

**THE RENT
QUESTION
IN BENGAL**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649690558

The Rent Question in Bengal by Parbati Churn Roy

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

PARBATI CHURN ROY

**THE RENT
QUESTION
IN BENGAL**

THE RENT QUESTION

IN

BENGAL

BY

PARBATI CHURN ROY, B.A.,

DEPUTY COLLECTOR; SUPERINTENDENT OF ALLUVIAL SURVEYS AND
SETTLEMENTS IN BENGAL; AND A ZEMINDAR.

(Reprinted from Bengal Public Opinion.)

CALCUTTA :

PRINTED AND PUBLISHED BY
M. M. RAHIT AT THE SADHARAN BRAHMO SAMAJ PRESS,
81, BARANASI GHOSE'S STREET.

1883.

Price 2 Rupees.

CONTENTS.

LANDLORDS AND TENANTS : THEIR RESPECTIVE RIGHTS PREVIOUS TO THE PERMANENT SETTLEMENT.

1—41.*

The question stated, 1-2. The King's share of the produce varied in ancient times from one-twelfth to one-sixth according to Menu, 3. Menu's revenue system, 3-4. Traces of it still visible, 5-6. No attempt towards a regular settlement made by the Mahomedans until the reign of Akber, 6. The Government share of the produce varied from one-half to one-eighth at the settlement of Todar-Mal, 7. Zemindars mere officers of Government remunerated from the proceeds of Nankar and Khamar lands, 8. A Zemindari Sunnud, 8. A Zemindari Muchulka or bond, 9. Allowances granted to Zemindars, 11-12. The Sovereign the sole universal proprietary lord of the land ; the ryots holding directly of him, 12-13. The Select Committee of the House of Commons on the revenue system of the Moguls, 13-14. Harington's definition of a Zemindar, 14-16. Treatment of Zemindars by Jaffer Khan and Shuja Uddeen Mohumed Khan, 17. The Firman of Aurungzebe recognizing cultivators of the soil proprietors thereof with right to transfer, 18-24. Cultivators still recognized as proprietors in the Deccan, 24-26. Adverse views regarding the *status* of the *Khodkash* ryot arising from ignorance of the Mahomedan law, 26-27. Cultivators, masters of the soil according to Huneefa, 28. Rents collected directly from cultivators by Akber, 29-30. Two different kinds of rents—*Kheraj Mousasuff* and *Kheraj Mokasimah*, 31-33. Sir John Shore's theory—the rents belong to the Sovereign and the land to the Zemindar, 34-36. Lord Cornwallis's opinion—the ryots enjoy the privilege to hold possession of the land cultivated by them so long as they pay the revenue assessed thereupon, 36. The same view held by the Court of Directors, 37. Holt Mackenzie on

*The figures indicate the pages in the book.

the rights of cultivators, 37-40. A Khood-kasht tenancy constitutes, according to certain high Indian authorities, the highest title to real property known to the laws of the country, 40-41.

RENTS IN OLDEN TIMES.

41—70.

The ancient revenue system of the country according to : (1) Sir J. Macpherson, 41-44 ; (2) Messrs. Anderson, Croft and Bogle, 44 ; (3) and Sir John Shore, 44-46. Dr. Field's statement that the ryots were rack-rented under the Mogul Government examined, 46-51. Comparative table of ancient and modern prices, 52. The *abwabs*, declared oppressive by the English, were not excluded from assessment at the Permanent Settlement, 53-55. Statistics of ancient and modern rents in the different districts of Bengal, 55-66. The *bhaok* system of assessment prevailing in Behar different from the *nakdi* system of Bengal, 66. Its popularity with the Behar ryots is a defence of the Mogul government, 67-70.

THE PERMANENT SETTLEMENT : WHAT IT SETTLED.

71—78.

The history of the Land Revenue Administration of Bengal by the English, a history of experiments and failures, 70. Financial difficulties at the commencement of the Company's Government, 71-72. Farming Settlements, 72-76. Decennial Settlement, 77. Permanent Settlement, 78.

RIGHTS OF ZEMINDARS UNDER THE PERMANENT SETTLEMENT.

78—81.

Public assessment never before fixed, proprietors liable to be deprived of the management of their lands, and not entitled to dispose of their estates without previous sanction of Government ; the Permanent Settlement fixed the assessment for ever, afforded security to proprietors against dispossession and gave them the privilege to transfer their right by sale, gift or otherwise without requiring the previous sanction of Government,

78-80. Harington's description of the Zemindar as created by the Permanent Settlement, 80-81. Mr. Justice Cunningham on the effect of the Permanent Settlement in increasing the Zemindars' rental, 81.

RIGHTS OF RYOTS UNDER THE PERMANENT SETTLEMENT.

81-108.

State of things found by Sir John Shore to exist at the Permanent Settlement, 81-84. Reasons for leaving the rents of ryots unsettled, 84-85. Proposals of Sir John Shore for the protection of ryots, 85-88. Sections 52 to 60 of Regulation VIII of 1793 relating to ryots, 88-91. Dr. Field's views regarding the nature of the proprietary right conferred on the Zemindar, 91-92. Meanings of the terms, "prescribed restrictions," "let," and "proprietor", 92-94. Zemindar's powers under the Permanent Settlement to enhance ryot's rents discussed, 95-108.

THE ZEMINDARI VIEW OF THE PERMANENT SETTLEMENT.

109-121.

Zemindars' case as stated by themselves, 109-112. Zemindars' allegations examined, 112-121.

THE NECESSITY FOR A GENERAL REVISION OF THE RENT-LAW.

122-156.

Extract from Mr. Ilbert's speech, 122-124. Extract from the Viceroy's Despatch, 124-137. Mr. Reynolds (1) on illegal enhancement in Behar, 137-138 ; (2) on the arbitrary manner in which zemindars deal with ryots possessing the right of occupancy, 138 ; (3) on the evils of the *bhaoli* system, 139. Mr. Metcalfe on the (1) evils of the *bhaoli* system, 140 ; (2) rack-renting, 141 ; and (3) destruction of occupancy rights 141-142. According to Mr. Nolan no difficulty in realizing undisputed rents, landlords who say they cannot collect their rents mean that they cannot realize according to enhanced jumabundi, 142-143. Mr.

Barrow on illegal ejections by zemindars, 143. Mr. MacDonnell on the evils of the *dhaoi* system, 144. Mr. Edgar on the (1) destruction of occupancy rights, 145 ; (2) the enhancement of rents, 146-150. Mr. Finucane on enhancements in Behar, 150-151. The opinion of the Judges of the Calcutta High Court that the systematic efforts of the zemindars to enhance rents have led to rioting and other breaches of peace, 152-154. The opinion of the Bengal Government that the causes which have hitherto produced agrarian disturbances are still at work, 154-156.

SHOULD THERE BE ONE OR TWO BILLS.

157—159.

One bill for Bengal and Behar recommended by Sir Ashley Eden, 157 ; by the Hon'ble Mr. Rivers Thompson, 158-159 ; not objected to by the Zemindars, 159.

DISTINCTION BETWEEN KHAMAR AND RAIYATI LAND.

160—169.

The measure proposed, 160. Zemindars' objections, 161-163. The Bengal Government's reply 163-167. The proposed measure not an infringement of the Zemindars' rights, 167. It is not likely to prove disadvantageous to the Zemindars, 168-169.

EXTENSION OF THE RIGHT OF OCCUPANCY.

169—184.

What the bill proposes, 169. The Zemindars' objections, 169-172. Sir Ashley Eden on the conduct of the Zemindars in destroying occupancy rights, 172-174. His concurrence in the Famine Commission's proposal for the protection of the cultivator's rights, 174. The Famine Commission's recommendation for the enlargement and strengthening of occupancy right, 175. The opinion of the Bengal Government on the subject, 176-181. The effect of the proposed measure will be not so much to extend the right of occupancy as to prevent its destruction, 182-184.

TRANSFERABILITY OF OCCUPANCY RIGHT.

184—202.

The proposal stated, 184. Zemindars' objections, 185-188. Mr. Bell's

arguments, 188-189. Transfer allowed by ancient law, 189-190. It has always been general, 190-191. It is not dependent on the consent of the Zemindar, 191. The views of the Bengal Government on the subject, 192-199. The deeds of transfer registered by the Registration Department show that the custom is universal, 199-200. The present custom is but the survival of the ancient, 200. Purchasers generally ryots, 201. Mr. Reynolds about purchasers, 201; Mr. Nolan, 202; Baboo Parbati Churn Roy, 202.

THE ZEMINDARS' RIGHT OF PRE-EMPTION.

203—210.

The right proposed to be given, 203. Zemindars' objections, 204-206. Mr. Bell's arguments, 206. Replies to above, 206-209. The Bengal Government's proposal to compel Zemindars "to let out *ryoti* land of which they become possessed" by purchase, &c., considered, 209-210.

SUB-LETTING BY OCCUPANCY RYOTS.

211—231.

Sub-letting allowed under the present law, 211. Zemindars' objections to sub-letting, 211-213. Proposal to confer on the occupancy ryots the right to sublet not an innovation, 213. The result of sub-letting on the actual cultivators of the soil, 213. The views on the subject of :—(1) the Government of India, 214-216; (2) the Rent Law Commission, 216; (3) The Hon'ble Mr. Dampier, 216; (4) Mr. Mackenzie, 218-219; (5) The Hon'ble Mr. Reynolds, 219-220; (6) Mr. Finucane, 220-221; (7) the Board of Revenue, 222-224; (8) Sir Richard Temple, 224-226; (9) The Hon'ble Mr. Rivers Thompson, 227-229. The proposal for fixing the rent of the sub-tenant at five-sixteenths of the gross produce examined, 230-231.

RENTS PAYABLE BY OCCUPANCY RYOTS.

231—259.

Maxima limits proposed in the Bill, 231. Zemindars' objections, 231-236. Mr. Bell's arguments, 236-237. Analysis of the contentions of the Zemindars and their advocate, 237. The views

(ii)

PAGE.	LINE.	FOR.	READ.
233	25	arbitrary	arbitrary.
266	22	Moonsiffs,	Moonsiff's
160	23	We shall come to this by and by	Omit this sentence
