle, then no confiscation, so that the word *rent*, in the English sense, is palpably a misnomer. "The revenue settled" being a fixed proportion of the actual produce, there could be no 'revenue'

due, when there was no 'produce', and the 'revenue' would rise or fall, as the actual 'produce' rose or fell, with the harvest of the season, under "the laws and constitution" of the country. Lord Cornwallis thus threw overboard even the orders of his own superiors, when he enforced payment of rent in money at a rate per Bigha or per acre, even though the land should produce not a blade of grass. This then was a type of His Lordship's "administration of justice"! Again so long as the revenue settled remains a proportion of the actual produce varying from season to season, or from year to year, there can be no room for any middlemen, like our Zemindars or Talukdars. Justice Field therefore says, with great truth, that the "Mahomedan law recognised only two persons as having an interest in the soil, namely the Government and the cultivator" ( P. 768 ). By substituting money-rent irrespective of the actual produce of the season, Lord Cornwallis also set the ball of English subinfeudation rolling in India, without the benefit of the Statute of Quia Emptores, to check its fatal course, and we have in consequence

to day an endless "chain of persons interested in the land both as rent-receivers and rent-payers", and an endless chain of these unproductive parasites, between the husbandman at one end, and "His Majesty" at the other, all sucking the life-blood of our poor food-producing husbandmen. In the Ayeen Akbery we read :— "The husbandman has his choice to pay in ready money, or by kunkoot" ( = appraisal, 251 ). We read :— "Whenever it will not be oppressive to the subject, let the value of the grain be taken in ready money at the market price" ( 263 ). In return for this share of the produce, which the Mahomedan rulers received, not as 'rent' but as "tribute and taxes" (P. 238), or as "revenue", from the husbandmen, they also undertook to administer justice by settling all disputes, civil as well as criminal, free of cost, thereby making justice equally accessible to rich and poor alike. But Lord Cornwallis who came out to India as Governor General in 1789, had no previous knowledge about India. It was therefore clearly his duty to have given its full weight, to the opinion of his immediate predecessor, Mr. Macpherson, who acted as

Governor General from the retirement of Warren Hastings in 1785, —on “the ancient revenue system” of india, before thrusting upon the people of Bengal his English theory of rent, and English land-lordism, together with “the system of land-law which grew up in England under the peculiar circumstances of an exceptional progress” ( Field, P. 819 ). Wrote Mr. Macpherson :—“Nothing was more complete, more simple, correct, and systematic than the ancient revenue system of this country. It was formed so as to protect the people who paid it, from oppression, and secure to the Sovereign his full and legal rights. We have reason to suppose that the Mahomedans ( while they “continued the original system” ) improved it, by adopting some of the ancient Persian and Arabian revenue regulations” ( Field, P. 443-4 ).

While under the Mahomedan rule, as under the Hindu, it was recognised to “be the immediate duty of a monarch to receive complaints, and administer justice’ ( P. 258 ), free of charge, fully weighing the three kinds of evidence “written, oral, and actual possession”—‘*likhitam*

*sakshino bhuktih pramanam trividham smritam*<sup>1</sup>, *Vasishtha Sanhita, XVI*), how stand our husbandmen to-day, as regards the settlement of disputes, and the administration of equal justice to rich and poor alike ? From the filing of a complaint to the execution of a decree, every step in the settlement of disputes, whether Civil or Criminal, has to be paid-for. Whether in the form of fabulous sums paid as lawyer's fees, or as court and process-fees and stamps, every step has to be paid-for, directly or indirectly, by our food-producing husbandmen, at a rate quite beyond their power of endurance. Indeed disputes among the peasantry are the staple food-crop for the so-called educated classes, whether as Court Officers, or as practising lawyers, who pose as patriots, and one cannot but ask in surprise, whether there is a secret conspiracy between the Court Officers and our lawyer-patriots, to ply the saw between them, with the Officers at the top holding one end of the saw, the lawyer at the bottom holding the other, to effect the ruin of the peasantry. To condemn it however is to condemn ourselves, and we leave that unpleasant duty alone. We also leave



alone the bribery and corruption, open and secret, that dogs the steps of every suitor in a court of law, Civil or Criminal. We will only notice what we find in the Report on the Administration of Bengal for 1919-20. We find there that out of a total revenue ( Imperial and Provincial together ) of thirty-three million Rupees, the Revenue from the sale of Court-fees, and stamps ( Imperial and Provincial together ), comes up to three hundred (million) fifty-eight thousand Rupees. Add to this another sum of not less than the same amount, for which, no returns are available, which goes to fill the purses of the gangs of practising lawyers of all grades, who freely rove about the courts for booty, and whom, one of their own leaders speaks of, as "legalised free-booters" Every pice of this seven hundred millions, if traced to its source comes from the peasantry. The peasantry pay another three hundred millions as land-revenue for the very land that has belonged to them from time immemorial, for which he can claim no return. In all probability, they pay another three hundred millions as the profits of the unproductive

revenue-contractors, in all their endless grades, the Zémindars and Talukdars. Lastly, while under the constitution of the Mogul Empire, the ruling power "assisted the needy husbandman with loans of money, receiving payment at distant and convenient periods" ( P. 261 ), the husbandman to-day has to pay the village-Shylocks their pounds of flesh, probably as another three hundred millions. And shall we add that, while under both the Hindu and the Mahomedan rulers, it was "the immediate duty of a monarch" to "administer justice" free of cost, the husbandman to-day has to maintain gangs of lawyers in every town, and in every subdivision, probably paying another three hundred millions. What have we here ? The class of people whose income is far below the assessable minimum in England ( i. e. £s 160 per annum ). pay annually, directly or indirectly, not less than twelve hundred millions, for the maintenance of the unproductive classes, and support, like Atlas of old, the Indian world, on his own famished shrunken shoulders ! Our body politique is thus obviously an inverted cone, and bound to topple over some day ! Our

indigenous industries are practically dead. Our indigenous commerce is as good as *non est*. The husbandman may to-day be said to be the only producer of the wealth of our nation, one who, in his own feeble way, toils "from morn to noon, and from noon to dewy eve" without the aid of either wealth, or science, to produce wealth, like a father for his child, to feed our nation, by converting, with ceaseless toil, the valueless inorganic constituents of the soil and air, into invaluable food for us all ! And what is their reward at our hands ? What but the reward that king Lear received at the hands of his ungrateful daughters ! Death from Starvation and mal-nutrition ! Our food-producing peasantry are to-day the victims of perennial famine and pestilence ! Well may Our Fatherland exclaim in the words of king Lear :—

"Ingratitude ! thou marble-hearted fiend,  
More hideous, when thou show'st thee in a child,  
Than the sea-monster."

The cultivating house-holder, represented by our husbandman of to-day, says Vasishta, is as a mother to the other classes of society — "*Yatha mataram asritya sarve jivanti jantavah.*" And Nemesis is bound to visit us some day, if he has

not already visited us, for the universal passion among us, to be Zemindars and Talukdars, squeezing from the Rayats money-rents, illegal *salamis* and *mathats*, which the law comes afterwards shamelessly to declare legal, with forced unpaid labor (*Begar*). All this comes from Lord Cornwallis's reckless disregard of "the laws and constitution of India," of "the ancient laws and local usages of the country", in the very name of "the ancient law of the country." Himself an English Peer, perhaps a distant successor of those Norman barons, for whom William the Conqueror confiscated the lands of the English people, with a partiality natural to an English Peer, Lord Cornwallis thrust upon us the dead weight of the exploded feudalism of England, with her false theory of rent, and rack-renting landlords, though there never was any confiscation, or any *terra regis*, in India. Rather the then Sovereign of England, unlike William the Conqueror, bound down the East India Company, who ruled in trust, to "principles of moderation and justice, according to the laws and constitution of India," so that all that Lord Cornwallis did by way of Settlement, Decennial or

Permanent, was clearly *ultra vires*, and should be set aside, at least, as an emergency measure, for the reason, that it was a violation of the provisions of the British Statute, and even of the orders of the Court of Directors, —the time-honoured old law of "*sthanuchdasya kedaram*" being now restored.

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## SECTION XI.

### The Amendment of the Bengal Tenancy Act.

#### ( 1 ) The Prevention of Famine

The healthy growth of a people in prosperity and happiness is greatly helped or greatly obstructed by its system of land-occupation. Comparing England with France in this respect, Justice Field remarks :—"In England the power of the nobles coalesced with that of the Crown, to destroy the rights of the peasantry, for the benefit of the nobles, who thus became absolute owners of the land. In France, on the

other hand, the Crown, seeking to diminish the power of the nobility, supported the cause of the peasantry. \* What has been the net result in England, of that systematic destruction of peasant-rights, for the benefit of the nobles, in the past? In one word "Land-bankruptcy"! The result has been:—"The cry as to land going out of cultivation, became loud and general" (En. Brit. )! Stock-breeding and milk-production have largely taken the place of cultivation of food-crops, or agriculture proper! England does not to-day produce food enough during the year, to last her people, for even three months of the year. Thanks to the vigilance of the English Administrators, and the adaptability and elasticity of her Corn-laws, that while India always producing, every year, more than three times the quantity of food

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\* "Mr. Morier," notes Field, comparing England, France, and Germany, says:—"Three great countries began their political life from a similar agricultural basis. In each of them the great conflict between *immunity* and *community*, between *demesne land* and *tenant land*, between the manor and the peasant, has had to be fought out. In England the manor won, the peasant lost. In France the peasant won, the manor lost. In Germany the game has been drawn, and the stakes have been divided" (Land-holding, P. 92).

required by her people during the year, is every year in the deadly grip of the direst famine. What with England's timely importation of food-grain from foreign countries, her development of manufactures to find employment for her unemployed, the grant of unemployment-pensions, of old-age-pensions, her Poor-houses, her Infirmaries, &c, death from starvation or neglect, is never heard-of in England to-day! Yet the English people are not slow to propose the remedy for the present Land-bankruptcy in England, —the remedy suggested being, as we shall see, "the gradual extinction of land-monopoly" by the nobles, and the re-creation of the old yeomanry or peasant-proprietors of England, of the "days of auld lang syne."

Now, what about India to-day,—about India, proud of her non-violence or *ahimsa*. Famine carries away its victims in thousands from years' end to years' end, and the Administrators, unlike those of England, unable, if not unwilling, to cope with the evil, merely look on, with folded hands, for fear of disturbing the so-called "existing rights." They forget that there are no rights without their corresponding duties, no "right

Divine of king's to govern wrong." They forget that famines are easily prevented, if only we have a mind to, if only we are prepared to take a lesson from any of the advanced countries of the world, England, or France, or the United States. A small act of justice done to those of our fellowmen who sweat to feed us; who are the first victims of famine, who receive neither unemployment pensions, nor old-age-pensions, and for whom we have no manufactories to provide berths for, when they happen to be without employment, we mean the land-less labourers, a small act of justice done to them, will make famines as impossible in India to-day, as they are impossible in England, or France, or in the United States. Every man from his very nativity has an innate right to the air he breathes, the water he drinks, or the sun-light he uses, *ceteris paribus*, he has an innate right to a small plot of land in his "Lord's" earth to live in, and to grow his food on; a right to own it *allodially* or without a superior, and not *feudally* under a superior, even as he owns allodially or without a superior, the air he breathes, the light he uses, or the water he



drinks. It is monstrous cruelty to deprive any man of any of these his innate rights.

The Bengal Tenancy Act is now on the anvil for amendment. The Government has invited public opinion on a Draft Bill drawn up by a Committee consisting of "officials and non-officials," i. e., a few salaried officers of Government anxious to maintain their high salaries intact, by screwing up the revenue from court-fees, a few of the Zemindars who at present have a monopoly of the land of Bengal, with a sprinkling of lawyers also vitally interested in the increase of litigation. The husbandman and the landless labourers who form 85 per cent of the people of Bengal, and who are the only persons who know from experience, where the shoe pinches, are unrepresented in the Committee. From such a Committee one could not expect that small act of justice, which if done, would render famine impossible. The Committee had a splendid opportunity for shewing their mettle. Have they proved themselves up to the mark? Let the public judge. "The main defect of the Bengal Tenancy Act" observe the Committee in their report, "is that it

does not provide adequately for the extraordinarily complicated state of agrarian relations, which has grown up owing to the widespread adoption both by landlords and by tenants, of the practice of sub-division and sub-infeudation of rights in the land.....There is no way of meeting it, which is not complicated, short of forbidding sub-infeudation and sub-division of tenures and holdings altogether, — a measure which it would be impracticable to enforce without wholesale disturbance of existing rights." Thus do they make the very seriousness of the evil, their ground for not doing anything to remove that evil !

**( 2 ) The "Complicated state of Agrarian relations" in Bengal.**

The Committee, in submitting the Draft Bill for the Amendment of the Bengal Tenancy Act, speak of the "extraordinarily complicated state of agrarian relations" in the country. Have they put to themselves the question whether such a "complicated state of agrarian relations" helps or obstructs the healthy growth and well-being

of a nation? Whether or not such a "complicated state of agrarian relations" does or does not obstruct food-production and breed ruinous litigation? Whether any of the advanced nations of the world tolerate a muddle of "complicated agrarian relations," like this? Would England herself tolerate, for one moment, such a "complicated state of agrarian relations?" Is the Committee aware that even in land-lord-ridden England herself, the statute of *Quia Emptores* puts a "complete stop" to sub-infeudation, by disallowing a sub-tenant from sub-letting his land, like our *Patnidars* or *Ijaradars* of Bengal sub-letting their lands to a *Dar-patnidar* or a *Dar-Ijaradar*, or even to a husbandman for cultivation. It is even doubtful, whether the Zemindar, as a subtenant of Government, could sublet under the English law. "The practice of sub-infeudation and subdivision" of middlemen's rights in land, where it is allowed to proceed unchecked, is ruinous to agriculture, and ruinous to a nation by breeding endless litigation. It is the most fruitful cause of famines, and must be stopped with a strong hand, if our already "dying race"

is to be saved from extermination. It is stopped with the greatest advantage at the very top. But let us first enquire, who is responsible for having allowed sub-infendation in our country to proceed unchecked, even to the ninth or tenth grade of unproductive middlemen? Who does not know that both under the Hindu, as well as under the Mahomedan rulers, even to the very last, there was no *sub-infendation* whatever? And why? Because the Government in those days demanded directly from the cultivating tenants themselves, the revenue due to the Government, not as a sum of money, but as a "proportion of the actual produce," and the cultivating tenants too paid directly to the Government, — without the intervention of any rack-renting middlemen, permanent or temporary, — that "proportion of the actual produce." Even Lord Cornwallis admits in the preamble to his Regulation XIX of 1793, by which the Permanent Settlement was created in Bengal, that "the ruling power is entitled to, a certain proportion of the produce of every acre of land." Let the reader also bear in mind, that by "the ancient law of the country," on which Lord Cornwallis

relied,—the reclaiming cultivator is the sole proprietor, — “*Sthanuchedasya kedaram.*” Men cultivated their own lands—“*Kshetranamisitaro manushya drisyante,*” and gladly paid a proportion of the actual produce to the ruling power, though that ruling power was not, nor ever claimed to be, the proprietor of the land, and they paid it, not as “rent” in the English sense of an “unearned increment”, due for capital laid out on land, but as the price for services, — such as the protection to the crops, &c, — rendered by the ruling power—“*Sarvabhūmatve sya tvetadadhikam, yat asau prithivyam sambhutanam vrihyadinam rakshanena nirvishtasya kasyachid bhagasya ishte na bhūmek*” ( Jaiminiya Mimansa Bhashya—6-7-3 ). It would follow from this that, when there was no crop, the ruling power claimed nothing, and the ruling power got more or less, according as the yield of the land was more or less, in other words, the husbandman and the ruling power had a combined interest in obtaining from the soil its maximum yield. To secure this end, they would each do his level best. The reader sees that in this, there could be no room for any sub-infeudation whatever, no room for

any rack-renting middleman whatever. What then was the cause that led to the present "extraordinarily complicated state of agrarian relations"? Justice Field puts the case in a nut-shell:— Having made that accursed illegal Permanent Settlement with a body of "unnecessary middlemen" "the Court of Directors declined the difficult task ( 'we should say, the impossible task ) of defining and settling the mutual rights of the *Zemindars* and *rāiyats*.' The task was not merely "difficult" but impossible, for it was to reconcile two irreconcilables, the true and historical proprietary right of the peasantry, with the baseless factitious right of property in land, claimed by a class of rack-renting mush-room middlemen. "The *Zemindars* and *rāiyats* were told" in 1799 says Field, "to adjust their rights by litigation," — the dwarf was told to settle his case against a gaint, by a trial of muscular strength ? That was the *protection* the East India Company gave the peasantry, in return for the revenue they claimed. Justice Field adds, "And yet it has become the modern fashion to wonder at the litigiousness of the native inhabitants of these Provinces,— to blame

them for the facility with which they have learned one of the first lessons we tried to teach them" ( P. 582 ). Whatever the East India Company may have done in those days of anarchy corruption and chaos, we may excuse them, for they were mere tradesmen, unaccustomed to the administration of impartial justice in an empire. If the British Government to-day, with the late Chief Justice of England at the head, now make up their mind to do their duty of administering Justice unalloyed, restoring with a firm unswerving hand, to the husbandman his innate right of property in the land he cultivates, the right he enjoyed from time immemorial, brushing aside all parasitic middlemen from top to bottom, and rendering to the husbandman, on the part of the Crown, those services of protection of crops and cattle, &c, for which, from time immemorial, the payment of rent, as a proportion of the actual produce, was allowed, the Government will have done a real duty to the people. If that ancient law of the country were enforced to-day, ten to one, no middleman, such as a Zemindar or Talukdar, would care to squat on the husbandman's land, — a parasite, by mistake dubbed a

proprietor. The "extra-ordinarily complicated state of agrarian relations which has grown up owing to the widespread adoption both by landlord's and tenants, of the practice of subinfeudation of rights in the land," would vanish in an instant into thin air. That "complicated state of agrarian relations" could not have come into existence, but for a mistake of Lord Cornwallis,—made at a time when there was no true sovereign ruling over the country. Such a 'complicated state' could never have arisen either in Hindu or in Mahomedan times. That "complicated state," as an emergency measure, has been allowed to continue too long, and should now be completely stopped, if this "dying race" is to be saved. It is a very short-sighted policy to multiply "complications", as a remedy for those 'complications', that already exist, as the Draft Bill submitted by the Committee, has suggested. That which causes the disease, if administered as medicine, will not cure that disease — *'amayoyascha bhutanam jayate, yena suvrata, tadeva hyamayam dravyam na bunati chikitsitam'*. The true remedy is to rectify the mistake of the past, and remove all agrarian



complications, root and branch, once for all, — to cut down this poison-tree at the root, so that the branches die of themselves. The true remedy is to do what the advanced countries of the world have done. If famine is to be prevented, even made impossible, the system of land-holding in India to-day, must be recast, and made as simple and straight as in the advanced countries to-day, as simple as it was in ancient India, under Hindu as well as Mahomedan rule. If nothing is done, or still worse, if the “complications” are multiplied, as a remedy for complications, the blood of those thousands of our fellow-men who die of famine every year in India to-day, will be upon the heads of our Legislature! The Gordian knot of agrarian complications is, as we have shewn, the result of a mistake made by the agents of a body of merchants, unaccustomed to rule an empire,— from a very short-sighted policy. It should also be remembered, that the mistake of 1793 was admitted to have been a mistake in 1811 by “the Court of Directors” in connection with the Settlement of the Ceded and Conquered Provinces ( N. W. P., U. P., &c. ), in their ~~Letter~~ <sup>would</sup> of first February, 1811, for in

that year, they "ordered that the settlement of no district was to be declared permanent" (Field, p. 635) ; yea, more than that, — for in 1862, the British Government freely admitted that peasant-proprietorship was the only valid form of land-occupation in India, in their "Revenue Dispatch No. 14 of 9th July, 1862, published at page 2889 of the Calcutta Gazette of 16th August, 1862" (Field, p. 691) which ran thus :— "It must be remembered that in India, and specially in the districts under *raiytwari* settlement, the great bulk of the agricultural population are the proprietors, subject only to the payment of the assessment of the lands which they till". It is a pity that they did not, at the same time, put to themselves the question :— Why was the "agricultural population" — being "the proprietors," why were they subject to the payment of any assessment of their land" ? Lord Curzon in his Resolution on the Land Revenue Policy of the Indian Government, issued on the 16th January, 1902, also looked upon the "raiyatwari settlements" in the temporarily-settled countries, which means N. W. P., U. P., Madras, and Bombay, as "a peasant-proprietory form of

tenure" — ( P. 16 ). His Lordship also admits that "proprietary cultivation is common in the Punjab" — ( P. 15. ). His Lordship's expression "proprietary form of tenure" is a square circle, and arose from a mistake, and is most misleading, being a contradiction in terms. A proprietor is a proprietor, and holds his land as "absolute property," or *allodially*, without a superior. A tenant, on the other hand, holds his land feudally under a superior. To speak of the peasants' occupation as "proprietary," and at the same time to speak of it as a "tenure," is a contradiction in terms,— a golden brass-jar— "*Sonar Pilla Kalash*." Evidently His Lordship failed to realise the whole truth, failed to realise that "the assessment of the lands which they till," in India, was not rent in the English sense of "unearned increment" for capital invested in land, but in the sense of price for services to be rendered. However it is a highly significant admission on His Lordship's part, so far as it goes. It cannot be contended that the husbandmen, in one part of India, are peasant-proprietors, and in another part landless serfs, for the ancient law of "*Sthanuchedasya kedaram*" was of universal

application in India. If justice is to be done to 85 per cent of the population, the Gordian knot of Zemindaries and khas mahals, must now be cut with a bold and clean cut, and our legislators must rise to the height of the occasion, must not falter, nor tinker with half-measures, adding a few more links of complication, to the chain of already "extra-ordinarily complicated state of agrarian relations," as suggested by the Committee. Though the multiplication of complications, would help to swell the Revenue from Court Fees, giving greater security to our salaries and pensions, and at the same time help to fill the pockets of our "tongue-doughty" lawyer-patriots with fees, it will ruint he whole nation. The Permanent Settlement gone, the house of cards of complicated "existing rights" in the land, will fall to pieces, without creating any serious disturbance whatever.

**(3) The endless chain of Subinfeudation and Subdivision of middlemen's Tenures.**

The only right way to proceed with the amendment of the Bengal Tenancy Act then is

to rectify the admitted mistake of the East India Company, whose *forte* was trade, and not the administration of Justice in a country, a mistake made at a time of chaos and anarchy,—by abolishing the Permanent Settlement of 1793, and recognising the truth, well-established in India from time immemorial, and admitted by the Government themselves, after the Crown of England undertook to administer Justice in the country, directly, — the truth, that in India the “the great bulk of the agricultural population are the proprietors” ( Revenue Despatch No. 14 of 9th July, 1862 ) so that there is no room in India for the so-called ‘Land Settlements’ ‘Permanent’ or ‘Temporary’ —of the land of India, which belongs to the people, and not to the Government, or to any middleman. In such a case the mere tinkering and trifling with “the existing law regarding the transfer of occupancy holdings,” the “rights of the raiyats in trees;” or vesting “under-raiyats with rights of occupancy,” or the “commutation of produce-rents into money-rents,” as the authors of the Draft-Amendment-Bill suggested, is a mere waste of the valuable

time and money of the public, if not worse. Already the possibility that the Act would be amended on the lines suggested by the Committee, who knew full well that it would be contrary to the law in existence in the advanced countries of the world, has spread consternation all round, the raiyat-landlord fearing that he would be permanently divorced from his land, and the under-rayat and *Bargadar* tenant fearing that his means of livelihood would be snatched away from him, reducing him to the condition of a "landless laborour after the English type," whom only the development of industries can save from extermination. Well may those interested in the increase of revenue from court-fees, and in the increase of lawyers' fees, "fiddle while Rome burns" ! The Committee is afraid to cause a "wholesale disturbance of existing rights" by "forbidding subinfeudation and subdivision of tenures and holdings altogether." Why they should couple the "tenures" of unproductive profiteering middlemen, with the *bona fide* agricultural "holdings" of the wealth-producing rayats, is more than what one can understand. Reading between the lines, are we to conclude,—

that because the largest majority of the members of the Committee are either themselves unproductive profiteering middlemen, or their official patrons interested in maintaining those endless grades of middlemen's subtenures in Bengal, to the ruin of agriculture, which, even in landlord-ridden England, the English statute of *Quia Emptores*, has put a complete stop to,— they will not suggest what they know, is the true remedy, the complete removal of "unproductive farmers of rent, who share the profits without having shared the toil of producing them," by the forbidding of the subinfeudation of unproductive middlemen's tenures altogether ? Subdivision of *bonafide* Raiyats' holdings is easily prevented by fixing a minimum limit to the size of an agricultural holding, say, one acre or 3 bighas, as under the Small Holdings Act of England. The point however which is of the greatest importance, from the agriculturists' view, is to make, as far as practicable, all the land of each agricultural holding to consist of plots in one block. But the husbandman, who is the only person directly interested in all questions vitally affecting the agriculture of the country, and who represents 85 per cent

of our population, is not represented in that Committee of august personages. That, of course, is a radical defect in the formation of the Committee, and because of that defect, the whole affair of the present so-called Amendment of the Bengal Tanancy Act, is really a case of a farcical "counting without the host"! The question of making an agricultural holding to consist of contiguous plots lying in one block, has not been thought to be a point worthy of engaging the attention of those magnates who compose the Committee, — our highly paid officials, our big Zemindars, or our litigation-seeking lawyer patriots. But even the Great Moghul, — Akber himself, in his days, thought it worth his while to see that "those who possessed Seyurghal," or grants of land, had their lands "contiguous to each other" ( Gladwin, p. 187 ). Our legislators could, if they cared, do a great service to the peasantry, to the eighty-five per cent of the population, who sweat from morning to evening, to produce food-stuffs for us all, if by their legislation they would help the husbandman, to save time, and trouble, and money, by getting all his plots in one compact block, as in all the



advanced countries of the world. At any rate, let the legislature forbid that "subinfeudation and subdivision" of unproductive middlemen's tenures, of which the ruinous result has been an endless chain of rack-renting landlords, who squat on the husbandman's land, one below the other, in a sort of endless hierarchy, with the Government, at the head, without any legal title whatever based on the "ancient law of the country," — the Government claiming revenue as the *de facto* proprietor, though not always in in name, at the top, and the Zemindar, Patnidar, Darpatnidar, or the Talukdar, Osat Talukdar, Nim-oshat Talukdar, Howladar, Oshat Howladar, Nim-Howladar, &c. forming the intermediate links of that chain of unproductive middlemen, to connect the Government at the top with the cultivating Raiyat at the bottom, whom the Government themselves admitted in 1862, to be the true proprietors of the land he cultivates, — the true proprietor being thus completely over-shadowed and ignored, by an endless chain of interlopers. Let the false bottom to which that endless chain of "unnecessary middlemen" is fastened, the Permanent

Settlement, creating Zemindaries, as well as the Temporary Settlements, creating Khas Mahals of people's lands, be knocked off by a statute on the lines of the English Statute of Quia Emptores, or even broader, so as to agree with "the ancient law" of India, — let the legislature at the same time see that the husbandman has all his plots in one compact block, as far as practicable, and then it is bound to follow, as the night follows the day, famines will be as impossible in India to-day, as they are impossible in England, or France, or the United States of America. The Committee of interested officials, Zemindars, and litigation-seeking lawyers, we know, are not the persons to propose any effective remedial measures of the kind, anything that will interfere with the vested interests and profits of the existing chain of interlopers, who squat on the land, or with the fabulous incomes of the lawyers whose hearts pant after litigation as "the hart panteth after the water-brooks," who to-day rule our destinies, anything on the lines of the laws of the advanced countries of the world, so as to be of real value to our food-producing peasantry,

the 85 per cent of the population. They give it as their reason, for not doing anything of real value to the people that "it would be impracticable to enforce" the forbidding of subinfeudation, "without wholesale disturbance of existing rights." Is not their wish the father to their thought? Does not right always go with duty,—rights on the agriculturist's profits with duties to the agriculturists? What duty do those unnecessary parasites and drones owe to the husbandmen? Said Earl Grey in a speech at Glasgow, that an 'unnecessary middleman' "cannot be regarded in any other light than that of a parasite." An "unnecessary middleman," called by mistake, by the agents of a body of tradesmen, at a time of anarchy, "the actual proprietors of land", in 1793,— and that mistake admitted and proposed to be rectified afterwards, in 1862,— the Government admitting that "in India the great bulk of the agricultural population are the proprietors" ( Dispatch No. 14 of 9th July, 1862 )! Are not then these unnecessary unproductive middlemen parasites, mere consumers of the substance produced by the husbandman? Have they not been

allowed to hang on too long in Bengal, after they have been found out to be mere parasites, through inadvertence, being permitted to stand as stumbling-blocks in the path of the true proprietor of the soil, the food-growing husbandman, — between him and the soil on which he grows food for the human race? Are they not “burdensome drones,” hanging like a dead weight round the necks of the true workers, our food-producers, wasting their hard-earned profits, and hampering agriculture, so as to cause wide-spread famines, decimating the population? Right always goes with duty. Can a drone or a parasite who owes no duty, have any right? Rent in India was never an “unearned increment.” due from invested capital. It was taken by the ruling power as Kalidasa put it—“*Prajanam eva bhutyartham sa tebhya valim agrahit | sahasragunam utsrashtum a litte hi rasam ravih*” It was taken by the kings only for the benefit of the people themselves, to be returned a thousand-fold, even as the sun sucks up moisture, only to return a thousand-fold. But “non-violent” India is quite willing to show mercy and consideration even for drones

and parasites. Let the legislatures follow the provisions of the Small Holdings Act of England, passed by Parliament in 1892. "The object of this measure," it has been said, "was to help the deserving labouring man to acquire a small holding, not less than one acre, or more than fifty acres in extent. The essence of the bargain was that a fifth of the purchase-money should be paid down, and the remainder in half-yearly instalments spread over a period not exceeding fifty years." "The County Council under these acts ( Allotments Acts, 1887 to 1907 ) has compulsory powers of purchase or hire" ( En. Brit. ). A similar bargain may be made with the Zemindars or other middlemen, by way of compensation. In common fairness the bulk of the purchase-money should be paid from the increased revenue which is bound to result to the Government, the more so, if the Government at the same time help and efficiently perform the duty of "protecting crops, &c", and also from a retrenchment of the expenses of the Government themselves, for it is by their muddle of the Permanent as well as the Temporary Settlements of Peasants' lands, they are primarily

responsible for the ruinous "extraordinarily complicated state of agrarian relations," which is the primary cause of the desolating famines of to-day. As for there being any "wholesale disturbance," if the Permanent as well as the Temporary Settlements of land are abolished, there is not the least fear that way, for the Zemindars or other unproductive middlemen benefitted by these illegal Settlements, are a very small number, and can be counted on the fingers' ends. Like the foolish French king who said "L'etat, C'est moi"—"The State? I am the State," our Zemindar members of the Committee may flatter themselves with the idea that they are the whole country, their official and lawyer patrons perhaps crying 'ditto.' The truth rather is, as Mr. Hamilton puts it, "The rayat is India, and India is the Rayat" Is it from mere self-delusion, that the Committee anticipate a "wholesale disturbance"! The middlemen likely to be affected, are really a mere drop in the ocean. Nine hundred and ninety-nine per thousand of the people of Bengal will bless the Legislature, if they are relieved of the burden of maintaining an endless chain of "burdensome

drones," by the abolition of these accursed Settlements, which, to-day, sit on our land like a night-mare, throttling the country's food-production, and the food-producing classes,— "the husbandmen and labourers," of whom Abul Fasl says in his Preface to the Ayeen Akbery, that they "resemble earth and by their exertions, the capital stock of life is completed" ( Gladwin's translation ).

( 4 ) Land-occupation in the advanced countries  
of the world.

We learn by comparison. It has been rightly said :— "He who knows only one language, knows none," and our Legislators would do well to remember, that so long as they remain contented with their knowledge of the system of land-occupation of one country only, they may, with truth, be said to know none. The Permanent Settlement of 1793 was clearly a mistake, or, at best, it was, what they call an emergency measure, resorted-to at a time of anarchy and confusion. "A mistake," says Justice Field,

"had been committed in 1793," "the Government had then acted prematurely and upon insufficient information" ( Land-holding, p. 633 ). To rectify that mistake even "the Court of Directors ordered that the Settlement of no district was to be declared permanent" ( 635 ). That was in 1811. In 1862, after the British Crown had undertaken the Government of India, and obtained sufficient information, the Government came to the deliberate conclusion that "in India the great bulk of the agricultural population are the proprietors." After that date, the emergency measure of the Permanent Settlement, like the Defence Act of the other day, should have been repealed, the mistake of 1793 should not have been allowed to disgrace the Indian Statute-Book for one moment longer. Surely it is time enough, now that the Royal Message of 9th February, 1921, has promised to the "many millions of our fellow-country-men," which means, to the Rayat, "Swaraj" in the sense of responsible self-government "within the Empire," and "the liberty which the other dominions enjoy," and it is settled that the Tenancy laws of India are to be revised or amended, it is now



time enough, for our Legislators to discharge the first duty of the Legislature, by restoring to the agricultural population the lands, of which they alone are the true proprietors, putting an end, once for all, to the so-called Land Settlements Permanent,—creating Zemindaries, as well as Temporary—creating, *Khas mahals*, which are but disguised forms of land-confiscation. “There is scarcely a country in the civilized world” says Field, “in which a land-lord is allowed to evict his tenant without having recourse to the regular tribunals; but the Bengal Zemindar was deliberately told by the Legislature, that he was at liberty to oust his tenants, if the rents claimed by him were in arrear at the end of the year” \*

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\* Regulation VII of 1799 empowered land-holders, (1) “to distrain, without sending notice to any court of justice, or any public officer, the crops and products of the earth of every description, the grain, cattle, and all other personal property,” and empowered all land-holders to delegate their power to all agents employed by them in the collection of rent ( F. 577 ). “The distrainer was empowered (even) to enter the Zenana” (578). Complaint against them or causing their being summoned as witness, “was made penal.” Zemindars were empowered to summon or “compell the attendance of their tenants.” The distrained property of the Rayat was sold for only a nominal price ( 584 ). Lord Cornwallis also helped the land-lords by abolishing the offices of Kanongoes and Patwaris and with them “disappeared the only written evidence of the rights,

(581). These so-called Land Settlements—Permanent or Periodical, — of the land of the peasantry, are the worst form of land-confiscation, the world has ever seen, begun by the East India Company under a cloak of lies and distortion of facts, against the deliberate intention of the British Statute, 24 Geo. III, Cap. 25, Section 39, passed in 1784 ( Field, p. 487 ), which bound down the East India Company “to the laws and constitution of India,” or what Lord Cornwallis and the Directors called “the ancient law of the country.” The question of the settlement of the land-tax, now miscalled rent, payable by the peasantry, as a “return for the cares of royalty,” is, of course, different, and as implying a joint-ownership of the produce between the husbandman and the ruling power ( metayage ), should depend :— first, on what amount the Government actually spends for the benefit of the peasantry, or their crops, and second, on what

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of the cultivators of the soil” ( 592, 609 ) “We hear of nothing” says Field, “but arbitrary demands enforced by stocks, duress of courts, and battery of their persons ( 585 ). Even to-day the Rayats of Dowlat Khan in Backergonj can not forget those yard-long shoes called *Kale khan* and *Jule khan* with which the land lords’ agents freely battered their persons, the upshot of which was the suicide of the then Collector, Mr. Fasson.

profit each particular peasant derives from cultivation. As a land-tax, it would be much like the *contribution fonciere* levied in France on income from land, with this small difference, that while the French peasantry paid in money, the Indian peasantry paid in kind, as a proportion of the actual produce. If the Government spends nothing for the benefit of the peasantry, or if a particular peasant derives no profit from his land, no contribution can justly be demanded or paid as revenue. The duty of assessment of this tax, not *rent*, is performed with justice, and equity, to the best advantage, of both the ruling power and of the peasantry, by bringing the system of land-occupation in India into line with that of the advanced countries of the world. To do it intelligently, fairly and equitably, we should have some knowledge of the systems of land-holding prevailing in those advanced countries. We therefore propose to place before the public, a brief survey of the systems of land-occupation prevailing in some of the advanced countries of the world, for comparison with our own. We shall begin with the United States of America, which, today, tops the list of the advanced countries of the world.

## ( 5 ) The system of land-occupation in the United States of America.

Land-confiscation, in a form far more open and pronounced than in India, was attempted in the United States, by the British Government, before the American War of Independence, where the Feudal System of England, was sought to be introduced,—all land in America being declared as *terra regis*, and the king as “the true and only source of title” in land. King Charles I in 1632, granted Letters Patent to an English Peer to hold of the Crown the American Province of Maryland in common socage ( service ), as part of the English manor of Windsor. That was surely very different from the surreptitious proclamation by the agents of the dividend-grabbing East India Company, of the Permanent Settlement,—the revenue-farmers being spoken of as the “actual proprietors of the land” of the peasantry, without any foundation in truth. But what did the Americans do? By “the New York Revised Statute” of 1830, they abolished all kinds of feudal tenure, declaring all land in the United

States to be allodial or without a superior, "the entire and absolute property" being "vested in the owners." Raja Bana Behari Kapur Bahadur, C. S. I., the pillar of the Burdwan Raj, speaks of the Zemindars private lands as demesne lands, as if every Indian Zemindar is an English baron, and his Zemindari an English manor ! Can infatuation go farther ? That follows from the Legislature not rectifying their admitted mistake of the past, from the Legislature not abolishing the Permanent Settlement of 1793, made in violation of the deliberate intentions of the British statute of 1784, 24. Geo III, Cap. 25, Section 39. "Let the hoary rule of the Hindu Law-givers," says Raja Bana Behari, "be the guiding principle in all relations between land-lord and tenant." To that we too say 'amen'. That also was the deliberate intention of the statute, 24 Geo III, Cap 25. To follow "the ancient law of the country," was also, what Lord Cornwallis professed, he wished to do,—in the opening words of Regulation XIX of 1793, by which he created the Permanent Settlement, though really he was setting aside "the hoary rule of the Hindu Law-givers." What is

“the hoary rule of the Hindu Law-givers,” on which the great Raja Bana Behari, and we all, wish to take our stand? What is “the ancient law of the country,”—on which Lord Cornwallis professed to take his stand, though in fact he did the very reverse? We repeat them here very briefly, and in doing so, we challenge contradiction. Let the great Raja Bahadur take up the gauntlet, we throw before him. “The hoary rule,” of the Hindu law-givers or “the ancient law” of India, is “*sthanuchedasya kedaram*” (Manu 9-44), “the arable soil is the property of the man who breaks the fallow,”—“*na rajno bhumiṛ dhanam*” (Sayana’s commentary, *Krishna Yajurvediya Taittiriya Brahmana 1-4-7*) “the soil of the country is not the property of the king,” in other words, there is no *terra regis* in India, no land in India for Lord Cornwallis or his successors to settle decennially or permanently. “*Na bhumiḥsyat sarvaṃ pratyavisishtatvat,*” (Jaimini, 6-7-3), “the country’s soil cannot be an object of royal gift, for it is the common property of all.” On this text Savarasvami comments thus :— “*Vrihyadinam rakshanena*

*nirvishitasya kasyachid bhagasya ishte, na bhumeh,*— “the king, because he protects paddy, &c. is owner of a fixed share of the produce, but not of the land.” Add to this that forest land, “*atavyah*” in India are “*asvamikani*, or *Res nullius*, or a thing belonging to nobody, which even a king can not give:— “*Aṭavyah parvataḥ puṇyastīrthāṇy aṣṭānāni cha | Etanya svamikanyahuh na cha teshu pariḡrahah*” || ( *Usana*, V— 16 ), and *Anusashana Parva*, 69-35 ). This then in substance, is the ‘hoary rule of the Hindu law-givers.’ Anything to the contrary is Un-Hindu, Un-Vedic, and false. India has been the land of peasant-proprietorship from the remotest antiquity, her system of land-holding approaching very nearly the system of land-occupation now prevailing in the United States of America. Babu Bhishmadeb Das, a Member of the Amendment Committee, has stated the bare truth in his Note of Dissent, when he says, that according to Manu, the soil belongs to the tiller,” and that “the raiyats should be declared to be the owners of land with power of transfer, and dealing with it in any way they like.” If the Raja Bahadur, or any one on behalf

of any Zemindar revenue-farmer, does not accept our challenge to prove the contrary to be that 'hoary rule', before the bar of public opinion, and not before that interested body of Revenue-farmers, and their lawyer friends, and patrons, who form the present Amendment Committee, let our Legislature show their mettle by calling up moral courage to that pitch, that they may fearlessly and honestly discharge their duty of rectifying the admitted mistake of 1793, without either "fearing or courting" the "frowns or favours" of the negligible microscopic minority of swelled-headed Revenue-farmers. Let them not falter, but boldly follow the lead of "the New York Revised Statutes," abolishing the Zemindaries and Khas Mahals, and declaring all the people's land in India, as held allodially in absolute ownership, and not feudally under any superior, thus cutting by one single stroke the Gordian knot of "the extra-ordinarily complicated state of agrarian relations" in the country, of which the Committee of Amendment complain. In doing so, they would be doing the one thing needful to render desolating famines, which are now become perennial, as impossible in India to-day,



as they are impossible in the United States. Justice Field, thus testifies to the marvellous results of the inauguration of Peasant-proprietorship in Prussia,— “The result of the emancipation of the land and the creation of peasant-proprietors has been that the standard of cultivation has been immensely raised, that the land yields infinitely more than it did previously, and that the peasant-population is not only much better fed, and much better clothed, but is much better educated, and much more proficient in the art of tillage, than it was a generation ago” (82-83). Speaking of England, of landlord-ridden England itself, he testifies:— “The introduction of a proper alternation of crops is said to have had the effect of doubling and occasionally trebling the productive powers of the land” (40). We fervently appeal to our Legislature, in the name of God and Humanity, to restore to our peasantry, the 85 per cent of our population, their time-honoured right of absolute property in their own lands. And we hope, we do not appeal in vain.

(6) The storks proposing laws for the benefit of the frogs —“specially.”

The Amendment “Committee has been appointed” says Babu Bhismedeb Das; because of “a resolution moved by me for amendment of the Bengal Tenancy Act, for the benefit of the raiyats specially. But the majority of the members seem to care more for the interests of the landlords than those of the tenants.” He adds, “There is no real representative of the tenants on the Committee,” no one to tell them, exactly where the shoe actually pinches. That means that they literally “counted without their host.” The Tenancy themselves are un-represented on that Committee of the Zemindars, and their friends, for the amendment of the Tenancy Act! A Committee of parasites proposing laws for their host,— a Committee of Revenue-farmers legislating “for the benefit of the Raiyats specially,”— a Committee of storks sitting to legislate for for the benefit of the frogs “specially”? No civilized country would tolerate a “tragic farce” like this! And the first thing this sham Committee did, was to throw dust into the eyes

of the public, by improvising Messrs Barman, Erfan Ali, Yakinuddin Ahmed, and Bhismadeb Das, to represent the 85 per cent of the population, the peasantry! How dramatic! Or was it a game of whist they were at? They wanted partners, and they set up dummies for partners! And what did these dummies do? They cut the very ground from under the feet of the peasantry, surrendering them, bound hand and foot to their enemy. "When the Permanent Settlement was made," say they, "the Zemindar was declared to be the proprietor of the soil; whether rightly or wrongly, we need not discuss that now"—thus shewing the cloven feet of the Revenue-contrator under the cloak of the representative of the peasantry! Lord Cornwallis did not declare, but merely assumed the Zemindar to be the proprietor of the soil, from ignorance. Does not this admission on the part of these self-styled representatives of the peasantry, amount to what our lawyers call an 'estoppel'? The so-called representatives did not care, if they thereby threw to the winds, the Hindu law of "*sithanuchedasya kedaram*," or what even Raja Bana Behari called "the hoary

rule of the Hindu law-giver." We refer the reader to the provisions of the British Statute of 1784, 24 Geo. III, Cap. 25, section 39 of which bound down the East India Company and Lord Coruwallis "to the laws and constitution of India" ( Field p 487 ), or the Revenue Dispatch No 14 of 9th July 1862, which laid down that, "in India, the the great bulk of the agricultural population are the proprietors" ( Field p. 693 ), or to the admission repeatedly made by the Government "that a mistake had been made in Bengal" in 1793 ( Field p. 645 ). The amendments that this Committee propose, almost one and all prove their dubious character, prove that they were a clique of storks framing laws in their own favour, though ostensibly for the benefit of the frogs "specially." They complain that "there is often a whole chain of persons interested in the land both as rent-receivers and rent-payers between the proprietor at the top, and the cultivating tenant," —one and all of these interlopers, like leeches sucking the life-blood of the thrifty husbandmen. They will not raise even their little finger to prevent the evil, to give real relief to our down-trodden

food-producers. They will not raise the question who is the true proprietor, they dare not support the conclusion come to, after careful and prolonged enquiry in 1862, that in India "the agricultural population are the proprietors." They will do nothing to bring the Tenancy laws of Bengal into line with those of even landlord-ridden England, by disallowing sub-infeudation altogether (*Quia Emptores*). They rather recklessly add some more links to that ever-lengthening chain of subinfeudation, for the emasculation of the middle class Bhadrak, the last relics of the old yeomanry of the country, merely tinkering with that *Delhi ka Laddu* of a right of occupancy, extending not the reality, but the mere shadow of it, to under-rayats and *Bargadars*, in as much as they do not at the same time propose to declare that right which they propose to confer on them, a "protected interest under section 160," against the Zemindar, as all genuine occupancy rights are, under the present law. True to their dubious character, they would declare occupancy rights as saleable, but reserve for themselves a right of pre-emption, on the ostensible and plausible

ground of excluding money-lenders, but will not say so openly, for some of them may themselves be money-lenders, veritable Shylocks. They prevaricate with the expression "undesirable persons," that under that cover, they may exclude all honest persons who will not bribe the Zemindars' *amlas*, nor give the Zemindar an illegal *abwab* of a Nazar. The fact is, a very large section of the Zemindars and Talukdars, whom it is proposed to vest with this right of pre-emption against money-lenders, are themselves money-lenders, veritable Shylocks, demanding their pounds of flesh from the husbandmen, in the form of interest at the rate of 75 or even 150 per cent. Vest the Zemindar-Shylock with the right of pre-emption, the first thing he will do, will be to declare as "undesirable," and turn out from the land any money-lender, or any buyer, or any person that will stand as the husbandmen's friend, or offer them better terms than himself.

The peasants now sell their occupancy rights to whomsoever they like, and the Zemindars do, or do not extort from the purchaser an illegal Nazar, as they can, or as they please. The Amending Committee propose to turn their opportunity to

their own advantage, and legalize their extortion of the landlords' fee at 25 per cent of the consideration money, even though a Settlement Officer certifies saying "that in the five districts in which I have been Settlement Officer, Tippera, Noakhali, Faridpur, Rajshahi, and Dacca, the average actually realised is not greater than 12½ per cent." Surely this is "for the benefit of the raiyat specially" indeed! The Committee will be pettifogg-ing even about raiyats' rights in trees. Hitherto the peasants cut down trees whenever they find, that by their shade, they make the soil for which they pay rent, unproductive. "Might is right." The *amla* extorts by hook or crook from the poor raiyat what he can. The Committee now propose to legalise that extortion by compelling our food-producers to pay to the Zemindar, in addition to the rent, an *abwab* of a fee equivalent to one-fourth of the value of the timber, even of a trifle, like a jack or a mango-tree, it being implied that the Zemindars *amla*, and not the village-community, or the Local Board is to dictate the value of the timber. One member, an official, goes on to patronise the Zemindar by supporting his right of "veto on the cutting of unnecessary

and unsuitable tanks." He has not the heart to suggest that the right of veto be vested in the Village Community, or even in the Local Boards. He was a Settlement Officer, and one would expect him to know that a Zemindari *amla*, if paid a substantial bonus, will declare any "hole or ditch" as suitable for drinking purposes. Are there not contaminated unwholesome tanks, breeding anopheles mosquitos, on the Zemindar's private lands, or perhaps about the palaces, or under the very nose of the biggest Zemindars, at least in their Zenana? Have the Rayats, or the people any right of veto? What about facilities for irrigation and drainage, and for the steeping of jute, and for the supply of drinking-water for the cattle? But those are immaterial considerations for the Zemindar, and need not trouble a Settlement Officer, though they should spell famine and death to the peasantry. The law as it stands (section, 30), makes it the interest of the Zemindar to create conditions, by denying facilities for irrigation and drainage, — that would produce famines, from a rise in the prices of staple food-crops, so as to furnish legal grounds for the enhancement of the Raiyats' rent. In



spite of all the crocodile tears of the Committee, about the oppressions of the money-lenders, and about the existence of unhealthy *dohas*, there is not one in the Committee, who would propose such an amendment of the law, as would make it the interest of the Zemindar to encourage production, and prevent famine-prices.

Thus the amendments proposed by the Committee, bode no good to the peasantry, but in their name, bode a world of good to the Zemindars, and also a world of good to us who draw fat pensions and salaries, in these days of deficit, and financial strain, for the amendments proposed will be a fruitful seed-bed for endless litigation, likely to swell our much-needed Revenue from Court-fees and stamps, derived, ultimately, mediately or immediately, from the half-fed, half-clad peasantry of Bengal. They will also be a great boon conferred on our lawyer-patriots, to whom litigation is the only "staple food-crop." The Committee of Zemindars and their friends, further propose to relieve the Zemindars, of their existing duty, however just and proper, of joining all the co-sharers in a rent-suit, as well as the duty of service of

processes in rent-suits, on all the parties interested, so as to throw open the gates for chicanery and fraud by collusion, with bumper crops of litigation, for the benefit of our lawyer patriots, to the ruin of the raiyats. In grateful acknowledgment of these great boons, it may now be hoped that the Zemindars will take to litigation against the peasantry in right earnest, and at full speed, so as to cause a very perceptible rise in the Revenue from stamps in these days of deficit and strain, as well as a perceptible rise in the emoluments of their law-*yer* patrons.

(7) Amendment for the benefit of the  
Raiyats "specially" !

We showed in our last that the amendments, ostensibly proposed for the benefit of the Raiyats, with the single exception of the one relating to the occupancy Raiyat's right of excavating tanks ( 48—b ), were one and all, really for the benefit of the Zemindar. Yet a Kumar member complacently observes that "almost

every one of them has been for the benefit of the tenants"! Another, a Maharajah, shedding crocodile tears, raises the doleful cry that "the impoverished landlords can not live. With all these curtailments, the Zemindar can not live"! Another member, a veritable "Daniel come to judgment" in the Committee, would withhold from the Raiyat the right of transfer of his holding, on the fictitious plea that "it would be ruinous and injurious to the raiyats, and mischievous to the country." With the cry of impoverishment and ruin from improvidence, raised by the Zemindar, ringing in his ears, if that plea were not fictitious, why does not Babu Surendra Chandra Sen bring his plea to a crucial test, by proposing to withhold that right of transfer of his Zemindari rights, from the Zemindars as a class, and forestall the "improverished" Zemindar's death or ruin by improvidence? Surely if his plea were not fictitious, Zemindaris, or parts of Zemindaris, like those in Midnapore, Nuddea, or Jessore, or others, held as Ticca or Ijara by Indigo-planters in Mozafferpore and Champaran, should be far more "mischievous to the country," when they pass into "the hands

of European and Indian capitalists, or big Limited Companies", than are the transfers of a famished Raiyat's, occupancy right, into their hands ! This "Daniel, if he really believed what he said, should first have proposed the withholding of the Zemindar's right of transfer, as "a protective measure" ! And our Daniel is such a fast friend of the Raiyat, that he proposes to withhold from the Raiyat even his right of clearing the land for wick he pays rent, by cutting down an acacia ( Babul ), which grows wild, as a common weed in some districts ! Our Daniel is sore afraid of "capitalists, planters, Mahajans, pleaders, and other powerful people, coming into the place of the raiyat," but he is not at all afraid of these "powerful people" coming into the place of the Zemindar himself ? Does he know that a European Land Mortgage Company saved the Tippera Raja, who is also the Zemindar of Roshnabad, from ruin, when he had, through improvidence and extravagance, brought himself to the verge of bankruptcy ? Does he know that through the improvidence of the Zemindars, a very large number of Zemindaris are passing into the hands of the

Government under the Court of Wards? If the Government or the Legislature really wanted to bring his so-called "undesirables", those "powerful people into the place of the raiyat", into possession of the Raiyats' land, what is there to prevent it? Or if the Legislature really objects to "Capitalists" or other powerful people coming into the place of the Raiyat, let there be an express provision in the law to that effect, and there is an end. That would be honest and honourable. How hypocritical to avoid that straight path, only in order to turn it into a plea for robbing the Raiyat of his just rights! It is clear, as day-light, that this friend of the Zamindar, wants to exclude "powerful people" from the land, that is, people who are able to resist the oppressions of the Zemindar, — that he wishes to bar out Raiyats who will not place themselves in the hands of the Zemindar, like plastic clay. Alas, in the struggle for life, the law of "the survival of the fittest", of the "weaker going to the wall" is irresistible. If our love for the Raiyat is sincere, and not feigned, let us rather take care to see that our Raiyats, by combining

themselves into Co-operative Credit Societies, may themselves be on the way to become their own capitalists, and able to combat, and hold their own against capitalists. Let us not follow the exploded folly of that smuggler of *Manu-sanhita*, by acting as he advises, and taking good care, that wealth may not accumulate in the hands of the Sudra (Raiyat.) "The Sudra",— says he, "even if he is able to lay by wealth, should not do it ; for the Sudra, having accumulated wealth, is sure to harass the Brahman". — *Sudro hi dhanam asadya Brahmanan eva vadhate*" (Manu, X—129) ; or to turn it into the language of these masked friends of the Zemindar :— "If the Raiyat becomes a powerful capitalist, or if a powerful capitalist becomes a Raiyat, he will only harass the Zemindar, therefore should the Legislature take care, that the Raiyat always remains weak, helpless, half-fed, half-clad, and on the verge of starvation, as he is to-day." Alas ! The weaker, whether he be the Bengalee in Bengal, or the Bushman in Australia, or the Red Indian in America, is bound, by an irresistible law of nature, to go to the wall. Or as our Rig-Veda gives expression to that same law, "the

Almighty Indra or Food-giver goes about displaying His might, bearing destructive weapons, as the killer of the unmanly (apurushaghnah)", "*Sushmintamo hi sushmibbir vadhairugrebhi riyase apurushaghnah*" (R. V. I.—133-6). If you really wish to keep Bengal for the Bengalees, you must direct all your energies to the strengthening of the majority of the Bengalee race, which means the Rayats, who form 85 per cent of that race, and not, as you do now, by weakening them, and making their life a "living death." Enlighten them, teach them to think and act freely, as equals among equals teach them to think and act "each for all, and all for each", as brothers, train them in Co-operative Association, to form Co-operative Credit Banks for setting themselves free from the clutches of the village-Shylocks, to form Trade-Unions, and Societies for Co-operative Sale, Co-operative Purchase, in a word, to follow in the footsteps of the Peasant-Proprietors of the advanced countries of the world. There is no other way for keeping a "Bengal district" for the "Bengalees"—"*nanyah pantha vidyate yanaya*," There is nothing like "chill penury" to "repress the noble rage" He who says that Bengal will remain

for the Bengalees, if you cripple her peasantry, by robbing them even of that last semblance of their time-honoured right of property in their lands,—the right to save their lives by disposing of their so-called occupancy right as they please, he is an enemy to the Bengalis, a traitor to the country ! If you sincerely wish the raiyats to be able to keep out “powerful people”, they must be themselves as powerful, if not more powerful, than the people they are to keep out. “He who loves the child more than its mother is a witch.” What is he, we ask, who pretends to love the Rayat more than the Rayat himself, who pretends to save the Raiyat from ‘ruin’ and ‘injury’, by robbing him of his right of transfer of his holding, in order to save himself and his family, from ruin and death. We are quite sick of lawyers’ sophistries.

( 8 ) **The Permanent Settlement a farming settlement of the Revenue only, and not of the land at all.**

The Zemindar members of the Amendment Committee, and their friends, take it for granted



that "the Permanent Settlement undoubtedly conferred proprietary rights" on the Zemindar revenue-contractors, and that "the raiyats had no proprietary rights in the land." They produce no evidence in support, though a friend of theirs even threatens the Government, that the Zemindar "can object to the discharge of the fixed assessment, which he agreed to pay." ! We briefly place the whole question before the public.

In 1765, the then titular Emperor of Delhi, Shah Alum, who, says Mr. R. C. Dutt, "was an exile in Bengal, and was never virtually Emperor," by a *farman* or patent invested the East India Company with the Dewani of Bengal, Behar, and Orissa. Thus runs the *Farman* :— "As the said Company are obliged to keep up a large army for the protection of the Provinces of Bengal, &c, we have granted to them ( E. I. C. ) whatsoever may remain out of the revenues of the said Provinces, after remitting the sum of twenty-six lakhs to the royal Sarker," &c. The twenty-six lakhs reserved in the grant of the Dewani, were withdrawn, when Shah Alam put himself in the hands of

the Marattas (Field p. 632). Thus was "The astonishing" if not iniquitous "position created, that a few commercial agents were handling the revenues of a kingdom in the name of an emperor" (Montagu-Chelmsford Report). There is however not a word in that *Farman* about the right property in the soil. There is no possible ground then for the East India Company to confiscate the people's lands, as was done in England after the Norman Conquest, where "the Conqueror confiscated the lands of all those who opposed him, and granted these lands to his followers, upon feudal conditions". How preposterous then to compare our Revenue-farmers with the followers of William the Conqueror! "The grant of the Dewani," says Justice Field, "was a grant of the right to collect the revenue of Bengal, Behar, and Orissa, and to exercise Judicial powers in all civil and financial cases." The *farman* was 'a perpetual grant to the Company of the revenue when collected,' after making certain deductions. It had nothing whatever to do with the proprietorship of the people's lands. The sovereignty of Shah

Alum was divided under two heads :— (I) the *Dewani* or the administration of Civil Law, and the collection of the revenue, which passed into the hands of the East India Company, and (II) the Nizamat or the Administration of Criminal Law and Police, which remained with the Nawab Nazim, but for which the East India Company had to provide the expenses, from the revenue they realised (Field 457 to 59). The reader sees from this, that Shah Alum himself claimed no right of property in the lands of the peasantry, and gave none to the East India Company, which, the Company in their turn could confer on the Zemindar Revenue-farmers by the Permanent Settlement of 1793, as the Zemindars claim to-day. Says a historian of England :— 'In 1765 Clive returned to India, and he made the East India Company rulers of an extensive territory, taking over by a deed granted by the Great Mogul, the the districts of Bengal, Orissa, and Behar. The Nabab was not deposed, he was only pensioned, and the Government was still conducted in his name, but the English Company

were the real rulers." "Though they had thus, accidentally, as it were, become rulers, the object of the East India Company was still to make money" (Ransome's History of England, p. 369). What did the "commercial agents" of that English Company of traders, care about "proprietary rights" in the land of the peasantry of India? "They let the country or rather the royal reveuees in farm for a term of years in 1772, to the highest bidder" (Field 480), no doubt "for the purpose of levying the greatest possible revenue that could be exacted from the people" (481). "With such an object" says the English historian "as the end of Government, it is no wonder that corruption and oppression, every-where prevailed, and the new rule became a curse to the natives. Famine followed famine, and the Ganges was sometimes choked with corpses." It was a state of no-man's rule, a condition that Clive himself called "anarchy, confusion, and general corruption"—a condition that Valmiki deplors in the Ramayana:—*Narajake Janapade svakam bhavati kasyachit matsya iva Jana nityam bhakshayanti parasparam*' (Rm-Ay:31-67),—

'When a kingdom is without a king, no man has anything that he can call his own. Every day the men devour each other like fish.' The "stories of these deeds reached England," and we "found a strong advocate in Edmund Burke" (R—369). The East India Company had to make over the sovereignty of India to the Crown of England. "The Statute 53 Geo III Cap. 155, S. 25 declared the undoubted sovereignty of the Crown over the territorial acquisitions of the East India Company. The 16 and 17 Vict. Cap 95, S, 1, afterwards provided that the territories then in the possession and under the Government of the Company, should continue under such Government in trust for Her Majesty, her heirs and successors, until Parliament should otherwise provide.' We presume, it was in 1773 in the reign of George III, when "Lord North passed his Regulating Act", that the 'undoubted sovereignty of the Crown' over India, was declared. In 1783 Mr. Gladwin's translation of the Ayeen Akhery was published, which the then Governor General forwarded to the Board of Trade with their Minute of 2nd June,

1783, with the recommendation that 'it comprehends the original constitution of the Mogul Empire.' As a result we find that in the following year, the Crown of England in Pitts' time, laid the people of India "under a debt immense of endless gratitude, by binding down the East India Company by a statute, to "the laws and constitution of India". 'In 1784' says Justice Field, "was passed the 24 Geo III, Cap 25, the 39th section of which required the Court of Directors to give orders 'for settling and establishing upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which the tributes, rents, services of the rajas, zeminders, talukdars, and other native land-holders should be in future rendered and paid to the United Company.' Surely the spirit that this statute breathed was the very reverse of that order for the confiscation of the peoples' lands, which William the Conqueror passed in England after his Conquest ! The provisions of that statute 24 Geo. III did not suit Hastings, who has been openly accused of "financial immorality", and he retired in 1785. If under the Hindu Sastra

and the Ayeen Akbery, the cultivator is the proprietor of his land, as we have proved to the hilt that he is, surely the Zemindar Revenue-Contractor can not be the proprietor. Although the East India Company might inadvertently or even from motives of self-interest, have spoken of "letting the country in farm to the highest bidder" in 1772 (Field, p. 480), they could only mean "letting the revenue in farm", for after the passing of 24 Geo. III, in 1784, they could do nothing in regard to the land of the peasantry without the sanction of the "laws and constitution of India", such as Manu, Usanah, Jaimini, or the Taittiriya Brahmana on the one hand, and the Ayeen Akbery on the other, or if there was any oppressive or unjust provision in these, they were to be guided by "principles of moderation and justice". How different this from William the Conqueror's order for the confiscation of "the lands of those who opposed him, and his granting them to his followers on feudal conditions." "The system of land-law" says Justice Field (p. 819), "which grew up in England under the peculiar circumstances of

an exceptional progress, has existed in no other country in the world, and is suited to none. In Bengal this system has been introduced, and maintained by the power of the rulers (if so, it was *Ultra Vires*, being contrary to the provisions of the statute 24 Geo III), and it has done not less mischief than in Ireland." If that was done, it was done at a time of "anarchy, confusion, and general corruption" (Clive), when no one can call anything his own, and done in the teeth of 24 Geo III, cap. 25, Sec. 39, and was therefore *ultra vires*, or beyond "the power of the rulers", who only acted "*in trust* for the Crown", for which there is no justification in these days of settled Government and should be set aside. From 1765 until 1858, the year in which the Crown of England undertook the Government of India into its own hands in right earnest, the Indian administration was in a state of chaos and anarchy, culminating in the great Mutiny of 1858. Is it not disgraceful that the poison-tree of the Permanent Settlement reared in those days of anarchy, flourish, even to this day, in undiminished vigour, with its unlimited "sub-division and sub-infeudation of rights in the



land," so fatal to agriculture, and so prolific of devastating famines? The Permanent Settlement is a relic of that chaos and anarchy, a relic of that un-settlement of rights in land in the name of settlement and still so common, made under the cloak of "the ancient law of the country" "according to established usage and custom", according to "the old laws and customs of India" "from the earliest times until the present" (Regulation I of 1793), which really it set aside or violated. "By the ancient law of the country," ran the opening words of Regulation XIX of 1793, by which the Permanent Settlement was created in Bengal, "the ruling power is entitled to a certain proportion of the produce of every acre of land, unless it has transferred or limited its rights thereto." So far as that goes, there is no question. The point at issue is, whether under that ancient law, the ruling power is entitled to that proportion of the produce, because the land of the cultivator is the property of the ruling power, or because the ruling power protects the crops, &c, growing on that land, *vrihyadinam rakshanena*" (Jaimini 6-7-3).

So far as the ruling power himself is concerned, and so long as that ruling power faithfully performs his duty of giving protection to the crops, &c, the discussion is perhaps more academical than practical. But when the ruling power "transfers" that right to a third party, to Zemindars, Talukdars, or Chowdhrys, calling them, from sheer ignorance, if not from something worse, "the actual proprietors of the soil" adding that—"public assessment being fixed for ever, they and their heirs and lawful successors would be allowed to hold their estates at such assessment for ever",—whether the protection to the crops, &c, prescribed under "the laws and constitution of India" was given or not (Reg. VIII of 1800), that question becomes one of life or death for eighty-five per cent of the population. Before the reader pass any opinion, he ought therefore carefully to consider whether the provisions of Statute 24 Geo III, Cap. 25, S 30 were faithfully carried out, whether or not in making the transaction "the laws and constitution of India" were duly observed. If the provisions of that Statute were not carried out, and the "laws and constitution

of India" not observed, the Permanent Settlement was a violation of that "trust, for the Crown" on the part of the rulers, and therefore *ultra vires*. "The first result of enquiries made in order to the settlement of the newly acquired Provinces", says Field, "was to create an impression that a mistake had been made in 1793, and that the Government had then acted prematurely and upon insufficient information. Subsequent experience still further confirmed this impression" (p. 633). When the Mutiny of 1858 brought "to an end the long and great career of the East India Company", and its powers were "transferred to the Crown", we find that after an honest, careful, and prolonged enquiry, the Government in their "Revenue Dispatch, No. 14 of 9th July, 1862" declare, in clear and unmistakeable terms, as their deliberate conclusion:—"It must be remembered that in India, and specially in the districts under raiyatwari settlement, the great bulk of the agricultural population are the proprietors" (Field, 693). And it is well known that all India was under *Raiyatwari* Settlement,

immediately before the chaos and confusion that preceded the farming of the revenues "to the highest bidder", and the Permanent Settlement, made by the East India Company.

What was a Zemindar in Akbar's time? What are these so-called Settlements, of which the Permanent Settlement of 1793, is the most notorious? A Zemindar, in the Ayeen Akbery, is "a Collector of the royal or Jageer lands", that is, an officer who collected the revenues for the emperor, in respect of, what may be called, the "Crown lands" of the Mogul Emperors. During the anarchy that preceded the acquisition of the Dewani by the East India Company, the imbeciles who disgraced the throne of Delhi, often "let the revenue of an estate or tract of country to a *Mustagir* or farmer, who agreed to pay a certain annual sum to his lessor, and was allowed in consideration thereof to collect from the cultivators, and make what profit he could, upon the transaction. This system of farming was adopted by the English in their first attempts to manage the revenues of the country. The farmers "sublet to under-farmers" (Field, 615). The

question about conferring "proprietary rights" on these revenue-farmers could not therefore arise. "It must be carefully borne in mind that what was assigned in all these cases was not the land itself," says Field, "but the right to collect the Government revenue." (Field, 428). When the Company obtained the sovereignty of Bengal under the name of Dewani in 1765, there was "in 1770 a great famine, which is officially reported to have carried away a third of the inhabitants of Bengal", but the revenue collections "exceeded those of previous years, in spite of the mortality, and the consequent decrease of cultivation" (Field, 470). "The Directors had already prohibited the practice of minute local scrutinies" about "the rights of cultivators' to "ensure to the Company every possible advantage" (472). "Bengal and Orissa had up to 1771 been settled from year to year" (477). Could these settlement-holders of the revenue, we ask, claim the proprietorship of the lands? In 1772 a quinquennial settlement was made "to the highest bidder" (480). Could these settlement-holders, we ask, claim proprietorship? "Upon the expiry of the

quinquennial settlement in 1777, annual settlements were made for several years, under the orders of the Court of Directors; but a preference was now given to the Zeminders (i e. the old "Collectors of the royal or Jageer lands"—(Ayeen Akbery P. 257). The object of all these settlements was to levy "the greatest possible revenue" (487) at a minimum of cost, and they had absolutely nothing to do with conferring proprietary rights in the land, on these Zeminders. In fact the *farman* of Dewani, as we have shown, did not confer on the East India Company any proprietary rights in the land at all, and does not even show that the Moghal Emperor himself claimed any proprietary right in the cultivators' lands. Now came the statute 24 Geo III, Cap 25. Section 39, like a "bolt from the blue" in 1784, putting a stop to the "corruption and oppression that every-where prevailed, making the rule of the East India Company "a curse to the natives; for henceforth the Company, whatever they did, were bound to observe the "laws and constitution of India," as given in Manu, Usanah, Jaimini, Taittiriya Brahmana,

on the the one hand, and the Ayeen Akbery on the other. After that statute was passed Hastings, who was well known to have had a very elastic conscience, where finances were concerned, feeling his "occupation gone" almost in despair, left India, and the Decennial Settlement was made, which was merely a declaration, that no alteration would be made in the assessment of the revenue, that the assessment fixed by this settlement, would be continued and remain unalterable for ever, if the Court of Directors approved (498). "The Zemindars, Talukdars, or Chowdurys; they and their heirs would be allowed to hold their states at such assessment for ever." It was only a promise of fixity in the assessment of the revenue, pure and simple, and had no connection whatever, with proprietary rights in the cultivators' lands. That Decennial Settlement was declared permanent by a proclamation on the 22nd March, 1793, the Governor-General in Council reserving to himself the right to "enact such Regulations as he may think necessary for the protection and welfare of the dependent











talukdars, raiyats, and other cultivators of the soil." (503) The Permanent Settlement was not then "undoubtedly," a declaration of the confiscation of the land of the cultivators, like that in England after the Norman conquest, not a declaration that from 1793, the *sthanucheda* or reclaiming cultivator ceased to be the proprietor of his land. The only point that can be urged in favor of the Zemindar, is that in that Proclamation and in the Regulations of the time, such as Regulation VIII of 1800, the expression "Zemindar, independent talukdar, or other actual proprietor of land" is used, being only assumed in the description, not certainly declared as part of the "promise". It should be borne in mind that even before the Decennial Settlement, Lord Cornwallis in his discussions with Mr. Shore, not knowing the truth, spoke of the proprietary rights of the Zemindars" (497). It was not certainly then the object of the Permanent Settlement to confer any proprietary rights on the Zemindars. From his ignorance as a stranger, and from his mistake of abolishing

the Kanongoes and Patwaris, in whose offices were preserved "the only written evidence of the rights of the cultivators of the soil" (F—492), Lord Cornwallis had to depend for information on the interested Land Revenue-Contractors, such as the "Zemindars and Talukdars or Chowdhries", to whom alone he was accessible, who had come into existence during the anarchy that preceded the grant of the Dewani to the Company, who posed themselves before him, as "the actual proprietors of the soil", which Lord Cornwallis took for gospel, though, as we see, they were not proprietors. "The right to collect and appropriate the Government revenue", says Field, speaking of the Mirs or Village Communities of Russia, "drew after it the proprietorship, what was paid as revenue to the state, becoming rent, when paid to a private individual, and the right to receive rent becoming interpreted as proprietorship of land". That was also the explanation, the only possible explanation, of the mistake, assuming it to have been unintentional, on the part of Lord Cornwallis, a stranger deluded by the mis-representations of

interested Zemindars, so that he was led to call his informant Zemindars themselves as "the actual proprietors of the soil," which we have shewn, by reference even to the Ayeen Akbery, they never were. That mistake, afterwards admitted and rectified by the Government of India in 1862 as we have shewn, and "the bulk of the agricultural population in India" being then found to be the true proprietors,—no further notice of Lord Cornwallis's mistake need be taken, provided, of course, that mistake is now rectified. Let the reader now judge for himself, what truth there is in the contention of the Zemindars—"that the Permanent Settlement undoubtedly conferred proprietary rights on the Zemindars". "Undoubtedly" it did not. It could not, without a previous declaration of confiscation, made with the authority of the Crown of England, so long as the statute 24 Geo III, Cap. 25 S. 39, stood on the statute-book. Lord Cornwallis himself in his Reg. XIX of 1793, had to cite for his authority "the ancient law of the country" or the "laws and customs of India". So long as the Hindu law is "*s'thanuchelasya kedaram*, &c, and

unreclaimed land "*atazyah*" *Res nullius* "asvamikani", &c, so long as Akbar claimed tribute for "the cares of royalty" (Ayeen Akbery, 189), and not rent as proprietor of the soil, so long as it is true, that the "Mahomedan law recognised only two persons as having an interest in the soil, namely the Government and the cultivator" (Field P. 798), supposing for the sake of argument that Lord Cornwallis did confer a proprietary right on the Zemindars, which, we have shewn, he did not, it was clearly *ultra vires*. It was beyond his power, for, as the agent of the East India Company, who ruled "in trust for and on behalf of" the Crown of England, it was beyond his power to do anything of the kind, so long as the statute 24 Geo III Cap 25, Sec, 39, stood on the Statute-book of England, to bind him down to the "laws and constitution of India." The pretensions of the Zemindars, or of their lawyer friends in the Amendment Committee, that "the Permanent Settlement conferred proprietary rights" on the Zemindars, is therefore absolutely baseless.

Now that the question of Tenancy in

Bengal is on the legislative anvil, and the Governor General in Council in proclaiming the Permanent Settlement in 1793, reserved to himself the right to "enact such Regulations as he may think necessary for the protection and welfare of the cultivators of the soil" (Field. 503), and that as the effect of that Permanent Settlement depriving the peasantry of their proprietary rights in their lands, Bengal is passing year after year through dire and desolating famines, which are a disgrace to any civilized country, it is hoped that the Governor General in Council will see that the Bengal Tenancy Act is so amended as to bring it into line with "the ancient law of the country", by declaring peasant-proprietorship as the only valid form of Tenancy in Bengal, the Government having found in 1862, after careful enquiry, "that the great bulk of the agricultural population in India "are the proprietors," and also by putting a complete stop to subinfeudation below the the second degree (*Quia Emptores*), "so as" thereby "to ensure in the highest degree" as the Government then hoped, "the welfare,



and contentment of all classes of Her Majesty's subjects," making famines as impossible in India to-day, as they are impossible to-day in the advanced countries of the world, wherever peasant-proprietorship has found a footing.

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## SECTION XII

**The search-light of the land-laws of  
the advanced countries of the  
world.**

### (1) Peasant-proprietorship in the United States of America.

"Look here upon this picture and on this," on the performances of the Indian legislators in Bengal, proposing to "tinker" with the sham of "unprotected" occupancy rights, to be conferred on under-rayats and Bargadars, and on the achievements of the legislators of the United States, who declare all land in the United States to be allodial or without a superior, "the entire and *absolute property*" being vested in the owners"

(Field, p. 359), as we said before. Any American citizen intending to cultivate land, is supplied not only with land by the State at a very moderate price, but is in addition supplied with working capital, as the Ayeen Akbery provides (see ante P. 114), on the security of that land, the State Department of Agriculture at the same time supplying, free of cost, every assistance that science and patriotism can render. The Colleges of the States provide free agricultural education to the peasantry, in the form of short winter-courses of lectures for them to attend, when they have no field-work to do,—degrees being conferred on them by the Universities, when they have completed their course. The bureau of publication freely circulates among the peasantry their bulletins, communicating to them free of cost, the results of agricultural experiments conducted by experts at the State Experimental Stations. How different this from the *hortus siccus*, the barren garden', so far as the production of national wealth is concerned, of an *University* or an Agricultural Department we are keeping up, at an immense outlay of capital ! America can not afford to breed land-leviathans, like our Zamin-

ders, for they do not allow the earth-hunger of their citizens, to swell into a disease fatal to the healthy life of their fellow-citizens, as in Bengal. "Their public lands were divided into hundreds of ten miles square, of thirty-six mile-square plots of 640 acres each, called townships. The sections (plots) have been subdivided. The price is two dollars only or Rs 9 per acre (= 3 Bighas), i. e. Rs 2 per Bigha. One township in each thirty-six was reserved for educational purposes" (E. B). The cost of obtaining a quarter section (or 160 acres) has come to be only about twenty-six dollars (or 38 Rs), the interest on this, at six per cent per acre, making this as nearly as possible, the 'no-rent land' of the economists. No effort has been made to gain a revenue from it." One township (=640 acres or one square mile) in each thirty-six, being reserved for educational purposes, the excellent public-school-systems of the Western States have been founded on this provision." (En. Brit.) Is there no lesson in all this for our, Indian legislators ?

Is there no lesson for them either in, what is called, an "Estate of home-stead" in the United States ? And what is that ? While the

Amendment Committee of the Bengal Tenancy Act in their Report, with stolid indifference, speculate that "it is clearly not in the interests of the agricultural community that occupancy-holdings should be bought up by moneylenders and non-agriculturists, and settled on a rack-rent with cultivating tenants who would be mere tenants-at-will," but practically do nothing to prevent it, or do something much worse, by driving the peasantry from the frying pan to the fire, from the Mahajan money-lender to the Zamindar or Talukdar who is but too often both Zamindar or Talukdar, and money-lender, lending money at 75 per cent, so as to swallow their peasantry alive, getting their homesteads to be sold, or swallowed by themselves, and the peasants and their family sent adrift to swell the ranks of "the landless labourers after the English type," too often unemployed, our industries being killed or stifled, and without the advantage of the English "unemployment pension," of an amount equal to a "living wage," to die before their time, of famine or malaria or *kala a zar*. "Look here upon this picture, and on this"! "Every householder

in Massachusetts," says Field (370), "having a family, is entitled to," what is termed, an "Estate of homestead, to the value of 800 dollars (= 2400 Rs), in the farm or lot of land and building thereon, owned or rightly possessed by lease or otherwise, and occupied by him as a residence. Such homestead, and all right and title therein are exempt from attachment, levy, execution, or sale for the payment of debts, or other purposes" (I may add here also that the law in little Servia too "forbids the alienation for debt, of a peasant's cottage, his garden or court-yard, his plough, his last *yutara* of land (i. e. the area that two oxen can plough in a day), and the cattle necessary for working his farm"). With all this, there is no land-revenue in the United States,—indeed "direct taxes cannot be imposed." Nor is there any land-revenue in land-lord-ridden England. In India, however, three of the principal sources of revenue, :—

(1) Land Revenue to the amount of 3 crores,  
 (2) stamp revenue to the amount of 3 crores,  
 and (3) salt revenue to the amount of another 3 crores, now probably to be doubled, i. e. nine to twelve crores out of a total of 33 crores

(Administration of Bengal 1919-20. p. 105), represent mediately or immediately that proportion of the life-blood of the half-fed half-clad peasantry of Bengal. Indeed it has been observed with great truth, that "the rural classes" in India "have the greatest stake in the country, because they contribute most to its revenue" (Mont-Chelm Report). In the United States on the other hand, the chief sources of revenue are customs and excise which are said to have attained "a phenomenal growth" (E. B.), these and a general property-tax which is considered practically to be a sort of self-assessment, some of which touch the smaller peasantry. In England too the minimum of income assessable for taxation is 160 £ per annum. Speaking generally, tenancy as a system, does not exist in the United States, "the universally recognised rule" being "that of absolute property in land" (E. B.). "Every American desires to be a master of the soil, and is content to own, if nothing else, a small homestead a mechanic's home or a dwelling-house in a town with a lot of land, some 50 ft by 100 about it. This

desire to be the owner of land is acknowledged and encouraged by the legislature" (Field, 364). Is there no lesson in this for the Indian legislature? Should not also the Indian legislature acknowledge and encourage the similar desire on the part of every Indian citizen for "a dwelling-house in a town, with a lot of land 50 ft by 100 about it, of which he shall be the "master of the soil", instead of allowing, as now, a Zemindar leviathan to swallow whole cities and towns! Only eviscerate the indolent unproductive land-leviathans, of a little of their superfluities and the thing is done.

Though subtenancies are very unusual, the land is let in the United States, in most of the States according to the convenience of the parties, but no lease of agricultural land can be for a longer term than ten years. A person renting land, generally takes the whole farm and usually for a single year. Rent is variously paid in money or in kind or a share of the produce. Rent in kind is preferred as 'saving the interest of the persons in whose favour rent is reserved,

from sinking by the depreciation of money, owing to the augmentation of gold and silver and the accumulation of paper-credit. The landlords are now trying to induce the tenants to capitalise and purchase the rentals, thereby converting themselves into absolute proprietors." (Field, 380) O for the day, when the revenue-farming non-agricultural landlords of Bengal, will follow that example!

We next turn to Europe, and we must be brief "Allodial tenure," i. e, lands held as "the absolute property of their owner," without a superior, it has been said "seem to have been common throughout northern Europe. It exists in Orkney and Shetland, but is unknown in England, the feudal system having been made universal by William the Conqueror" (E. B—Allodium). Taken in connection with Manu's "*sthannchedasya kedaram*," and Usana's "*atavyah*" or forests, & "*asvamikanyahuh*," as res nullius, or ownerless, it would seem that peasant-proprietorship was universal among our *Aryan* ancestors.

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(2) Peasant-proprietorship in Italy  
throwing light on our own.

We realize our own position, and to the best advantage, as we said before, by comparison with that of others, specially those more advanced than ourselves. India's indigenous industries and commerce being practically dead, she is to-day solely an agricultural country, while the advanced countries of Europe with their industries and commerce in full bloom, are as much, if not more, industrial than agricultural. Under our existing conditions our political goal should be the establishment of an agricultural democracy or *Svaraj* within the Empire," the goal in the advanced countries of Europe, like Italy, being the establishment of "industrial democracy,"—commerce, under healthy political conditions, being always but an offspring of the industries and agriculture. "The Government" of Italy, as Mr. Herron puts it, in his 'Revival of Italy,' in order to realise that object "seeks a solution and synthesis of productive capital and labour

that shall be an approach to industrial democracy," by harmonising" individualism with socialism, or freedom with association,—“the worker taking his place as an associate, and not as an enemy of the employer,” thus leading to “industrial monism dissolvent of industrial and social dualism,—the advancing doom of industrial monarchialism.” both the workers and their employers finding “freedom in association or association in freedom,” “a synthesis of both unity and liberty, in which liberty finds, and fulfils itself in unity,” —“the quest whereof has been” to Italy, says Mr. Herron, “her divine vocation and her Holy Grail.” With regard to the use of violence as a means to that end, Mr Herron, though he does not support Mahatma Gandhi's pledge of non-violence, yet observes —“In violence rests no permanent redemptive or preservative social force. Violence cannot really cure the evils which violence has created. Violence begets only violence in the end.”

With regard to peasant-proprietorship in Italy which more directly concerns us here,

Mr Herron observes :—"Because of the fact that Italy is an agricultural country, her people chiefly dependent upon the cultivation of the soil, the revolt of the agricultural workers is even more significant than the revolt begun by the workers in the factories. Industry depends in the last analysis upon the tenure and treatment of the land." Every word of it is true for India. Let us in India never forget that India's industries and commerce too, in the last analysis, depend upon the "tenure and treatment of the land," and amend our tenancy laws accordingly.

Mr. Herron proceeds :—"The Italian peasant, quite naively took the Government at its word, much as the little child takes the word of its mother. (Has not that been equally true of the Indian peasantry ! ) The Government had promised to provide for the peasants. To provide for the peasant meant to give land,—there was no other way of providing for him." "The Government has not hindered the agrarian revolt, has perhaps covertly guided it, with a view to securing in the peasantry a permanent stabi-

lising force).” What should be the attitude of the Indian Government, if the Indian peasantry take a bold stand on the time-honoured law of “*Sthannchedasya kedaram*,” that the land is the absolute property of the reclaiming peasant ? “It is pretty certain too,” says Mr. Herron, “that on the ground of sheer social justice Signor Giolatti desired to give the land to its users, and to rid Italy of the socially useless or parasitic class that has for ages fattened on the peasantry, thereby impoverishing the nation and balking its normal developments.” Is there not such a “socially useless or parasitic class” in India in the Zemindars, and their subordinate fry of Talukdars, &c ? Are not the *khas mahals* a type of that useless parasitism on the part of the Government themselves ? Are not the “licensed freebooters,” with their fabulous incomes, in their superabundance, a class of socially useless parasites ? How should we in India deal with these parasitic vested interests ? “As an antidote to extreme socialist doctrine,” says Mr. Herron, “the church as well as the Government desires the

stabilising social force inherent in peasant-proprietorship." (Would not that apply also to India ? if not, why not ?) "The priests and friars who led the agrarian revolt in Sicily," says Mr Herron, were inspired by a genuine and passionate sympathy for the peasants." (How stands it with the Mollahs among the Mahomedans, the Brahman priests among the Hindus, and the Padris among the Christians in India, so far as a genuine and passionate sympathy" for the peasantry is concerned ?) "The Italian peasant whether he be peasant-proprietor or agricultural employee," observes Mr. Herron, "he must work in company. Individualist that he is in regard to the possession of himself and his land, as a worker, he is incorrigibly social." Will our Indian peasantry too learn to form *jots* or combinations, on an extensive scale, and 'work in company,' following the lead of the advanced European countries like Italy, as regards Co-operative Association, whether as landed peasant-proprietor or as landless agricultural employee. Who will enlighten them and give them the necessary training in that line ? Will our conceited

intelligensia, our self-complacent men of light and leading, or the Government themselves, do it ? That way lies India's true salvation.

Mr. Herron concludes :—“This synthesis of peasant-proprietorship and Co-operative agricultural labor and barter (i. e, sale and purchase),—the whole based upon the seizure of economic rent (i. e. the land-tax reduced to the absolute minimum consistent with the welfare of both the individual and of the state) by the national community,—will become the ultimate land-system universal.” We too say amen to it, and invite the attention of the Legislative Assembly as well as of the Provincial Councils of India to this “synthesis of peasant-proprietorship and co-operative agricultural labor and barter;” as the only effective solution of the perennial famine problem in India.

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### (3) Land-bankruptcy in England.

Lastly we come to England, land-lord and capitalist-ridden England. The history of land-holding in England has been one of ceaseless struggle on the part of the people for the recovery of lost ground, for the abolition of the existing land-monopoly. It is admitted that peasant-proprietorship prevailed in England in Saxon times, and every freeman or ceorl had freehold property in land. There was also unappropriated land, or what Usamah called, *asvämikani*, as the common property of the entire community, called folk-land. In later times the folk-land became converted into the Crown lands, and the grazing commons. The free development of the peasant-proprietory system in England however, received a rude shock, when after the Norman Conquest, William the Conqueror forced every one to admit that his land was the king's, and that whoever held any land, was bound to serve the king. "Those who, in days before the Conquest,

this general situation that the first Corn-laws arose, and they appear to have been wholly directed towards lowering the price of corn" ( En. Brit. ). Nothing could be more effective towards famine-prevention, than keeping the prices of food-crops within the limits of the purchasing power of even the poorest. "Neither shall he allow the rich to buy more than is necessary for their own consumption." Contrast this with the practice of to-day, of allowing the millionaires of foreign countries through their agents, in the name of free trade, to bid for, and buy up, and corner, or export to foreign countries, whatever quantity of food-grain they want, causing the prices of food-grain to go up far beyond the purchasing power of the masses of our people, causing wide-spread and desolating famines! At the same time, it gives a handful of Revenue-contractors, Zemindars and Talukdars, who now have no direct interest in the success of agriculture, a legal ground for claiming enhancement of rent from the husbandmen, who form eighty-five per cent of the population. Again says the Ayeen Akbery, "He ( the Kotwal ) shall prohibit the making, selling, and buying of spirituous



liquors ; but need not take pains to discover what men do in secret." Let the reader compare with this, the Excise Policy of to-day, which is pursued more with the object of causing an increase of the revenue, than that of making the people more temperate, and is based on the paradoxical plea of "securing a maximum of revenue with a minimum of consumption." Lastly "He ( the Kotwal ) must not allow private people to confine the person of any one, nor admit of people being sold for slaves. He shall not allow a woman to be burnt contrary to her inclination" ( P, 258 to 260 ).

We showed before, from the Hindu law-givers Manu, Yagnavalkya, Vishnu, Gautama, and Vasishtha, the duties, the Hindu kings owed to the people, in return for the *vali* or contribution, now miscalled rent, after the analogy of the *terra regis* of Norman England. We now show from the Ayeen Akbery, which, on the testimony of Warren Hastings himself, "comprehends the original constitution of the Mogul Empire", what duties the Mogul Emperors knew that they owed to the people in return for the "proportion of the produce of every acre of

land" they were "entitled" to receive, which the East India Company also claimed. Thus we have before us a correct account of the duties of the ruling power "from the earliest times until the present" ( Regulation I of 1793 ) "by the ancient law of the country" ( Regulation XIX of 1793 ), on which Lord Cornwallis professed to take his stand, on which he was really bound in duty to take his stand, under the British Statute, passed in 1784, 24 Geo III, cap. 25, Section 39, which required the Court of Directors to give orders "for settling and establishing upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which the tributes, rents, and services of the Rajas, Zemindars, and other native land-holders should be, in future, rendered, and paid to the United Company." In obedience to these provisions," says Field, "orders were transmitted to the Government for the establishment of permanent rules for the settlement and collection of the revenue, and the administration of justice, founded on the ancient laws and local usages of the country" ( P. 487 ). How were the orders of the British

Crown, and of the Court of Directors carried out by the Government of India? Acting under the cloak of the mere name of the "established usage and custom," of "the Mahammadan or the Hindu laws," or "the ancient law of the country", & c., without its substance, Lord Cornwallis really threw overboard the Hindu laws, given in our Sanhitas, as well as "the original constitution of the Mogul Empire", given in the Ayeen Akbery, and therefore also necessarily the provisions of 24. Geo. III, cap 25, Section 39, as also the orders of the Court of Directors "for the settlement and collection of the revenue and the administration of justice" according to "the ancient laws and local usages of the country," when he dubbed his creature, the Zemindar-Contractor, whom the Ayeen Akbery calls "a Collector of the royal or jageer lands" ( i. e. the Crown lands ), as "the actual proprietor of land," repeating that expression more than a dozen times in that small Regulation I of 1793. as though believing that mere repetition, would serve for evidence and produce conviction in the mind of those beyond the seas, to whom he was

villages, but whole towns, whole parganas, under an unfounded claim of proprietorship; Surely a little emesis of their superfluities would be greatly to their advantage, both morally and physiologically, for it may lift them out of that "sensuality" in which a few of them sometimes roll. We would request our Legislature to take a lesson from the Legislature of England, and cut the existing Gordian knot of "the extra-ordinarily complicated state of agrarian relations" fatal to agriculture, by putting a complete stop to the present subinfeudation of tenures, by an express provision in the Tenancy Act, on the lines of the statute of 'Quia Emptores' of England; and also to vest our District Boards, and Local Boards, with compulsory powers of purchase or hire of land, to the extent of 3 to 20 bighas for the benefit of "the deserving laboring man"—"a fifth of the purchase money" being "paid down," and the remainder paid "in half-yearly instalments spread over a period not exceeding fifty years."

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(4) **The French system of *metayage* compared with the *Barga* system in India.**

We learn by comparison. France has a lesson for us in her system of *metayage*, and Switzerland a lesson for us in her system of pasturage in common.

To the nations of the world France is the Evangelist of the modern gospel of 'the rights of man' and of 'the sovereignty of the people,' the gospel which has been "accepted by all civilized nations as the gospel of modern times" (E B). In France it has been said, "in the great conflict between immunity (i. e. privilege) and community, the peasant won, the manor lost." Land in France is now mostly occupied by small proprietors under what they call "*la petite culture*," the great estates of old, with rare exceptions, being broken up. "About three million persons are proprietors of holdings under 25 acres (at 3 bighas per acre equal to about 5 drons) in extent. About 80 per cent of the holdings (amounting to about 60 per cent of the cultivated area) are cultivated by the

proprietors ; of the rest, approximately 13 per cent are let on lease (i. e. to under-rayats), and 7 per cent are worked on the system known as 'metayage' (i. e. Barga) (E. B.). Would not the French people look aghast to hear of the proposal of our Committee of Amendment for vesting sub-leasees or tenants, to whom land is let for three, six, or nine years only, and metayers who cultivate land for a share of the produce, i. e. under-*raiyats* and *bargadars*—with the sham of an 'unprotected occupancy right' ? As in the United States or in England, so in France, there is no land-revenue, no indiscriminating blood-sucking of a famished and dying peasantry, with or without any assessable income, as in India. In France however, unlike the United States where there are no direct taxes, a contribution (much like the Indian *vali* of Hindu times, or the 'tribute' of Mogul times) is levied directly on income from land, called *contribution fonciere*, which is annually apportioned according to income.

What is of special interest to us in the

French system of land-occupation, is the the system called *metayage* in France and Italy, which comes very near to our Barga system. We have said that 7 p. c. of the holdings in France are worked on the system of *metayage* or Barga, by which a tenant cultivates for the proprietor, for a proportion of the produce. The proportion received by the land-lord is sometimes two-third, sometimes one-third, varying with the fertility of the soil, and other conditions, the land-lord sometimes supplying all the stock, and sometimes only part, the cattle and seed perhaps, while the farmer provides the implements. We should clearly understand what supplying the stock"—living and dead, really means. It means supplying the cattle, the seed, the implements, and the manures, so that the *Bargadar* has no capital whatever to lay out, being required to give his labor only. In France the metayers or *Bargadars* are generally "removeable at pleasure," and are "obliged to conform in all things to the will of their land-lord." Our Bengal Tenancy Amendment Committee remark :—"The majority of us are agreed

that produce-rents are generally against the public interest ; they encourage indifferent cultivation, and are against the best interests of agriculture," but they have not the boldness and independence of mind, or even the candidness to enquire, why it should be so. Why is it so ? Because the land-lord of the *Bargadar* in Bengal reduces himself to the condition of a sleeping partner, taking no active part whatever, giving no help whatever to secure increased production. "Metayage (or Barga) in order to be in any measure, worthy of commendation, must be a genuine partnership, one in which there is no sleeping partner, but in the affairs of which the land-lord as well as the tenant takes an active part. Wherever this applies, the result of metayage (Barga) appear to be as eminently satisfactory, as they are decidedly the reverse wherever the land-lord holds himself aloof" (E. B). If our Committee of Amendment were free from partiality, they would see that unproductive Zamindary rights are equally "against the public interest" ; Zamindary rights too, "encourage indiffereut cultivation, and



are against the best interests of agriculture" ; they too and to a more culpable extent, encourage indifferent cultivation, and are against the best interests of agriculture. And this too happens, to be the case for exactly the same reason, viz, because the Zamindar is a "sleeping partner" of the profits of the land, fattening on the produce of the soil, without being bound to do anything whatever to secure increased production. The Committee have neither the candidness to admit, nor the courage to propose the abolition of both Zamindaries and Government Khas Mahals, on the ground that they are both "against the public interest" or because they are both "against the best interests of agriculture" ! In the days of Akbar, long before our present-day Zamindars who now claim proprietorship in land, were in the embryo, the Emperor directed the Amilguzzar, or the imperial Collector of the Revenues in these words :— "Let him endeavour to bring the waste lands into cultivation, and be careful that the arable lands are not neglected. He shall annually assist the husbandman with loans of money." (262)

"He must assist the needy husbandman with loans of money (of course without interest), and receive payment at distant and convenient periods." Surely the State in Mogul times was not then a sleeping partner of the produce like the State to-day! Could not our legislature compel both the State authorities as well as the unproductive Zamindar parasites to justify their demand for revenue miscalled rent, by doing what Akbar himself did, at least by lending working-capital to the peasantry without interest, and thus have done once for all with money-lenders, instead of, as they now do, driving the husbandman to the village Shylocks, only to be swallowed flesh and bone. Agriculture is impossible without capital, and at the same time her resources are extremely elastic. Where the husbandman now gets ten maunds of paddy per acre, he could with expert supervision, and the judicious outlay of a little capital, easily get thirty maunds. In France, to obviate the difficulty about capital, metayers or *bargadars* form associations, and work under the personal supervision of the land-lord (*metayage*

*par groupes*—E. B. ). Nowhere in the civilized world is the poor cultivator driven for working capital to hungry Shylocks panting after his “pound of flesh,” as in India

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(5) **The Swiss system of pasturage in common compared with the ancient Indian system.**

Switzerland has from a long time been looked upon as an ideal republic on account of the happiness and contentment of its small peasant-proprietors. The land is cut up into a large number of small peasant-proprietory holdings, for which the proprietor peasant has no rent to pay either to the State, or to any middleman. “The quantity of land held by a single peasant-proprietor in the Swiss Canton of Geneva,” says Field, “varies from six to twelve acres,” i. e., one to two *drons*. We have shown in the case of England that there is in England a “continuously growing tendency towards a decrease of the arable, and an increase of pasture

land." In England "where there has been many householders, and inhabitants, there is now but a shepherd and his dog" said Bishop Latimer, denouncing the English "inclosers and rent-raisers" of his time. "A time there was ere England's griefs began" sings the poet, "when every rood of ground maintained its man." But when "the bare-worn common" came to be denied to the peasantry, for free pasturage, because of the passing of the "Inclosure Acts," the small farmer could not work with profit. "Small tenancies" it has been observed 'are not workable at a profit, when common rights ceased to go with them" (E. B.); that is, when "the waste lands of the vill or township, ceased to supply feed for the cattle of the community." In Poland, even after the peasants were recognised as proprietors in 1864, there "right to pasture on, and take fuel from the land-lords' estates were maintained" (E. B.). The small Swiss peasant-proprietors accordingly hold their forests (alps), and summer pastures in common, for they know very well, what the members of

the Committee of Amendment of the Bengal Tenancy Act do not know, or perhaps do not wish or care to know, so long as their own pockets are untouched, that small peasant-proprietors holding only six to twelve acres of land, or one to two drons, could not work with profit, if they had either to feed their cattle with hay, silage, cakes, and corn, or bran, purchased from the market, or had to reserve even a small part of their small holding for pasturage, which the Swiss peasantry know would be, not only impossible, but positively injurious to the health of their cattle, if they had to be kept, like the generality of our cattle in Bengal to-day, tethered or confined continuously in a small plot of grass. The Swiss Communes therefore have provided from time immemorial common pastures for the peasantry, having maintained a well-organised and well-managed pasturage-system, which is, as it were, the pivot round which the pastoral lives of the inhabitants of Switzerland, turn. "A time there was ere India's griefs began," the Indian poet may sing to-day, before our upper

classes degraded themselves into the condition of "licensed freebooters" and gilded leeches, who "do not contribute for the growth or development of national wealth, but only transfer wealth from one pocket to another," sleeping beside their nectar, careless whether the husbandman, who by the sweat of his brow produces food for them, works his farm at a profit or at a loss, or for less than even the wages of labor, we too in India had a well-organised and well-managed pasturage-system, when, in Hindu and in Mohamedan times, the Government, unlike to-day, was 'of first rate assistance' to the peasantry, and knowing full well that small holdings of two or three acres, much smaller than the Swiss peasants', the generality of our cultivators' holdings are not workable with profit, unless loans of working capital are given, without interest, and free pastures are provided for the cultivators' plough-cattle, such as both Manu and the Ayeen Akbery provide, with infinite advantage to the small peasant-proprietors, and cattle-keepers of India of those days.

"A belt (of pasture-ground) shall be reserved" says Manu, having a breadth of 100 bows, length (350 cubits), or equal to three throws of the shepherds' stick, round each village, and a belt of three times that breadth shall be reserved round every township. If cattle damage any unenclosed paddy therein, the king shall not punish the keeper of those cattle. There shall be erected a fence (to mark off the boundary), so high, that a camel can not look over it, and all openings therein, of the size of the mouth of a pig, or of a dog, shall be closed" (VIII—237, 238, 239).

And what have we in the Ayeen Akbery,—which the Governor General in 1783 said; "comprehends the original constitution of the Mogul Empire"? Says the Ayeen Akbery: "If any one does not cultivate *Kherajee* land (i.e., arable land liable for *tribute* and *taxes*), but keeps it for pasturage, let there be taken yearly, from a buffalo 6 *dams*, and from an ox 3 *dams* (dam = "the 40th part of a Rupee" formerly called *pysah*), but calves shall be permitted to graze without paying any duty. For every plough there

shall be allowed four oxen, two cows, and one buffalo, from whom likewise no duty shall be taken for pasturage" (265). O how our peasantry have been swindled out of those free pastures for their plough-cattle, "the enlightened principles of a British Government" notwithstanding (F. 512). We ourselves saw, fifty or sixty years ago, the last relics of the old pasture-lands, which also formed the play-grounds of the village-boys, which, with the broad *gobats* or cattle-paths, now continuously diminishing in breadth by encroachment, formed the feeding-ground of the village cattle. They have all been misappropriated by the Zamindars, often by collusion with traitors in the camp of the peasantry, and (Shall we add ?) the Amin myrmidons of the Survey and Settlement Departments. "Small tenancies are not workable at a profit when common rights (or the right of free pasturage) ceased to go with them" (E. B). That is the experience of all the advanced countries of the world. And nowhere in the world are the holdings of the generality of the peasants so small as



in India, being only one or two acres! How are they to be worked with profit without facilities for free pasturage? We leave it to the *Savants* of the Legislature to answer that question, if they think it worth their while to trouble their brains for an answer. The Indian peasantry who are, it is admitted, hardly able to find even one full meal a day for themselves and their children, are they expected to feed their cattle with hay, silage, cakes, corn, and bran purchased from the market? In the *Ayeen Akbery* we read that in spite of the smallness of the holdings of the Indian peasantry—"Every part of the empire produces good oxen, but those of Guzrat are esteemed the best. These will travel thirty-six miles in the course of twenty-four hours, and they are swifter than the generality of horses. There are also abundance of fine oxen in Bengal, and the Deccan. Many cows at Delhi give daily twenty-quarts (=25 seers) of milk each" (127). Where on earth are those "fine oxen" of Bengal now? The generality of the Bengal cows to-day hardly

yield two seers of milk daily, even in the third month of their calving. This deterioration of our cattle is the outcome of that Satanic misappropriation of the pasture-lands of our old village communities,—criminal or not, we leave it to the Legislature to judge. It must be prevented, for it is “against the best interests of agriculture,” about which the Amendment Committee profess to be so keen. Pasture land must be found for our peasantry. The ruling power claiming “a certain proportion of the produce of every acre of land” (Regulation XIX of 1793), is in duty bound to protect the plough-cattle from starvation by restoring to the peasantry their pastures. Is not Rent-demand down-right robbery without this provision? But the Committee for the Amendment of the Bengal Tenancy Act, have not a word to say about pastures. Do they not feign an interest in agriculture, which they do not really take? The Committee is a Committee of a few unproductive Zemindars who fatten on the spoils of a famished peasantry, and a few lawyers or “licensed freebooters,” roving about the courts

freely for booty, without "contributing to the growth or development of national wealth." What do they care about the deterioration of our cattle or about the sufferings of our famished peasantry, so long as their own purses are full. Only prevent the starving cattle from trespassing into their ornamental gardens or compounds, to disturb their peace and comfort, and they want nothing more. For that purpose, all you need do, is to multiply the pounds, and they are satisfied. There is not a single member in the Committee whose conscience has been touched, if he has a conscience to be touched, on the score of the misappropriation of pasture lands, or who thinks that a substantial and lasting compensation is due to the peasantry for that loss. The opinions of such a Committee are hardly worth the paper on which they are written. We appeal to the conscience of the public and of our Legislature, to see that every village and every town be provided with a sufficiency of free pastures for the plough-cattle, and to see that Indian agriculture, and the agricultural classes are thus saved from imminent ruin.

## SECTION XIII

### The probable financial results of the restoration of Indian peasant-proprietorship.

- (1) The assessable minimum of land-tax miscalled rent.

Whether in England or in the United States or in any of the advanced countries of the world, there is no land-revenue except as a tax on income above the assessable minimum. It should also be clear from what has been said, that the so-called *rent* in India is not rent for the use of land owned either by the State, or by the Zemindar. The section of the people most useful to the community, and at the same time the most helpless, and least able to bear burdens, has been under the existing system of land-holding in India, needlessly saddled with a burden amounting to more than half their net income derived from the work of food-production for the nation. And for whose benefit? For the benefit of a microscopic minority far less useful, but wealthier

and therefore better able to bear burdens. The rent paid by the husbandman in India, we have shown, is really a contribution by him for his own benefit, rendered necessary, as we have shewn, by the exigencies of the climatic as well as the economic conditions of India. "Where mastership or ownership is absent," says *Savara Swami*, "there can be no giving"—"*svamyabhavat danam nasti.*" The state not being the owner of the husbandman's land, can not give it in settlement to a third party, no not even the forest lands. "*Atavyah*" which, as such, we have shewn are *res nullius* "*asvamikani*," and therefore can not be the object of a State-gift, "*nahiteshu parigrahaah*," under the ancient law of the country. As a necessary corollary, the whole question of land-settlements by the State, whether periodical or permanent, falls to the ground. True indeed, "the ruling power," so long as it renders the services prescribed "is entitled to a certain proportion of the produce of every acre of land," provided that land is cultivated, but not as rent in the sense intended by the capitalist-

farmers of England, but as *vali* or contribution, or as the Ayeen Akbery speaks of it, as tribute or tax. As a tax again, as under all civilized Governments, there should be an assessable minimum to the so-called rent. For incomes below that minimum no rent-tax should be charged. For England, the assessable minimum of income is £ 160 per annum or Rs 2400. In India that assessable minimum of income should surely not exceed an eighth of the English or £ 20 or Rs 300 per annum. Husbandmen in India whose income is below Rs 300 yearly or Rs 25 monthly, should not be made to pay the land-tax now miscalled rent.

(2) **No representation no taxation.**

Again we have shewn conclusively that the *Vali* or land-tax miscalled rent, paid by the husbandman, was intended for a particular purpose—"the protection of the crops &c," *Vrihyadinam rakshanena*" like the Chowkidari tax, or the Municipal tax. "He who

pays the piper calls for the tune." The principle followed in all civilized countries "no representation no taxation" should also be applied in regard to this land-tax in India miscalled rent, like the Municipal tax, &c, in India. A Board of Representative husbandmen, like the Board of Agriculture in England, should direct and control the use of this *vali* or land-tax. It should be their duty to see that what is taken from the peasantry by the State with one hand is returned to the peasantry by the State, with the other, and in a form a thousand times more beneficial, so as thereby to augment the wealth of the nation, "*sahasragunamutsrashtumadatte hi rasam rovih*" either as loans of agricultural capital without interest as the Ayeen Akbery directs, or as irrigation facilities, or the supply of valuable manures, or as free and ampler pastures for the cattle, or the free restoration of the value of the husbandman's stolen property from the royal treasury if need be, and the free administration of justice generally.

As a necessary corollary, from the fact

that the husbandmen cultivate their own lands, the question of land-settlements and rent-assessments in Zemindaries or in *Khas mahals*, as we said before, does not arise. The question of the extension of the Permanent Settlement, for which the late Mr R. C. Dutt, C. I. E., pleaded in his life-time, as well as that of temporary re-settlements which Lord Curzon defended against him, when he was Governor General, lose their reality, and like the head-ache of the head-less "*asiraska sirobyatha*" become meaningless.

- (3) Will not the restoration of Peasant-proprietorship in India, cause a fall in the Government revenue !

Lastly in concluding our observations, we submit that peasant-proprietorship on the lines laid down in Manu, &c, for the Hindu times, and in the Ayeen Akbery for the Mohamedan times, is the best form of land-holding for India, being best adapted to the economic and climatic conditions of India,



in the same way as peasant-proprietorship has proved to be the best for all the advanced countries of the world to-day, in the form best adapted to their own climatic and economic environments. But it may be asked, would not the Government be a great loser if peasant-proprietorship were re-established in India,—the *Zemindaries* as well as the *Khas mahals* being abolished. A loser or a very great gainer,—would solely depend upon how the Government performed their duty of “protecting the crops, &c.,” *“brihyadinam rakshanam.”* If the Government remained a mere sleeping partner of the actual produce, with hands tied to the breast, allowing the usurer to victimise the peasantry with “his silver bullets”, instead of “thrashing him to the death,” and like the land-lords of the peasant *bargadars* (metayers), allowed the husbandmen’s crops to be destroyed by flood or drought, or from soil-exhaustion, and the want of necessary manures, or by insect or fungus-pests, or allowed his cattle to starve and degenerate for want of pasture land, or coldly allowed any other destructive agent,

which it is beyond the power of the unaided husbandman to cope with, to work havoc among either the crops or the cattle, the Government would surely deserve to be a loser, for they ought not to forget that the case is really one of "joint ownership" with the husbandman, in the actual "produce of the land" (Revenue Dispatch No. 14 of 9th July, 1862). If on the other hand, instead of remaining a mere sleeping partner, the Government took an active interest in the work of production, or at least provided working capital without interest, and facilities for drainage, irrigation, manuring, cattle-feeding, and the treatment of cattle-disease, which the husbandman could not provide for himself, the husbandman might,—"the Government," as Mr Hamilton puts it, "manufacturing the money to set their labour in motion," by intensive cultivation, obtain from the same land two or three crops in the year, where he is now able to grow only one, or grow valuable crops like sugarcane, tobacco, or potato, or other garden-vegetables; thus increasing the profit tenfold,

both for himself and for the "joint owner of the produce,"—the Government. Again the Government supplying the working capital, as provided in the Ayeen Akbery, instead of, as now, assisting the usurer to plunder the husbandman, the husbandman would improve the feeding-ground of the crops by judicious manuring, and obtain a much larger yield both for himself and the Government, than now. While the protection thus given by the Government to the crops, the cattle, and the field-labourers, would bring the Government a ten times larger revenue, the husbandman, who to-day can not but feel that he is taxed for nothing, would then feel grateful, knowing full well that he is more than amply repaid for what he pays as revenue to the Government. Sedition would thus be killed at the source. The husbandman requires a working capital of at least about sixty rupees (See our Bengali book on jute-cultivation, *Pat va nalita*, P 42, 44) for which the husbandman has to pay twenty to thirty rupees a year to the village-Shylocks. If the Government gave loans

without interest "to be repaid at distant and convenient periods," or at least supplied the funds for organising a banking system for the peasantry in every village on the co-operative basis, the Government advancing money to the village-banks, so that those village-banks could build up credit for themselves, the whole race of village-Shylocks would be extinct. What a relief would it be to 85 per cent of the population of India, to the section most useful to the whole human race. Mr. Hamilton has pointed out that India's 700,000 villages could easily be provided with as many peoples' banks on co-operative lines, all linked together by bonds of mutual trust, as well as unity of purpose, if only the Paper Currency Gold Reserve of 75 crores of India's money, now invested in British securities, were exchanged for silver, and made available to the Indian people for the development of India's resources.

Again, as we have said before, for want of water-supply in the dry season, from the want of suitable wells, tanks, &c, our hus-

bandmen to-day can generally take only one crop in the year, from the bulk of the land, and that only one of the less valuable crops. They cannot take a crop of Sugarcane, or potato, or tobacco. If Government provided the facilities for irrigation in the dry season, the husbandman could take two crops, and often three crops, including the more valuable garden vegetables. That alone would raise the income of the husbandman as well as the revenue of the Government to at least four times what it is now.

Again the comparatively more exhausted soils of to-day need recuperation more than the comparatively virgin soils of Hindu or Mahomedan times. The most important food-materials of plants that need to be replaced are the phosphates, Nitrogen in available form, and potash. Artificial manures, such as the phosphatic manures, bone meal, superphosphate, apatite, &c, or Nitrogenous manures, such as altpetre, or sulphate of ammonia, or potash manures—like Kanit, which, as a rule, are inaccessible to the unaided husbandman, could be easily supplied by Government in

sufficient quantity. From this cause also the income of the husbandman as well as the Government-revenue, would be not less than four times as much as it is now,—a result which, it is impossible for the unaided husbandman to obtain for himself. It should be noticed in this connection, that the average result of fifty years of experiment at Rothamsted, is that while a wheat plot unmanured continuously gave only 13. 1 bushels of wheat per acre, a wheat plot manured with farm yard manure yearly, gave 47, 7 bushels per acre, i. e., nearly four times more. Similarly at the Woburn experimental farm a barley plot unmanured continuously for thirty years, gave 18. 1 bushels of barley, and a plot manured yearly with farm yard manure gave 38. 8 bushels, i. e., more than twice as much. "The exhaustion of the soil for want of manure, has been estimated as equivalent to a decline of one-sixth of a bushel from year to year, due to exhaustion" (Encyclopaedia Brittan). With a little supervision by the Government experts, who to-day waste public money in the maintenance of

white elephants, and the pursuit of expensive fads, at the cost of the starving peasantry, green manuring, the inoculation of the soil with nitrifying bacteria, the treatment of plant-diseases with insecticides and fungicides, could be made to raise the income of the husbandman as well as the Government revenue. The Government might also greatly increase the profit by reducing the cost of production, by the introduction of steam-power, or motor-Power in field-operations where suitable, as in the advanced countries of the world. Even a well-tested and judicious rotation of crops would have a similar effect. "The introduction of a proper alternation of crops," says Justice Field, "is said to have had the effect of doubling and occasionally trebling the productive power of the land" (14). Thus there can be no doubt, that peasant-proprietorship on the lines followed in ancient India, with the Government receiving for revenue a proportion of the actual produce, and adapted to the altered economic condition of our times, would be of infinite advantage to both the Government and to the peasantry, so

as to make desolating famines, which are now become the rule, as impossible in India, as they are impossible in any civilized country. "The general result of the emancipation of the land," says Field, in speaking of the results of the establishment of peasant-proprietorship in the Grand Duchy of Hesse in Prussia, and the creation of peasant-proprietors, "has been that the standard of cultivation has been immensely raised, that the land yields infinitely more than it did previously" (82). The same result is bound to follow in India, if Zemindaries and Government Khasmahals are abolished, and peasant-proprietorship with joint ownership in the produce, re-established on the lines of the "ancient law of the country." Famines will be as impossible in India then as they are impossible to-day in other civilized countries. It should never be forgotten that even in England, where the land was *terra regis*, there is no land-revenue. In India too there was no land-revenue, but only a contribution for the protection given to the crops and cattle, the amount of that contri-



bution varying from year to year with the actual yield of the year. Under the meteorological and economic conditions of India," as Lord Curzon put it, the government alone can give proper protection to the crops, &c, from floods, droughts, &c, or effectively assist the peasantry, in establishing an efficient system of co-operative banking, that will fully meet the demands of the entire population, agricultural as well as manufacturing, organised, managed, and controlled by the peasantry themselves, for their own benefit, as in the advanced countries of the world. For giving such protection, the Government is surely entitled to receive as contribution or tax, a "certain proportion of the produce of every acre of land" as Lord Cornwallis claimed, provided it brings the peasantry an income above the assessable minimum. In the fitness of things too, the husbandman, the user of the land should be the sole proprietor of the soil, or of that upper one-foot of the earth's crust, which is the feeding-ground of his crops, for by habit, disposition, and training, he alone is

best able to maintain it in the highest state of efficiency, so as to obtain from it the maximum yield of food-grain for the human race, at a minimum of cost,—the Government only helping him, where he is unable to help himself, and “as a return for the cares of royalty,” receiving from the husbandman a fair and equitable proportion of the increased yield. The soil is too sacred a trust to allow unproductive profiteering speculators, and land-grabbing usurers to trifle with it, in their own private interest. The whole civilized world is to-day moving towards peasant-proprietorship. Let us not in India lightly surrender our birth-right enjoyed from time immemorial for a mess of pottage, but rather see that peasant-proprietorship on the lines laid down by “the ancient law of the country,” modified so as to suit our existing environments, is re-established in India, to the greatest advantage of both the husbandman and the Government, both doing their duty to the best of their power. If “the land” in Hesse in Prussia, as Field has said “yields infini-

tely more than it did previously" after "the emancipation of the land and the creation of peasant proprietors," it merely proves the general rule of the marvellous elasticity of the resources of agriculture? As the night follows the day, the same result is bound to follow in India, by intensive cultivation, to which the husbandman is bound to resort in his own interest, if he is given those facilities, that he is unable to secure for himself. Taking every thing together, the profits of the husbandman as well as the Government revenue, are then bound to be at least tenfold of what they are now, the labour of the one, and the supervision and outlay of capital by the other, being more than amply repaid, if they both faithfully perform their respective duties, on the lines we have indicated. Peasant-proprietorship in India, re-established on the lines of the "ancient law of the country" modified so as to suit existing environments, is thus bound to prove the salvation of the country, blessing both the rulers and the ruled. It shall, in that case, in no time, be realised that

Peasant-proprietorship in India\* too, like the  
 "The quality of mercy, is not strained ;  
 It droppeth as the gentle rain from heaven  
 Upon the place beneath. It is twice bless'd ;

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\*The following extract from Bengalee on the the Census Report of 1921, speaks for itself :—  
 "The proportion supported by unproductive occupations in Bengal is 952 per 100,000 ; but it is much the same as in India as a whole. "It is "remarkable," states the Census-Report, "that the proportion should "be so great in so poor a country, "that, besides their own dependents, every 100 workers between them support 3 people who make no attempt to earn an honest living, and that in Bengal, the number engaged in unproductive occupations, should have increased rather than diminished, during the last 20 years, though the pressure of the population on the means of subsistence in the province has been very great. The figure was 396,127 persons in 1901. It was 431,669 in 1911, and 438,274 in 1921." The fact stated above ought to indicate why Bengal, which

It blesseth him that gives and him that takes  
 'Tis mightiest in the mightiest ; it becomes  
 The throned monarch better than his crown."

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was at one time. one of the most healthy provinces in India, is now in the grip of malaria and hundred other diseases, and why the death-rate is so high in this province. Dr. Bentley following Malthus in the general proposition that the growth of population is limited by the extent of the means of subsistence, believes that malaria manifests itself in Bengal as the instrument of adjustment of such growth to economic conditions. He adds that in a large measure, malaria is not a root cause of depopulation, but appears in localities which suffer "adverse economic conditions, and keeps down the population by a less obvious, but essentially parallel of reactions to those by which starvation produces the same result, depopulation, in the acutest stress of economic conditions, famine." (The Report on the last Bengal Census of 1921, quoted by the Bengalee of 25th October 1923).

The End





# Rig Veda (Bengali)—Part I.

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## A Synopsis.

(The first part of Prof. Dvijadas Datta's book, "Rig Veda," in Bengali, is just out. The following synopsis of this eminently instructive and original work is offered by way of introducing the book to our readers.)

The first part of the Rig-Veda is a critical examination of the religion, and religious observances of the Rishis of the Rig-Veda. We are told that in the days, or some generations before the days, of the Rig Veda, was sown in the paradise of new-born humanity, the seed of a directly seen and directly heard Revealed Religion, far ahead of that groping in the dark of to-day, dead Deism or Rationalism, that sits like a nightmare upon the world of to-day. All succeeding Revelations grow out of that one root budding forth like branches, each to suit its altered environments, as from a common stock, and are in their essence in complete harmony with it, and with each other, 'true religion



and undefiled' being one, even as humanity is one, as God and His world is one. This living religion is the true 'tree of life,' the "*kalpataru*" of our forefathers.

The special features of the work may be thus summarised :—

(1) The cardinal principle of democracy and the election of rulers, is as old as the Rig Veda,—'*a tva a harsham*',—"We have selected you" "*antaredhi*," "take thy place in our hearts," "*dhruvastishtha*" "stand firm" "*avichachalih*" "be not hesitating," "*visas tva sarva vanchantu*"—"May each and all thy subjects desire thee for their ruler," "*ma tvadrashtam adhibhrasat*"—"that thy kingdom may not slip from thy hands" (10—173—1).

(2) The fivefold *Kalma* of *Islam*, in all its parts, is the reaffirmation of principles affirmed in the Rig Veda, "*La elaha ellellaho*," and "*La sarikalahu*" only reaffirm to suit the altered environments, the Rig Vedic "*na hi tvadanyo girvano girah saghat*" (1—57—4,) "Thou who art the one object of praise, none but Thee shall receive praise from us", and the Rig-Vedic—"na tvavan anyo divyo na parthivo na

*jato na janishyate*”, (7—32—23)—“Either in the heavens above or in the earth below, none has appeared, and none shall appear equal to Thee. Mahammad the Rasul is but the Vedic Rishi or “*sakshat-krita-dharma*” or “one to whom religion was directly revealed” in a new name to suit his new environments. The *Koran* revealed to him is a new *Veda* adapted to his time and place.

(3) *Lopamudra*, *Visvavara*, *Ghosa*, *Vak*, and a host of other ladies are the Rishis of the Rig Veda. *Kakshivan*, *Kavasa*, *Kanva*, and a host of other non-Aryans or *parasavas* (mixed-blooded) are among the best of the Vedic Rishis. That shows that, unlike to-day, the days of the Rig Veda were more truly the days of human equality, freedom, and fraternity in India.

(4) The Vedic Rishis far from entertaining any pretensions to those miraculous powers ascribed to them to-day (*animadisiddhih*), were always conscious of their human frailties and sins,—*daivye june abhidroham manushyascharamasi*” (7—89—5). So deep was their consciousness of sin that *Agastya* prayed to God (*Agni*) for

help "*yuyodhyasmajjahuranam enah*" (1—189—1), and *Vasistha* prayed to God (Varuna or Protector) for setting him free from the fetters of sin as people set free a calf by untying the binding-rope, "*vatsam na dzmno Vasishtham*" (7—86—5).

(5) Devata in the Rig Veda means subject spoken of "*dyotyate*" in a verse or Rik. The name is applied indifferently to frogs, grinding-stones, or men, or to natural phenomena poetically personified, and often used, unreflectingly by what the Vedanta calls *adhyasa* (association of ideas) as symbols of Divine manifestation,—the whole universe being looked upon by the Rishi—"from the non-difference of cause and effect"—"*karyakaranayorubhedat*"—or what we call conservation of energy, as no other than the living manifestation of the Absolute and Infinite person Himself—"aditirjatamaditirjanitvan" (1—89—19).

(6) The Rig Veda is monotheistic from beginning to end, and nowhere polytheistic. Professor Max Muller did a great wrong—unintentionally though,—to the Vedic Rishi, when he ascribed to him what he called Henotheism, or "a belief in single supreme beings or Devas" (H. L. VII)

(7) The Vedanta, rather the original Upanishads, are not "a new start" after a "tendency towards Atheism," as Max Muller thought, but the philosophy or rather the essence of the Veda,—presented in a nutshell. Were it not for the fact that Max Muller had not made a serious study of the Vedanta before he had finished his Vedic work, he, too, would have taken the same view. He would have seen that the Vedanta was the true key to the Rig Veda.

(8) Words come from roots which originally expressed sensuous ideas. Supersensuous ideas would, in the beginning, be expressed in words metaphorically only. Roots being general in meaning, so were the words derived there-from,—the same word being used for several things indifferently whether sensuous or supersensuous. In the Rig Veda the word *atma* meaning "always in motion" was applied indifferently to the air we breathe, or to the conscious self. This led to mythology and fiction which, in later times, were ignorantly believed in as fact instead of as poetical imagery.

(9) What we now call Kindergarten or

teaching by object-lessons          action-songs  
 forms the very essence of Vedic worship and  
 instruction, being the only possible means of  
 transmission of truth to posterity, before the  
 invention of written letters. The idolatry of later  
 times was due to people confounding the  
 symbol used by the Vedic Rishis with the Spirit  
 they tried to symbolize, the latter being  
 mistaken for the Spirit, the end being thus lost  
 in the means.

(10) The universe, in the eye of the Vedic  
 Rishi, was God incarnate, instinct with Divine  
 life, and the Devas to them were but the per-  
 sonification—“*Pnrushavihatvam*”—of Divine  
 manifestations,—in “all objects of all thought”  
 or as the *Purushasukta* (10—90) puts it in its sub-  
 lime poetical flight, “*Purusha evedam sarvam*”—  
 “the Infinite Person is all this.” “*Etavan asya  
 mahima*”—“all this is His glory manifest,” This  
 is what Yagnavalkya means when he says in  
 the *Brihadaranyaku*,—“*Mahimana eva*”—“they are  
 Divine glory variously manifest. Brahmananda  
 Keshub Chunder beautifully explains it in his  
 sermon on “The One or thirty-three millions”.  
 This idea runs like a thread stringing together

all the *Vedamantras* into a necklace, and we find from beginning to end, the Rig Veda everywhere speaks of the Devas as "*Visve sajoshasah*" (1-43-3) as "united by their desire to serve one Divine Will."

(11) The Vedic *Yagna* is entirely symbolical. The *Vedi* with its covering of grass (*barhi*) signifies the earth covered with vegetation, "*Iyam Vedhik parmantah prithivayah*", and *Soma* signifies the germinal power of nature, "*Ayam somo Vrishno asvasya retah*" (1-164-2c). The fire with the sparks flying from it signified the emanation of all things from God,—*Yaschidapo mahina paryapasyad diksham dadhana Janayantiryajnam* (10-121-8), "He who in the consciousness of omnipotence looked upon the waters manifesting energy, creating things like sparks flying from the sacrificial fire (*yagnam*)". The offerings signify devotion and loving gratitude for blessings received (*sraddha*)—"sraddhaya huyate havih" (10-151-1). Compare "The spirit of God moved upon the face of the waters" (Genesis). The discussion of *Yagna* is completed in Part II, now in the Press. (The World and the New Dispensation.)

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