

SOME SOCIAL AND ECONOMIC ASPECTS
OF THE
LAND SYSTEMS OF BENGAL

BEING

A THESIS PREPARED AS A PARTIAL REQUIREMENT
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
AT THE UNIVERSITY OF CALIFORNIA.

BY

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PREFACE.

It would appear that the importance of the book published after a period of some 8 years would suffer owing to the changes which had come over the country since after the Reform. Nevertheless, the fundamental questions raised in it remained practically unaltered, and would, perhaps, remain so for an indefinite period of time.

Now, a word must be said about the contents of the book. On superficial observation it would appear that the subject matter of Chapter 10 is somewhat irrelevant, or perhaps, beyond the province of this work. But close examination reveals that subjects like "poverty", "polity" and so on, cannot properly be dealt with without going into the fundamental principles which lie at the root of these ideas.

A glance at the book would show that the first five Chapters have been mainly devoted to the description of facts borrowed from reports and other publications, while from Chapter 6 onward an attempt has been made to interpret these and other phenomena from an ethical point of view.

It is worthy of note that certain changes relative to form have necessarily had to be made, but as to substance and subject no change has been introduced.

Calcutta.
February, 1929.

NALINI MOHAN PAL.

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CHAPTER I.

THE LAND SYSTEMS OF BENGAL.

1. Origin of the Permanent Settlement : Permanently Settled Estates.

For a brief review of the general facts pertaining to the origin of the Permanent Settlement Laws we may begin with the acquisition of the Dewani of Bengal, Behar and Orissa by the East India Company in 1765. It is worthy of note, however, that prior to the acquisition of the Dewani the Company acquired some ceded territories, namely, Calcutta in 1698, the 24-Parganas in 1757, and Burdwan, Midnapur and Chittagong in 1760. The East India Company obtained the Dewani of Bengal, Behar and Orissa in August 1765, from the Mogul Emperor, Shah Alam, for an annual payment of Rs. 26,00,000. It should be noted that in the dewani lands the Company had only zamindari rights, that is to say, its rights were limited by the imperial revenue demand, while in the ceded territories it had absolute rights to revenue.

Now, on the acquisition of the dewani the Company did not immediately undertake the role of dewani or of the revenue administration of these provinces but appointed Mahomed Reza Khan Naib Dewan or Finance Minister to collect the revenue of the dewani lands. But owing to the misappropriation of a large

part of the profits by the Dewan and his subordinates, European officers known as supervisors were appointed in 1769 to superintend the collection of revenue and the administration of justice performed by the Indian officials. In the Year 1772, however instructed by the Court of Directors, the Company directly assumed the role of dewani, that is to say, undertook the direct management and control of the Dewani. It should be noted in passing that in a very short period of time the East India Company became the paramount rulers of the land.

Now, the transference of the dewani or the administration of revenue and justice from the hands of the Indians to the hands of the Europeans brought new problems to the Company. These were the problems of land settlement which means the process of surveying, assessing or ascertaining the land values and fixing the rent of the estates to be charged by the Government to the zamindars or landlords. In other words, the difficulty which confronted the East India Company on its assumption of the direct management of the dewani was that of the knowledge of land tenures and land taxes of the country. As the Company were not aware of the land systems prevalent in the country it introduced radical reforms in the land systems of Bengal between 1772 and 1793. "The whole theory of the Indian Land Revenue", says Baden Powell, "was absolutely strange to the English authorities. They could not tell who owned the land and who did not, nor in what category to place the different native

officials they found in the districts" (Land Systems of British India, Vol. I, p 393).

The Company resorted to various methods of temporary lease systems and their "sole object was to squeeze the sponge as thoroughly as possible and they carried on the bad tradition of the previous forty years in carving out Zamindars at the nod of the highest bidders without reference to the previous history and associations of the land". (Backerganj Final Report, para 210). Assuming that the system prevailing during the Mogul rule was merely a temporary lease hold lands were leased by auction for a short period of time to the highest bidders. From 1772 to 1777 the quinquennial settlement based upon the farming system was made with the highest bidders without any regard for the rights of the old zamindars. It was erroneously believed that the zamindars were merely revenue-farmers, having no proprietary rights in the soil which were vested in the State. The new system produced various abuses and evils. It is stated in the Fifth Report that the introduction of farmers, "who having no permanent rights in the land, had drained the country of its resources".

However, in 1784 the Parliament passed an Act for a better regulation and management of the affairs of the East India Company ; by the 39th section of which the East India Company was commanded to inquire into the alleged grievances of the land holders, and if founded in truth to afford them redress, and to establish permanent rules for settlement and

collection of revenue". Lord Cornwallis entrusted with this measure of reform found, on his arrival in India in 1786 that the Government possessed little information about the ancient laws and customs of the country. The "nature of the land revenue was yet imperfectly understood.....His lordship, therefore determined to continue for a time, the practice of annual settlements for the different districts....."

On the expiry of the quinquennial settlement in 1777, annual settlements were, therefore, made with the Zamindars for three years, that is, till 1790 when the decennial settlement was introduced, and finally the decennial settlement was declared to be permanent in 1793.

While commenting on the various expedients to which the Company resorted with a view to increase the revenue of the land Sir W. W. Hunter observes.

"Letting by public auction had been tried ; yearly settlements had been tried ; then, a settlement for five years ; then, yearly settlement again, then the instruction of the Parliament to the Company to make "permanent rules" and finally the conversion of the Court of Directors to the plan of long leases, and its orders to, at once effect an arrangement for ten years with a view to making it a permanent settlement, at the end of that term" (Bengal M. S. Records by Sir W. W. Hunter, Vol. I, pp. 23-24).

The temporary leases based upon imperfect data produced baleful effects upon the old zamindars

whose rights in the lands were inheritable and transferable by gift, bequest or sale. Many estates were leased to speculators at a revenue too high for realisation of revenue demand of the Government. The speculators squeezed out all they could from the tenants and yet they could not meet the revenue demand of the Government. The new system brought ruin to many estate-owners as well as to the tenants.

It is superfluous to state that the annual, the quinquennial and the decennial system introduced by the Company failed to draw a steady and fixed amount of revenue. The Government revenue fluctuated from year to year and it was therefore, thought expedient to make permanent settlement with the zamindars and with other proprietors. Consequently in the year 1793 the decennial settlement was declared permanent by Lord Cornwallis. The permanent settlement laws rendered the zamindars the chief proprietors of the soil and fixed their revenue in perpetuity.

Although the ultimate effect of the permanent settlement laws was to confer a great blessing upon the landlords, its immediate effect is stated to have been disastrous to the zamindars, there being widespread default. The cause of the default is said to be (1) the heavy revenue assessment of the estates at the decennial settlement which burdened the zamindars with debts and rendered it impossible for them to meet the revenue demand fixed by the permanent settlement laws of 1793, and (2) the rigorous

enforcement of the sale-laws which required the zamindars to pay the rent with unfailing punctuality.

The zamindars were required to pay their revenue in monthly installments, and a default for any month justified an immediate sale of the estates or a part thereof. It is estimated that in the district of Jessore alone the owners of about a thousand estates failed to pay their revenue. The largest landlords of the district, Raja of Chandra and two branches of the Naldanga family were totally ruined, and the Bhunsa zamindari was utterly dismembered and sold up. In 1797 estates bearing a revenue of Rs. 8,57,355, were ordered for sale in the Dacca district. The revenue of the defaulted estates under sale amounted to Rs. 28,70,061 or one tenth of the total land revenue of Bengal in 1796. By 1800 thousands of estates fell into arrears.

“By the progress of this operation”, says, Mr. Mill, the whole class of ancient zamindars, instead of being erected into an aristocracy were speedily destroyed”. Another cause which contributed to the default of the zamindars in the payment of their revenue was the delay which they experienced in obtaining payment of rent from the ryots. The Government had preserved to itself the rights of summary processes to enforce payment from the zamindars who were left to the tedious procedure and technical forms of the courts to extract payments from the ryots. The courts were so slow in rendering their decisions that in the district of Burdwan the suits pending before

the judge exceeded thirty thousand, and it appeared by the computation that, on the established pace of the court, no candidate for justice, could expect to obtain a decision therein during the ordinary period of his life. (J. Mill : History of British India, Vol. 5, p. 520).

It will be out of place in this connection to consider in detail the remote effects of the permanent settlement laws upon the tenants and Government. It may however, be noted in passing that the condition of the ryots under the new system was worse, because it left the ryots entirely on the mercy of the zamindars. By the new arrangement the zamindars were, however, made the chief proprietors of the soil and the revenue of their estates were fixed in perpetuity. It should be noted that some serious errors were committed by the authority in the valuation and assessment of lands permanently settled. As the taxable lands were not surveyed the revenue fixed for perpetuity upon each estate was based upon mere guess as to its quantity or value. It was believed that the revenue so settled or fixed would cover about ninety per cent. of the rental collected by the estate-owners from the ryots, but the guess missed the mark by a considerable amount. Upon weighty calculation it has afterwards been found out that the revenue fixed covered only 25 per cent of the rental collected from the tenants. Enormous sacrifice of revenue to the Government has been made by this new arrangement, for about 88 per cent of the revenue paying lands of Bengal fall under the permanent settlement laws.

2. The Temporary Settlement Laws and the Temporarily settled estates.

Besides the permanently settled estates there is another class of revenue paying estates in Bengal known as the temporarily settled estates. The three sub-classes of the temporary settled estates are (1) private estates settled with proprietors, (2) private estates leased to farmers, and (3) Government estates leased to farmers. The proprietary right of the sub-class (1) belongs to private individuals, that of the sub-class (2) is doubtful, for it may belong to farmers or to private owners or to both. But the chief proprietary right of the sub-class (3) belongs to the Government.

There is still another class of lands known as as revenue free estates. These are grants free of revenue made by former rulers for various purposes, particularly for religious services. Some of the revenue free estates are recognised by Government, while others which are not so recognised are assessed to revenue.

Turning now to the origin of the temporary settlement laws we notice that these were applied to those lands which came under the control of the Government after the institution of the permanent settlement laws. The reason for applying a temporary settlement or a law of variable assessment to the remaining lands is stated, in short, to be the "mistake" and the "consequent sacrifice of revenue" involved in the permanent settlement laws.

The temporary settlement laws were applied to the following classes of lands :

(1) Territories annexed by treaty or conquest after 1793, as for example, Cuttuck, Balasore, and Puri.

(2) Resumed and lapsed revenue-free lands such as lakhiraj not in the permanently settled districts. (3) Alluvial accretions. (4) Waste lands. (5) Estates held for arrears of revenue and subsequently bought by Government on failure of satisfactory private bids. (6) Lands formerly held by zamindars revenue-free for police administration in their estates. (7) Islands formed in the rivers or on the sea-shore. (8) Lands escheated in default of heires. (9) Lands forfeited for offences against the State (e. g. Khurda estate in Puri). (10) Lands acquired by conquest in cases where the lands were not owned, as for example, the Dewars of Jalpaiguri and Darjeeling districts.

3. The Distribution of Permanently Settled Estates and Temporary Settled Estates in Bengal.

From the foregoing description it would appear that there are two systems of revenue paying lands in Bengal, viz., the permanently settled estates and the temporary settled estates. Now, the Census of India 1921, places the total area of Bengal at 76,843 square miles or 49,179,520 acres. The total area assessed to revenue varies slightly from year to year. In 1925-26 it was 59,628 square miles (or 38,161,920 acres) and that of the temporary settled private estates 3,978 square

miles (or 2,547,920 acres) and that of the estates held directly by the Government 4,674 square miles (or 2,991,360 acres). That is to say, 87.3 per cent of the total assessed area in Bengal is permanently settled, 5.8 per cent is temporarily settled, with private owners and 6.9 per cent is held directly by Government.

The following statement exhibits the distribution of these three classes of lands in the five divisions of the province of Bengal (1925-26).

Divisions	P. S. Estates		T. S. Estates		Gov. Estates	
	No. of estates	Area in sq. miles	No. of estates	Area in sq. miles	No. of estates	Area in sq. miles
Burdwan	14,427	13,634	494	113	529	824
The Presidency	9,638	11,974	879	2,211	294	412
Dacca	29,685	13,512	1,977	92	290	695
Chittagong	33,006	4,104	158	13	71	1,139
Rajshahi	6,453	16,404	694	573	198	1,604
Total	93,209	59,628	4,202	3,978	2,682	4,674

The above statement indicates among other things that the permanently settled estates are pretty nearly evenly distributed over the four divisions of Rajshahi, Burdwan, Dacca and the Presidency. However, in the Chittagong division where the area is comparatively small the temporary settled estates are proportionately larger in area than in any other division. This fact is further illustrated by the following statement.

Division	Total area in sq. miles	Percentage of P. S. area	Percentage of T. S. area
Burdwan	14,591	93.5	6.5
The Presidency	14,597	89.2	10.8
Dacca	15,136	89.3	10.7
Rajshahi	13,581	88.3	11.7
Chitagong	5,375	76.4	23.6
Average for the whole province		87.3	12.7

It is evident from the above statement that the inequalities in the distribution of the three classes of lands over the several divisions and districts of Bengal impose unequal burdens of taxation upon the taxpayers. Burdwan appears to be the most favoured division and is likely to be the most lightly taxed, while Chittagong is the most heavily taxed division of the province. The burden of taxation becomes more inequitable when it is realised that over 81 per cent of the assessed area of British India is under the temporary settlement laws. The permanent settlement laws are in force in the Presidencies of Bengal, and Madras, in the United Provinces, Behar and Orissa, Assam and Ajmere-Marwar. The statement below shows the percentage of area under permanent settlement in these provinces.

Name of Province	Total Assessed Area in million acres	Percentage of P. S. Area
Bengal	38.16	87
Madras	40.57	24½
United Provinces	56.32	10
Behar and Orissa	46.27	86+
Assam	8.13	50
Ajmere-Marwar	1.61	50

It would appear that the two provinces most lightly taxed owing to the favourable influence of the permanent settlement are Bengal and Behar and Orissa. It has frequently been pointed out by several writers on the subject that owing to the absence of uniformity in the Indian land systems and on account of inequity in the land laws unequal burden of taxation has been imposed upon the different provinces of British India. Madras Presidency, for example, with an area roughly of forty million acres yielded a revenue of Rs. 6.6 crores in the year 1926-27, whereas Bengal which is smaller than Madras by 2 per cent only, having a little over 38 million acres, yielded a revenue of little over 3.4 crores in the same year. It is, of course, understood that the revenue of a province does vary and should vary according to the wealth and the density of population of the area in question.

Turning now to Bengal in which we are particularly interested we notice that the loss of revenue caused by the permanent settlement in Bengal is immense. The amount of revenue sacrificed by the permanent settlement is estimated at several lakhs of rupees varying from 100 lakhs to 400 lakhs of rupees a year. The amount of the loss would differ according to the kind of temporary settlement laws that might be introduced in displacement of the existing permanent settlement laws. The permanently settled estates may be settled in three possible ways.

- 1) all the estates may be settled with private individuals,
- (2) all the estates may be held directly by the Government as landlord,
- or (3) a portion of the estates may be settled with private proprietors as landlords, and the remaining portion managed directly by the government.

Now, on computation we find that the incidence of rent per acre for the temporary settled estates is about thirteen annas and one pie, and that for the government estates one rupee twelve annas and six and a half pies, while the average of these two rates is one rupee four annas and nine and a half pies.

It is clear that were all the permanently settled estates settled temporarily with private proprietors at the existing rate of 13 annas and 1 pie the total revenue for all the lands now permanently settled

(38,161,920 acres or 59,628, sq. miles) would amount to Rs. 3,10,26,436. Deducting the amount of the present revenue demand from this hypothetical sum, we get Rs. 1,05,48,439 (Rs. 3,10,26,436 - Rs. 2,04,77,997). In other words, the loss of revenue according to this supposition would exceed a sum of 105 lakhs of rupees.

But were all the permanently settled estates held and managed directly by government, then the amount of revenue calculated at the rate of Re. 1-12-6½ would be Rs. 6,80,75,300. Deducting the present revenue demand from this hypothetical amount of revenue (Rs. 6,80,75,300 - Rs. 2,04,77,997) the balance left is Rs. 4,75,97,403 which sum would represent the annual loss to the government.

According to the third alternative the permanently settled estates might be assessed at the rate of Re. 1-4-9½ yielding an annual revenue of Rs. 4,95,90,588. When the present revenue demand is deducted from this hypothetical amount the balance left is Rs. 2,91,12,591 which would represent the loss incurred by Government owing to the permanent settlement laws.

On the basis of the third assumption the landlords of Bengal must have been getting richer at the rate of Rs. 2.91 crores a year, and the Government poorer by the same amount. The total amount of money or revenue lost by the government of Bengal in the course of the last 135 years (from 1793 to 1928), assum

ing the assessed area of Bengal to be constant and calculating at the rate of Rs. 2,91,12,591, of revenue a year would amount to Rs. 393,01,99,785 crores. The landlords of Bengal must have got richer by about Rs, 400 crores since 1793.

CHAPTER 2.

LAND TENURE: ESTATES.

1. Three Broad Classes of Tenures.

Broadly speaking three classes of landed interests and landholders are found in Bengal, especially in the permanently settled estates and in the temporarily settled private estates. Objectively they are the 'estate', 'tenure' and 'holding', and subjectively proprietor, tenure-holder and ryot (literally cultivator) respectively. The proprietor is the owner of an estate, the tenure-holder is the holder of a tenure, and the ryot is the holder of a 'holding'. This definition needs further explanation and qualification which shall be made in the course of our discussion of the subject in this chapter and in the two following chapters.

Now, according to the Bengal Tenancy Act an 'estate' means land included under one entry in any of the general registers of revenue-paying land and revenue-free land.....and includes Government khas mahals and revenue free lands (Sec. 3 (1)). Now this class of land for which revenue (not rent) is paid by the owner to the Government constitutes a class of superior landed interests. It is generally owned by persons known as zamindars or independent talukdars (i. e. huzuri talukdars), who are

considered as proprietors or to be precise superior proprietors. A proprietor is defined by the Bengal Tenancy Act as a "person owning, whether in trust or for his own benefit, an estate or a part of an estate" (Sec. 3 (2)). It is worthy of note that the term 'landlord' is much wider in connotation than the term 'proprietor or zamindar, for sub-proprietors that is, tenure-holders and ryots who sub-let their lands are also known as landlords. The point to be noted in this connection is that the proprietors are owners, though in a limited sense, of estates, and they are distinguished from the tenure-holders and tenants by the fact of their superior rights in the land and other privileges which accompany proprietary rights. The proprietor owns an estate or estates, while the tenure-holder and tenant have, as it were, only the rights of holding a tenure or a tenancy under some superior proprietor, be he a private person or be it the government itself as a landlord.

Of the three classes of landed interests mentioned above, the first class known under the name of "estate" may be regarded as a form of superior tenure which includes zamindari, taluky and similar tenures, and their owners are known as zamindars, talukdars, and so on. The two broad classifications of taluky tenures are independent and dependent taluks. The independent talukdar is one who holds his taluk directly under the government and not under a zamindar, and so pays his revenue direct to the government. This is the so-called huzuri or kharija taluk for which revenue

is paid to the huzur, that is, to the treasury of the king. The dependent talukdar holds land under a zamindar or a superior owner (proprietor) and pays his revenue to the latter unless by special arrangement or permission he is allowed to pay his land revenue to the State. The zamindars and also the talukdars or tenure-holders are revenue farmers or fiscal agents of the government. Their proprietary rights are inheritable, alienable and transferable by sale, mortgage or by bequest. But their ownership is by no means unlimited and absolute. All the subordinate holders down to the ryots have the same security of tenures against the upper-holders which the latter have against the government.

The estates are, therefore, superior forms of tenures. There are, however, altogether four classes of estates, namely, (1) the permanently settled revenue-paying estates, (2) the temporarily settled revenue-paying estates, (3) the government estates and (4) the revenue-free estates. It should be noted that we are mainly concerned in this work with permanently settled estates and land tenures falling under the permanent settlement regulation.

The total number of estates paying land-revenue varies from year to year owing to partition of estates and creation of new estates by resumption and re-settlement. In the year 1925-26 the total number of estates was 100,093. Of these 93,209 were permanently settled estates, 4,202 temporarily settled private estates and 2,682 government estates.

The size of an estate whether permanently settled or temporarily settled varies from place to place. The following statement prepared from the Report On The Land Revenue Administration of the Presidency of Bengal (1925-26) shows the average size of each of the three classes of revenue-paying estates.

(Figures in acres).

Name of Division.	Average size of a P. S. estate.	Average size of a T. S. estate.	Average size of a Gov. estate.
Burdwan ...	604·8	172·2	996·9
The Presidency	795·0	1609·8	896·8
Dacca ...	291·3	300·7	34·4
Chittagong ...	79·5	534·6	1964·8
Rajshahi ...	1627·9	528·4	5184·6
Average for the Province ...	409·4	605·8	1115·3

The above statement bears out the fact that averages prepared from statistics are not always reliable and that they should be treated with caution. It is apparent from the above table that the average size of a government estate is much larger than that of a temporary settled private estate or a permanently settled estate, and that the average size of a temporary settled estate is much larger than that of a permanently settled estate. Perhaps, the contrary is true. Out of a total number of 2,481 government estates only 201 estates have large areas ranging from

3000 acres to 71,000 acres, but the great majority of the government estates are small ranging in size from 10 to 100 acres.

To further illustrate the same point. It is a well-known fact that arithmetical average is misleading when there are extremes at both ends of the scale. Thus, in the district of Midnapur there are 170 estates each with an average area of 3030 acres. These estates cover over 97 per cent of the total area of the district, but the remaining 3 per cent comprising of 359 estates have an average area of 33 acres only. Similarly in Rajshahi division there are nine estates (out of a total of 198 estates) with an average area of 70,644 acres; in Darjeeling 16 estates have an average area of 17,460 acres per estate, and in Chittagong 6 out of 371 estates have had an average size of 71,573 acres, but the majority of the government estates are small in size.

Extreme variation in size is not only true of government estates but also of the permanently settled estates and of temporary settled private estates. Although permanently settled estates predominate in number and in extent in Bengal, the bulk of the permanently settled estates are small in size. A few instances may be introduced here for the sake of illustration. Thus Mr. Momen in his Final Settlement Report of Jessore observes "Nearly 98 per cent of the district is permanently settled. The average area of the permanently settled estate is 577 acres and the average revenue is Rs. 310. This average is, however, misleading, as over

half the number of the estates in the district are quite small. The number of estates with a revenue of Rs. 10 or less is as large as 1,021 " (Vide para 92).

Similarly the Final Settlement Reports of Faridpur, Dacca and Mymensingh exhibit similar variation in the size of the estates. Thus in Faridpur " the great majority of the revenue-paying estates are very small, 2,156 measuring less than 10 acres, 2523 less than 50 acres, and 756 less than 100 acres " (Vide para 54).

It is needless to multiply 'illustrations to prove the statement made above that the majority of the estates are small in size. The largest estates are few in number (about 600), the middle sized estates are many, while the small-sized estates are legion. It is worthy of note, however, that the extent of some of the permanently settled estates is immense. The area of the zamindari estate No. 203 lying in the district of Faridpur is 133,956.57 acres ; of the Selimabad and Chandradwip zamindari of the Backerganj district are 199,010 and 127,922 acres respectively. Some of the estates lying in the Mymensing and Rajshahi districts are also immense in size. However the size of the majority of the estates has undergone diminution owing to successive partition and sub-division of the property among the heirs during the last 150 years or more.

It should be noted that the bulk of the large-size

permanently settled estates are in the Rajshahi division; the majority of the large-size temporary settled estates are in the Presidency division, and the large-size government estates are mainly in the Rajshahi and Chittagong divisions.

CHAPTER 3.

LAND TENURE; TENURES.

In the last chapter an attempt has been made to describe the general character of estates or superior tenures. In this chapter an endeavour may be made to indicate the nature of tenure or that class of tenancy which lies between estates and holdings. The subject matter of tenancy forms an indissoluble part of the land systems. The various classes of landed interests, zamindari, taluky and ryoti, are inseparably bound up together. The close and inseparable connection between the estate-owners and the tenure-holders or tenants and between these and the government are reflected in the proprietary rights of the people.

Before proceeding to a detail description of the tenures, it seems necessary to introduce here the legal classification of tenancy. The Bengal Tenancy Act classifies the several classes of land-owners except the zamindars into three broad classes :

“(1) tenure-holders, including under-tenure holders;

(2) ryots, and

(3) under-ryots, that is to say, tenants whether immediately or mediately, under ryots; and the

following classes of ryots (namely), (a) ryots holding at fixed rates, which expression means ryots holding either at a rent fixed in perpetuity or at a rate of rent fixed in perpetuity, (b) occupancy-ryots, that is to say, ryots having a right of occupancy in the land held by them, and (c) non-occupancy ryots, that is to say, ryots not having such a right of occupancy" (Sec. 4).

Now a tenure implies some sort of a subordinate or medium proprietary right under a proprietor, and a ryoti tenancy an inferior proprietary right under a landlord. A tenure is defined by the Bengal Tenancy Act as "the interest of a tenure-holder" (Sec. 3(7)). The tenure-holder is distinct from the proprietor of an estate or from the holder of a ryoti tenancy. A "tenure-holder means primarily a person who has acquired from a proprietor or from another tenure-holder a right to hold land for the purpose of collecting rents or bring it under cultivation by establishing tenants on it,.....(Sec. 5(11)). And ryot means a person who has acquired a right to hold for the purpose of cultivating it by himself or by members " (Sec. 5(2)).

There is, however, no clear-cut distinction between a tenure-holder and a tenant and they imperceptively merge into one another as we shall see later. The legal distinction drawn by the Tenancy Act between them is that "When the area held by a tenant exceeds

one hundred standard bighas, the tenant shall be presumed to be a tenure-holder until the contrary is proven ”.

It is worthy of note that there exist a large number of tenures and sub-tenures with varying grades of proprietorship, some of which are the creations of the Mahomedan rulers, while others are created under the British government. The tenures as well as the tenancies are so heterogeneous and un-uniform in their nature that a tenure with the same name differs widely in meaning and significance within the same district or division. “ There was no systematic or political attempt”, said Baden Powell, “ at any time to remodel land tenures formally ”. With regard to the origin of the tenures he said :

“ Indian tenures are largely the result of changes and growths, the fruit of the wars and incursions, tribal and local conquests and usurpations, and of the rise and fall of ruling families : the right by conquest or “ birth-right ” supervenes upon the right by “ first-clearing ” (Land Revenue In British India, p 127).

One of the oldest and most important forms of tenures which in many respects, especially in their higher forms closely resemble zamindari tenures are the taluks which pre-existed the British rule. The term taluk literally means allotment. It was customary under the Mahomedan administration to parcel out

estates into taluks among dependents and relatives for their maintenance. But under the permanent settlement regulation the taluky tenures underwent some changes. A large number of taluks which could not be treated as zamindari but were entitled for various reasons to independence were separated and assessed at fixed revenue. The taluks which pre-existed the zamindari were separated and treated as huzuri (paying revenue to the state treasury) taluks. A good many talukdars who could prove that they were subjected to illegal exactions by their zamindars were separated and rendered independent. But a number of taluks which could not get their independence and pay their revenue to the State through the zamindars are treated as dependent taluks.

It is worthy of note that a large number of taluks and other tenures were created by the zamindars on the advent of the British administration. With a view to improve the land and to share the revenue responsibility the great estates of the zamindars were split up into numerous forms of tenures. Under the new administrative system the zamindars found it difficult to realise rents from the tenants and to punctually meet the revenue demands of the government. Large tracts of lands were, therefore, formed into taluks and other tenures which were then let out by the zamindars to men of influence.

The names and forms of tenures are numerous and they are extremely complicated. But of all

the systems of tenures existing in the province of Bengal the most complicated system is stated to be that of the District of Backerganj." The District of Backerganj", says the author of the Final Settlement Report of the district, "is notorious as the home of the most tortuous and intricate system of land tenure in the world. To give a lucid description of that system is not an easy task. Tables of statistics can no doubt be produced, but they are meaningless without the key of understanding ; and understanding is to be acquired only by a patient investigation of the effect and growth of many diverse influences which have combined so complicated a result..... Those who owned land very often did not know the title or estate of their landlords. The settlement camps were often regarded somewhat as lost property offices. Landlords came to find their lands and tenants came to find their landlord" (Vide para 124).

A brief reference may now be made to that peculiar characteristic of our land tenure which is known as sub-infeudation or sub-division of tenures into sub-tenures and tenancies. The Census of India, 1921 observes that in "some parts the tendency is for the number of co-sharers in estates and tenures to multiply, while in others, tenures are multiplied by the process of sub-infeudation" (Vol. V, Part II, p. 386). The degree of sub-infeudation varies in different parts of the province, but sub-division of tenures exists, everywhere. "Sub-infeudation and sub-division is not so extensive in Jessore as far as tenures are concerned. Although there are some very big tenures

which go down to the 5th or 6th grade, it is rather uncommon to find smaller tenures sub-let to tenure-holders" (Final Settlement Report- Jessore, para 108).

In districts other than Backerganj sub-infeudation at the most goes down to the 8th grade, but it runs made in the district of Backerganj. "It is not only the multitude of intermediate interests which makes Bakerganj land tenure peculiar, but the extent which layer after layer they divide the cultivator from the proprietor. In every piece of land at the top is the proprietor paying revenue to the government and at the bottom is the cultivator who tills the soil; but in Backerganj between the two there are normally eight, often twelve and occasionally twenty grades of inter-mediate holders, each holding a separate and definite sub-lease of the land from the next higher in the scale" (Vide Final Settlement Report, Backerganj, para 126)

It will not, perhaps, be out of place to quote a few more extracts to indicate the causes which led to the development of the most intricate system of sub-infeudation in Backerganj.

"It is usual to explain the develepment of the Backerganj system of land tenure by the circumstance that the district was covered by large forest, of which no one would undertake the labour of reclamation without fixity of tenure. This is certainly not the complete and perhaps not the

principal explanation. Forests have existed elsewhere in Bengal and have been reclaimed without the help of sub-infeudation. Much is no doubt due to historical accident that the landowners during reclamation were largely absentees, much also to the geographical circumstances that the forest was covered by so great a net work of rivers and streams that it was impossible for a single person to supervise the reclamation or to collect the rents in a large area. The Psychology of the people of the district has had its influence." (Vide para 129).

The Report adds that "the beginnings of Backerganj sub-infeudation pre-existed the permanent settlement and apparently even the British occupation, there is overwhelming evidence that the great bulk of the intermediate tenures in the district were created since that date. They were created, however, in a variety of circumstances which may conveniently be grouped under six different heads—development, promotion, revolt, interpolation, fraud and family arrangements. Of these the first two may be described as legitimate and the last four as illegitimate" (Vide para 135).

The term 'development' is self-explanatory. It means the creation of tenures for the development and improvement of forest lands. The howlas come under this group. The creation of tenures by promotion implies the conferment of a higher status upon a cultivator already on the land for specific reasons. It is said that after the

great waves of 1822 and 1876 many cultivators who wanted to quit their lands were induced to stay by the offer of higher status. Sometimes the higher status was conferred upon the cultivators for developmental work. The jimba tenures explain the creation of tenures by the revolt of the tenantry who, being oppressed by their landlord, took shelter under another landlord. The interpolated tenures are frequently fraudulent. "When a landlord gets into debt and foresees the grip of the creditor tightening upon his land he creates an under-tenure in which he assigns the threatened property to a relative or a servant....." (Vide para 143).

The indigenous names and forms of tenures and subtenures are too numerous to be mentioned here. Reference may, however, be made to the settlement reports published by the Government of Bengal. A small gradation list of tenures and ryoti holdings may, however, be introduced here to explain the methods of sub-infeudation.

- | | |
|--------------------------|--------------------------|
| 1. Taluk. | 10. Howla or Jimba. |
| 2. Nim Taluk. | 11. Osat howla. |
| 3. Osat Taluk. | 12. Nim howla. |
| 4. Dar patni osat taluk. | 13. Osat nim howla. |
| 5. Nim osat taluk. | 14. Dar osat nim howla |
| 6. Dar nim osat taluk. | 15. Ryot or Jot-dar. |
| 7. Miras ijara. | 16. Kole ryot, nim ryot, |
| 8. Etman. | jer ryot, and so on. |
| 9. Mudafat. | 17. Osat nim ryot. |
| | 18. Dar osat nim ryot. |

These names generally indicate the nature of the tenures—the purpose for which they are created, their duration or the fixity or variability of their rent charges. A few words of explanation may here be added from the Final Settlement Report of the Dakhin Shabazpur Estates from which the above list is borrowed. First of all it should be noted that taluk is a first class tenure. It is inheritable and transferable by the talukdar who can grant permanent leases to sub-tenants.

Now, the derivative taluks nim taluk, osat taluk, dar patani taluk, nim osat taluk and dar nim osat taluk “are interests subordinative to the taluk right. When all these interests exist in the same village their proper places are as shown in the above list, but sometimes an osat taluk is found just below the taluk, and where no dar patni osat taluk exists a nim osat taluk comes directly below the osat taluk. “(Vide para 70).

The term ‘miras’ is the same as maurasi which means hereditary. A miras ijara literally means “a hereditary firm, and implies nothing as to the fixity of rent. It can be granted under any class of tenure.” (Vide para 71).

Etman means a trust, a tasil, and an etmander a tasilder or tax-collector. Formerly the tasilder paid fixed amount of revenue to the landlord and was entitled to all the profits over the amount. In course of time the etman came to be known as a tenure.

“The etmandar is generally a cultivator, but he enjoys the same power as the talukdar of granting permanent leases to sub-tenants.” (Vide para 72).

The term 'mudafat' means an 'addition'. When a zaminder purchased the tenure or holding of a tenant and the land so purchased is let out to a new tenant it is regarded" as mudafat. It is a subordinate taluky tenure.

Howla and jimba are also subordinate tenures which are created by landlords for reclamation purpose. The rest of the tenancies given in the above list are ryoti holdings to be discussed in the following chapter.

The three fundamental characteristics of tenancy are its duration, fixity or variability of its rent charges and its transferability. The permanent tenures are those tenures which are held for an unlimited period of time; while temporary tenures are known as mayadi which means that they are meant for a limited period of time. Mokarari tenure is one which is held at fixed rate of rent or at fixed rent, while Garmokarari tenure is one of the rent of which is liable to enhancement. Then, there are transferable and non-transferable tenures (e. g. dan bikraya kshamata rahit and dan bikraya kshamata prapta).

The majority of the tenures held in Bengal under permanent settlement are permanent in their duration. Few of the tenures are temporary in

their duration. Even in the Backerganj district where the number of tenures exceed 464,000, the vast multitudes of the tenures are permanent, only 512 being temporary in their duration, the tenures being held at a fixed rent or at a fixed rate of rent. However, a vast multitude of them, perhaps the majority of them are held at a fixed rent or at a fixed rate of rent.

It has already been noted that the proprietary rights of the permanent tenures are inheritable and transferable by sale, mortgage or bequest. The transfer may be effected without the consent of the landlord but it is subject to the payment of a fee known as the landlord's fee—a fee of two per cent on the annual rent of the tenure or a fee of two rupees when no rent is payable in respect of the tenure.

CHAPTER 4.

LAND TENURE : RYOTI TENANCY.

The term 'ryot' is Arabic and it means in the Arabic sense 'a protected one' or a 'commoner' as distinguished from 'Rae' or noble. It has the smack of a serf who is considered a subject or a proja of his landlord under zamindari feudalism. But in an agricultural sense the term ryot means a cultivator (karsadar) who tills the soil. It must, however, be noted that nowadays a ryot is not necessarily a cultivator. "In these days the man whose status according to the land laws is that of a ryot may not always be a cultivator for the money-lender who buys a holding with no intention of cultivating it himself but of sub-letting it, acquires the status of his predecessor in interest" (Census of India, 1921, Vol V, Part I, p 22).

The above definition of the term 'ryot' gives us only a fragmentary idea of its meanings and implications. The term ryot like the term 'caste' is vague and indefinite. Being local, particular and heterogeneous in character its meanings and significance vary to a great extent from place to place. No systematic attempt has been made until the middle of the 19th century to develop a system of uniform tenancy or ryoti holding in Bengal. The

classification made by the Bengal Tenancy Acts of 1859 and 1885 are by no means perfect. However, the Act of 1859 was the beginning of introducing a common status of occupancy right to the ryots. The two broad classifications of ryots, introduced by the Tenancy Act (1885) were (1) ryots, and (2) under-ryots.

The term ryot as defined by the Bengal Tenancy Act means "primarily a person who has acquired a right to hold for the purpose of cultivating it by himself or by members of his family or by (servants or labourers) or with the aid of partners ' (Sec. 5 ('2)). And under-ryots means "tenants holding whether immediately or mediately under ryots". And the land held by a ryot or under-ryot is known as "holding" which means "a parcel or parcells of land or an undivided share thereof. held by a ryot or an under-ryot and forming the subject of a separate tenancy" (Sec. 3).

The ryot classes are again sub-divided on the basis of rent or occupancy rights into

- (a) Mokarari ryots, that is, "ryots holding at fixed rates, which expression means ryots holding either at a rent fixed in perpetuity or at a rate of rent fixed in perpetuity,
- (b) Dakhili Swatva ryot or occupancy ryots, which expression indicate that the ryot

has a right of occupancy in the lands held by him,

and (c) Dakhili Swatva Bihin ryot or non-occupancy ryot, indicating that the ryot has no right of occupancy in the land.

An occupancy ryot becomes a Sthitihan ryot or a settled ryot after he has continuously held for a period of twelve years. "Every person who, for a period of twelve years, whether wholly or partly before or after the commencement of this Act, has continuously held as a ryot land situate in any village, whether under a lease or otherwise, shall be deemed to have become, on the expiration of that period, a settled ryot of that village" Sec. 20 (1)).

A brief reference may now be made to the rights and privileges of ryots and the transfer of of rights by ryots as provided by the Bengal Tenancy Act. According to the customs of the country the ryot class may be divided into two broad classes, namely,

- (1) the Dan bikraya kshamata prapta ryot, that is, a ryot who is allowed by usage to sell or to bequest his holdings, and
- (2) the Dan bikraya kshamata rahit ryot, that is, a ryot who is not allowed by customs to sell or to bequest his holdings or a part thereof.

However, there is no hard and fast rule by which one class may be distinguished from the other as we shall see later. According to the Tenancy Act the holding or a share or a portion of a mokatari ryot, that is, ryot at fixed rates, is transferable and inheritable without the consent of the landlord, but subject to the payment of a heavy fee known as a landlord fee to the landlord (Vide Sections 18,26B, 26D and 26J). And the mokatari ryot “shall be deemed to be a settled ryot of the village if he complies with the conditions set forth in the Tenancy Act (Sec. 20) ; and shall be entitled—

- (i) to plant,
- (ii) to enjoy the flowers, fruits and other products of,
- (iii) to fell, and
- (iv) to utilise or dispose of the timber of any tree on the land comprised in his holding” (Sec. 18).

In like manner the holding of an occupancy ryot is heritable and transferable and he is entitled to plant, to fell trees and to utilise or dispose of the timber and to enjoy the flowers, fruits, and other products. The holding of an under-ryot is inheritable but not transferable without the consent of his landlord. Although “an under ryot may enter into a complete usufructury mortgage..... as if they were occupancy ryots” such mortgage

shall not be binding upon the landlord of the under-ryot" (Sec. 49). The Bengal Tenancy Act is silent about the rights of the under-ryots as to trees, etc.

It may be noted that prior to the passage of the Bengal Tenancy Amendment Act of 1928 the cutting of trees, the excavations of tanks and similar rights were regulated by customs of the locality which has long been a source of a great contention among the ryots and their landlords. Under the new Act the ryot is entitled to cut trees on his homestead, to dig a tank or a well and to erect a pucca building. Under the new Act it will be illegal for the landlord to demand any salami, nazar or premium for the grant of permission to make such improvements. But the institution of the landlord's fee which is payable at 20 per cent of the consideration money or 5 times the annual rent at the time of the transfer of a holding or a portion of it by sale, in supersession of the salami will restrict the freedom of contract by sale.

2. The Local Names and Forms of Tenancy.

The indigenous names and forms of ryoti holdings, like those of tenures, are too numerous to be mentioned here. And although they are all supposed to fall under the legal classification given in the Tenancy Act they overlap each other. It should be noted that the distinction drawn by the Tenancy Act between a tenure-holder and a

ryot is not always tenable. Whether a given tenancy is a tenure or a ryoti holding is to be determined in the light of the prevailing customs and the "purpose for which the right of tenancy was originally acquired" (Sec. 5 (4)). And a tenant whose holding exceeds one hundred standard bighas is to be presumed to be a tenure-holder. But the section 5 (1) of the same Act defines a tenure holder as one "who has acquired from a proprietor or from another tenure holder a right to hold for the purpose of collecting rents or bring it under cultivation by establishing tenants on it, and includes also the succession in interest of persons who have acquired such a right ", while a ryot is defined to be "a person who has acquired a right to hold for the purpose of cultivating it by himself or by members of his family or (by servants or labourers) or with the aid of partners, and includes also successors in interest of persons who have acquired such a right " (Sec. 5 (2)).

There are, however, notable instances of the violation of this principle of distinction drawn between a ryot and a tenure-holder. There is no sharp line of demarcation between them. According to the distinction drawn by the Tenancy Act a tenure-holder is not a cultivator nor is he supposed to undertake farming with his own labour or with hired labour, while a cultivator is defined to be an agriculturist, But the cultivating tenure-holders are found in some parts of Bengal, although their number is proportionately small as compared with

that of the pure middlemen. The cultivating tenure-holder is often found in many districts, but especially in the southern parts of the Backerganj district. The two broad classes of tenants found in this district are hakiatdar (tenure-holder) and karsadar (cultivator), but good many of the lesser hakiatdars are ryots.

From the indigenous names it is not always possible to know whether a tenency is a tenure or a ryoti holding. No uniform nomenclatures are used to designate ryots as a class or tenure-holders as a class. Such terms, for example as jot, jimba, patni, and so on, may either mean a tenure or a ryoti holding according to local usages. On this point the Census of India, 1921 (Vol V, Part I, p 22) observes :

“Moreover, there are terms ordinarily applicable to middlemen in the land system which do not by any means clearly indicate that the man who describes himself is not a cultivator. A patnidar in most parts of Bengal, for instance, is the holder of a considerable estate from which he collects rent, but in Noakhali district landlords have for a long time been accustomed to allow the ordinary cultivator to purchase patni rights by payment of a premium, so that in that part the term patnidar does not by any means point conclusively to the user of it being a middleman, and in fact over many square miles in Feni Division nearly all the actual cultivators have patni rights..... There are other terms which in this

locality are equally intermediate of the question whether the man described by them is a cultivator or a middleman, shikimidar, howladar, jotdar, etc. The term howladar in Bakerganj and Khulna is intermediate of occupation for another reason, viz., that howlas are of very various sizes, from holdings small enough to be cultivated by a single person to widespread middle rights. The significance of the term jotdar also varies very much from place to place. In Eastern Bengal jot is the term ordinarily used to describe the holding of a cultivator with a right of occupancy, but in parts of Northern Bengal the jot is much larger and the jotdar has commonly sublet to others—chaukidars, adhiars, etc. In the Western part of the province a jot often covers a much larger area than a jot in Eastern Bengal”.

An interesting system of tenancy occurring in Jessore district and also in the Backerganj district is the mixed tenancies. “Lands of different interests are very often found let out in one jama in a single tenancy. It is often found that one plot of maliki interest, another in which the lessor has got the right of a tenure-holder, a third in which he has got the right of ryot and a fourth in which he is perhaps, a 2nd grade under-ryot, are all let out together as one tenancy on one consolidated rent. One reason of this practice of letting out lands of different interests in one lump rent and as one tenancy is the absence of any distinction between the incidents of different kinds of interests. What

a difficult task it was for the Settlement Staff to separately record the lands of different interests thus, mixed up", (Final Settlement Report, Jessore, para 108. Vide also Report of the Dakhin Shabbazpur Estates, para 51).

3. Bargadars, Utbandi Tenants and Rent-free Tenants.

The term bargadar which implies a produce-paying tenant or a ryot is very elastic in its significance. It may mean a tenant-at-will, a non-occupancy ryot, a settled ryot on an under-ryot. It is evident, therefore that the status of the produce-paying ryot is also not well-defined. In Faridpur the number of ryots holding at a rent in kind or produce rent are very large, but they are classified into settled ryots, occupancy ryots, and non occupancy ryots. "But in practice no distinction is made locally between any of these classes, all being considered tenants-at-will, although they often hold the land for several years or many years continuously" (Final Settlement Report, Faridpur, para 75).

In like manner in the Backerganj district a large number of bargadars who are considered locally as merely tenants-at-will are correctly classified as settled ryots and are entitled under the law to right of occupancy (Vide parra 177 of Final Settlement Report, Backerganj). In Jessore it is not customary to recognise the bargadar as a tenant but "neither the landlord nor the tenant claimed

tenancy right in such holdings" (Jessore Final Settlement Report, para 105). The produce-paying tenancies are found everywhere in Bengal and are as un-uniform as a jot or patni.

It has been stated to be a fact that the barga system has come into existence as a result of the development of a class of landless labourers under the British rule. There is, indeed, certain element of truth in it. However, it is also an undeniable fact that indolence, unwillingness or false caste pride or caste vanity is also an important contributory cause for the creation of the barga system. It enables the bhadralog parasite to earn an income without work of investment of capital. It "helps the gentleman farmer in getting a fairly profitable return from his land without the help of any capital. It has been found out that a gentleman farmer gets much less by hired labour than through the bargadar. The barga lands, moreover, are the mainstay of a considerable number of middle class gentry, which enable them to supplant their income by other vocations" (Jessore Report, para 105).

The growing indebtedness of the cultivator is another cause for the multiplication of the barga holdings. The extension of the barga system is attributed to the ryoti holding "passing to the mahajans and others by purchase and sub-letting to original tenants on produce rents" (Vide para 105). The barga system is subjected to much criticism

and declared to be an uneconomical system of farming. The bargadar exerts all his energy, and bestows all of his labour and care and capital first upon his own land and he pays only a secondary attention to the barga lands. He is generally a poor man and is, thus, unable to employ hired labour to till his barga holdings. Forced by pecuniary circumstances he sometimes leaves the barga land uncultivated or if he cultivates it, the yield by barga farming is generally small. The system is justified on the ground of necessity, for it provides a means of living to cultivators and to parasitic landlords.

Another class of tenancy which needs mention is the Utbandi tenancies which are non-occupancy holdings and the holders are not considered to be more than tenants-at-will. The utbandi system is prevalent in the Nadia district, in Murshidabad and to a certain extent in Jessore. The utbandhi tenancies are held from year to year on annual measurement and assessment of the cultivated lands only. As a result both the size of the holding and the area actually cultivated as well as the assessment fluctuate greatly from year to year. Consequently these holdings cannot acquire any occupancy rights unless the laws of occupancy are strictly followed by the holders (Vide sec. 180). It should be noted, however, that there are about six or seven forms of utbandi tenancies found in Nadia and Jessore.

Before proceeding to the next stage of the subject it may be noted in passing that there are a large number of rent-free tenures and tenancies or holdings. Among these the servant (chakran) or slave (golam) or serf lands held by ryots, and lands held for religious services are important. The servant lands are institutions of slavery (golamy) developed during the Mahomedan rule.

4. *Under-ryots.*

The under-ryoti system needs further consideration. The circumstances which favoured the creation of this ingenious systems of sub-infeudation are summed up by Mr. Momen in his Final Settlement Report of Jessore. (Para 106).

“(1) When the land is at a distance from the ryot’s home or for some other reason its cultivation by the ryot himself is inconvenient.

(2) When the land is situated close to the house of the under ryot and is very suitable or convenient for his cultivation.

(3) When the ryot for his own convenience wants to have a good and agreeable neighbour.

(4) When the ryot, being in indigent circumstances, requires money, instead of out-and-out sale he lets out the land by means of maurasi patta.

(5) When the ryot leaves the village to settle elsewhere.

(6) When the ryot wants to make some provisions, for a relation, who, though very closely related will not be a legal heir.

(7) When the land is purchased by a mahajan who sub-lets the land to the original ryot, etc. etc. etc.

These are some of the principal causes which account for the creation of under-ryots. Now a few words more must be said about the rights and status of the under-ryots. The rights of the under-ryots are in many cases considered to be as good and strong as those of ryots, although legally the under-ryot is little more than a tenant-at-will. Thus, in Backerganj "the great majority of the under-ryot excluding those paying rent in kind, have a permanent lease of their land, very often in writing" (Final Settlement Report, Backerganj para 181).

The indigo planters took under-ryoti settlements of extensive areas of lands, and the Raja of Naldanga and other local landlords of the district of Jessore are still found in possession of many under-ryoti holdings by purchase. "Very often the under-ryoti tenancies go down to the 2nd and 3rd grades sometimes as low as the 7th or 8th grade and these under-ryots are not only tenants-at-will but by custom and usage enjoy all the rights and privileges

of ryots themselves. As a matter of fact the legal distinction made in the Tenancy Act between ryots and under-ryots is not understood or recognised by the people. Very often under-ryoti tenants are created by registered leases in which they are mentioned as mokarari tenancies. Under-ryots frequently build houses, dig tanks, plant garden and cut trees on their holdings and the consent of the landlord is not considered necessary. They are not heritable and held from generation to generation, but freely transferred by sale, mortgage and gift exactly in the same way as ryoti holdings. In some parts of Maguara and Narail as many as 50 per cent were created not only in perpetuity but the rent was also fixed for ever" (Para 106).

It would appear, therefore, that there is no sharp line of demarcation between a ryoti holdins and an under-ryoti holding, for they imperceptively merge into one another.

Before we close this chapter a brief reference may be made again to the method of sub-infeudation. In the last chapter on Tenures we drew up a small gradation list of tenures, and tenancies. Here we may reroduce the numbers dealing with ryoti and under ryoti holdings only.

15. Ryot or Jotdar
16. Kole ryot, nim ryot jer ryot, etc
17. Osat nim ryot
18. Dar osat nim ryot.

With the exception of the ryot or jotdar the remaining tenancies are under-ryoti holdings. The upper-ryoti tenancies, namely, kole ryot, nim ryot, osat ryot, dar ryot, jer ryot, kole jotdar, dar jotdar or jer jotdar—have occupancy rights in the Dakhin Shahbazpur Estates and these are heritable and transferable. The under-ryots of the second and third degree namely, osat nim ryot and dar osat nim ryot are tenants-at-will and they do not have the right of occupancy.

It now remains to make a brief reference to the size of the ryoti holdings. It has been admitted that the available information regarding the size of ryoti holdings, that is, of the several classes of ryots and under-ryots is too imperfect. With such inadequate data it seems practically impossible to find out the average size of a ryoti or of an under-ryoti holding. However, it appears from the tables of statistics given in the settlement reports that the size of a ryoti holding including thereby under-ryoti holding varies from 15 acres to 99 acres.

“The average size of a ryoti holding may be taken,” says Mr. Momen, “to be 2 acres in Jessore, of which a third is let to under-ryot.” “The average size of an holding in Faridpur is 1. 39, acres, but the holdings held at cash rent are generally much larger (1.78 acres) than the holdings at a produce rent (.63 acres). In Backerganj the average size of a holding at a cash

rent is 2.54 acres and at a rent in kind 1.48 acres. The average size of a holding of a Rajshahi occupancy ryot and non-occupancy ryot is a little over an acre, and that of a bargadar is smaller than that amount. The size of the ryoti holdings in the Mymensing district is larger than that in the Dacca district. It seems that the average size of a holding lies somewhere between 2 acres and 3 acres.

CHAPTER 5.

REVENUE AND RENT.

1.—Incidence of Revenue.

Before proceeding to find out the incidence of revenue or rent per acre, it is necessary to indicate the distinction between revenue and rent. The term "rent" means in the legal language the sum of money or the quantity of produce which is lawfully payable annually by a tenant for his holding to his landlord, while the term "revenue" means the sum of money rent which is lawfully payable annually by an estate owner, be he a zamindar or talukdar or any other proprietor, directly to the government. The distinction between revenue and rent seems to bear a close relation to the distinction drawn between an estate and a tenure or a holding. The revenue may be deemed to be the price of the fruit-bearer known as the estate, while rent is the price of the usufruct. The former represents or is supposed to represent a share of the rentals collected by the proprietor from the tenants, while the latter is the price paid for using or improving the lands or for enjoying the fruits thereof, and it often represents or is supposed to represent a share of the produce of the soil.

Turning now to the incidence of revenue per acre for estates we notice that it is far from uniform. The

incidence of rent per acre of the permanently settled estates appears to be relatively low, naturally because, when the permanent settlement regulation was introduced in 1793, the lands were not surveyed nor classified according to fertility, the revenue or the government demand fixed upon each estate being based upon guess in respect of the quantity and quality of land assessed. It was, however, thought that the revenue so fixed would cover 90 per cent of the rental collected by the zamindars from the tenants. But the actual government demand covered only 25 per cent of the rental collected from the tenants. Consequently the average revenue per acre for the permanently settled estates is relatively low, being as low as ten annas per acre as against one rupee and fourteen and half annas per acre charged for the temporarily settled private estates, and over two rupees and eight annas per acre realised by the government from the government estates for the same unit of land.

Average Incidence of Revenue per Acre for Estates. 1925-26

Name of Division	P. S. Estates.		T. S. Estates.		Gov. Estates	
	As.	Rs.	As.	Rs.	As.	Rs.
Burdwan	15·4	2	·4	3	10	
The Presidency	9·2		13·5	2	6	
Dacca	5·3	1	3	3	3·2	
Chittagong	14·1	1	3	2	3	
Rajshahi	6·8	1	·4	1	4·4	
Averages for the whole Province	10·1	1	14·5	2	8·7	

The above statement discloses the interesting fact that the incidence of rent per acre for the permanently settled estates is by no means uniform. In fact it varies from locality to locality and from estate to estate. In a general way it may be stated that Eastern Bengal is more lightly taxed than western Bengal, and that the district of Mymensingh seems to be particularly favoured in this respect, paying as low an average as 3.2 annas an acre; Next to Mymensingh come Jalpaiguri, Dacca, Bankura, Faridpur, Malda and Pabna.

Apart from the reasons given above for the difference in the incidence of revenue there are other reasons. Estates settled at the time of the permanent settlement were assessed at lower rates than those settled after it. Thus, the Backerganj Final Settlement Report observes that "1980 square miles were permanently settled at the time of the permanent settlement at a revenue of Rs. 5,82,593 or at a rate of Rs. 295 per square mile (or $7\frac{1}{2}$ annas per acre), and 505 square miles were permanently settled subsequent to it at a revenue of Rs. 4,03,829 or at a rate of Rs. 800 per square mile (or 20 annas per acre)" (Para 214). One more instance may be quoted for illustration. In the Faridpur district some estates measuring 1,243,680 acres were settled at the time of the permanent settlement at a rate of 6 annas per acre, while 98,673 acres settled after the permanent settlement pay 9 annas per acre. Three of the largest zamindaris of Faridpur pay

extremely low rates of revenue per acre. Thus, Hambilpur pays only 3 pies per acre, Krishnadevpur 5 pies and Syedpur one anna and seven pies per acre. The low averages demonstrate the inequalities inherent in the permanent settlement system.

In the case of the temporarily settled estates the incidence of land revenue is relatively high, ranging from 50 to 70 per cent of the ryoti assests, first because, the land revenue is based upon survey and classification of lands and, secondly, the rent assessed is not fixed in perpetuity but only for a definite period of time ranging from five to thirty years. The government demand represents a share of the "net assets" of the zamindars which mean the actual rentals collected by the zamindars from the ryots, including income from fish, jungle, fruit and minerals. From 60 to 70 per cent of the net assests goes to the State and the remainder belongs to the zamindar as profits. There is however, a class of middlemen, sometimes appointed by the government to collect rents from the ryots. This class of middlemen does have no proprietary rights in the lands placed in their charge for collection of rent, and they get only 10 per cent of the collection as remuneration for their services.

The incidence of revenue per acre for the estates held directly by the government is obviously much higher than that of the temporarily settled private estates, because in respects of such estates cent

per cent of the ryoti assets is the revenue. It is worthy of note that the government share of the net assets is also not uniform. It is generally laid down as a half-asset rule, but actually more than half is taken by the State. The reason why no hard-and-fast rule can be laid down as to the share to be taken by the government is given by the government itself in the following announcement:

“It is impossible to apply any one criterion to all parts or classes in one province, much more so to the whole country. The conditions of uniformity of treatment are in many cases lacking. A rule of division which would be light in one case might be harsh in another ; a proportion of rent or produce which would leave a wide margin of profit in one part of India might be vexatious elsewhere” (Land Revenue Policy of The Indian Government, 1902 pp 11-14).

2.—*Laws of Rent.*

Our study of the subject will be incomplete without a brief reference to the laws of rent. According to the Bengal Tenancy Act rent means whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation of the land by the tenant' (Sec. 3 (13)). The rent of land varies according to the nature of the tenancy and the purpose for which land is held by a tenant. The general

provisions with regard to rent set forth in the Bengal Tenancy Act are as follows :

“(1) Where a tenure-holder or a ryot and his predecessors in interest have held at a rent or at a rate of rent which has not been changed from the time of the permanent settlement, the rent or the rate of rent shall not be liable to be increased except on the ground of alteration in the area of the tenure or holding,

(2) If it is proved in any suit or other proceeding under this Act that either a tenure-holder or a ryot and his predecessors in interest have held at a rent or at a rate of rent which has not been changed during the twenty years immediately before the institution of the suit or proceeding, it shall be presumed until the contrary is shown, that they have held at that rent or rate of rent from the time of the permanent settlement” (Sec. 50).

The rent of a mokarari ryot who holds at a fixed rent or at a fixed rate of rent is naturally not enhanceable, but the rent of an occupancy ryot is alterable under special circumstances. When the “ryot binds himself to pay an enhanced rent in consideration of an improvement...” effected by a landlord or when a ryot who has held his land at a specially low rate of rent for certain purposes, the rent is in such cases alterable. The following rules are laid down by the Bengal Tenancy Act for the enhancement of rent by the landlord or reduction of rent by the ryot.

First of all it must be noted that the law presumes that the existing rent is fair and equitable and this presumption must be rebutted by the landlord or by the tenant or the rent cannot be increased or diminished. The rent can be enhanced when it is proven by the landlord (1) that the rate of rent paid by the ryot is below the prevailing rate of such holdings, (2) that there is a rise in the prices of staple food crops of the locality. In determining the average price the average prices for the last ten years preceeding the suit are taken into consideration ; and, (3) that the productive power of the land has been increased by fluvial action or by improvement made by the landlord. If the improvement is due to the landlord's efforts it must be registered, and the enhancement will depend upon the amount or extent and quality of the improvement and the previous rate of rent. If the rent is already too high to bear it cannot be increased. And in case of enhancement it must be slow and a gradual extension spread over ten years at the end of which the full rate is to be realised.

The money rent of an occupancy ryot can only be enhanced by a written and registered contract, and the rent once increased it cannot be increased again for fifteen years. (Vide sec. 29-37).

The rent of an occupancy ryot can be reduced only when it is proved by the ryot that (1) the area of his holding has been diminished, (2) the quality of the

soil has deteriorated by the deposits of sand or by other causes, (3) the value of the produce has been reduced by the general fall of the prices of staple food crops, or (4) the quality of the soil has deteriorated by the neglect on the part of the landlord to carry out arrangements in respect of irrigation or embankment (Sec. 38).

The rent of an under-ryot is subject to enhancement under similar conditions as that of the occupancy ryot. (Vide Sec. 48). The money rent of an under-ryot can only be enhanced by a written and registered contract. But the enhancement of rent must not exceed 4 annas in the rupee and the rent once increased, it cannot be increased for a period of fifteen years.

In the case of a non-occupancy ryot the law of rent is very simple. He is "liable to pay such rent as may be agreed between himself and his landlord at the time of his admission" (Sec. 42). The rent of a non occupancy ryot may be enhanced by written contract based upon mutual agreement, but in case of disagreement or rebuttment by the landlord the court has the power to determine the fair and equitable rent, that is to say, the rent paid by ryots for land of similar description and with like advantages in the same village (Sec. 46).

3. Methods of Assessment.

It is a well-known fact that in the assessment of land and in fixing rent several factors, such for

instances as, the quality or fertility of the soil and the purpose for which it is to be employed, situation or proximity to market or town, density of population, the prevailing prices of staple crops, improvement of land effected by natural or human agency, and the influence of laws and customs or of competition for lands are all, more or less, taken into consideration. However, in the case of permanent tenures with fixity of rent, the influence of customs or of laws is predominant, and therefore, the effects of rising prices, competition or of other factors indicated above are automatically ruled out. But in the case of tenancies where the rent is enhanceable periodically, it cannot be uniform for all time nor can it be the same for all classes of land—cultural waste, or cultivated lands, moors or deserts. Land employed for homesteads, for grazing purposes, for grain crops, fibre crops, pan, fruit trees, tobacco, sugarcane, etc., cannot be assessed at the same rate, especially when a new lease is taken. In the purchase, sale or lease of lands these factors are taken into consideration.

It is evident, therefore, that the subject of the assessment of land and fixing of rent is complicated by several factors and cannot be dealt adequately in a work of this character. Moreover, it is not possible to give a complete description of the various methods employed in the assessment of the enumerable varieties of soils or crops, for each soil is to be treated according to its own merit. Yet it seems desirable to illustrate the general principles of assessment by

specific instances. To begin with jungle land. In assessing jungle land considerable deduction is made for the purpose of bringing it under cultivation. In the Survey and Settlement Report Of the Dakhin Shahbazpur Estates an instance is given of a taluk held by one Ara'oon Gregory free of rent for the first three years, for most of these lands were jungle lands. As the lands were gradually brought under cultivation, the cultivated lands were assessed to a rent of ten annas per acre for the first year, and twelve annas for the second year. But from the third year full payment of rent of one rupee per acre in addition to the customary and fixed cesses was exacted.

The method of assessment actually followed was somewhat like this. When the major portion of the land was brought under cultivation a deduction of half of the cultivated area was allowed as allowance for bringing the waste land under cultivation and from the balance another deduction was made as allowance for profit, and the remaining area was then assessed to rent at Re. 1 per acre. The value of cess of all kinds was commuted to a fixed sum of Rs. 2 per acre. The incidence of rent per acre, therefore, amounted to Rs. 3. It is worthy of note that the rate of rent varies considerably with the amount of premium or bonus or salami paid to the zamindar. Where the premium paid is large, the rate of rent is low, and vice versa.

Broadly speaking cultural waste and uncultivated lands and jungle lands are not assessed to rent until they are rendered productive by improvement. But in the case of arable lands they are assessed to rent the moment they are let out to ryots or to tenants and the rate of rent is relatively high. Even here too several deductions are allowed to the tenants as indicated in the following example :

In "Taluk Shambhu Nath Chakravarti in Hazari the tenure-holders are allowed two-thirds of the cultivation and hasil (homestead) land as osat (allowance for bringing waste lands under cultivation) and one third of the remainder as mathan (allowance for profit), the remaining area is assessed at Rs. 110 per kani (or Rs. 17 and As. 5 per acre.) The ryot gets two thirds of the cultivation and hasil as osat allowance and pays a rent for the remaining area at Rs. 110 per kani. To some of the ryots whose holdings are of a more recent creation a deduction of one half only of the cultivation and hasil (homestead) instead of two-thirds is allowed as osat allowance, and for the remainder they pay Rs. 85 per kani (or about Rs. 13 and As. 6 per acre). The jotdars get no allowance and pay rents at net rates varying from Rs. 25 and Rs. 8 per kani" (equivalent to Rs. 4, and Rs. 5-9 per acre respectively) (Vide pp 20-21).

It is needless to multiply illustrations to indicate the methods of assessment. It is worthy of note in this connection that there is no such thing as a

“prevailing rate” or a general rate of rent. “The jamanbandi papers of the proprietors,” observed Mr. P. M. Basu, “showed that there were several rates of rent in each village. In some villages there were as many as fifteen different rates according to which rents of the tenant were assessed: Different plots of lands in the possession of the same tenant and included in the same holding were assessed at different rates, but the lands were never sub-classed into so many classes.”

4.—Incidence of Rent.

In the absence of sufficient statistical information it is not possible to know accurately the number of tenures or of holdings subject to the payment of fixed rent or fixed rates of rent per year. It appears however, that the number of tenures and ryoti holdings the rents or the rates of rent of which are fixed in perpetuity are immense. One or two instances may here be introduced by way of illustration. It is stated that in the year 1925 out of a total number of tenures of all grades found in Jessore which numbered 185,208 about 65 per cent or 118,433 were permanent tenures; of 221,475 in the Faridpur District (1916) only 268 were temporary in their duration, and of 464,008 in the Backerganj District (1916) only 512 were recorded to be temporary. The majority of the district reports and estate reports consulted by us go to show that permanency of tenure is a general though not an universal phenomenon in Bengal

It seems that permanency of tenure and fixity of rent are the predominant features of that class of tenancies known under the name of tenures. But in the case of ryoti holdings it seems that mokarari ryots or ryots with fixed rent or fixed rates of rent are out-numbered by the other classes of ryots, that is, by the number of settled ryots, under-ryots, occupancy ryots and non-occupancy ryots whose rents are liable to change under circumstances indicated above.

Turning now to the question of the incidence of rent or the average rate of rent paid by a tenure holder or by a ryot per acre we find that the difficulty of arriving at such a rate is insuperable. The difficulty does obviously arise from the nature and complexity of the land tenures and from historical and local differences. It is an admitted fact that the rent, apart from other causes (economic causes) for the same grade of tenures or holdings is not uniform even within one district or within the same village. It varies from place to place and from locality to locality and it varies with the kinds of crops raised. Were complete statistical data regarding the rents of tenants available, it would not, perhaps, be possible to arrive at an average rate of rent per acre for so many heterogeneous classes of landed interests.

A few instances may here be added to illustrate the point. It is found on computation that the incidence of rent per acre for a tenure in the Estates of Basudev

Roy and Kalishankar Sen varies from village to village. For the village Char Samaya the rent of a tenure, is calculated to be as low as 7 annas, for Lakshipur 1 rupee, while for Konderpapur it is as high as five rupees and two annas. In Beldanga (Murshidabad) the incidence of rent per acre for a ryot-at-fixed—rent is stated to be two rupees ten annas and four pies, for the settled ryot and occupancy ryot one rupee fourteen annas and eleven pies, while for the under-ryot it is a little over twelve annas only. But in Mahishur (Murshidabad) the average rent for an under-ryot is calculated to be four rupees and six annas, while in Backerganj the average rent for an under-ryot nine rupees fourteen annas and seven pies. There are instances of under-ryots paying rents which range between one rupee and ten or twelve rupees an acre ; of occupancy ryots paying rents from one rupee and eight annas to fourteen rupees ; and of non-occupancy ryots paying as high a rent as the occupancy ryots do.

Since the rate of rent depends upon a number of causes indicated above no hard and fast rule of assessment can be applied to all classes of land. The rates of rent must, therefore, be various and ununiform.

It has, however, been estimated by experts on the subject that the average rate of rent for a ryoti holding is a little over Rs. 3 per acre. "An accurate estimate of the average rent paid by ordinary cultivators in Bengal will not be available until the Settlement Department has completed a record of

rights for the whole province, but it is likely from the statistics already available and general impressions in parts of the Province from which a Settlement record has not yet been prepared, that the average rent paid by ryots for all classes of land is rather over Rs. 3 per acre" (Census of India, 1921, Vol. V. Part 1, para 228).

Before we close this Chapter a brief reference may now be made to the incidence of produce rent. The custom of paying rent in kind instead of in money by certain classes of ryots known as bargadars, and also to limited extent by tenure-holders, is very old and exists even today. There is however, no fixed rate of produce rent. The produce may be divided at one of the several ratios in vogue in the country or locality or mutually agreed between the parties. But the usual rate is half-and-half.

CHAPTER 6.

LEGAL AND ILLEGAL CESSES.

Besides rent a number of cesses is collected by the landlords from the ryots. These cesses or abwabs are divided into two classes, viz., legal cesses and illegal cesses. The legal cesses are those imposed by the Cess Act of 1880 on all immovable property. According to this Act all immovable property is liable to a road cess and public work cess to be assessed on the annual value of lands (i. e. estates, tenures and ryoti holdings) and on the annual net profits from mines, quarries, tramways, railways and immovable property. The "Rate at which each such cess shall be levied for any one year shall not exceed the rate of one half anna on each rupee of such annual value and annual profit respectively" (Vide Secs. 5, 6). That is to say, in addition to the rent or revenue charges a cess of one anna in the rupee is levied for the construction and maintenance of roads and for the establishment and maintenance of schools, dispensaries, etc. It should be noted, however, that in addition to the rent and cesses a Chowkidari Tax, instead of a poll tax or an income tax, is collected by the local (village) Government from the people.

Now the point to be noted in this connection is that the rules laid down by the Cess Act in respect of the rates of cesses are not strictly adhered to by

the landlords who are entrusted with the collection of cesses from the ryots and tenants under them. There are enumerable instances of the violation of the Cess Regulation. It has been declared to be a fact that the landlords in several parts of Bengal collect cesses at a rate higher than that permitted by laws, and that several illegal cesses are exacted by them from their tenants. To illustrate by specific instances the violation of the Cess Regulation and exaction of illegal cesses I can do no better than quote a few excerpts from the Settlement Reports. The rates of cesses levied by the landlords of Jessore are far from uniform as the following statement discloses :—

“The road cess is usually realised by the bigger landlord at the legal rate of 6 pies per rupee from ryots, but a few (e.g., the Maharaja of Natore) try to hoodwink the tenants and, on the pretext of higher assessment at revaluation, realises cess from cultivating ryots also from one anna to one half annas per rupee, Narail, Hatberia and Naldanga estates generally realise cess at an anna but in parts of those estates lying in Magura and Kali thanas cess is reported to be realised at one anna or more per rupee. Bagchor estate realises cess uniformly at one anna per rupee. Most of the smaller tenure-holders, including the brahmotars, realise cess at one anna per rupee and sometimes at a higher rate. The ryots as a rule realise cess at one anna per rupee from the under-ryots”. (P. 123).

In Faridpur the "rate at which road cess is levied shows remarkable differences in different parts of the district. Often in the north and east it was found to be collected at the legal rate of half anna in the rupee of rent, but as often double the legal rate. In Palong it was never less than one anna and often two or three. In some estates it rose much higher and the Narail Babus in the west of the district appear to have levied it at the rate of six annas in the rupee. Fines are not a feature of the estate management as in Backerganj. They occur in different estates but they are usually light and in proportion to the offence" (Faridpur Final Report, P. 88).

Instances may be multiplied to prove that the road and public work cesses are often levied at a rate higher than that permitted by law.

Turning now to the illegal exactions we find that a number of illegal cesses are realised by the landlords especially by the bigger zamindars who consider themselves to be like independent potentates rather than subjects of the State as the ryots are. The exactions of illegal cesses and fines by the landlords from the ryots disclose the nature and character of the zamindari regime. The zamindars seem to have the least respect for law and order. This is clearly illustrated by their high-handed methods of exacting abwabs in violation of the existing land laws of the country.

“In addition to the rent and the legal cesses”, observes Mr. Momen, the author of the Jessor Final Report, “the tenants generally have to pay tahari, kharcha or rasal-abwabs or illegal exactions, which amount to from one anna to five annas in the rupee of rent. The tahari is the perquisite of the tasildar (collector) and does not reach the landlord unless he is a small landlord and does his own collection. It is realised with the connivance of the maliks, but its rate varies even in the same estate from catchery to catchery, as it depends upon the cupidity of the presiding naib of the catchery (zamindar’s office). It is difficult to find out the exact rate of tahari, as it is not entered in any estate papers.”

Now with regard to the rates of tahari realised in different estates of Jessor Mr. Momen says :

“The rate of tahari in the Dighapatia Raj estate is reported to be the highest and is said to be five annas in the rupee. Narail and Hatberia estates come next and realise tahari or kharcha at two annas to four annas per rupee of rent. The zamindar’s agents are very exacting in the matter of tahari, which being their personal dues, they treat it as first charge on the tenant even in preference to rent. In some estates the naibs realise an additional abwab, agaman or nazar whenever a new naib or a superior officer visits the catchery. The rate is usually a large sum per capita of 8 annas to Re. 1 or more. One of our officers found an inspector of the Narail estate at

Kalimganj realising 4 annas per rupee of rent as agaman. In Bogherpara thana some landlords' agents realise money from tenants for clothing. Malik basha kharcha, hishab kharcha and mela kharcha are also realised in some cutcheries. Of the abwabs which go to the landlords, the following may be mentioned as the more common ones :—

(1) *Maricha* - at about 4 annas per rupee or lump sum as nazar on the occasion of marriage in zamindar's family.

(2) Parbi or bhet or puja expenses at a certain rate per rupee or a goat.

(3) Price of dakhila at 1 or 1½ annas per rent receipt.

(4) Ceremonial cesses at annaprasan (first rice ceremony) at 2 annas or 4 annas per rupee of rent.

(5) Mamooly. This is charged at 8 annas per rupee at Naldanga and some adjoining estates for puja.

(6) Batta or exchange for sikka coin. This is charged at 1 pice per rupee in some estates, although sikka ceased to be a legal tender since 1832.

(7) Dak kharcha. A contribution towards expenses of zamindari dak (mails). This is realised by some landlords of Sarsha and Nowpara thanas only.

(8) Proja kharcha or tol karcha. *Fee realised for permission to sit in the cutchery. This is reported to be realised only in Sukpuria estate.*"

Besides these a number of other cesses including litigation expenses of the zamindar are collected by the zamindars from the tenants :

" Besides the above the Dighapatia estate realises 2 annas per rupee as mela kharcha for meeting the expenses of mela (fair), and 1 anna per rupee of rent for the charitable dispensary. Some estates are very fond of realising bhiksha or alms whenever the landlord is in real or supposed difficulty, and some estates realise makardama kharcha or litigation expenses whenever there is any suit with an adjoining landlord.

" An interesting contract about a novel sort of abwab was reported from Salkapa thana, where in a few kabulyats the tenant was found contracting to pay Re. 1 as nazar on the occasion of each of his daughter's marriage." (Vide P. 132).

The Faridpur Final Report discloses that a number of different cesses are levied in the district :

" In most villages of the district tahari at one anna or half anna in the rupee is the only regular impost levied and marriage fees are very much less in amount than in Backerganj, while they are not collected at all in the north and other parts of the district. Fees for excavation or re-excavation of a tank, are however, prohibitive.....Marriage fees are usually

taken in these thanas at Rs. 5 but in some villages the rate is as high as Rs. 10. Tahari is always levied at one anna in the rupee and sometimes at four annas and other imposts are as follows :

Dakhila kharcha at 3 pies to one anna and for each rent receipt punga at Re. 1 per family, contribution in lieu of begar Re. 1, bedi salami on the death of a parent Rs. 2 ' (P. 88).

Some very interesting facts regarding the collection of illegal cesses are disclosed by the Rajshahi Final Report. These may be classified under the following headings :

(1) *Imposts*—collected for the performance of religious ceremonies, for meeting the travelling expenses of the zamindar or his manager or officer :

“The commonest of the abwabs is known as gram kharcha (Lit. village expenses). The expenditure incurred by the estate on account of part of the pay and expenses of the total staff and on account of entertainments at the pujas is distributed among the villages concerned and levied at so much per rupee in the rent. Besides this there is a regular tariff for writing receipts, for the food of the landlord's peons when they visit a village, for a statement of a ryot's account for religious ceremonies performed by the landlord or his staff. Tenants are sometimes taxed by the landlord to maintain his horses or elephants. In places he has to pay marriage fees and a fee for using a palki”.

- (2) *Fees*—for (a) the marriage of the zamindar's daughters,
- (b) the purchase of elephants or horses,
- (c) litigation expenses,
- (d) education of sons in Europe.
- (e) Building a house, etc.

“There is another class of abwabs which is imposed on occasion of special expenditure by the landlord. The commonest occasions for this bhikhsa or magan as it is called are the expensive ceremonies which occur in Hindu household on the occasion of marriage, death, first taking of rice, or assumption of the sacred thread..... Building a house and purchasing elephants are common occasions. One landlord made a special collection from his tenants to meet the cost of education of his son as a barrister in England. The same landlord levied two annas in the rupee in one village to meet the cost of certain civil suits and criminal cases about the property” (p 31).

It is impossible within the brief compass of this work to consider in detail the various tolls exacted by the landlords to meet the survey expenses, marriage fees, death fees, education fees and so on. The exaction of illegal cesses seem to be customary with zamindari regime. But there are exceptions, and honourable exceptions too. “From a business

point of view", says Mr. W. H. Nelson, "the Midnapur Zamindari Company's estates are the best managed in the district. The Company does not levy magan or bhikhsa and does not share in the annual abwab". (Vide p. 31).

It must not, however, be supposed that exactions of cesses are sporadic and particular but in fact they are chronic and almost universal phenomena. "The practice of levying illegal cesses or abwabs over and above the legal rents by the agents of the private proprietors is still prevalent throughout the province, and from Katwa Sub-division of the Burdwan District the institution of certain criminal cases by the zamindar against his tenants is reported on account of the refusal of the latter to pay Kayali. But although the tenants now fully understand that these exactions are illegal, they usually pay such demands without protest, in order to avoid the displeasure of the landlord and his amlas" (The Report of the Land Revenue Administration of the Presidency of Bengal, 1925-26).

It appears, therefore, that the exaction of illegal cesses is almost an universal phenomenon in Bengal. The fact that the cesses are illegal are known both to the ryots and to the landlords, and both seem to be perfectly content with the illegal exactions. The tyranny and oppressions of the zamindars seem to produce no effect upon the feelings of the ryots. They seem to endure them with quiet resignation and contented humility. The tenant does not resist them,

perhaps, because the exaction is a time-immemorial custom observed by his father and forefathers. Nor does the landlord seem to be inclined to relax his power in "favour" of the ryot or be loyal to the Bengal Tenancy Act.

It is difficult to see how democratic or self-governing institutions could be fitted to the autocratic institutions of India where the people seem to have little knowledge of the elementary principles of right, justice, freedom or equity.

CHAPTER 7.

LAND TAX VS. LAND RENT.

The systems of land revenue (and land rent) and land tax have some points of similarity, but many points of difference. They are similar in that they both represent compulsory payment and in both cases the land in question is liable to sale or to reversion to the State in case of failure on the part of the subject to pay the rent or revenue or the tax. Both the land revenue (and rent) and land tax are for expenditure by the state for public purposes, that is to say, for some public welfare. And the public good in the case of taxation is indirect except, perhaps, in the case of the "Special Assessment" in the United States.

Before proceeding to the next stage of the subject it seems necessary to consider a few definitions of the term "tax". According to Seligman "A tax is a compulsory contribution from the person to the government to defray the expenses incurred in the common interests of all without reference to the special benefits conferred". Bastable's definition runs as follows: "A tax is a compulsory contribution "from the wealth of a person or body of persons for the service of the public powers". And Adams thinks that there are three definitions of a tax that may with advantage claim attention. These are:

“First. That a tax is a price paid for service rendered” (The Purchase Theory).

Second. That a tax is a payment in proportion to benefits received” (The Benefit Theory).

Third. That a tax is a contribution of citizens for a common end” (The Contributory Theory).

The ‘purchase theory’ of taxation is open to criticism. It implies some kind of commercial relation between the state and the citizen. There is undoubtedly a contractual relation between the modern state and the individual, but this relation is political rather than commercial. The contractual relation refers to rights and duties. Such rights, for examples as, the taxing power of the people, the power of legislation and the power of altering the laws of the government—imply things and relations which are supposed to be deliberated, measured and perhaps, even bargained by the parties concerned. But the term ‘bargaining’ here does not possess any commercial significance, as the term ‘purchase’ suggests.

The purchase theory is not, perhaps, applicable to modern taxation. It is applicable to our revenue or rent theory. In modern land tax, e.g., of the United States, land is not sold nor let by the state to the people for realising revenue. It is given free to the people. A nominal fee is, however, charged. But it does not represent the price of the land. It is collected for meeting the expenses needed for keeping

land records. Again when a tax-payer defaults in payment of his tax the land is sold in order to realise the tax from the proceeds, and the transaction between the state and the individual is closed. But in India the situation is somewhat different. The state as the supreme proprietor of the land makes "settlement" with the new purchaser or with the defaulter if he pays his dues. And in the new settlement operation is involved the idea of 'renting' or 'letting' which seems to have some commercial significance.

The fundamental principle involved in taxation is compulsory contribution, while the fundamental principle involved in land revenue and rent is compulsory payment of revenue or rent for certain benefits received. The general characteristics of taxation are compulsory contribution and sharing the burden of public expenditure for common good. But in taxation, there is no necessary connection between the contribution made by the individual and the common good conferred upon him, that is to say, no special benefits are conferred upon the tax-payer for the payment of taxes.

These characteristics of a tax indicate that there are some points of difference between a tax and land rent or revenue. In taxation the idea of contribution if true, implies social conscience, social unity and contractual relation between the state and the individual. It is doubtful whether the contribution theory

is applicable to the Bengal land systems. The bulk of the tenants are not conscious, or perhaps, are vaguely conscious of their contribution to the state. This is because our social structure and the semifeudal land systems limit the freedom of the individual. The system of subinfeudation of land rights, for example, checks the development of the ideas of individual rights and individual responsibilities. Ownership in the sense of unfettered and unconditional property hardly exists. It is difficult to distinguish ownership from occupation in most cases of land rights. These facts (social facts) stand as a barrier to a fuller growth of social conscience and social unity. Consequently the idea of contribution or of sharing the burden of the state expenditure is practically non-existent.

The benefit theory does not apply to land taxation but there seems to exist some sort of a close connection between this theory and our land revenue or rent. This is clearly evident in the close relation which subsists between the revenue or rent paid and the special benefits guaranteed to the land-holders under the Indian land systems. The subject pays a certain sum as revenue or rent because of certain benefits derived from the lands. In taxation the benefits are indirect, while in rent or revenue, they are direct, immediate and personal. In the permanently settled estates the benefits guaranteed by the permanent settlement laws and the tenancy laws bear a close relation to the revenue or rent paid. And even in

the temporarily-settled estates there is a close and direct connection between the revenue or the rent paid for the 'tenures' or 'holdings' and the benefits from such holdings. The revenue or rent represents the price paid for the use of the usufruct. No such idea of direct gain is involved in taxation.

The basis of the land tax in England (I have agricultural land in mind) is the annual rental value. In the United States, the basis is the selling value of the land. Of course, the selling value may ultimately be traced to the income from the land. In the United States the land tax is a property tax. Legally the tax is supposed to be imposed upon property. However, the actual basis of the land tax is the selling value and there is no direct connection between the income and the selling value of the land. This is, perhaps, because, land in the United States generally changes hands by frequent sales. Now the basis of the land revenue in Bengal is the rent-roll, and of rent, the produce of the soil. Even in the temporarily-settled estates and in the government estates the rent paid by the cultivator is based directly upon the produce of the soil. There is a direct link between land rent and the produce of the soil.

The relation between the land rent and the produce of the soil is immediate, but the link between the land revenue and the produce of the soil is not so immediate. In the former, the rent represents a certain share of the produce of the soil,

while in the land revenue the revenue represents a certain share of the rental collected from the subordinate tenure-holders and tenants. It would seem therefore, that the land revenue is more analogous to a tax than to a rent, for land tax points to the income from the land. But this similarity is only apparent, for a tax does not involve the idea of 'sharing' the produce or the property rights in the land.

If the land revenue paid to the state by the proprietors is to be considered a tax, then, the rent paid by the tenants to the proprietors must also be considered a tax. Rent must then be a tax payable to the landlord as the 'state'. In fact the proprietors represented the 'states' to the tenants during the Mohomedan period. The feudal relation still exists in the Rajputana states. The relation between the landlords and the tenants used to be regarded as that of the "king and his subjects". No such relation, however, subsists between the tax-payer and the modern state, for the modern state is not a feudal institution in which the superior proprietary rights reside in the king and in the feudal chiefs.

There is thus quite a contrast between the tax concept and the land revenue and the rent concepts. In the case of the land tax it is the rent which is taxed, that is to say, it is the income from the land represented in money value which is taxed. The land revenue and land rent are inseparably bound up with the idea of property in the land as well as with some

characteristics of feudalism. The revenue seems to be a payment in part for the use of the land and in part for property in the land. The idea of state ownership is hidden behind the revenue and rent. In like manner rent is a payment for the use of the land which belongs to the proprietors. When a house owner lets his house to tenants for use, the use of the house is sold temporarily or transferred temporarily or permanently, and not the property in the house. Likewise, the use of the land and a part of the property are sold and transferred temporarily or permanently, the transaction depending upon the nature of the tenancy. The tenancy can be sold by the tenant with the consent of the landlord (before 1929), but not the land itself, not the use-bearer. The land itself—the use-bearer, cannot be sold by the tenant. He can sell the usufruct, for the superior property resides partly in the landlords and partly in the state. It is the right to use the land which is sold or transferred, the superior property is reserved by the owner. This is the idea of property involved in the terms “estate”, “tenure”, “proprietor”, “holding” “revenue” and “rent” (in the Tenancy Act).

Land tax implies a more distant relationship between itself (tax) and the taxable object, the base, and between the state and the tax-payer—than the relationship (feudal) subsisting between land rent and the land, as well as between the tenants and the landlords. Both rent and revenue, (especially

rent) are more personal and subjective than tax which is impersonal and objective. The basis of the land revenue is the rent-roll and that of the rent the produce of the soil. And the idea of sharing the produce as well as the idea of co-partnership run right through the land systems of Bengal. And this sharing implies a close relationship (feudal) between the landlords and the tenants, and between the landlords and the state. In taxation the relation between the tax-payer and the state is impersonal.

Our land revenue and land rent are often compared with the income tax. It is said that our land systems represent the only medium through which the 'income' of almost all people may be taxed. In fact, however, revenue and rent have little resemblance to income tax. First, an income tax cannot be productive for fiscal purposes where land constitutes the most important source of wealth. As a source of government revenue the income tax (British, American or German) is very elastic, whereas the land revenue and land rent are comparatively inelastic, especially in Bengal. An income tax of the British, American or of the Prussian type has a scale of rates which are both proportional and progressive and also regressive within certain bases. It is proportional and regressive only within certain limits of the base. On the whole, however, it is progressive. Our land revenue and land rent are neither proportional nor progressive. Our land revenue is rather regressive as compared with rent. Moreover neither land revenue nor rent is proportional, for the rates are

not uniform. The rates are irregular and unequal, especially in the permanently settled estates. And the rates, instead of rising with the higher unearned incomes of estate-owners, diminish with larger incomes. The rates are higher for smaller incomes while they are lower for the larger incomes of the proprietors. This discrepancy is due not so much to the permanent settlement laws or to the temporary settlement laws but to the very nature of the land systems. The fundamental difference between land revenue and land tax is that land revenue is a primitive institution having the smack of feudalism, while income tax and land tax are comparatively modern institutions, the out-come of the emergence of the modern economic world—of the growth of economic freedom of the individual.

Another important distinction between tax and land revenue or rent is that a tax is a variable phenomenon, while land revenue and land rent are invariable under the permanent settlement laws, especially the revenue of the zamindars, independent talukdars and of others whose rent or revenue is fixed by law in perpetuity. It is only under the temporary settlement laws that the rent or revenue is periodically changed or resettled. But unlike taxes rent and revenue both lack elasticity. This is because of the influence of customs and the very nature of the land systems.

Taxation and modern rent (upon which the tax is imposed) presupposes a relatively competitive (dyna-

mic) world, while land revenue and land rent imply a comparatively static world—a world dominated largely by customs. Certain lands in California which could not be rented at fifty cents an acre rose during the War from fifty to seventy-five dollars an acre. Such movements in agricultural land values are rare in Bengal. Nevertheless, the periodic reassessment of land revenue or rent based upon the rising prices under the temporary settlement laws do indicate some movement in our economic life. But the system of periodic reassessment is disliked by most people, for it is maintained that land revenue or rent in Bengal had a perpetual value from time immemorial. We are not concerned here with the validity of the periodic reassessment but the point which we want to establish is that our land systems, like our social institutions, are dominated by customs. Even the Bengal Tenancy Act appeals to customs. The Bengal Tenancy Amendment Act, instead of abolishing salami, legalised it by the institution of a heavy landlord's fee.

The two ideas—tax and modern rent are competitive. Competition lies at the root of modern rent, and it implies a relatively moving world. With the emergence of the modern economic world (I mean after the disappearance of feudalism in Europe) land rent has assumed its modern form, and it represents the price of the usufruct, but it does not convey any idea of property in the land unless it is leased for a long period of time. The payment of rent by

a tenant to his landlord does not entitle him to any proprietary rights in the land.

In our Bengal land systems both revenue and rent bear some resemblance to rent. Nay, they partake of the nature of both rent and taxes, but at the same time they differ widely from both rent and taxes. In the strictest sense of the term they are neither tax nor rent. The dual character of the land revenue and rent is due to the semi-feudal character of the land systems.

Our land revenue and rent contain a number of other "taxes" or "dues", namely excise duties, license tax and other dues of feudal character described under the term "abwab". Under the Bengal zamindari land regime all the different "taxes" are inter-mixed and are called revenue or rent. Consequently the land revenue or rent is neither like the modern tax nor like the modern rent, yet they seem, like the mediaeval rent of Europe, to have some smack of both tax and modern rent. In fact the land tax is an out-growth of the mediaeval rent. In Europe with the development of social and political conscience and economic progress, a new conception of private property—an unconditional ownership of land made its appearance. And along with this transformation of life the customary dues separated from one another and developed into systematic taxes. Modern land tax and land rent have a somewhat different economic and social significance.

CHAPTER 8.

THE QUEST FOR THE INCOME OF A CULTIVATOR.

The majority of the population of Bengal depend upon agriculture and cognate pursuits of life for their livelihood. According to the Census of 1921, 77.3 per cent of the total population of the province lives on agriculture. Of the total agricultural population 1,301,770, or 2.7 per cent were reported to depend upon their income from the rent of agricultural land, 29,845,965 or 62.7 per cent were returned as ordinary cultivators, 132,685 or .27 per cent as agents, managers, clerks, and collectors of rents of landed interests, 18,926 or .4 per cent farm servants, and 4,341,138 or 9.1 per cent as field labourers. "Ordinary cultivators in Bengal number 9,274,927 workers, and 21,268,653 dependents, so that the total number supported by this means is 40,543,580 out of a total population of 47,592,462" (Census of India, 1921, Vol V. Part I, p. 381).

The distribution of agricultural occupation is not, however, uniform in the different parts of the province nor within different parts of the same division or district. In Northern Bengal, that is, in Rajshahi division agriculture "monopolises the energies of the population most completely". Ninety-seven per cent of the population of this area is engaged in agricul-

ture. The proportion drops to 81½ per cent in Dacca division, 81 per cent in Chittagong division, 74 per cent in Burdwan division and 68 per cent in the Presidency division. The proportion of population engaged in non-agricultural occupation is the largest in the Presidency division obviously because of the diversity of industries, trades and professions found in and around Calcutta and its suburbs.

The net area of Bengal according to survey is 49,123,398 acres, of which about 24 million acres are actually sown with crops and about 5 million acres are left fallow annually. The total cultivated area, therefore, must exceed 29 million acres a year. However, the quantity of lands actually sown with crops varies from year to year, and so does the quantity of land sown with each crop annually. To illustrate. The area under sugar-cane in the year 1921-22 was 221,000 acres, but in the following year it dropped to 201,000 acres, according to the Estimates of Area and Yield of Principal Crops in India. Moreover, the amount of land under actual cultivation varies from locality to locality. Thus, in Backerganj about 70 per cent of the total area is under cultivation as compared with 80 per cent in Faridpur and 81 per cent in the Dacca district.

Now, the best way to find out the average income of an agricultural family would seem to be to determine the quantity of land sown with each crop, the yield of each crop and the total values of crops. For our present purpose it will be

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advisable to use averages, particularly five-year averages of fourteen principal crops grown in Bengal. The following statement shows the quinquennial average area of each crop and the relation it bears to the total average area. The quinquennial averages chosen are for the period from 1921-22 to 1925-26.

		Figures in acres.	Percentage of each to the total area.
Rice	...	21,185,600	83.6
Wheat	...	125,000	.49
Sugar Cane	...	209,000	.82
Cotton	...	90,200	.35
Jute	...	2,059,400	8.2
Linseed	...	127,400	.5
Rape and Mustard	...	769,800	3.1
Sesamum	...	166,600	.65
Barley	...	82,600	.32
Jowar	...	4,600	.02
Bajra	...	2,400	.009
Maize	...	81,400	.32
Gram	...	135,800	.53
Tobacco (1926-27)	...	295,200	1.1
Total	...	<u>25,335,000</u>	<u>.....</u>

The statement indicates that the average area sown with the principal agricultural crops is over **25 million** acres a year. It will be seen that the net sown **area per head** of population works out at .53 acre,

and that the net sown area per head of agricultural population is a little over .62 acre. It has already been shown that the number of ordinary cultivator was, according to the Census of India, 1921, 29,845, 965. Now if the total shown area is divided by the total number of ordinary cultivators the size of each individual holding will be about .85 acre. In the term 'cultivator' is included, be it noted, dependants or persons who depend for their livelihood upon him.

We are now in a position to calculate the average income of a cultivator in Bengal. The easiest way to follow would be to divide the total average yield of the staple food crop by the total number of ordinary cultivators. But this method is open to several objections. An average obtained by this method cannot be accurate for the simple reason that the value of the crops actually sown differs widely from one another, and the exclusion of the industrial and other food crops cannot but give us a rough idea of the total values. The best method, though not the most perfect method would be, perhaps, to find out the average area, average yield, and average price of each of the principal crops produced in Bengal for a relatively long period of time, specially a quinquennial period, to add the values of crops together, and finally to divide the total average values of crops by the total number of cultivators, including or excluding their dependants. The statement below prepared from the figures culled from the Agricultural Statistics of India, the Estimates of Area and Yield of Principal Crops in India, and the Statis-

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tical Abstract for British India shows quinquennial average yield and price of each crop and the total value of agricultural produce for the period 1921-22 to 1925-26.

Name of Crop.	Average yield in tons.	Average price per ton.			Average value of each crop in
		Rs.	As.	p.	Rs.
Rice	... 8,351,200	175	1	0	146,19,81,950
Jute	... 1,315,821	320	1	0	42,11,45,101
Sugar raw	... 225,800	272	1	10	6,14,32,963
Rape and mustard	120,200	250	0	0	3,00,50,000
Cotton	... 4,928.5	1,015	0	0	50,02,427
Linseed	... 18,000	235	2	9	42,33,094
Maize	... 25,800	112	6	0	28,99,275
Barley	... 23,200	101	12	10	23,61,808
Wheat	... 6,200	168	13	10	10,46,960
Gram	... 32,200	148	10	0	7,89,725
Bajra	... 1,000	125	1	0	1,25,063
Jowar	... 1,000	108	12	0	1,08,750
Tobacco	91,000	411	7	0	3,74,01,000
Sesamum	... 27,000	273	11	0	73,89,562
Total Value	... ..	.....	.....		203,59,67,678

Now the total estimated value of the agricultural produce as shown in the above statement is about Rs. 203.6 crores, and the average area covered by the 14 crops found on computation to be 25,335,000 acres. Now, by simple division we find the average value of the agricultural produce per acre to be

Rs. 80 As. 5 P. 6, and the value of .85 acre which is the size of the average individual holding works out at a little over Rs. 68.

It is worthy of note that the sum of Rs. 68 represents the gross income of an individual, and not of a family. It was censused in the year 1921 that ordinary cultivators in Bengal number 9,274,927 workers, and 21,268,663 dependants. That is to say, for every cultivator there are 2.3 dependants. On computation we find that the average size of a family holding is a little over 2.7 acres, and the gross income drawn from this holding is Rs. 215 As. 3 P. 6, or in round number Rs. 18 a month. It should, however, be noted that this sum represents only the minimum gross income of a family and it does not include incomes from fruit trees, vegetable gardens, pan, fisheries, fuel and wages from casual labour, which will amount to, at least, Rs. 20 a year. When this sum is added to the above figures the total gross income exceeds Rs. 235 a year and gives an income of Rs. 20 a month.

It will be apparent from the statistical data that the results arrived at from them are not very satisfactory. The cardinal point to be noted in this connection is that the average size of a family does not and cannot consist of $2\frac{1}{2}$ members only as the Census figures indicate. It is always assumed to be five in number including the worker himself. Moreover, the value of the produce is likely to differ according to the distribution of the area

under the several crops sown by the cultivator and also according to the value of the crops grown.

The two principal crops of Bengal are rice and jute and the last named crop is more important in eastern Bengal than in western Bengal. It has been estimated by the Census, 1921, that "rice accounts for 91 per cent of the total value of the produce of agriculture in Midnapur, 90 per cent in Bankura Sadar Subdivision, 75 per cent in Rajshahi, 68 per cent in Backerganj and Noakhali, 66 per cent in Jessore, 61 per cent in Nadia, 58 per cent in Faridpur, 57 per cent in Mymensingh, 56 per cent in Tippera and only 44 per cent in Dacca. Jute accounts for 31 per cent of the total value of the agricultural produce in Mymensingh, 29 per cent in Dacca, 28 per cent in Tippera, 21 per cent in Faridpur and Rajshahi, 10 per cent in Jessore, only 5 per cent, 3 per cent and 2 per cent in Noakhali, Backerganj and Midnapur and much less than 1 per cent in Bankura. Backerganj, Noakhali, Dacca, Faridpur and Tippera owe much to the produce of their orchards and gardens, especially betel nut plantations. This accounts for 21 per cent of the total value of the produce in Backerganj, 22 per cent in Noakhali, 17 per cent in Dacca, 12 in Faridpur and 10 per cent in Tippera" (Census of India, 1929, Vol V, Part I, pp 17-18).

In this connection the variation of gross income of an individual estimated by the Census Report is noteworthy. If each individual in Midnapur got Rs. 100 worth in a year then the average individual in other districts would get

In Bankura (Sadar subdivision)	Rs. 135.4
„ Noakhali (mainland)	„ 139.5
„ Tippera	„ 140.2
„ Mymensingh	„ 142.3
„ Faridpur	„ 142.6
„ Rajshahi	„ 148.1
„ Dacca	„ 148.8
„ Backerganj	„ 153.3
„ Nadia	„ 171.2
„ Jessore	„ 174.6

This shows very clearly that the gross income is not uniform everywhere and that it varies considerably according to the local conditions and the actual area held by each family. Since it is not practicable to know the actual gross income of a family we must rest content with the approximate gross income of a family. But it is necessary to know the net income of a family, for the gross income is not a very clear index to the average income of a family. The net income is generally accepted to be the gross income minus the expenses which include the prices of seed, and manure, rent of land, cattle and implements and the price of fodder. It may be assumed without hazard that no extra hand is needed to cultivate a plot of 2.7 acres.

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Now the difficulty of determining the cost of cultivation per acre of each of the crops considered seems almost insuperable, owing to the fact that the cost varies from place to place according to the kinds of crops raised, the conditions of soil and climate and the amount of labour and capital employed, and also according to the methods employed in calculating the average cost of cultivation. Thus the cost of cultivation of sugar-cane and the manufacture of gur is estimated to vary from Rs. 85 to Rs. 175 an acre, that of pan from Rs. 100 to Rs. 200, that of tobacco from Rs. 60 to Rs. 80, that of rice from Rs. 16 to Rs. 35, that of Jute from Rs. 50 to Rs. 65, and so on with other crops. Moreover, the absence of sufficient statistical information on the subject renders the estimation of the average cost of cultivation difficult. Making every allowance for the uncertainty of statistics we propose to present the following list of averages for our purpose.

Name of crops.	Approximate cost of cultivation per acre.	Percentage distribution of each crop.	Proportional cost of cultivation.		
	Rs.		Rs.	As.	P.
Rice	24	83.6	20	1	0
Jute	58	8.1	4	11	0
Seeds	20	4.2	0	13	6
Gram	14	.5	0	1	0
Sugar-cane & gur	125	.8	1	0	0
Tobacco	90	1.1	0	15	9
Miscellaneous crops	20	1.7	0	5	6
Average Cost of Cultivation per Acre			27	15	9

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It will be apparent from the above statement that the average cost of cultivation for an acre of land of which 83.6% is sown with rice, 8.1% with jute, 4.2% with seeds, .5% with gram, 8% with sugar-cane, 1.1% with tobacco and 1.7% with miscellaneous crops works out at Rs. 27 As. 15 P. 9 per acre or in round figures at Rs. 28. This estimate is not claimed to be accurate since it is an average of averages which always contain certain elements of inaccuracy when there are extreme variations. Nevertheless it gives some idea as to the average cost of cultivation.

Now, to the cost of cultivation of land must also be added the rent of land and of salami which factors also differ widely according to the crops raised, the density of population, the influence of customs, and, so on. The rent of paddy fields varies from Rs. 2 to Rs. 5 per acre. The rents of land used for growing sugar-cane are relatively high ranging from Rs. 8 to Rs. 15 an acre. The rate of nazar for the permanent lease of pan lands is stated to vary from Rs. 100 to Rs. 300 per acre and the rate of rent from Rs. 7½ to Rs. 10. Since over 88 per cent of the total area is sown with grain crops the rent of which land varies from Rs. 2 to Rs. 5 the assumption of Rs. 5 as the average rent for an acre of land sown with all kinds of crops will not be so vary far from the actual average. The total cost of cultivation will therefore, come up to about Rs. 33 an acre.

The net income derived from a plot of 2.7 acres of land will then be as the statement below shows.

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			Rs.	As.	P.
Gross income	235	3	6
Expenditure :					
Cost of cultivation for 2.7					
acres of land	75	9	0
Rent of land and salami	...	...	13	8	0
			<hr/>		
	Total	...	89	1	0
Net income	...	...	146	2	6

The net annual income of a cultivator is a little over Rs. 146, and the monthly income is a little over Rs. 12. Of course, this (estimated) average does not claim to any great degree of accuracy. It should be regarded as a rough approximation of the net income of an agricultural family in Bengal.

If our estimation is approximately correct it would appear that the average income of a working cultivator is much less than what an ordinary domestic servant gets in a town. A domestic servant working in a Hindu family in Calcutta gets wages ranging from Rs. 7 to Rs. 9, and even as high as Rs. 10 a month plus food and lodging. If the average income of a domestic servant is assumed to be Rs. 8 a month his total income will be as shown below :—

			Rs.	As.
Wages for a year	...	...	96	0
Clothings 3 pairs a year	...	...	4	8
Winter clothing	...	...	2	8
Baksis, etc.,	...	...	6	0
			<hr/>	
	Total	...	109	0

Since the domestic servant does not have to pay anything for his lodging, the value of room-rent translated into money value must also be added to Rs. 109. The minimum rent for lodging cannot be less than a rupee a month, in fact it is more than this. The total income of a domestic servant in Calcutta will then, come up to Rs. 121 a year. It is evident that the income of a domestic servant is much higher than that of a cultivator, since the income of Rs. 146 represents not individual income but family income.

Now, the vital question in this connection which demands reflection is whether a sum of Rs. 140 is adequate for the maintenance of a family in this age. Before we could expect an answer to this question we must find out the cost of living of an agricultural family. According to Mr. Momen's estimate the expenditure per head of population in the district of Jessor is Rs. 58 As. 3 P. 9. It is not possible, owing to want of space, to give a detail description of the income and expenditure calculated by him. Reference may, however, be made to Final Settlement Reports of Jessore, Dacca, Mymensing, Faridpur, etc., The main items of expense, however, included in the budget by Mr. Momen consist of

			Rs.	As.
Food charges	...	...	40	0
Clothings and beddings		...	8	8
Marriage and funeral expenses		...	2	4
Cost of building	0	1½ (?)

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Kerosene oil	1	8
Miscellaneous	7	8
			<hr/>	
	Total	...	59	11½

Or in round number Rs. 60 a year or Rs. 5 a month.

The minimum cost of living for an individual is Rs. 5 a month or Rs. 60 a year. With a sum of Rs. 5 a month one can buy only some of the absolute or elementary necessities of life and not all the vital needs of life. At the rate of Rs. 60 a year the total cost of living for a family of three members works out at Rs. 180, and for a family of five members at Rs. 300 a year. It is evident, therefore, that an income of Rs. 146 a year derived by an agricultural family from a plot of 2.7 acres is hardly enough to keep them in physical, mental and moral efficiency. In these days of high prices even the sum of Rs. 5 a month is quite inadequate for a decent living. It is often assumed that an individual consumes a seer of rice a day, and at this rate he will be consuming 30 seers of rice a month, the value of which at the rate of Rs. 6 a maund is Rs. 4 As. 8. It seems therefore that the consumption of rice only costs him about 90 per cent of his income.

Now, the question which may legitimately be asked is:—if the value of the vital needs or the needs which are essential for keeping the body and soul together be much higher than the actual income of the individual how could the cultivator manage to keep alive?

The truth is that a man with inadequate rations may manage to live for a longtime, though he may not continue to grow. He lives, indeed, but his physical growth and moral development is stunted by under-living. There is a certain element of truth in the statment often made that there is a progressive degeneration of the physque of the poorer classes in Bengal. It may be stated as a general rule that the majority of the ryots of Bengal live in abject poverty. The conditions of the middle class bhadraloga are in no way better than those of the cultivators, perhaps worse. The minimum income necessary to keep the material, intellectual and moral efficiency of a family should be at least Rs. 500 a year. The moral and intellectual inefficiency of the poorer classes is mainly due to poverty, ignorance and superstition, serfdom and oppression.

CHAPTER 9.

CAUSES OF POVERTY.

The causes of poverty must be sought in the social, political, economic and even in the religious life of the people. The chronic poverty of the peasants of Bengal cannot be ascribed to heavy taxation, since the majority of the cultivators being under the "benign" influence of the permanent settlement law pay comparatively low rates of land taxes. India has, however, a real grievance against the Government for its laissez-faire policy towards agriculture. While commenting on this point Dr. Clouston, the Agricultural Adviser to the Government of India says :

"In America the Federal and States Departments are spending about 11 times as much on the development of agriculture as is being spent by the Imperial and Provincial Departments of Agriculture in this country.....In Japan—a comparatively small country with a population of 59 millions—the total expenditure budgeted for 1927-28 is 49½ million yen which is about 5 times the gross expenditure incurred by all agricultural departments in India" (Review of Agricultural Operations in India, 1926-27, pp 106-107).

Apart from political causes which are of minor importance there are various other causes of funda-

mental importance which lie at the root of Indian poverty some of which (except the religious ones) may here be dealt with under the following headings :

(1) The size of the holding and economic pressure,

(2) The social influence and economic pressure.

(3) The effects of land systems upon agriculture, and

(4) The conception of property and the distribution of land values.

(1) The Size of Holding and Economic Pressure.

The size of the holding of an agricultural family in Bengal is estimated by us to be 2.7 acres. This is, of course, the estimated average size, the actual size of the holding varies from place to place and from family to family. The estimated average holding, therefore, does not give a real index to the actual material conditions of the peasants. But there is no way of knowing how many of the cultivators do have smaller holdings and how many larger. But what we can gather from the Settlement Reports it appears that there are many ryots who hold very small plots, there are instances of holdings having as tiny an area as .99 of an acre or even less, while there are others which measure 5, 8, 10 or 15 acres. However, it seems that the majority of the holdings are comparatively small

and that the average estimated by us will not diverge very much from the actual average.

The economic conditions of a cultivator depend upon many factors : the application of the improved methods of agriculture, the system of land tenure, the abundance of cheap land as well as upon the size of the per capita holding. The size of the holding is an important factor both for production and distribution of land values or of income. Good farming, though not the very best farming, often goes with large farms, because of the large-scale economies derivable from the application of machinery and artificial manures. The law of increasing return and diminishing cost applies to agriculture as they do to industries, although the limit of the profitable application of the increasing doses of capital and labour is reached earlier in agriculture than in manufacture. The one acre plot is less profitable than, say, the 25-acre plot, evidently because of the advantages of the large scale economies. It will not pay to employ a tractor or even an improved plough and other improved implements and stocks for tilling a tiny plot or scattered tiny plots. They will cost more than the land will yield.

It is not easy to indicate the size of a profitable or an economic farm, because the size of the farm is likely to vary with (1) the kinds of crops raised (2) the kind and quantity of capital and labour employed and (3) the standard of living and the intelligence of the cultivators. It may, however, be laid down as

a general rule that the size of the farm should be such as to occupy the labour of the whole family plus that of a few hired hands, and the yield of the soil must not only be sufficient to support the whole family, but should also leave a considerable surplus for the "rainy days". The size of such a farm in India cannot be less than 10 acres for growing food crops. Mr. Momen in his Final Report of Jessor assumes that 10.40 gross acres which is equivalent to 8.60 net acres of land can be easily cultivated by a cultivator with one plough and a pair of plough cattle. The ten acre plot may, therefore, be considered an economic farm and income from it will be about Rs. 540 a year.

It appears that the working cultivator might earn Rs. 540 a year if he had sufficient land in his possession, but in fact he earns only Rs. 146, because he does not have enough land to keep him fully employed during the whole agricultural season. This fact alone proves that there must be a pressure of population upon the soil. On this particular point the Census Report, 1921, observes :

"It may, however, be taken to indicate that the pressure of the present population on the soil is much greater in Midnapur than in the other ten districts and that in this respect the districts follow Midnapur in the following order :—Dacca, Faridpur, Noakhali (mainland), Nadia, Bankura (Sadar), Rajshahi, Tippera, Mymensingh, Jessor and Backerganj. Since 1872, though the population has increased more quickly

in Tippera and Mymensingh than in any other districts in Bengal, there is still no indication that the pressure of the population on the soil has approached its limit. Backerganj can bear an increase of 50 per cent without allowing further extension of cultivation into the Sunderbans. Jessore the same. Its population has gone down at each census since 1881, owing to the unhealthiness of its climate, but in the figures of the present decade there is indication of improvement.....In Midnapur, there can be little margin, and Dacca and Faridpur in Eastern Bengal must shortly reach the same condition " (Census of India, Vol. V, Part 1, pp. 19-20).

Making every allowance for malaria and other causes (caste immobility) which prevent the extension of cultivation and the migration of population or of mobility of capital and labour it seems to us that a limit which the soil (the cultivated area) can bear has already been reached in almost all districts. It is only with the assumption that an average plot of 2.7 acres of land is a subsistence or economic farm can one argue out of existence the question of the pressure of the population upon the soil.

(2) Social Influence and Economic Pressure.

" A serious obstacle to agricultural improvements ", observes the Royal Commission On Agriculture (1928), " is, in some provinces, caused by the Sub-division and fragmentation of holdings. Subdivision is chiefly due to the laws of inheritance customary

among the Hindus and Mahomedans which enjoins a succession to immovable property among all heirs usually in equal shares. Fragmentation is, in the main, due not to the laws of inheritance but to the method by which the law as to the division of property among the heirs is carried into effect. The problem is being attacked by the co-operative movement in the Punjab, where some striking results have been achieved, and by legislation in Central Provinces."

"Some very striking results" adds the same Report, "have been achieved on these lines in the Punjab through the agency of the Co-operative department".

It is difficult to see how the principle of consolidation which has proved successful in the Punjab could be successfully applied to the zamindari regime of Bengal. In the Punjab and in the North Western Provinces the land organisation is based upon co-operation or on communal principles, whereas the zamindari regime is semi-feudalistic and individualistic. Moreover the recommendation of the Royal Commission does not touch upon the real problem. The consolidation of tiny plots by co-operative arrangement is only a palliative and not a remedy for the poverty of the peasants. Consolidation by co-operation may increase to some extent the yield per acre, but it cannot increase the size of the holding, and therefore, it cannot cause any substantial change in the economic conditions of the cultivators. No matter how efficient method of cultivation be adopted

a holding of 2.7 acres cannot be made to yield the same quantity of produce as a holding of ten acres. A substantial increase in the income of the family can only be effected by an increase in the per capita holding and by the application of the improved methods of agriculture. Moreover it is an admitted fact that the zamindari system of land holdings is not promotive of agriculture.

The ultimate causes of poverty of the people must be sought in the pressure of the population upon the quantity of the soil, and in the social heritage of the people. According to the Census of 1911 each farm worker has 21 acres in England and Wales". In a more agricultural country like the United States, the per capita holding is much larger than it is in England. The cultivator of Bengal has not got enough land as will fill his time. One of the chief causes for this state of things must be sought in the multiplication of population and the progressive reduction of the per capita holding by subdivision. "In Europe" observes the Census of India, 1921, "the maintenance of the standard of living places a limit on the increase in the numbers who continue to support themselves by agriculture, but in India it is not the case," In Europe and in America economic and social motives discourage 'improvident' marriages and thereby put a check to the uneconomical multiplication of numbers, while in India religious motives encouraging universal marriages lead to uneconomical multiplication of population and to the generation of poverty.

Marriage being a religious necessity for one and all except the sanyasin or anchorite, all the Hindus marry without a thought for the future generation. They say "God who has given them mouth will provide them with food. Man with his puny power can neither control food or shelter nor life." So the lame, the beggars, the lepers, the consumptive, the idiot, the insane, the diseased and the never-do-wells --all go on multiplying from generation to generation. Consequently poverty which generates poverty and its concomitant vices never seems to quit this spiritual land. However, no rightly constituted mind can view without apprehension the unrestricted multiplication of the "waste product of civilisation".

(3) The Effects of Land Systems upon Agriculture.

The land system itself is largely responsible for the present economic condition of the people. The land tenures with their subinfeudation provide a most complicated method of exploiting the cultivators. Between the actual cultivator and the zamindar or proprietor there is a series of parasites most of whom manage somehow to make a living from, and others, though few in number, to swell upon, the toil of the cultivators. It has been stated very truly and rightly too that the attempt to convert the Bengal Zamindars into English landlords have proved a total failure. It has, likewise, failed to convert the landlord ryots into farmers.

It must, however, be admitted that the process of subinfeudation of tenures has some advantages. Agriculture being the chief source of income for the majority of the people of Bengal, the process of subinfeudation makes it possible for everybody to have some permanent source of income, no matter how small or how large that income may be. But we must not overlook the defect of subinfeudation which enables a large number of people to live upon unearned wealth or to earn an income with practically no investment of capital and labour.

In India zamindari regime has never been agricultural in character but territorial and feudal in nature. "The power of the landlord", says Mr. Nelson, "has a historical origin; till comparatively recent times the zamindar was the only representative in the mufasil of the central authority. The zamindar dispensed justice and was responsible for the peace, and was the agency by which the demands of the Central Government in the form of land revenue and abwabs, was passed on to the cultivator" (Vide Rajshahi Final Report, p. 27). Although the territorial and the sovereign power of the zamindar has, in part been taken away by the British Government zamindari still remains non-agricultural and preserves most of its feudal characteristics in the villages. Under such circumstances agriculture which has been left to the initiative of the ignorant cultivators who still continue the "time immemorial" method of tilling—could hardly improve.

There is unquestionably not a little difference between the social heritages of the English landlords and of the Indian landlords. "From the earliest times in the English life rural and urban", said Mr. J. T. Rogers in his *Economic Interpretation Of History* (p. 169), "the landowner and the house-owner being the ground landlord, effected all permanent improvements and did all repairs. The buildings been originally at his expenses, and were maintained by him after he ceased to cultivate the land himself, and procured the tenants, first, on a stock and land lease system, then, on an ordinary tenancy for years at will. In letting agricultural land, the landlord of the fifteenth century even insured his tenant against extraordinary losses".

In another place while discussing about the stock and the land lease system of the fourteenth century Mr. Rogers stated that the landlord used to furnish the tenant with seed, corn and stock for a term, the condition being that the tenant should at the end of the term deliver the stock scheduled to him in good condition or pay the money at which they were valued when the lease commenced. The valuation was low to attract tenants. Landlords incurred certain percentages of the loss caused by the death of the stock.

In the United States, though lands are generally owned by farmers, the system of farming, tenancy or leasing lands to the tenant on short terms is

growing. The systems of leasing lands is much more common in the Southern States and in California than elsewhere. The system prevalent is the metayer system of Europe. Professor Seligman in his *Principles of Economics* (pp 385-86), says that there are three systems of share-tenures in the Southern States. They are (1) the cropping system, (2) the third and the fourth system, and (3) the standing rent method. In all these methods the owner furnishes free of charge (a) a dwelling house, (b) wood and water, (c) pasture for pigs and cows, and (d) a small plot for truck patch. Now in the cropping system, the tenant called the cropper does all the work and supplies his own food, while the landowner furnishes seed, farming implements, animals, half the fertiliser, and half the expenses of ginning cotton. The crop is, then, divided between the landowner and the tenant. In the third and the fourth system the owner furnishes everything except labour, the tenant getting only one-fourth of the crop or provides himself with food and receives one third of the crop. But where the tenant furnishes himself with labour, tools and stock and the owner gives only house and land, the owner gets only a third or a fourth of the produce according to the stipulation of the contract.

In the fixed or the standing system the production of some specific crops is required, while in the cash rent system, the tenant can produce whatever he wants. In California the land owners usually

supply land, dwelling house, implements of agriculture and about a half or two-thirds of the money capital. The value of the produce is then divided equally or at the ratio of 48% and 52% between the tenants and the landowners respectively.

In sharp contrast to this system the landlords of Bengal supply the tenants with practically nothing except with some seed to the bargadar by his ryotilandlord. There are, of course, some exceptions especially in the nawabad lands of Suderband or forest lands where some assistance in the forms of capital or dwelling-huts are rendered by the landlords to attract new-comers. But the average cultivator in Bengal has his own cattle, his own implements of agriculture and his own seed. Sometimes loans are advanced by the landlords to the tenants, not for helping him in his tillage, but for the usurious rates of interest which capital commands in the villages. Through sheer weight of the heavy interest charges on the money loaned the tenant is forced to sell out. Professor Marshall in his Principles of Economics has rightly called this system of land organisation as "sleeping partnership". The barga system enables the landlord to earn a living without working for it. According to this system the cultivator has to share a part of his produce, usually half, with his landlord, simply because a part of the property in the land is vested in the land-lord. This furnishes an instance of the method of exploitation legalised by the laws of property and inheritance.

(4) Property and the Distribution of Land Values.

It will not be out of place in this connection to make a brief reference to the method of the distribution of the land values involved in the zamindari system itself. There is an intimate relation between the economic structures and the conception of the ownership of property and the distribution of land or land values. Property depends upon the condition of the industrial arts, and with the conception of property is bound up the principles or the theory of distribution. It is a well-known fact that there is no unconditional ownership of property in the land in India. According to the land laws and customs of the country the superior property right is vested in the landlord or to be precise in the proprietor and the supreme proprietary right is reserved by the king or by the State.

The land systems of Bengal emphasise upon the uniqueness and differences instead of upon generalness or typicality. The enumerable kinds of tenancy rights with their subinfeudation and local differences indicate the absence of commonness or of typicality of tenancy or tenures. The fundamental characteristics of property in land in the United States are inheritance, transferability by sale or by mortgage and unlimited ownership. The first principle is well established in Bengal where everything tends to be hereditary. But the complicated

systems of land tenures, the salami or the landlord's fee and the backward social and economic conditions put a limit to the freedom of contract by sale. The property right is so much hedged and restricted by co-sharing, sub-infeudation and mortgages that it is not always easy for the new purchaser to be sure of the title of the property offered for sale. The third characteristic, unlimited ownership, is practically absent from the land systems except in a few cases of tenures. The land systems of Bengal lack those attributes viz., universality, uniformity and equality of property, which constitute an important part of unconditional ownership and free individuality. The bulk of the people have a semi-serf like position owing to the limited or restricted conception of property which check the development of the idea of free individuality.

Reference has already been made to the historical origin of the zamindari regime. The cardinal differences between the British or the American system of land ownership and zamindari land ownership is that the former is intended for agriculture, while the latter is at bottom feudalistic. The zamindari regime still smacks of feudalism. In the United States land is given away by the State to individuals or to companies for agricultural purposes or for otherwise utilising its resources, while zamindari regime stood historically for power and for living on "taxes" levied upon the "subjects" (proja).

There are entirely two different conceptions of justice involved in the American conception of property and in the Bengal or Indian conception of property. In the American system or according to the labour theory of value, the final justification of property lies in the development of the land owned. Just as a tool is an extension of the body or of the self and the ownership of the tool and the enjoyment of the utilities yielded by the tool is justified by the labour of the inventor or maker, so property in the land should be justified by labour employed in the production of utilities or in the exploitation of the resources the land contains.

However, the zamindari conception of property also rests upon the production of utilities, but very different sorts of utilities. The final justification of zamindari property or the landlord's property lies, as is well-known to all, in the fiscal exigency and this latter in turn in the customs and laws of the country and not, be it noted, in the exploitation of the agricultural resources. According to the established laws and customs of the country the zamindar is a revenue farmer or a revenue "collector" which position entitles him to exercise power and control like that of a feudal chief over his subject (proja), for although the semi-sovereign power of the zamindar has been curtailed by the British administration the fiscal power still remains a part of the zamindary right.

The case is, however, different with the cultivator's property in the land. Lands are let by zamindars and other landlords to the tenants for tilling or otherwise exploiting the land resources on rents fixed by customs and tenancy laws. A somewhat different standard of justice, it must be admitted, is involved in the tenant's property in the land. His property may be justified on the ground that he works his land for the production of utilities which may satisfy his organic needs and wants. But by far the majority of the landlord's property is intended not for the production of utilities which may be employed to satisfy his organic needs but to live an aristocratic life on "taxes". The basic principle of the zamindari regime and the caste regime is to control the life and liberty of the individuals. The zamindari method of distribution is to grind the face of the peasants and then to devote a part of the accruing surplus to charity.

Western capitalism is justified on the ground that capital produced by abstinence is employed in the production of further utilities or of wealth. Capitalism stands for the production of new values, for the transformation of luxuries into common-place things of life, for the enhancement and advancement of national wealth and national prosperity, while zamindari regime stands mainly for the wasteful consumption of wealth produced by the tillers. Property should be justified when it is employed for productive purposes and for the

satisfaction of organic needs. There are three conceptions of property, viz., the economic conception of property, the legal conception of property and the ethical conception of property.

Now the economic conception of property is bound up with the economic theory of value. The economic value of a commodity is made up of the values of land (rent), labour (wages), capital (interest), and enterprise (profits). According to the economic theory of value, labour is one of the fundamental causes of value, but according to the labour theory labour is the sole cause of value. The labour theory maintains that labour should be the sole determinator of value or of the property right. The "claim to the whole product" is based upon the labour theory of value.

Of course, under the modern condition—the round-about method of production under the factory system, it is not always easy to determine the contribution made by each individual unit of labour to the whole product, nor can labour be the sole cause of value. But under the simple conditions of industrial arts where personal organisation and personal effort are the main factors, and the product turned out by the individual unit of labour is easily discernible, it may legitimately be assumed that under the simple conditions of industrial arts labour is practically, though not necessarily the sole cause of value. In other words, the product under a system of minute division

of labour is social, while under the zamindari system it is personal or individual. It is a well-established fact that the distinction between earned and unearned income in taxation is based upon the labour theory of value.

Turning now to the legal theory of property we find that law makes no distinction between earned and unearned income or wealth. Legally property descends by inheritance. Law makes no distinction between the active and the indolent and between one using property for use or for the satisfaction of the organic needs of life, and one using property or income derived from the starving peasants for conspicuous luxury and for controlling the lives of others. The ethical theory of property is somewhat different from both the economic and the legal theories of property. It is based upon a humanistic standard of justice and embraces the factors, labour (effort), productivity and need of the individual. It assumes that wealth should be distributed not only according to efforts and out-put which point to the past, but according to the fundamental needs of life which takes the future of the individual into consideration. The zamindari method of distribution is, on the other hand, based upon the assumption that wealth should be distributed according to "raja-praja" (king and subject) relation or according to the principles of force (lathi jar mati tar) and customs.

CHAPTER 10.

IS POVERTY A GENUINE PROBLEM FOR TROPICAL BUT SPIRITUAL INDIA ?

The problem of poverty can not be so easily set aside without taking the opinions of certain schools of thoughts into consideration. First of all, it should be noted that the term 'poverty' is relative and it means in an individual sense or in popular parlance deficiency in what constitutes richness. But in an ethical sense it implies a state of being in need, and therefore it involves a standard of life below the normal standard or below the standard of need. The standard of need is, likewise, a relative term and its meanings and significances vary from country to country and from people to people. There is a tendency among certain schools of thoughts to explain away the problems of poverty on two very different grounds. The standard of living is believed to be determined by the physical environment or geographical influences and social heritage or by the philosophy of life of the people.

Geography assumes that man's social, political and economic life or in other words, his arts, science and philosophy are influenced directly or indirectly by topography, climate, geographical position, by soil and by other natural resources. Social heritage

means the sum total of the inherited social values and racial traits or characteristics by which people endeavour to fit themselves with the greatest possible advantage into their natural environment.

In biology the relation between an organism and its environment centers upon the question of behaviour and adaptation. Every instance of behaviour is a response to a stimulus of the environment. An organism is a system of adjustment to a given environment. Wherever man lives he has to adapt himself to the environment in order to secure the primary needs or the vital needs of life. The struggle for existence is exhibited in the activity of life carried on for adapting itself to the environment. The adjustment to the surrounding conditions is intended for the exploitation and utilisation of the natural resources. If an organism cannot adapt itself to the environment or to the changing conditions of life it dies or degenerates.

The nature of the activity as well as the standard of life differs with the climate of a place as well as with the habits and thoughts of the people. It is often stated that the needs of the people of the tropics are few and simple; they are satisfied with few things; while the needs of the people of the temperate climate, especially of the white races of Europe and America are many and various. The rigours of the cold climate call for rich food, especially animal and fatty food, and warm clothings and warm shelter for keeping the body and soul in efficiency.

The conditions are, however, somewhat different in the tropics where simple vegetable diet and simple coverings and shelter are all that is required for the same purpose.

The luxuriant growth of vegetation in the tropics demands little effort on the part of man to satisfy the vital needs of simple life, while it requires a great deal of efforts to satisfy the primary needs of life in the cold countries. Moreover, the very nature of the tropical climate itself is said to be enervating and degenerating, rendering its inhabitants ease-loving and somewhat indolent, while the temperate climate is invigourating and energising. Temperate climate tends to develop or to manifest the potential faculties of the human mind, while tropics tend to check their full expression. Difference of climate is believed to be one of the fundamental causes for the difference in the industrial and social development.

However, racial characteristics or inherited social traits are also of fundamental importance in this respect. The country now known as the United States of America has always been blessed by temperate climate and it abounded as it does even now abound in natural resources. Yet the few lakhs of Red Indians could not draw a decent living from the profuse gifts of nature. The difference is to be ascribed to the difference in the "soul" of the peoples or of races or in social heritage.

Turning now to the problem of poverty or to the standard of living with which we are mainly concerned here it would seem that the problem of poverty may easily be explained away by the influence of climate which is supposed to tend to reduce life in the tropics to the barest needs of life. In other words poverty is not a genuine problem in the tropics. It simply represents a standard of living which, though, is apparently low when compared with the standard of living of the Europeans, is normal and natural with the people of the tropics.

Taking it for granted for the time being that the needs of the people of the tropics are few and simple, how are we to account for the excessively or extravagantly high standard of living of the princes dressed in the most gorgeous of raiments, glittering with the most costly gems, scented with rarest perfumery and living in palaces furnished and decorated with the richest marbles and ivories and gold and silver works? How to account for the great rise in the standard of living of the enlightened bourgeoisie in India? Under the influence of western civilisation the enlightened Indian bourgeoisie has developed a standard of life which seems to defy the rajas in luxurious living, while the mass of the people of India live in abject poverty. The explanation for this difference is not to be found in the climate, for climate cannot be said to work differently for different castes and classes living under the same latitude or altitude. The real explanation is to be

found in the difference of social heritages—social stratifications and different standards of living fixed by the divine doctors in the early ages. Of course the influence of climate upon the habits and thoughts or upon the productive capacity of the people cannot be denied, but it is also an established law that the influx or the importation of new and foreign ideas exerts a great influence upon the standard of living. And it is also an admitted fact that it is much easier to alter the methods of consumption than the methods of production or the methods of exploiting natural resources and creating entirely new values not known before.

Nevertheless, the problem of poverty may easily be brushed off and is often explained away by another doctrine, the doctrine of continuity or social heritage. It is often said that in conformity with the principle of evolution both external and internal organs may be developed through persistent efforts or tendencies manifested in particular directions which afterwards become a permanent character or dominant force of a nation. "A nation may, through persistent efforts acquire mental characteristics or dispositions of which another is utterly deficient". Faculties once aroused or persistently exercised for a number of generations may develop into a permanent character. Social heritage is, thus, the product of continuity.

It is not our intention to contradict the theory, but the conclusions drawn from this theory need some

comment. From the hypothesis just stated the conclusion drawn is that the Hindus, owing to their innate love for sex continence, solitary meditation and renunciation which have been their most pronounced characteristics from time immemorial have developed spiritual faculties of which the other nations, especially the occidentals are utterly deficient. The general conclusion of this theory is that the Hindus are a nation of spiritualists—satisfied mainly with spiritual food hidden in the innermost core of the atma, while the occidentals or the mlechhas and javanas, are materialists whose appetites and greeds for “sand and dust are insatiable. In short the occidentals are dominated by insatiable appetites for material enjoyments, while the Hindus alone in the world are controlled or dominated by an inherent and insatiable appetite for “spiritual food” only. And from this hypothesis it has further been inferred that any attempt on the part of the either to imitate the other is doomed to failure, for imitation is artificial and unnatural. The artificial and the natural do not and cannot cement a solid unity.

Now in order to understand the very subtle and complex relation which subsists between our spiritual inheritance and ethical life it is necessary to glance back for a moment at the history of its origin. The philosophy of “liberation” from the bondage of maya or from the worldly bondage taught since ages by the sages of India is believed to be the soul of the Hindus. According to this philosophy poverty of the

mayabic goods is not a problem at all. The real problem is how to get rid of the worldly or the mayabic fetters. Thus the great Vedantist, Sankara, said that there is nothing substantial in this mayabic world. Wealth, youth and life are all transitory. This world is false. It is illusory and deceptive. It is unsubstantial, pithless and worthless (Vide Maha Mudgar, 6).

The attachment to the worldly desires is the most terrible hell. He who desires to get rid of this painful world must shun women and wealth which are despicable. The attachment to the women's breasts is the result of the false and illusory maya. But in reality the breast, marrow and flesh are merely vikara. (Vide Charpa Tapanjarika Stotra, 11). Money, women senses, body, friends, relations and worldly things are enemies. Desires for worldly things are poisons of all poisons.....(Vide Maha Mudgar, 1).

So what we, ignorant humanity, term, "poverty" is not a problem at all, for all the difficulties of life arise from desires over which we have no control. Desires are never satisfied by enjoyment but only by destruction. If one desires nothing, one can have no want, and so can have no dissatisfaction. But the only desire desirable should be to raise oneself above desires and desire nothing but the realisation of the self (atma) within. To desire what is "eternal" is only desirable.

It appears that this philosophy of "liberation" is a philosophy of disillusionment and detachment from all social groups and worldly desires which man may fight for. The spiritualist contends that there are certain states of existence in which the individual transcends all externality. There is some inherent superiority in inner life which can satisfy all the requirements of life and give it a full meaning. The spiritual existence transcends all human limitations as well as all the difficulties of organisation which we think to be essential for moral life. It is transcendently organised and contains within itself "wisdom" enough or "spiritual food" enough for luxurious living.

This is the type of philosophy idealised in writing and speaking by the "spiritualists" in flat contradiction to their actual mode of living. They profess that we, Hindus, are a race of spiritualists a race set apart from the rest of humanity by Brahman, who are satisfied with little, for they live more in the *atma* than in the world of "sand and dust" or in the mayabic world. In the spiritual judgment of the super sages the occidentals are the masters of the world of "sand and dust", the Muslims are the lords of the sensuous paradise, while the Hindus alone in the world have a complete monopoly of the sovereignty of the supra-sensuous world.

In sharp contrast to this negative philosophy of life from which "all the hard, stern realities", all

desires and appetites are brushed off leaving only a state of nirvanic abyss the occidental scientists have placed before the world quite a novel philosophy of life, which is also note-worthy. Professor Ward, one of the foremost American sociologists says that from a psycho-physical point of view desire is a feeling which constitutes the propelling agents—"the main spring to action in animals and men". In the associated state of men it is the social force. This feeling as a dynamic agent manifests itself in a variety of ways. One of the inherent qualities of feeling is "that of seeking an end". That is to say, "it is appetitive.....All appetities belong to the subjective department of the mind. A general term for this quality is appetite. Appetition is a motive force and impels to action.....".

"The use of the word desire", continues Dr. Ward, "is very broad. It embraces all wants, volitions, and aspirations. From this point of view feeling is identical with desire.....All emotions, all passions consist, on final analysis, of appetites. All cravings and yearning, all hopes, anticipations, aspirations and ambitions are such....." Vide Pure Sociology, p. 100).

The ceaseless activity and strife of life is directed for the satisfaction of desires. Desire is the soul of universe. Desire "is the holozoism of the philosophers the self-activity of Hegel, the will of Sopenhauer, the atom-soul of Haeckel; it is the true soul of the universe, the spirit of nature, the first cause of both religion and science; it is God" (Vide p. 136).

From this it appears that the object of science is to impart truth to the world, while the object of "spirituality" is to shun the truth and to indulge in hyperbole and extravagance. However, no reflective person can believe that the day-dreams of nirvanic-air castles and yogic supernaturalism are actuals. The actuals reveal the ideals. Nevertheless these illusory ideals do produce some effect upon the blind followers as well as upon the shrewd teachers themselves. The ideal of "spiritual bliss" and yogic supernaturalism create an atmosphere of mysteries and people believe and dream that things will happen miraculously and that they will not have to work for them. But air-castles fostered in childhood burst forth in adolescence and the mystery-mongers find, after a while, an environment difficult to control, for things which they really want are not found around them. So the self-seekers or the atma-seekers "employ various unusually secret and perverse methods to possess those very things which they pretend not to crave for. When spiritual virtues or motives are unmasked one discovers various secret and occult motives lurking in and running riot in the innermost core of the atma (self) of the spiritualist. Spirituality has been so much commercialised in this age that the market value of this commodity depends upon the ability or power to deceive and to dupe the multitude.

With the doctrine of "spiritual bliss" is closely associated another doctrine, that of simple life. Although simple life is often construed to mean

a means to an end, a higher end, (spiritual end), it differs very little from biological life. It is often argued that the most perfect system of social organisation or moral utility can be had only under an ideal of simple life. It is a pity that India could not be transformed into a spiritual heaven by her countless sages and avatars.

However, experience shows that the ideal of simple life which must tend to stabilise poverty upon the mass of humanity is inconsistent with higher moral order. A starving people can have little opportunity for the cultivation of those moral and intellectual virtues which constitute the foundation of higher moral order. It is a well-known fact that poverty renders life rude and coarse, dull and stupid. It is the cause of mutual distrust and dishonesty and is the ground of disputes and discords and unnecessary strifes in life. In simple economy life is perpetually threatened with hunger, misery and afflictions of all sorts. And although spiritual morality is preached to stand for purity, honesty and simplicity, yet force and tricks, lying and cheating count almost as universal virtues.

However, the actual life of the Hindus is not based upon the ideal of simple life nor upon a uniform standard of moral valuation. The Hindu Sastra and customs set up different standards for different men or castes or tribes. The standards are enumerable. They destroy at a stroke all competition not only [in production but also in distribution and consumption of values in general. In the name of spiritual

justice based upon brahmic-karmic-and-caste inequality they divide humanity into super-human, human and sub-human species. Under the sanction of infallible and deified laws of brahma and karma the mass is oppressed and kept down by the gods and demi-gods.

The Sastra and its advocates regard culture and refinement as the exclusive property of the aristocrats. The time-honoured monopoly of the privileges by the privileged classes has heightened the subtlety and arrogance of these classes, and it has at the same time tended to lower the position of the mass in the social scale and to reduce them to serfs and semi-slaves. The caste and the feudal aristocracy has permanently deranged the social machinery by suppressing the finer sensibilities and intellectual faculties dormant in the bulk of the people. The great bulk of the people of India may, without exaggeration be said to live a biological life, that is, a life which has to do mainly with the physical or bodily activities and little with intellectual and higher moral and spiritual activities.

Now the philosophy of simple life which is tantamount to poverty is evidently inconsistent with higher moral life. Moreover, the inconsistency of this philosophy lies in the very struggles of the spiritualists for the possession of those very things which they denounce as despicable. Of course, no body has a right to contend against "spiritual simplicity" provided it is consistently practised.

CHAPTER 11.

IS DEMOCRACY CONSISTENT WITH ZAMINDARI AND CASTE REGIME ?

The causes of poverty, misfortunes and sufferings under the burdens of which the people of India are said to be groaning are ascribed by several writers, both Indian and European to the transplantation of the materialistic western ideas in the sacred soil of India in supersession of the indigenous sacred ideas and ideals. The tendency is very strong among certain sections of the enlightened Indians, who are in fact enlightened by education in western science, art and philosophy to anathematise western civilisation (or science) and to extoll oriental civilisation (or sastra), especially Hindu civilisation. But a naked conflict of two contradictory philosophies seems to work side by side with it. Although it is contended that the western ideas and ideals are defiling and demoralising our soul and body, because they are unsuitable to our spiritual constitutions, yet the consumption and cravings for western "sand and dust" or western ideas are growing out of all proportion to the volume of antipathy displayed towards them in speech and in writing.

In one breath it is contended that western ideas and institutions—social, political, economic, aesthetic or religious—are undesirable and should be avoided

while in another breath it is argued that these were the very things our forefathers enjoyed in the hoary antiquity, thus leaving students like us in a state of intellectual perplexity as to what to select and what to reject. This sort of irrelevant logic,—affirming in one breath and denying in another is the dominant spirit of this age of “re-renaissance”. But it hopelessly confounds the layman and contradicts the doctrine of continuity or of spiritual heritage in conformity to which foreign ideas cannot be successfully fostered and developed in this “sacred” land.

Before proceeding to the next stage of the subject under discussion a brief reference may be made to the nature of the zamindari polity and zamindari economy. The peculiarity of the zamindari regime is that it is feudal in character. Under zamindari polity the sovereign power is not represented by a single person but by a plurality of rajas, nawabs or potentates—countless in number differing in degrees of sovereign power. That is to say, political organisation is comprised of a system or systems of pluralistic autocracy.

Now, the main defect of this pluralistic system is that it never developed from many authorities to one single (legal) authority. It is a sort of decentralised organisation of persons the unity of which depended upon the personal ability of a Chandragupta, an Asoka, an Akbar or an Aurengzeb. With the death of the powerful potentate the empire very often fell to pieces and split up into many independent rajyas

(kingdoms), because a succession of powerful (able) rulers were not always available. The point to be noted is that the idea of "state", "individual", "citizen" or "democracy" developed centuries ago by Plato and Aristotle in Europe, is practically unknown to the people of India who seem to do their thinking in terms of "raja-and-proja" (king-and -subject) even today.

The Indian system of monarchy is in sharp contrast to the European system, especially the British and the French systems which gradually developed from plurality of states to unity in which all the people were subject of one law and one state. Here the conception of the state took more the form of law rather than of persons. The next phases of the political development were constitutional monarchy and democracy or impersonal sovereignty. The transformation of the state from feudalism to democracy were accompanied by various changes not only in the sovereign power but also in the land institutions, social stratification and in religion. In India, however, things remained as they were till the introduction of European ideas into the country.

Now, the peculiarity of the zamindari organisation is that it is composed of, or based upon, an unequal distribution of graded land interests among the people who are divided into several castes by the caste institutions of the country. The inequality is stereotyped by the nobility or ignobility of the

primitive caste or family as well as by the proprietary rights in lands held by them. A clear-cut distinction between the different grades of land-holdings and between castes especially between the tillers of the soils or ryots and the leisure class is the remarkable feature of this regime. Development of arts, science and philosophy has been rendered possible under this regime by the surplus of wealth produced by the tillers for the leisure class.

Although the administrative and the judicial functions, and the military and the police powers of the zamindars have long been curtailed, the old feudal distinctions still remain. The ryots are not only considered tenants but 'subjects' of the zamindars. "The exercise of judicial function" says Mr. Nelson", "has an important place in the zamindari system, and for that reason is jealously preserved. This exercise of authority keeps the power of the zamindar before the eyes of his tenants and is a valuable aid to discipline within the estate, for this reason tenants are forbidden to go to the courts without first approaching the zamindar. The system has its advantages. It provides justice accessible, speedy and cheap and is suited to the needs and satisfy the desires of a simple community. It has obvious dangers as a method of oppression both directly when the interests of the landlord or his servants are involved, and indirectly because it confirms the tenant *in his belief in the sovereignty of the landlord and puts a stamp of finality on many-fold oppressions*" (Final

Report Of The Survey And Settlement Operations In the District Of Rajshahi, p31)

In an eloquent speech recently delivered by a great landlord before the Legislative Council (Bengal) for the perpetuation of the zamindari feudalism said,

“What Lord Cornwallis did was nothing new. The zamindars were not only the proprietors of the soil but were actually in possession of the sovereign power long before the advent of the British. They in fact were the actual masters of the estates and tenants, exercising judicial and executive functions, controlling commercial transactions within their respective estates and collecting not only revenue but also internal duties. Many ordinances of emperors and recognised practices of the Mogul government prove the basic truth of this assertion.

“And is it too much to hope that such of the primary rights as were recognised by the Permanent Settlement are not further disturbed? The British government will be well-advised to beware of agrarian socialism. In Bengal the Permanent settlement has proved to be a lasting barrier between the State and Bolshevism”. (The Statesman, Daily Edition, Jan. 26th 1929).

So according to the wisdom of this landlord permanent settlement is a guarantee against Leninism. The western democratic world which is fighting the scourge of Bolshevism will be well-advised to adopt

the zamindari feudalism of Bengal based upon the permanent settlement regulation.

Communism is an exotic ideal which is absolutely incompatible with the traditions and with the soul of the people of India. But democracy or self-government is too noble a thing to be condemned out-right and to be confounded with Bolshevism, especially when democracy proceeds from a genuine desire for liberty and equality or self-government or for sharing the rights and duties of organised moral life by the mass of the people. But "Self-government to be of any service", said Sir Daniel Hamilton in a speech at the Bengal Economic Society of the University of Calcutta, "must begin at the foundations, and not at the roof. It is no use talking of independence while the people are not independent of the mahajan, and it is no use talking of Dominion Status, while the Status of the mass is the status of the serf. "(The Statesman, Jan. 31st., 1929).

It is the essence of sanity not to neglect, to disparage or to denounce any interests which are essential to the welfare of the community. No rightly constituted mind can deny the benefits of self-government. The advantages of despotic government or of an arbitrary government are greatly over-balanced by the advantages of self-government or democracy. But it is worthy of note that although some sort of self-government has already been granted to the village groups (and to other administrative bodies) the democratic spirit

is lacking in them. No self-governing principles can properly be fitted to caste and zamindari institutions. There is a deep relation between the habits and thoughts of the people and its social institutions and industrial arts. People think and act in the light of the ideas already embodied in their own institutions. The people of Calcutta which is an Europeanised city, think and act more or less in the light of the economic and political institutions introduced from the West, while the people of the villages where the zamindari authority and caste authority reign supreme—do think and act in the light of the zamindari and caste polity and economy. The prevailing ideas, thoughts and beliefs disclose the state of industrial arts and political and social virtues. In other words, where caste and feudalism is strong there cannot be any democratic thoughts, but where democratic ideas exist there already exist modern industrial, economic and social structures.

One can easily escape the influence of physical environment by migration but one cannot get rid of the inherited social traits. The following incident which occurred in England recently is a case in point :

“Last week the Maharaja of Patiala stayed with the Jam Saheb of Nawnagar, who has taken a shoot near New-market. Recently the Maharaja was a guest in a country house, and arrived accompanied by five servants—a valet, butler, chauffeur and two loaders. “Don’t bother about beds”, said the Maharaja cheerfully to his hostess. They will sleep

on the mat outside my door". But the idea of dusky forms sleeping in rows in the corridor was disconcerting and beds were immediately forthcoming "(The Statesman, Daily Edition, Nov. 4th, 1928).

None can blame His Highness the Maharaja for his strict adherence and loyalty to the time-immemorial customs of the country, but it implies a standard of moral justice very different from that of the Americans, Canadians or even of the English. The enlightened who clamour for democracy and equality with the white races never for a moment think that democracy is conditioned by the freedom of the people from the caste and feudal bondage and that in democracy all men are as such equal. But in India some men are worshipped as gods or as the trinity—brahma—vishnu and maheshwar (the creator-preserved-and-destroyer), while others are treated worse than dogs are treated in England or in America.

Deification of human beings or even of animals or of plants is a very common thing in India, and it is not always very easy to draw a line of demarcation between divinity and royalty. (Vide Laws of Manu, I, 4). It may also be noted here in passing that although there is some similarity between hero-worship and guru-worship, there is a clear-cut distinction between them. The term "hero" and "guru" have different meanings and significances, ethical or spiritual. Hero-worship existed in Europe in some form or other as it exists even to-day in

India, but "a hero in the occident was a man and remained a man." In India, however, a hero is not infrequently apotheosized and worshipped as a divine and immortal being.

Transformation of heroes into deities are almost universal in India. Founders of clans, dynasties and religious orders have from time immemorial been worshipped as deities. Rama, Sita, Sankara, Madhava and Vivekananda and every guru (or spiritual guide) who initiate the bulk of the Hindus into any esoteric mantra or prayer,—is worshipped or deified as a trinity or saviour. No matter whether the guru is an opium-eater, a ganja-smoker or a debauche' his "divinity" remains unchallenged. The late Ram Krishna Paramhansa said that a disciple should worship his guru as a divine being even if he indulges in prostitution. A few years ago the Mahatma Gandhi was raised to the Hindu Trinity—Brahma-Vishnu and Maheswar. To perpetuate the memory of the late Mr. C. R. Das, Mr. B. P. Pain, Chairman of the Howrah Municipality, "suggested at a meeting at Utterpara that two or three days in the year should be fixed for "Deshbandhu Puja" in every house in Bengal to be observed just as any other puja." (The Statesman, July 5th, 1929).

In India any thing or being which is big or great or terrific or powerful is likely to become an object of worship. The Hindus are under the impression that a hero or a guru is a separate and super-human entity unconnected with and unlike, the ordinary mortals, and possessed of supernatural and super-human power produced or developed by some mysterious agency.

The hero-worship or the guru worship has produced some profound influence upon the mind and behaviour or morals of the people. People in Europe or in America would, perhaps, laugh at the idea of worshipping a Gladstone or a Wilson or a guru. From the uneducated slum down to the highly intellectual the idea of worshipping a man as a divine being would be out of the question in Europe or in America, but in India no matter how educated one may be it is quite natural and acceptable and practicable. This distinction between an educated Indian and an educated Englishman or American or between an Indian wiseman and an ordinary European or an American will remain for a longtime to come. The question with which we are mainly concerned here is : can there be any democratic relation between the "creator—preserver—and destroyer" and the "helpless creatures" ?

The root of democracy lies in the social heritage—in the social institutions. There is unquestionably no small difference between the Indian institutions and the democratic institutions of the Americans,

Canadians, Australians, or of the Britishers. However, certain section of the Indians are often tempted to compare and contrast the character of the Indian government or of the Indian industrial condition with that of the British, American or Australian and account for the absence of "progress" or of self-government in the former in the "might is right" policy of the foreigners, forgetting or deliberately neglecting to compare and contrast the nature of the land institutions and caste institutions, the territorial or zamindary institutions and religious and racial differences, or in one word, social heritages of the one with those of the others. It would be more legitimate to compare and contrast India with Nepal, Bhutan, Tibet, Afganistan, and the Indian native states where absolute despotism, feudalism and serfdom and sacerdotalism prevail, or in other words, to compare and contrast with those countries with the moral life of which India bears a considerable resemblance, and find out whether British India is ahead or behind these countries in intellectual, economic and political advancement.

Now, to return to the zamindary polity and economy or territorial polity. It is evident that a government monopolised by a "raja" or a horde of "rajas" cannot be considered to be self-governing institutions. The fact remains and will remain that even if dominion status is granted to the Indians, India will remain a feudal and caste-fettered country for a longtime to come. The writer is of opinion that the Britishers will give some sort of dominion

status with a greater measure of self-government than has hitherto been granted, to the "peoples" of India by 1931 in order to satisfy the "democratic ambitions" of the "rajās" and "heroes." The Britishers generally, though not universally have come to realise that democracy or self-government is unsuitable to India. Yet it has become a 'necessity' to grant some sort of a "self-government" to the "democratic rajās," i.e. for the maintenance of the Indian Empire.

Of course the original intentions of the British administration were to instill the western ideas and ideals into the heart of the people of India, and with the view of establishing one impersonal or legal state instead of a multitude of (personal) rajās and rajyas (kingdoms) they abolished or curtailed the sovereign power of many of the potentates. But the effort to convert "rajās" into people seems to have met with failure. The 'raja' idea is appearing and reappearing in different shapes and forms under the new constitutions and new organisations everywhere. In this respect India has been loyal and faithful to her spiritual inheritance, and not to the western ideal introduced in India.

In this connection reference may be made to the political ideas of the Indians. The Indian conception of polity is bound up with personality, and personality with autocracy which is represented by virtues like fear, terror and punishment, benevolence and charity, (Vide Manu and Sukracharya). The idea of popular

right and popular responsibility is entirely absent from the soul of the people even to-day. Autocracy is the basis of Hindu polity. Of course, *daya* (kindness) or benevolence is often confounded with democracy, but the doctrine of *daya* or benevolence is not a doctrine of popular right. *Daya* or benevolence stands for the right of the strong. It teaches the folding of the arms and the gospel of worship. In despotism there is no power left in the hands of the weak to protect their interest against the arbitrary will of the despot. Moreover, it is a pleasure for the autocrat, be he a spiritualist or a materialist, to look upon the "crouching attitude of the enslaved humanity."

It is a law of social psychology that the conscience of associated men is closely bound up with the kind of polity and organised life they have themselves developed. Now the basic principle of authoritative or zamindari feudalism is autocracy, and of autocracy, fear and punishment. The whole motive force of autocracy is to cause fear and terror. In an autocratic environment there is no opportunity or outlet for the development of the higher virtues except the primitive motives. Fear, punishment, charity, nepotism and favouritism, sycophancy, servility and autocracy are the demoralising virtues upon which authoritative regime rests. In autocracy there is very little faith in human nature, and life under an autocratic regime is a web of intrigues, plots and conspiracies. 'A situation like this is most favourable to the develop-

ment of internecine warfares and consequently to foreign conquest and foreign domination.

The nature of democracy is just the reverse of autocracy. The whole motive force of democracy rests upon mutual faith and co-operation, while despotism is based upon the idea that without inculcating fear and terror and punishment—physical, moral, social or economic, law and order cannot be maintained. Democracy has its genesis in individualism as well as in common interest, common enterprise and common good, while autocracy rests primarily upon self-interest and personal enterprise.

Indian political organisations including therein zamindary and village organisation are customary, instinctive and undeliberate or spontaneous, while democracy is more or less deliberate and rationally planned, and consequently it involves a form of contract, and a contract implies some sort of equality. But the ideal of raja or the idea of raja, avator, hero or superman is very important in authoritative order and in the raja polity the will of the "raja" is more important than the law itself, i. e. the raja or the superman can over-ride or twist the law in order to serve his own purpose. It is a matter of common observation that a zaminder, a high official, a policeman or a village headman or a hero is under the impression that he is a (petty) raja and that he should be "respected" and dreaded by the "people." Moreover, there is a traditional belief among the people themselves that the "rajas" and heroes are a set set apart

by God for entirely different functions and position in the social scale, especially for exalted ones, while the mass of the humanity for servitude and serfdom. Even the enlightened persons are under the impression that the entire initiative for reformation or progression (say, in the United States, or Canada or Australia) come from the few heavenly-gifted supermen who are not infrequently identified with the government of the country, while the rest of the humanity are believed to be passive, dull, full of inertia, perhaps like the caste-ridden slaves and serfs of the zamindar and caste regime. In other words democracy means, we are goaded to believe, a "popular government" based upon a grand paper constitution, in which the feudal chieftains and the divines hold the reign of law or justice or the sovereign power, the serfs and the Sudra remaining as they were under the feudal regime and caste regime.

It is, indeed true, that the government has a will of its own, somewhat independent of the will of the people but it can never be detached from the wills and aspirations of the people. No government on on earth could transform all the countless Hindu races and tribes and castes of India into one universal Hindu community nor can it create a new social system consisting of the Hindus, Muslims Parsis, Sikhs, Jains and Buddhists. Similarly the possibility of introducing the Hindu caste system into America, England. France or Germany depends not upon the

Government or upon an avatar but upon the will of the people.

Reformation or progress has always come through conflict of ideals between different classes of the society or between the privileged classes and the mass. The Indian supermen, avatars, divine doctors or leaders have always played the part of guardians and conservers of the old and antiquarian ideas, and the mass have always worshipped or observed the holy injunctions without a question. It requires a tremendous amount of moral courage and self-sacrifice to go against the native government or age-old traditions, prejudices and delicate or fanatical religious susceptibilities—than to oppose the foreign government.

In the West democracy has been achieved through struggles and wars. It is not something merely thrust upon the people by some supermen or god or granted out of charity. It must be understood, felt, appreciated, desired and won through strife and struggle. In Europe democracy appeared in group struggles for individual rights in sharing the responsibility of legislation and administration. The historical struggles between the plebians and the patricians, the struggles between the serfs and the lords, the struggle between the capitalists and labourers—all manifest democratic conscience. Even in religion the same spirit found its expression within and without the church. The controversy between realism and nominalism, the conflicts between the church and the state, between religious truths and scientific truths—all

point to so many conscious or unconscious efforts on the part of man for freedom and equality. The whole reformation movement in Europe stood for intellectual and religious freedom of the individual.

Now, there exist no such desires for liberty among the bulk of the people of India except the desire for "personal salvation" i. e. individualism. The people as well as the zamindars, rajas and heroes seem to be perfectly satisfied with the land regime and the caste regime. The wills and aspirations of the people are bound up with these traditional institutions. The traditional institutions represent a much deeper and more permanent will than the artificial will formed from a study of western politics. There is such a thing as an actual will—a real will of the people—of the majority, which cannot be so easily modified by foreign ideas or by a "superman". The mass can be roused or incited by a "superman" by an appeal only to religion or to tradition, and not by an appeal to democracy or caste equality, for under a zamindari and caste regime the "serf" never aspires to become a landlord or gentleman nor does a Sudra aspire to be a Brahmin.

The super-imposition of new ideas and foreign ideas upon the primitive structures by a foreign agency does not form very happy combination, for it is not easy to assimilate the old ideas with the new ideas, although they may exist side by side without friction under the protection of a foreign government. Moreover, unless there is already a very strong and power-

ful government whom the people dread the inculcation of new ideas into primitive structures or minds is not so easily done as is supposed to. The abdication of Amanullah, the ex-king of Afganistan, is a living example, which conclusively proves that it is not easy to go against the permanent and deep-rooted will of the people. The attempt to democratise his people and to modernise his country cost his throne and would have cost his life had he not escaped from his native country. He staked his very life for the liberation of his people from the bondage of tradition, but the inexorable laws of tradition, in order to restore the equilibrium disturbed by him, made him suffer defeat and humiliation from his people.

The psychology of the peoples of India are not very different from that of the people of Afganistan. In Europe and in America people fight and bleed for the freedom and liberty for themselves as well as for their respective community while in this part of the world the peoples are always ready to fight and to get themselves killed for the freedom and independence of their lords and for servitude and serfdom for their own selves. The spiritual inheritances of the two worlds stand in contrasted relations. In Europe and America peoples fight and struggle for ideals or for better life, in Asia people fight and bleed for religion or for "sand and dust" they are paid for. An ideal is a spiritual principle, it is not a venal thing made of sand and dust. In India the so-called democratic or the socialistic movements have no ideals or spiritual foundations

whatever. Were the people democratic they would have, first, risen in revolt against the caste and feudal aristocracy the most pernicious and exclusive aristocracy the world has ever seen.

The most pernicious legacy bequeathed to us by our forefathers is the backward spirit of castism, "don't touchism" and feudalism or in one word "traditionalism." And so long as the antiquarian mode of thinking and acting dominate the minds of the bulk of the people there is little chance of salvation for the country. No matter what shape or form of the government may be and no matter whether it be run by "white hypnotics" or by hyper-eyed saints or by "democratic" rajas its nature and character cannot be changed without causing a simultaneous change in the "soul of the people" It has rightly been said that democracy depends for its spirit upon an ideal, and an ideal proceeds not from the feelings or ambitions and imaginations of an avator or god but from the people itself. The roots of self-rule are not to be found in the systems of government or in the heroes or avatars, but in the ideals of the people. In other words, democracy exists by conversions, zamindary feudalism by force and customs.
