

**REMARKS AND EXTRACTS
FROM OFFICIAL
REPORTS ON THE
BENGAL TENANCY BILL**

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Remarks and Extracts from Official Reports on the Bengal Tenancy Bill by J. Dacosta

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BY
J. DACOSTA.

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London, February 18th, 1884.

SIR,

I take the liberty of calling your attention to the provisions of the Bengal Tenancy Bill, which was introduced in the Legislative Council of India in March last, as a measure intended to secure the cultivating tenants of Bengal in the occupation and enjoyment of their lands.

The remarks and extracts from official reports which you will find in the accompanying volume will show that, contrary to the avowed object of the Government, the provisions of that Bill are calculated to deprive the cultivators of the protection they receive at present, and to reduce the very large number among them who now enjoy occupancy rights at moderate rents, secured by existing laws, to the condition of tenants-at-will, liable to be rack-rented or evicted by the new class of middlemen whom the Bill would call into existence.

The revolutionary character of the measure has spread mistrust and consternation among all who are interested in land in Bengal; and these feelings have

been intensified by the striking disregard which the Government has evinced, as well for the representations of those whose interests are assailed as for the opinions of its own officers, who declared, on being consulted by the Government, that the state of the country required no legislation of the kind, and that great injustice and injury would be suffered by both landowners and cultivators if the Bill passed into law.

A Select Committee of the Legislative Council has been sitting on the measure since November last ; and, as its Report is not likely to be presented until March and the present session of the Council closes in the same month, the Bill can scarcely be passed in its amended state until the Council meets again in Calcutta towards the end of the year.

Meanwhile the public mind in Bengal is in a most unsettled state. Landed property has undergone considerable depreciation under the influence of the proposed law. Numerous meetings have been held all over the country, at which the action and intentions of the Government in connection with the measure have been loudly denounced, and the alarm and indignation caused by the Bill have been increasing, as discussion and careful study have brought its scope and real tendency more clearly to light.

Under these circumstances it is greatly to be desired that the attention of Parliament should be drawn to the subject, in order that a free and independent discussion of the important questions involved in it, might show how far the Government of India was justified in introducing the measure, or induce that Government to withdraw it, and restore thereby peace and confidence to the public mind in Bengal, which has been so violently disturbed by its action.

I have the honour to be,

SIR,

Your most obedient servant,

J. DACOSTA.

“recognises, may in time lead to a state of things in which the bulk of the cultivators would not be occupancy ryots, but under-ryots with but little protection from the law, is, indeed, within the range of possibility; but if such a state of things should arise, we may rest assured that the Government of the day will know how to deal with it.”

Unjustifiable and disastrous as a similar result might be, it would not be difficult to point to the motives which may have rendered it desirable in the estimation of the author of the measure.

Bengal, under the permanent settlement of 1793, has attained a degree of prosperity unknown in the other provinces of our Indian Empire, and the official reports on the condition of the country have, for years, represented its peasantry in a thriving and progressive state. Before 1793 one-third of the land was jungle, the bulk of the ryots lived on the verge of starvation, and the land-tax, which formed the only source of State revenue, could never be recovered in its entirety. At the same time there was no prospect of improvement in the existing state of things, as capitalists stood aloof from agricultural enterprise, owing to the prevailing system of periodically re-assessing the land-tax; a system under which the fruit of the capital invested in the clearance, improvement, and cultivation of land was exposed to be absorbed in the Government demand at the next assessment of the tax.

At present not only is the land revenue collected in Bengal with an ease and regularity never attained in the other provinces of India, but new and growing sources of revenue have been opened out, which already yield almost three times as much as the land-tax. In short—

“The Bengal of to-day offers a startling contrast to the Bengal of 1793; the wealth and prosperity of the country have marvellously increased—increased beyond all precedent under the permanent settlement . . . A great portion of this increase is due to the zemindari body as a whole, and they have been very active and powerful factors in the development of this prosperity.”—Report of the Commissioner of Burdwan, *Gazette of India*, 20th October 1883.

This growing prosperity has, for many years, excited the cupidity of a certain class of financiers. The salt duty was raised in Bengal to fifteen hundred per cent. of the value of the salt when shipped at Liverpool. Direct taxation, Excise, Stamp, and Customs duties were greatly increased, and cesses were imposed on the landholding and agricultural classes under the colour of local taxation.

All this, however, did not satisfy financiers whose mind seemed bent upon intercepting the profit from land before it could reach the hands of those who had produced it. These financiers were not contented to wait until such profit should accumulate in the form of

national wealth; as then a portion of it only could be obtained through taxation. They resolved, therefore, on increasing the land-tax under some disguised form that would conceal its violation of the public faith pledged in 1793; and their first attempt took the shape of local and provincial cesses. The disguise, however, deceived neither the people nor the official class, a majority of whom strongly protested against the step; and a member of the Secretary of State's Council recorded his opinion on its character in the following remarkable but apposite terms:—"We have no standing ground in *India except brute force, if we forfeit our character for truth.*"

A different scheme had, therefore, to be devised for attaining the object in view, and the Bengal Tenancy Bill would appear to be the form under which the new scheme is to be inaugurated.

At present the wealth produced by the labour of the cultivator, from the land supplied by the zemindar, and with the aid of the funds advanced by the capitalist, after satisfying the legitimate claim of the State, is distributed among those three agents or factors; and a residue, left in the hands of each, goes yearly to increase the national wealth in one form or another, whence the people and the Government both derive substantial benefit.

Under the Bill the landowner would scarcely receive enough to discharge the revenue, and the cultivator would be ground down by the new middleman; while the latter, who is to be vested with unrestricted power to rack-rent the land, would absorb all the surplus profit yielded by it. This surplus could then be diverted into the coffers of the State, simply by the necessary taxation being imposed on the middleman; a process against which he could claim no protection under the permanent settlement, seeing that he was not a party to that compact.

There seems little room to doubt that such is the actual scheme in furtherance of which the Bengal Tenancy Bill has been introduced. The avowed objects of that Bill, at all events, are unattainable under its provisions, and common-sense will not permit us to believe that the ultimate object can be limited to enriching the money-lenders and other outsiders who are invited to acquire the extraordinary rights which it proposes to create.

Corroborative evidence of the intentions of the Government being at variance with the avowed objects of the Bill, is also supplied by the fact that, while so much stress is laid on the importance of restoring to the ryots the rights they are alleged to have possessed at the time of the permanent settlement, the Bill specially provides that no such rights shall be recognised in the Crown estates; and the Commissioner of the Presidency Division remarks in his report of the 31st December 1880:—

"So far as the practice of the Government is concerned, I fail to

“ find in their dealings with the ryots upon Crown lands any indications of the recognition of a living tenant-right among any class of ryots save those known as *khudkash* and *kudeemi*.”

While the policy inaugurated by this Bill appears to be regulated by no fixed principle, it is, at the same time, a very short-sighted policy, seeing that, for the sake of a temporary accretion of revenue, to be obtained through breach of faith and spoliation, it would arrest the whole course of prosperity which has flowed from the permanent settlement, and reduce the agricultural population of Bengal to the destitute and precarious condition of the Madras and Bombay ryots, among whom millions drag a miserable existence on insufficient food, and a deficient harvest brings famine with its many sufferings and horrors. Capital, in obedience to the same laws which controlled its application before the introduction of the permanent settlement, would once more stand aloof from agricultural enterprise in Bengal, and auction sales of estates for arrears of revenue, fields abandoned by the cultivators and increasing difficulty in the collection of the land-tax would mark in the official reports of Bengal, as similar results have marked in those of Madras and Bombay, the decline in the prosperity of the province.

That this is not the first time that the plea of protecting the ryot would be used for supporting schemes of spoliation, may be seen from the following passage in a Minute written by Sir Phillip Francis in 1776 :—

“ It is proposed to secure to the ryots the perpetual and undisturbed possession of their lands. This language, I know, is popular, and has often been used to give countenance and colour to acts of violence and injustice against the zemindars and others of superior rank of the natives. Before we give perpetual possession we ought to determine the property. The State does not consist of nothing but the ruler and the ryot, nor is it true that the ryot is the proprietor of the land . . . but it does not follow that because the ryot has no direct permanent property in the land, he should therefore have no right, or that no care should be taken to protect him. Without his assistance, the land is useless to the zemindar. If they are left to themselves, they will soon come to an agreement in which each party will find his advantage. . . . To dictate the specific terms of any lease is an invasion of the rights of property . . . the intervention of the Government between the zemindar and the ryot should have no object but to enforce the execution of their respective engagements.”

Having now seen how delusive is the professed object of securing the ryot or cultivating tenant in the occupation and enjoyment of his land, let us see what the Bill proposes for attaining its other