

Frontispiece:

"Without land a man was - well, a mere labourer".

Premchand, Godan.



AGRARIAN LEGISLATION AND RURAL SOCIETY  
IN UTTAR PRADESH, INDIA.

An historical study with especial  
reference to the period 1921-1958.

by  
P. D. REEVES, B.A. (HONS)

submitted in fulfilment of the  
requirements for the Degree of

MASTER OF ARTS.

UNIVERSITY OF TASMANIA

HOBART.

1959.

## PREFACE.

There is no one great "Indian Land Problem". Rather, there are a variety of problems which centre about the owning and working of agricultural land in India. This study is concerned with a portion of one of them: the social aspects of the agrarian problem. That is to say, the interest here is in the relations between men which grew around the ownership of landed property. No attention is therefore given directly to the agricultural problem or the economic, legal, administrative or political aspects of the agrarian problem. They are not completely ignored, of course - that would be impossible - but matters such as productivity, land use, rural debt, inheritance laws and fragmentation, consolidation and the political use of the 'land question' are discussed only when they actually intrude into the social sphere.

The study is also limited to that part of the north Indian plain which has been successively known since the eighteenth century as Avadh, the North-Western Provinces and Oudh, the United Provinces of Agra and Oudh, and Uttar Pradesh. And even within that area it is limited to the reasonably homogeneous expanse of the Gangetic alluvial plain and leaves aside the politically akin but geographically dissimilar districts of the Himalayan foothills.

With regard to names, particularly Avadh for Oudh, Kanpur for Cawnpore and Banaras for Benares, I have conformed to modern Indian practice, except where the anglicised version appears in a title or in a quotation.



CONTENTS.

Preface	i.
Contents.	ii.
List of abbreviations.	iv.
List of tables.	v.
List of maps and plates.	vii.
 <u>I. The Eighteenth Century: The Background Years.</u>	 1.
(i) Northern India in the eighteenth century, 1;	
(ii) Avadh under the Nawabs, 5; Notes, 9.	
<u>PART A: THE SEARCH FOR TENANT SECURITY.</u>	
 <u>II. The Nineteenth Century: The Foundation Years.</u>	 12.
(i) The growth of British power in "U.P.", 13;	
(ii) The permanent settlement in Banaras, 16;	
(iii) Settlements in the North-Western Provinces	
1801-1842, 19; (iv) The settlement of Avadh, 22;	
(v) The need for tenancy legislation by 1860, 25;	
(vi) The first tenant laws, 1859, 1866, 1868, 27;	
(vii) Conservative tenancy reforms to 1901, 31;	
(viii) Conclusion, 35. Notes, 37.	
 <u>III. 1921 - 1947: The Years of Compromise.</u>	 52.
(i) "The rising tide of kisan aggrandisement", 52;	
(ii) The compromises of 1921 and 1926, 57;	
(iii) Continued insecurity, 71; (iv) Congress and	
unradical reform, 1939, 90; (v) The operation of	
XVII of 1939, 103. Notes, 111.	
 <u>IV. The Agrarian Structure, 1951.</u>	 139.
(i) The results of agrarian legislation from	
1859 to 1947, 139; (ii) The provincial structure,	
142; (iii) The village structure, 167. Notes, 184.	

PART B: ABOLITION - THE CONCEPT OF TOTAL REFORM.

<u>V. Act I of 1951: The Vehicle of Change.</u>	197.
(i) Aims and ideals, 197; (ii) Methods and provisions, 200; (iii) Amendments, 212. Notes, 217.	
<u>VI. The Measure of Change.</u>	225.
(i) Statistics, 225; (ii) Villages, 234; (iii) Panchayats, 271; (iv) Conclusions: Act I of 1951 and social change, 281. Notes, 284.	
<u>VII. Comparisons and Conclusions.</u>	290.
(i) Agrarian legislation in Bombay, Hyderabad and Uttar Pradesh, 290; (ii) The real basis of social progress, 298. Notes, 301.	
<u>Appendix I. The village sample: difficulties and methods.</u>	303.
<u>Appendix II. General pattern of questions used in village survey, July - August, 1958.</u>	306.
Glossary.	308.
Bibliography.	324.

A list of abbreviations used in the footnotes.

- ABP Amrita Bazar Patrika.
- Agarwala's Commentary 1926 A commentary on the Agra Tenancy Act, III of 1926 by M.L.Agarwala.
- Bilgrami's Commentary 1939 An analytical and exhaustive commentary on U.P. Tenancy Act, XVII of 1939 by A.A.Bilgrami.
- CHI Cambridge History of India.
- CSHI Cambridge Shorter History of India.
- English Records No.1. Saletore (ed), Banaras Affairs 1788-1810. Selections from English Records No.1.
- English Records No.2. Saletore (ed), Henry Wellesley's Correspondence 1801-1803. Selections from English Records No. 2.
- Local Acts Agarwala (ed), The United Provinces Local Acts.
- P.L.C. Proceedings of the Legislative Council of the United Provinces. Official Report.
- Proceedings Proceedings. Sadr Board of Revenue. N-W P.
- Report United Provinces Zamindari Abolition Committee, Report.
- Revenue Companion Radha Charan (ed), U.P. Revenue Companion.
- Revenue Report (year) Report on the revenue administration by the Board of Revenue for the year ending ...
- Speeches 1921-47 Gwyer and Appadorai (ed), Speeches and documents on the Indian constitution 1921-1947.
- S.R. (District)(Year) Final settlement report of the ... District.

TABLES.

I. Sir and khudkasht holdings, Avadh Province, 1919/20 - 1929/30.	72.
II. Holdings of statutory, heirs of statutory and ordinary tenants, Avadh Province, 1919/20 - 1929/30.	73.
III. Sir and khudkasht holdings, Agra Province, 1924/25 - 1929/30.	79.
IV. Holdings of statutory, heirs of statutory and non- occupancy tenants, Agra Province, 1924/25 - 1929/30.	80.
V. Hereditary and total holdings, U.P., 1944/45.	102.
VI. Non-occupancy holdings, U.P., 1939/40-1944/45.	104.
VII. Sir and khudkasht area, U.P., 1939/40-1944/45.	106.
VIII. Average size of proprietary estates, U.P..	150.
IX. Average holdings of intermediary landlords, U.P., 1945.	152.
X. Zamindars by amount of land revenue payable, U.P., 1946/7.	152.
XI. Average tenant holdings, U.P., 1945.	163.
XII. Livelihood patterns, scheduled castes and general population, U.P., 1951.	165.
XIII. Cases instituted in 1949/50 under Act XVII of 1939.	169.
XIV. Details of ejectment cases, U.P., 1949/50.	171.
XV. Cases instituted under XVII of 1939, U.P., 1949/50, by revenue divisions.	173.
XVI. Proprietary castes in selected U.P. districts.	176.
XVII. Children aged 0 - 4 years per 1000 females aged 15 - 44 years, by agricultural classes, U.P., 1951.	179.
XVIII. Number of literates per 1000 rural population by agricultural classes, U.P., 1951.	180.

XIX. Scale of rehabilitation grant payable to intermediaries under section 98.	203.
XX. Compensation payable to tenure-holders of adhivasis acquiring bhumidhari status.	207.
XXI. Compensation payable to tenure-holder of land in which adhivasi granted sirdari rights by Act XX of 1954.	215.
XXII. Classification of holdings area after initial vesting under Act I of 1951, by revenue divisions.	227.
XXIII. Number of zamindars, U.P., 1945/6, by revenue divisions.	229.
XXIV. Sir and khudkasht holdings, Uttar Pradesh, 1951, by revenue divisions.	230.
XXV. Holdings of sub-proprietors, permanent tenure-holders and fixed-rate tenants, Banaras Division and Agra Province.	231.
XXVI. Comparison of holding area of occupancy and hereditary tenants, 1951/2 and of sirdars 1952/3, in U.P. by revenue divisions.	232.
XXVII. Classification of area to which Act I of 1951 did not apply in 1953.	233.

PLATES.

"Without land a man was - well, a mere labourer".	Frontispiece.
Plate 1. A pakka haveli, village Ajitganj.	270.
Plate 2. Men of village Kiri.	270.
Plate 3. The bridge over Kali Nadi, village Rasalpur- Aurangabad.	270.
Plate 4. The newly constructed facade of the home of Ram Swarup, village Ajitganj.	270.

MAPS.

Northern India 1765 - 1856: the reduction of Avadh by the East India Company.	2.
United Provinces: the revenue divisions and the districts with the year of acquisition by the East India Company.	14.
Uttar Pradesh: location of villages in sample survey by the natural divisions of the Census, 1951.	235.

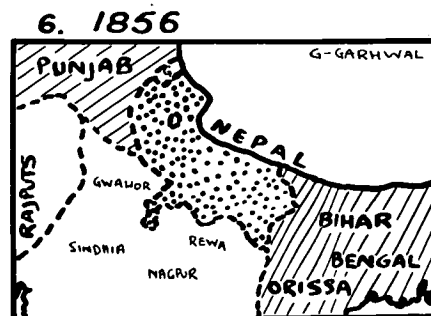
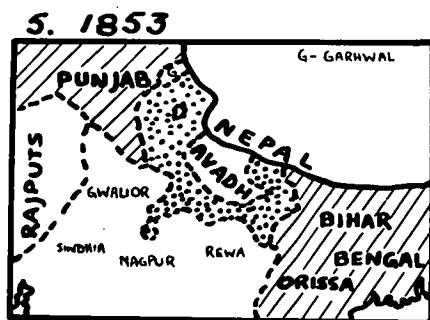
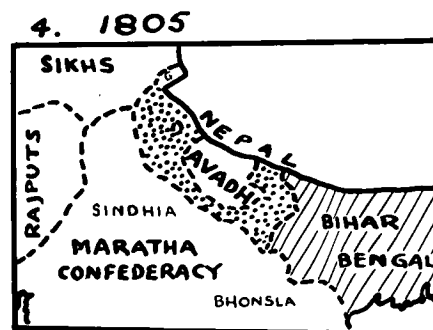
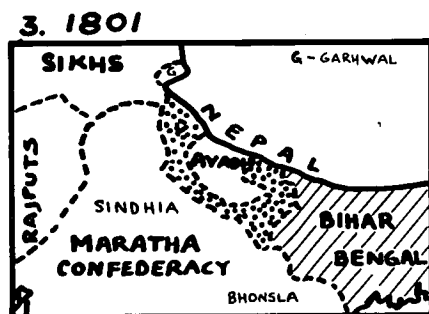
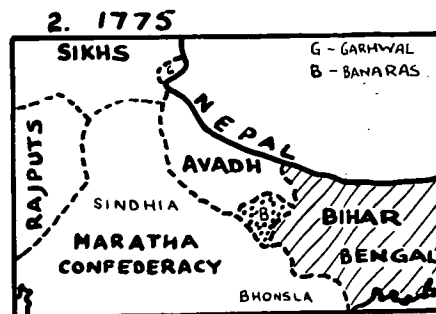
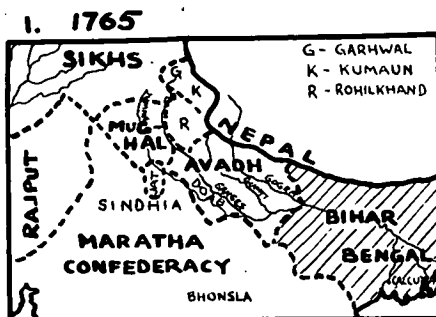
CHAPTER I.THE EIGHTEENTH CENTURY: THE BACKGROUND YEARS.

(i)

No one ruled northern India at the beginning of the eighteenth century. Instead, the land was racked by the conflict of warring factions and kingdoms. The Mughal empire shrank at the death of Aurangzebe to a hollow kingdom about Delhi. The great Subas (provinces) of the empire, Avadh (anglicised as Oudh), Bengal and Hyderabad, asserted their independence. Delhi itself was encircled by the hostile power of resurgent non-Muslim nations: the Sikhs in the north-west, the Rajputs in the west and the Marathas in the south. Even Agra, with its memories of Akbar and its ethereal Taj Mahal, the tomb of Shah Jahan's empress, fell to the plundering Jats.

Such a war of succession was traditional. From the south-east, however, a new factor emerged as the merchant-adventurers of the English East India Company pushed northwards along the Ganges valley from their capital at Calcutta. By mid-century they had consolidated their borders with Avadh and the Marathas and were an all-important factor in the political future of the country.<sup>1</sup>

So the great plain became a battlefield. Armies watered by its great eastern rivers: Jumna, Ganges, Gumti, Gogra, Chambal and Son. Soldiers, horses and elephants passed in procession through its villages. Lawlessness reigned. "No man who had the energy to rob his neighbour cared to turn to industrial occupations as a means of livelihood;"<sup>2</sup> "agriculture offered no attractions comparable with a career of active spoliation."<sup>3</sup>



## NORTHERN INDIA 1765 - 1856 : THE REDUCTION OF AVADH BY THE E.I.C.

TERRITORY TAKEN FROM AVADH :



OTHER BRITISH TERRITORY:





In this atmosphere the traditional agrarian system fell into decay. The traditional basis of that system, "the king's share" of the produce of the fields, claimed in return for the sovereign's protection,<sup>4</sup> remained but the central power in its weakness was separated from its collection. When Indian empires, whether Hindu or Muslim, were strong, the 'land revenues' were collected by paid State officials.<sup>5</sup> In times of weakness, however, they gave way to collecting agencies.<sup>6</sup> Thus in the eighteenth century, the revenues of a specific area were "assigned" in lieu of wages or as a reward, distant or troublesome local chiefs were accepted as revenue agents (or, perhaps more precisely, their power was recognised for what it was), and revenue "farmers" contracted for the collections in difficult areas with the aim of securing as much as possible beyond the State's demand for themselves.<sup>7</sup> Even State officials consolidated themselves in positions as leviers rather than collectors of revenue.<sup>8</sup> It amounted to this, that the revenue of any area was collected from all who cultivated land by whoever had the force to support his claim.<sup>9</sup>

(ii)

The kingdom of Avadh occupied the central portion of the rich alluvial plain which ~~xxx~~ lies between the foothills of the Himalayas and the Ganges river system. The foothills were its border in the north with the mountain kingdoms of Nepal and Garhwal while the line of the Jumna and the Ganges marked it off from the Mughals in the west and the Marathas in the South. The border with the English in Bihar was not as clearly marked although

it was nearly the line of the Gandak.

In the eighteenth century Avadh became the epitome of that decay of Indian institutions, that "rottenness at the core",<sup>10</sup> which caused their downfall. The kingdom had asserted its independence from the Mughal Empire during the reign of the Nawab Saadat Ali Khan (1722-1739).<sup>11</sup> Yet the stream of fair and efficient rule flowed for only two generations - through the reigns of Saadat Ali Khan's successors, Safdar Jang and Shuja-ud-daulah, - before it petered out in the sands of the extravagant, dilatory, wastrel, Asaf-ud-daulah.

In the twenty-two years of Asaf-ud-daulah's rule, the resources of the kingdom were totally dissipated. The Nawab himself was incapable of ruling. The Company's Resident at Lucknow, Bristow, reported on 1776,

"His Excellency is juvenile in his amusements, volatile, injudicious in the choice of his confidants and so familiar in his conversation as to throw aside the sovereign and admit his favourites to a freedom destructive to all subordination and a cause for the inattention paid by them to his commands. He frequently passes whole days in dissipation and is of late much given to liquor, for I have known him to make himself and his favourites and even his menial servants indecently drunk. By this mode of passing his time he can have little leisure for business and indeed he hardly attends to any excepting when I wait upon him on the Company's affairs and then I am generally referred to his minister, to whom and other favourites he confides the entire charge of this government."<sup>12</sup>

From the beginning of his "reign" he was prepared to be such a puppet. As soon as he succeeded his father, Shuja-ud-daulah, in 1775, he passed the administration to his diwan, Murtaza Khan, and settled a jagir worth a lakh of rupees annually and a higher army rank than had hitherto been created, upon him.<sup>13</sup>

Yet his withdrawal from government did not improve him. He remained a complete profligate. Sir John Shore recorded in 1795:

"Every evening Asaf-ud-daulah stupifies himself with opium ... His confidants are the meanest and lowest: he dreads the society of men of worth ... . Beggars, buffoons, dancers and all that class, with fools, knaves and sycophants, compose the court of this illustrious ruler of millions."<sup>14</sup>

His extravagance was prodigious. Hundreds of thousands of rupees were spent on festivals, both Hindu and Muslim.<sup>15</sup> He kept "t elve hundred elephants, two or three thousand horses and a thousand dogs" of which "400 elephants, 500 horses and a hundred dogs (were) fit for riding or the chase".<sup>16</sup> There were, in addition, "pigeon houses, cockpits, sheepfolds, deerparks, and monkey, snake, scorpion and spider houses" on the same scale.<sup>17</sup>

The results were plain. "Disaffection and anarchy"<sup>18</sup> prevailed throughout the kingdom. Only the presence of two brigades of Company troops prevented an insurrection.<sup>19</sup> One-third of the income of the kingdom, however, had to be "assigned for the purpose of securing the internal peace of the country and for the collection of the revenues."<sup>20</sup> Yet, even so, in 1782 for example, one crore of rupees was spent to enable the Company's forces, "intended solely for the defence of the country" to subdue "refractory zamindars" (landholders).<sup>21</sup>

The collapse of the revenue system was, indeed, the hallmark of the degeneracy of the nawabi rule. The zamindars acquired "almost hereditary rights over their lands" and certainly paid no heed to commands from Lucknow.<sup>22</sup> As was typical of Indian governments which had lost their power, the revenues were separated from the official administration. Early in Asaf-ud-daulah's nawabi the greater part of the revenues were assigned for specific payments to "officials, servants and creditors of the State ;... troops stationed in Oudh, merchants, contractors for military stores and all persons having transactions with the government were paid in this way."<sup>23</sup> Later, contractors took almost complete control of the districts and extracted the government's demand and as much as they could for themselves. Their rapacity was enormous - and unchecked. They amassed great fortunes by their oppressions and 'business acumen'.

"Like bloated spiders having thrown out their webs and entangled their prey, victim after victim, estate after estate (was) added to the contractor's possessions so that when turned out of office he (retired) as an enormous landed proprietor."<sup>24</sup>

Their control in the district went unchallenged.

"They were, by a strange injustice, themselves the assessors and, in many cases, the only accessible court of appeal, and also the principal persons who derived a profit from the amount collected."<sup>25</sup>

Often, too, they subdivided their "farm" with other contractors, thus making oppression more minute.<sup>26</sup>

With the exception of the reigns of Sa'adat Ali (1798-1814) and Muhammed Ali (1837-1842), Avadh affairs deteriorated even further during the nineteenth century. In an attempt to counteract the excesses of revenue farming, Baillie, the Company's Resident, instituted the Amani System during the reign of Ghazi-ud-din (1814-1827). This new system was simply contracting without any sum being specified in the contract. In practice this meant that the contractor was able to enrich himself "at the expense of both the <sup>N</sup>awab and the landholders".<sup>27</sup> After two years it was discontinued, to be tried again under Nasir-ud-din (1827-1837) and Muhammed Ali (1837-1842) with similar dismal results.<sup>28</sup> "The fact was that without any honest amils and vigilant supervision no Nawab could command success."<sup>29</sup>

This disorganisation not only meant the ruin of the State: cultivator in the village suffered horribly from the merciless treatment of the extortionate contractors. They issued only annual leases and charged rents which were out of all proportion to the cultivators' ability to pay.<sup>30</sup> They were, however, collected with unmitigated harshness. The revenue fell due in nine instalments between 11 September and 12 June.

"In the case of default eight or ten sepoys (soldiers) were quartered upon the proprietor and he had to provide for their subsistence. If the proprietor still refused payment his property was attached and sold. He and his children were imprisoned and tortured by whipping with a knotted leather thong until blood was drawn."<sup>31</sup>

Nor, with the exceptions mentioned above, did the personal

qualities of the rulers improve. Ghazi-ud-din, who changed his title to King,<sup>32</sup> was "half-witted"<sup>33</sup> and the history of his successors was one of "reckless extravagance, bad administration and sensuous luxury".<sup>34</sup> Amjad Ali Shah (1842-47) "equalled, perhaps even surpassed, his predecessors" in "weakness and profligacy".<sup>35</sup> The last of the line, Wajid Ali Shah (1847-56) completed the tale of "demoralisation and ruin".<sup>36</sup>

To the traders and administrators of the Company this position was intolerable. The whole of their interest was threatened by such appalling weakness on their borders. Various efforts were made to bolster the Nawabs, to induce them to reform, but each attempt failed. Five years after enacting a commercial treaty, the Governor-General, Lord Cornwallis, complained in despair that

"the evils which had prevailed at the beginning ... had increased ... (the government's) finances had fallen into a worse state by an enormous accumulation of debt ... (and) not only the subjects and merchants (of Oudh) ... but those residing under the Company's protection suffered many exactions contrary to the commercial treaty from the customs house officers and from zamindars, amils (revenue officials), etc."<sup>37</sup>

In such a position, absorption proved to be the only solution. So, over a period of eighty years from 1775 the Company swallowed the kingdom, piece by piece. That, however, is the story told in the next chapter.

NOTES - CHAPTER I.

<sup>1</sup>For a concise but brilliantly-written picture of India in mid-century see Feiling, K., Warren Hastings (London: MacMillan, 1955), especially Chapter II, "The Indian Scene, 1750-56", pp.10-16.

<sup>2</sup>Pillai, P.P., Economic Conditions in India (London: Routledge, 1925), 12.

<sup>3</sup>Moreland, W.H. and Chatterjee, A.C. A Short History of India (London: Longmans, Green; 1936), 282.

<sup>4</sup>Ghoshal, U.N., Contributions to the History of the Hindu Revenue System (Calcutta University Press, 1929), 17, 27, 34-6. Also, Moreland, W.H., The Agrarian System of Moslem India (Cambridge: Heffer, 1929), 3, 5. Also, Baden-Powell, B.H., The Land Systems of British India (3 vols. Oxford, 1892), I, 242-3.

<sup>5</sup>Ghoshal, op.cit., 273. See also Moreland, op.cit., 15.

<sup>6</sup>Baden-Powell, op.cit., I, 258. Moreland, op.cit., 8-9. See also, Mukherjee, R.K., "Land Tenure - India" in Encyclopaedia of the Social Sciences ed. E.R.A. Seligman (New York: MacMillan, 1948), IX, 110.

<sup>7</sup>Moreland, op.cit., 150. See Campbell, G., "Tenure of Land in India" in Systems of Land Tenure in Various Countries (London: MacMillan, for the Cobden Club; 2nd., 1870), 168-9. Also Moreland and Chatterjee, op.cit., 283.

<sup>8</sup>Campbell, op.cit., 169. Also, Moreland, op.cit., 154.

<sup>9</sup>Cf. Moreland, op.cit., 153-5; Mukherjee, op.cit., 111 and Baden-Powell, op.cit., I, 283.

<sup>10</sup>Sarkar, J.N., Fall of the Mughal Empire (4 vols. Calcutta: M.C. Sarkar, 1950), IV, 343.

- <sup>11</sup>Davies, C.C., Warren Hastings and Oudh (London: Oxford University Press, 1939), .
- <sup>12</sup>Bristow-Board, 12 February 1776, cited Davies, op.cit., 86.
- <sup>13</sup>Davies, loc.cit.
- <sup>14</sup>Life of Lord Teignmouth, I, 407-8, cited Sarkar, op.cit., IV, 344.
- <sup>15</sup>Tafzihu'l Ghafilin of Abin Talib, trans. W. Hoey (1885), 37-8, cited Davies, op.cit., 216.
- <sup>16</sup>Idem.                      <sup>17</sup>Idem. See also Feiling, op.cit., 307.
- <sup>18</sup>Life of Lord Teignmouth, I, 332, cited in Davies, op.cit., 247.
- <sup>19</sup>Idem.                      <sup>20</sup>Davies, op.cit., 25.
- <sup>21</sup>Ibid., 25-6.              <sup>22</sup>Ibid., 81.              <sup>23</sup>Ibid., 87.
- <sup>24</sup>Paton, J., The British Government and the Kingdom of Oudh 1764-1835, ed. B. Prasad (Allahabad, 1944), 93, cited Raj, J., "The revenue system of the Nawabs of Oudh" in The Journal of the Economic and Social History of the Orient (Leiden: E.J. Brill, January 1959), II, Part 1, 100.
- <sup>25</sup>Raj, op.cit., 99.              <sup>26</sup>Idem.
- <sup>27</sup>Ibid., 101.              <sup>28</sup>Idem.              <sup>29</sup>Idem.
- <sup>30</sup>Butter, D., Outline of the Topography and Statistics of Southern Oudh (Calcutta, 1839), 101, cited in Raj, op.cit., 95.
- <sup>31</sup>Idem.
- <sup>32</sup>Crooke, W., The North-Western Provinces of India (London: Methuen, 1897), 115.
- <sup>33</sup>Basu, P., Oudh and the East India Company 1785-1801 (Lucknow: Maxwell Co., 1943), 207.
- <sup>34</sup>Crooke, op.cit., 116.
- <sup>35</sup>Thornton, E., A Gazetteer of the Territories under the



Government of the East India Company (London: Allen, 1854), IV, 44.

<sup>36</sup> Crooke, loc.cit.

<sup>37</sup> Cornwallis-Asaf-ud-daulah, 29 January 1793, cited in  
Basu, op.cit., 144.

## CHAPTER II.

### THE NINETEENTH CENTURY: THE FOUNDATION YEARS.

As the "land systems of British India" were established over a lengthy period, they varied considerably: the methods of the mid-nineteenth century differed, often greatly, from those to which the eighteenth century administrators resorted. The mere lapse of time was not the only factor, however: political circumstance was at times even more influential. Together, however, time and circumstance moulded the tenures of land and shaped their administration in the India which was brought, piecemeal, under British domination.

These factors operated in the United Provinces, as elsewhere. There the settlement of the land revenue, i.e. the determination of the amount payable (the assessment) and the formulation of a contract between some person (the settlement-holder) and the government for the payment of that assessment, varied in the three component territories, viz., Benares, the rest of the North-Western Provinces, and Avadh. In Benares there was a permanent settlement (i.e. the assessment was never revised) with the zamindars as the main settlement-holders. On the other hand, the settlements in the other two areas were temporary, i.e. the assessment was revised at regular intervals, but with zamindars in the North-Western Provinces and taluqdars in Avadh. (The differences between the zamindars and the taluqdars were, firstly, of privileges and, secondly, of estate, as will be seen later.)

Time played its part: Benares was settled in 1795, the North-

Western Provinces in the years from 1801-1844, and Avadh after 1858. So, however, did circumstance: the proximity of Benares to Bengal under Lord Cornwallis, the Governor-General responsible for the permanent settlement of Bengal in 1793; the administration of the North-Western Provinces by men anxious to understand Indian usages; and the shock of the mutiny of 1857 in Avadh: these were all important determinants of policy.

There was one common feature: all the settlements were with landlords. The nineteenth century consolidated the landlords; the twentieth century progressively reduced them. To assess the measures of the twentieth century it will be as well, first, to trace the developments of the nineteenth century.

(i)

The growth of the United Provinces was at the same time the reduction of the kingdom of Avadh. Starting from Benares in 1775, the English stretched out two pincer-like arms by their gains of 1801 and 1805 which embraced, and finally crushed, the ailing kingdom. The advance was inevitable for as the Nawabi rule fell into decay, the state which had once been reckoned as a buffer against Mughal, Rohilla and Maratha, became a threat to peace and order which the Company could not tolerate on its borders. Absorption, addition or annexation, by agreement or by force of arms, became necessary so that the essential conditions of trade and industry might be maintained.

The process was in four major stages, with several other,



- |               |              |
|---------------|--------------|
| 1. MEERUT     | 6. JHANSI    |
| 2. AGRA       | 7. LUCKNOW   |
| 3. ROHILKHAND | 8. FAIZABAD  |
| 4. KUMAUN     | 9. GORAKHPUR |
| 5. ALLAHABAD. | 10. BANARAS  |

relatively minor, additions. The Nawab ceded the first, Benares, to the Company in May 1775 by the Treaty of Faizabad.<sup>1</sup> The Company, however, retained the Raja, Chait Singh, as zamindar until 1781<sup>2</sup> and it was not until 1787 that Jonathan Duncan came, as Resident, to take full control of the administration.<sup>3</sup> Duncan strengthened his control in 1794 when, after protracted negotiation, Raja Mahip Narain relinquished his rights to all except his family estates.<sup>4</sup>

From this extension into the Nawab's territories the Company moved in 1801 north into Gorakhpur and west through the lands of the lower Doab into Rohilhand. By the Treaty of Lucknow<sup>5</sup> the Nawab ceded the sixteen "Ceded Districts"<sup>6</sup> and was thereby encircled by the territories and the power of the British. With his northern border contiguous with the kingdom of Nepal, the Nawab was otherwise isolated from those Indian royal houses which remained independent.

In 1805 the British strengthened their western 'arm', this time at the expense of the Maratha ruler, Sindhia. By the Treaty of Surji Arjangaon which followed Lord Lake's victories of 1803, the Upper Doab and the Delhi territories became part of Bengal's 'Upper Provinces'.<sup>7</sup> These Upper Provinces and Benares were grouped as the North-Western Provinces and until 1833, when a Lieutenant-Governor was appointed, they were administered from Calcutta.<sup>8</sup>

There were only minor additions from 1805 until the annexation of Oudh in 1856. Nepal lost the hill districts of Garhwal after the Gurkha War of 1815.<sup>9</sup> The Bundelkhand districts came separately: Banda and Hamirpur by 1817,<sup>10</sup> Jalaun in 1840<sup>11</sup> and Jhansi in 1853.<sup>12</sup>

The provincial outline had by then been filled out; Agra province was complete and it only needed Avadh to make the union.

The final reduction of Avadh came with its annexation in 1856: then the pincers closed.<sup>13</sup> The Directors had held back in 1837<sup>14</sup> but as disorder increased strong measures became more attractive. The unrest was in large part the work of the "nobles", the Taluqdars who, unchecked by the government of the King (the newly-styled Nawab),<sup>15</sup> subjected the people to "every kind of oppression, tyranny and exaction". Following the report of Colonel Sleeman<sup>16</sup> "the only remaining remedy was deemed to be annexation, with a liberal provision for the reigning house".<sup>17</sup> On 13 February 1856, therefore, Nawabi rule came to an end and Avadh became a British province administered by a Chief Commissioner. The territorial acquisition was complete.

(11)

The arrival in 1786 of Lord Cornwallis as Governor-General decided the future of the revenue administration of the Benares territories. Jonathan Duncan, a supporter of Cornwallis in the Bengal Council,<sup>18</sup> came as Resident in 1787 with instructions to make a settlement of the zamindari under his personal supervision.<sup>19</sup> Accordingly he made settlements with the amils (revenue collectors) in 1788, some for one year but the majority for five years.<sup>20</sup> On 17 June of the following year Cornwallis instructed him to implement the decennial settlement<sup>21</sup> which was to lead to a permanent settlement.

These moves were part of a larger pattern, being similar in design and purpose to the permanent settlement of Bengal, Bihar and

Orissa which Cornwallis was then preparing.<sup>22</sup> No more thorough investigation of the basis of the settlement was carried out in Benares than was attempted in Bengal: Duncan pleaded that because of lack of time he was unable to undertake any more minute investigation<sup>23</sup> than the compilation of the jamas (assessments) of the previous ten years from the records of the kanungos (accountant for group of villages), corrected by reference to the amils and settlement holders.<sup>24</sup> It was also decidedly a zamindari settlement,<sup>25</sup> although the dis-possession of many of the zamindars by Raja Bulwant Singh in the period before the Company's acquisition of Benares<sup>26</sup> and the refusal of Raja Mahip Narain to countenance any liberalisation of the period of limitation<sup>27</sup> meant that a sizeable area was settled either with farmers or remained kachha (that is the settlement was held directly by the raiyats.)<sup>28</sup> Under the terms of the permanent settlement those zamindars who had lost possession after 1775 were able, through the diwani adalat (court), to regain their estates by compensating the farmer to whom it had been let<sup>29</sup> but this compromise did not alter substantially the mixed character of the settlement. This feature did in fact distinguish Benares from Bengal where the settlement had been invariably made with "some one landlord or zamindar and never with village communities".<sup>30</sup> Later, cadastral surveys and records of rights still further distinguished the Benares settlement.<sup>31</sup> The settlement which was made permanent by Regulation I of 1795 on 27 March 1795,<sup>32</sup> was, however, by its decision to leave landlord-tenant relationships to mutual adjustment, very clearly a product of Bengal.

Beyond attempting to encourage the landlords to give pattas to their tenants<sup>33</sup> Duncan did little to regulate this aspect of the settlement. No record of rights was made at the time and the settlement officers who worked in the Benares districts in the early eighteen-forties detailed in the Settlement Reports their attempts to make a voluntary record in the permanently-settled estates.<sup>34</sup> It was considered sufficient in 1795 for the regulations to make it necessary for the zamindars to act with "good faith and moderation" towards the tenants - "pattidars, under-renters and raiyats."<sup>35</sup> At the same time the Government reserved the right "to protect all classes of people, and more particularly those who from situation are most helpless",<sup>36</sup> a reservation which became necessary "to save cultivators from unlawful confinement, torture, corporal punishment and the disagreeable methods a harsh landlord did not hesitate to employ towards recalcitrant tenants or those whom unfortunate circumstances prevented from prompt payment of rent or manorial dues."<sup>37</sup>

The settlements made the revenue assessment permanent but left the rents to bargaining between landlords and tenants.<sup>38</sup> This, as usual, favoured the zamindars who enhanced the rents so vigorously that by the mid-nineteenth century there remained no relation between rent and revenue. The Raja of Agoree Burhur, whose estates Duncan found unhealthy, sterile and cultivated by slaves,<sup>39</sup> had a rent roll double the land revenue by 1850.<sup>40</sup> The settlement officer of Benares in 1887 mentioned an estate which had a rental of Rs. 46,285 as against a revenue demand of Rs. 304!<sup>41</sup> The Benares zamindar became in little more than two generations, the most oppressive form of landlord - the rent farmer.



A more adequate regulation of tenure relationships had to wait until the Tenancy Act of 1859. Until then the tenants were at the mercy of the zamindars and the permanency of the Benares settlement kept it as an exception in the revenue structure of the North-Western Provinces.

(iii)

Only the stubbornness of the Company's Directors kept Benares as an exception, however, for the settlements outlined by Wellesley's government for the Ceded, and then the Conquered, Districts, aimed at a permanent settlement. The settlement was to be with the zamindars<sup>42</sup> and kachha settlements with the raiyats were discouraged.<sup>43</sup> The settlement was to be for three years in the first place,<sup>44</sup> after which another three year settlement at an increased jama and then a four year settlement at a further increased jama was to be made.<sup>45</sup> At the end of this ten year period the government agreed to a permanent settlement being concluded for "such lands as shall be in a state of cultivation sufficiently advanced to warrant the measure on such terms as Government shall deem fair and equitable, a due regard being had to the actual state of the country, and its means and capability of further improvement."<sup>46</sup>

These instructions became part of Regulation X of 1807 which added the proviso that a permanent settlement would be only with the sanction of the Directors. The same regulation set up a Board of Commissioners to make the four year settlement.<sup>47</sup> This Board enquired immediately from the Collectors about the advisability of a

permanent settlement.<sup>48</sup> As a result, they reported on 13 April 1808 that "with every previous disposition in favour of the principle of a Permanent Settlement, we submit ... our deliberate and unqualified opinion that the measure ... is at this moment unseasonable".<sup>49</sup> In support of this view they pointed to the large amount of uncultivated land, the sparse population and the lack of knowledge which the Company had of the nature of the revenue system,<sup>50</sup> a lack which was not remedied by the summary methods of determining the assessment to which the administrators resorted.<sup>51</sup>

The Company's Indian government continued to press for a permanent settlement.<sup>52</sup> The plan was in fact shelved only after Holt Mackenzie, Secretary of the Board of Commissioners, outlined in his Minute of 1819 a detailed system of assessment based on investigation into the capacity of the land and the rights of the holders of land.<sup>53</sup> Mackenzie's recommendations were later embodied in Regulation VII of 1822<sup>54</sup> under which settlements were carried out until 1833.

Regulation VII represented an important advance. It gave the settlement officers the dual task of "equalising the public burthens, and of ascertaining, settling and recording the rights, interests, privileges and properties of all persons and classes owning, occupying, managing or cultivating the land".<sup>55</sup> It attempted to overcome the earlier problems of over-assessment and the neglect and dispersal of rights in land. However, "too much detail was required on all points".<sup>56</sup> Progress was so slow that by 1832 some districts estimated it would still take 60 years to complete the survey".<sup>57</sup>

Regulation IX of 1833 amended the assessment regulations so that the work of settlement could proceed more rapidly.<sup>58</sup> These new rules governed settlements carried out between 1833 and 1842<sup>59</sup> under the direction of Robert Mertins Bird, who, in his Report (21 January 1842), claimed he had aimed at "the assessment of a fair and moderate revenue (and) the ascertainment of private rights (in land holdings)".<sup>60</sup> These principles were, of course, very similar to those of Regulation VII of 1822; the difference lay in the details of the settlement procedure. Regulation IX was important. Its more broadly-based 'aggregate to detail' settlements allowed the North-Western Provinces to be completely and accurately settled. Moreover, the protection of tenant rights began with the recognition of occupancy rights based on the "rule of thumb" of twelve years' continuous occupation.<sup>61</sup>

The zamindari character of the settlements remained, however. Tenant right did not imply a raiyatwari settlement: even where the village communities were recognised, a 'lambardar' (representative) had to be elected or selected from amongst the co-sharers.<sup>62</sup> There was a great variety of settlement holders:-

"Many large zamindars retained great estates. In some parts of the country the settlement was made with cultivating village communities; but... in the greater part of the North-Western Provinces the settlement was most frequently made with small landholders and village proprietors. In many villages where neither great zamindars nor old proprietary families established claims, it being necessary to find some proprietors, a good headman or solvent farmer, or some other person of some sort, was established as proprietor."<sup>63</sup>

As well, revenue officials fully explored the differences in the constitutions of the "co-parcenary village communities".<sup>64</sup>

Tenant rights were not so minutely recorded as proprietary tenures, yet it was important that a general privilege of occupancy, conditional only on the payment of the rent stipulated, was recognised for resident raiyats. The Settlement Officers, moreover, appear to have been anxious to protect these rights.<sup>65</sup> In all this the settlement of the North-Western Provinces represented a great advance over many earlier notions of revenue administration. Saved from the system of Bengal and Benares by the not altogether altruistic insistence of the Directors, it avoided many earlier errors and gave a greater opportunity for the preservation of indigenous land-holdings.

(iv)

As the North-Western Provinces became a reaction against the permanent settlement after appearing certain to become a part of that system, so ~~Avadh~~ finally moved away from the "North-Western Provinces" policy which was first adopted there after annexation.

As soon as the Company had replaced the King, Dalhousie ordered a settlement which was to be concluded with "the actual occupants of the soil, that is with village zamindars or with the proprietary co-parcenaries ... (and not) middlemen as Talukdars, farmers of the revenue and such like".<sup>66</sup> These were ideas taken from the North-Western Provinces and the summary settlement in 1856, in many individual cases, resulted in the bypassing of the taluqdars who had grown up under the Nawabi rule and superimposed themselves on the Oudh revenue system.<sup>67</sup> Yet, overall, the Taluqdars retained a considerable

majority of the villages included in taluqas at the end of the Nawabi, 13,640 villages from a total of 23,543, being settled with them.<sup>68</sup>

This settlement, however, lasted only fifteen months before the uprising of 1857 brought it to a halt.<sup>69</sup> After the 'Mutiny' it was not possible for the work of the settlement to be looked at in the same light. Political considerations entered and the answer to the question, With whom should the settlement be made? was found with reference not to landed rights but rather to political power and social influence.

On 15 March 1858, the Viceroy, Lord Canning, confiscated the proprietary rights in all but six (the 'loyal') taluqdaris.<sup>70</sup> He aimed at a situation in which he would be able to 'buy' the support of the Taluqdars by offering them a complete restoration in exchange for their "full and complete allegiance".<sup>71</sup> So, on 25 October 1859 the Taluqdars received sanads which fully reinstated them in their former position<sup>72</sup> provided they managed their estates properly and showed "constant good faith, loyalty, zeal and attachment in every way in which they can be manifested, to the British government".<sup>73</sup> In a matter of divide and rule politics the taluqdars were favoured for they had "both power and influence ... The village proprietors (had) neither".<sup>74</sup> It was part of the policy of creating a "breakwater"<sup>75</sup> between the Indian people and the British government, a part of the plan "to hold the Eastern Empire with the least strain on the population and finances of Great Britain".<sup>76</sup> The second summary settlement therefore almost completely restored the taluqdars in those villages which had been taluqdari before the first settlement.<sup>77</sup>

The reinstatement of the taluqdars did not, however, preclude a violent controversy in the province over subordinate rights in land. Charles Wingfield, who became Chief Commissioner in May 1859, attempted to carry Canning's confiscation to its extreme and he declared that every right in land had been taken over and then re-vested, by the sanad, in the taluqdar.<sup>78</sup> He, therefore, omitted from the sanad the reservation of the government's right to enact tenancy legislation<sup>79</sup> and attempted to prevent the recording of any subordinate rights during the settlement.<sup>80</sup> The controversy lasted until Wingfield resigned in 1864 and produced a clash between the Chief Commissioner and both his Indian and British superiors. The Viceroys, (Lord Elgin and Sir John Lawrence), and the Secretary of State all attempted to break the impasse but it was not until Lawrence by-passed Wingfield by appointing a Financial Commissioner to handle land and revenue matters that the deadlock was broken.<sup>81</sup>

The issues involved were the recognition of underproprietary and occupancy rights. The taluqdars, sensing their strong position and supported by Wingfield, refused to countenance any encroachment on their own rights. They held that the raiyats were allowed to hold land only on sufferance: "They have been allowed to retain hold of our land for generations, not because they had any right to what they held, but because we were kind enough not to deprive them of their houses and comforts every now and then".<sup>82</sup> Strachey, the new Chief Commissioner, settled the dispute in September 1866.<sup>83</sup> He compromised with the taluqdars and in return for the government's limited recognition of underproprietary rights<sup>84</sup> secured a right of occupancy for expropriators.<sup>85</sup> This was, however, a meagre victory: the occupancy area amounted to only one per

cent. of the whole province<sup>86</sup> and tenants-at-will held more than seventy-eight per cent. of the total area.<sup>87</sup> On the other hand, the taluqdars made enormous gains - socially and financially. Irwin remarked that they were probably "the most fortunate body of men in India".<sup>88</sup> Yet, there were reports in the 'sixties ~~even~~ that they had more land than they could manage<sup>89</sup> and even before the Taluqdar Relief Act of 1870 Campbell expressed doubts about their ability to remain solvent.<sup>90</sup>

The Avadh Compromise, with its dominance of the taluqdari interests, received legislative force from enactments of 1866 and 1868. It formed an unpromising base for tenure relations. In turning away from the liberal policies of the North-Western Provinces, Oudh had built its "breakwater" - from millstones!

(v)

The three settlements were alike, then, in this fundamental respect: that all were made with a 'landlord'. The legislators and administrators concentrated on this aspect of the tenure system, finding, culling and - in varying degrees - justifying proprietors, persons with whom the government could lodge the responsibility for the revenue. They wanted an assured revenue, not a perfect agrarian system.<sup>92</sup> This is hardly to be wondered at: the Englishmen who organised the settlements were the servants of a dividend-paying Company in the early nineteenth century. If reform was only an incidental part of their programme or the preserve of the few, this was in keeping with the tendencies 'at home'. In some respects, indeed, the administrators in India were innovators showing the way to the 'Mother Country'.<sup>93</sup>

However, as well as passive neglect, the settlements had led in many cases to the actual loss of rights by the cultivators.<sup>94</sup> The customary right of occupancy which was generally recognised in pre-British times,<sup>95</sup> was inadequately recognised, let alone secured, by mid-century. Moreover, the landlords had been quick to assimilate the new notions of their status and powers.<sup>96</sup> Many revelled in their new-found strength, even if they gained, thereby, little advantage. In Gorakhpur in 1838, for example, when because of the large amount of waste land there was actually competition for tenants, the cultivators were not secure from "the vexations of the law held over their heads by litigious men, who farmed the rents, and were in no way interested in their condition".<sup>97</sup>

That the landlords could do this must be explained, in addition to the fact of their newly secured power, by the changed economic conditions which followed the pacification of the country by the British. During the first half of the century war ceased to be the natural environment of every-day life and in this changed atmosphere northern India underwent a period of expansion. "The Doab especially rose into a great agricultural and commercial tract filled with new and growing cities".<sup>98</sup> There was an increased pressure on land, not so much from an absolute increase in population<sup>99</sup> as from a shift in the balance of population implied in the return to normal economic activities of those who had been engaged in war or disorder.<sup>100</sup> Most of these probably returned to the villages and agriculture; others displaced artisans<sup>101</sup> who, because of the lack of industry,<sup>102</sup> were also forced to take to farming. As this



increased pressure began to take effect, so the value of the individual tenant began to decline. No longer needed as a warrior,<sup>103</sup> he could be treated much more summarily. The result was "a scramble for land and a scramble for rent".<sup>104</sup>

105

The problem was most acute in Bengal and it was there that the first measures were taken against it.<sup>106</sup> By the mid-nineteenth century, however, the North-Western Provinces had the same problems of oppression and insecurity while in Avadh the amazing rapacity of the taluqdars bolstered the natural faults of Indian landlordism.<sup>107</sup>

(vi)

The first tenancy acts in both provinces approached this situation in a similar way. Both set up, under the landlords, an agrarian structure which took note of two main groups: those with underproprietary rights and those tenants who 'deserved' consideration in either rents or tenure, or both. The majority of these latter were the occupancy tenants. Furthermore, in neither case was the basis of occupancy rights satisfactory.

The earliest move was made in the North-Western Provinces where the Bengal Tenancy Act, X of 1859, was adopted.<sup>108</sup> It established three groups of protected cultivators: permanent tenure holders, fixed rate tenants and occupancy tenants.<sup>109</sup> The first two groups were derived from the Benares permanent settlement. The permanent tenure holder was an underproprietor in that he held, under a superior owner, a permanent and transferable interest in his land. If his rent had remained unchanged since the permanent settlement,

he was free from any future enhancement.<sup>110</sup> The fixed rate tenant did not have this under-proprietary interest in land; his privileged position rested on the fact that the rate of his rent had not changed since the permanent settlement.<sup>111</sup> If he could sustain this claim, he had a heritable and transferable tenancy at these rates.<sup>112</sup> In both these cases the Act presumed that if the rent had remained unchanged for the preceding twenty years if had been unchanged since the permanent settlement and the onus of proving any change lay with the landlord.<sup>113</sup>

Act X adopted the 'twelve year rule' as the basis of occupancy rights. Any tenant who could prove that he had held the same land continuously, either himself or through his ancestors, for twelve years had a right of occupancy.<sup>114</sup> There was no provision made for its devolution or transfer.<sup>115</sup>

This form of occupancy right represented a compromise. It was not the customary Indian basis which recognised only a distinction between resident (khudkasht) and non-resident (paikasht) tenants,<sup>116</sup> and it was in fact suggested at first, in Bengal, that occupancy should be given to all khudkasht cultivators, who were to be those who had resided in the village for three years.<sup>117</sup> The administrators of the North-Western Provinces, however, felt that the older khudkasht-paikasht distinction was obsolete and eventually they had their own method - the 'twelve year rule' - which was not concerned with residence in the village in which the land was situated, accepted as a compromise.<sup>118</sup> In many respects this was an unhappy solution. It saved rights "in danger of being lost

through failure of technical proof"<sup>119</sup>, - the extent of the occupancy area in Agra bore witness to that. Unscrupulous landlords, however, misused their power over their tenants which the time limit gave them, causing increased conflict and litigation.

Having established these groups it was necessary for the Act to attempt to provide a basis for their relations with the landlords. The most important of these was rent. For the Benares tenures this was fixed by their nature but for the occupancy tenant the Act attempted to provide some machinery to control enhancement, (increases in rental). The attempt was unsuccessful. Enhancement was allowed, by order of a court, on two grounds: either that the rent paid was not "fair and equitable" (which was taken to mean that it was below that paid by similar tenants on similar land in the neighbourhood), or that the productivity of the land had increased other than by the "agency or expense" of the tenant.<sup>120</sup> These methods proved unworkable. There was no satisfactory basis in the first, and the second dissolved into the formulae of the judgement in the 'Great Rent Case' of 1865: "the enhanced rent was to be calculated so as to bear to the old rent the same proportion that the proved increase of value in the produce did to the old value".<sup>121</sup> In Bareilly the Settlement Officer reported that the Act had proved "a curse ... by the power it gives to the landlords to enhance the rents".<sup>122</sup>

The non-occupancy tenants, the residual group, were given no protection. Their rents could be raised simply by the landlord presenting them with a written notice of the increase before the

123

end of the preceding agricultural year.

The agrarian structure of Oudh was embodied in two Acts: the Oudh Sub-Settlement Act, XXVI of 1866 and the Oudh Rent Act, XIX of 1868. These however only gave substance to the concessions wrung from the taluqdars by Strachey's Compromise of 1866.

Act XXVI of 1866 provided for underproprieters. A tenure holder who could prove that he had held by pukka contract an underproprietary right in his land within the period, 13 February 1844 to 13 February 1856, could receive a 'sub-settlement' at the most favourable rates which he had enjoyed in any one year after his estate was incorporated in the taluqa.<sup>124</sup> In practice this meant that a sub-settlement could be gained only<sup>by</sup> those who, but for the taluqdar, would have been full owners of the village or estate.<sup>125</sup> Underproprieters in such a position were assured of at least twenty-five per cent. of the revenue.<sup>126</sup> In those cases where the underproprietor's rights entitled him to less than twelve per cent. of the revenue, he was given a sub-settlement at ten per cent. of the gross rental.<sup>127</sup> Still smaller grants or plot-rights were recorded as privileged at the settlement but were not given a sub-settlement.<sup>128</sup>

Occupancy rights in Oudh were only for exproprieters. They were accorded, by the Rent Act, XIX of 1868, to those who had been proprietors in the thirty years prior to annexation in the lands which they held on 24 August 1868, provided that these lands had not come into their possession, for the first time, since 1856.<sup>129</sup> There was to be no future accrual of these rights.<sup>130</sup> The right

was heritable but not transferable.<sup>131</sup> It also carried a rental privilege of two annas in the rupee less than the rent paid by non-occupancy tenants for the same quality land. As well, the rent of an occupancy tenant could be enhanced only once in five years unless the area of the holding increased or the revenue was revised.<sup>132</sup> To enhance the rent the landlord had to show that it was lower than that usually paid by occupancy tenants, the the tenants holding had increased or that the rent was more than twelve and one-half per cent. lower than the rents of tenants at will.<sup>133</sup> Non-occupancy tenants in Oudh were left with completely unregulated rents<sup>134</sup> and even occupancy tenants could deprive themselves of their rights under the Act by signing a contract which had this effect.<sup>135</sup>

## (vii)

The solutions to tenant problems posed by these first measures could not, by their incomplete and unsatisfactory nature, be final. The legislative activity of the late nineteenth century therefore aimed at reforming - or rather repairing - the structure which had been created. It was essentially conservative reform for it worked within the existing frame and only attempted in minor matters to add to it. Even in these instances, the moves were not radical. A right of occupancy in their former sir land was recognised for expropriators by the Act XVIII of 1873 in the North-Western Provinces.<sup>136</sup> These new 'exproprietary tenants' were also given the privilege of paying four annas in the rupee less

than tenants at will, for the same quality land.<sup>137</sup> In Oudh a similar extension was made by the Land Revenue Act of 1876 when a right of occupancy in sir was granted to those proprietors whose rights had been transferred by sale or in execution of a Court decree.<sup>138</sup>

The most important measures in this period, however, were contained in the Oudh Rent Act XXII of 1886 and the North-Western Provinces Tenancy Act, II of 1901. There was legislation in the North-Western Provinces in 1873, 1881 and 1886 but these did not alter the principles or the methods of 1859, their purpose being to correct matters of detail.<sup>139</sup> The real problem which had to be solved, however, was not a matter of detail for it was the problem of the large groups of tenants at will which existed in both provinces. In the North-Western Provinces these people cultivated nearly forty per cent. of the lands of the province in 1882-3<sup>140</sup> while in Oudh at the same time they numbered 1,800,000<sup>141</sup> and cultivated as much as seventy-eight per cent. of the province.<sup>142</sup> In both provinces their problem was insecurity. Tenants at the will of the landlords, they were subjected to arbitrary ejectment from their holdings, a matter which became more serious as population and competition for land increased.

Avadh and the North-Western Provinces had their own reasons for this insecurity. In Avadh it was an outcome of the complete lack of protection in the matter of rents. "Incessant competition" for land<sup>143</sup> allowed the landlords to raise the rents of tenants at

will out of all proportion to the tenant's ability to pay.<sup>144</sup>

Default gave the landlord his excuse to eject. To correct this anomalous position was the necessary function of the new Rent Act.

The solution was found in the system of statutory tenancy. With the exception of tenants on areas of unstable cultivation, sub-tenants and tenants on the landlord's private sir lands, all non-occupancy tenants were given the right to hold the land to which they were admitted for a period of seven years. The rent for this initial period was to be that agreed to by the landlord and tenant. At the end of the seven years they could be ejected but if they were allowed to continue their rent could be enhanced only by one anna in the rupee (six and one-quarter per cent). Even if the land was let to a new tenant, the rent could be raised by one one anna in the rupee. These limits, however, did not apply where the landlord had made, or paid compensation to a tenant for an improvement which increased the productive power of the land.<sup>145</sup> Act XXII of 1886 also made it impossible for a tenant to deprive himself of "that protection against enhancement and ejectment which it is the special object of the new law to give",<sup>146</sup> by signing a contrary contract.

In the North-Western Provinces the landlords' energies were directed to preventing non-occupancy tenants from qualifying for occupancy rights by remaining on their land for twelve years for then he became "comparatively independent of his landlord".<sup>147</sup> The landlord therefore frequently obtained a decree for arrears in the tenant's eleventh year of occupation served an uncontested

notice of ejectment and then, having prevented him from acquiring occupancy rights, readmitted him at a higher rent.<sup>148</sup> This problem was recognised from the beginning<sup>149</sup> but the legislation of the 'seventies or the 'eighties did nothing to counter it so that the province continued for forty years under a system which, as the President of the North-Western Provinces Legislative Council felt moved to point out - on the eve of the reforming Bill - "permits of the arbitrary ejectment of industrious tenants ... whose only fault in the landlords' eyes is that they about to acquire a status which the law intended they should in the circumstances acquire".<sup>150</sup> The Tenancy Act aimed to correct this position.<sup>151</sup>

The Tenancy Act of 1901 approached the problems of the province from two angles. It retained the twelve year period<sup>152</sup> but redefined the terminology used in its application. Two phrases in particular were dealt with; 'continuous holding' and 'same land'. Thus the tenant was deemed to have held his land continuously despite the fact that he had lost possession of it for up to one year through an accident or because of the malpractice of the landlord.<sup>153</sup> At the same time the tenant was deemed to have held or have been reinstated on the 'same land' if he continued to occupy land of no greater rental value from the same landlord, even though it might be in a different village.<sup>154</sup>

From the other angle, the Act tried to encourage landlords to grant longer leases to the tenants by making leases of seven years or more not count towards occupancy rights.<sup>155</sup> The Act therefore aimed, at best, to aid the growth of occupancy rights by



preventing nominal 'eleventh year' ejectment and, at least, to give the non-occupancy tenant some degree of continuity in his cultivation.

(viii)

This foundation century had then established its system of tenure by 1901. It was a system based on landlords and tenants. Until the eighteen-sixties the administrators concentrated on consolidating the superior position of the landlords. Then, having secured a stable revenue, the administrators turned their attention to the larger, though less influential, group - the tenants. The last forty years of the century saw an attempt to protect, firstly, those tenants who seemed to 'deserve' protection and then, necessarily, all tenants from the rapacity of a body of zamindars and taluqdars who imbibed quickly the powers and position of the English landlord but seemed to overlook the concomitant responsibilities of direction and investment implied in that position.

The administrators did not attempt to change the basic agrarian pattern for they believed in it. Instead, they aimed at bolstering it at its weakest points. Thus, their most radical move was to limit the enhancement-of-rent powers of the Avadh landlords, although this step was taken only when the 'rental market' had become a farce.

Such stopgap reform was, however, inadequate. The pressure of population on the available arable land and the inability of

raiyyat to produce a return commensurate with the rent continually "outpaced" reform. Further reform, to be effective, would need to take cognisance of these facts.

<sup>1</sup>Dodwell, H.H., Allan, J. and Haig, T.W., The Cambridge Shorter History of India (Cambridge, 1934), 586. Also, Davies, C.C., An Historical Atlas of the Indian Peninsula (Madras: Oxford, 1949), 52.

<sup>2</sup>CSHI, 592. Also, Misra, B.R., Land Revenue Policy in the United Provinces under British Rule (Benares: Nand Kishore & Bros., 1942), 43.

<sup>3</sup>Misra, op. cit., 43-4.

<sup>4</sup>Ibid., 44. Also, Dutt, R.C., The Economic History of India Vol. I - Under Early British Rule (London: Routledge and Kegan Paul, 7th ed., 1950), 172.

<sup>5</sup>Treaty between the Nawab of Oudh and the East India Company, 10 November 1801, recorded in Muir, Ramsay, The Making of British India (No. XXVIII Historical Series, University of Manchester; Longmans Green, 1917), 215. Also, Hunter, W.W., The Imperial Gazetteer of India (9 vols. London: Trubner, 1881), VII, 168.

<sup>6</sup>The 'Ceded Districts': Azamgarh, Gorakhpur, Basti, Allahabad, Fatehpur, Cawnpore, Etawah, Mainpuri, Etah, Shahjahanpur, Budaun, Bareilly, Pilibhit, Moradabad, Bijnor and the Tarai; Baden-Powell, B.H., The Land Systems of British India (3 vols. London: Oxford, 1892), II, 4. The district of Farrukhabad was ceded in 1801 by separate treaty with the Nawab of Farrukhabad, Hunter, op. cit., III, 250.

<sup>7</sup>Hunter, op. cit., VII, 168. Also, Davies, op. cit., 58.

The Delhi territories later became part of the Punjab. The 'Conquered Districts' remained: Agra, Muttra, Aligarh, Bulandshahr, Meerut, Muzaffarnagar and Saharanpur; Baden-Powell, op. cit., II, 4.

<sup>8</sup>Hunter, op. cit., VII, 169.

- <sup>9</sup>Districts Dehra Dun, Garhwal and Kumaun; idem. cit...
- <sup>10</sup>Baden-Powell, loc. cit...
- <sup>11</sup>idem...
- <sup>12</sup>Davies, op. cit...
- <sup>13</sup>CSHI, 694. Also Misra, op. cit., 99.
- <sup>14</sup>CSHI, Loc. cit... In 1837 Auckland had negotiated a treaty which gave the Company power to intervene in Oudh's internal affairs.
- <sup>15</sup>Canning, letter of 17 June 1858, cited in Report, I, 110.
- <sup>16</sup>CSHI, 694. Light was also thrown on the position during the later investigation into tenant rights. Irwin records one tenant as saying, "The Taluqdar could loot an asami if he would; it was always a state of disturbance during the Nawabi". Irwin, H.C., The Garden of India or Chapters in Oudh History and Affairs (London: Allen, 1880), 252.
- <sup>17</sup>Hunter, op. cit., VII, 224.
- <sup>18</sup>The Cambridge History of India, ed. H.H.Dodwell (6 vols. Cambridge, 1929), Vol.V. British India 1497-1858, 448-9.
- <sup>19</sup>The Benares Permanent Settlement Regulation, Regulation I of 1795, clause 2, in The United Provinces Local Acts with Bengal Regulations and Important Rules and Annotations, ed. B.P. and V.D. Agarwala (2 vols. Allahabad: Ram Narain Lal, 3rd ed., 1941), I, Appendix A, ii.
- <sup>20</sup>idem. See also, Duncan to Cornwallis, Governor-General in Council, despatch from Benares, 25 November 1790, para. 2, in U.P. State Records Series. Selections from English Records No. 1. Banaras Affairs 1788-1810. Volume I. ed. G.N.Saletore (Allahabad: Government Central Record Office, U.P., 1955), 194.

<sup>21</sup>Duncan to Cornwallis, 25 November 1790, in English Records No. 1, loc. cit.. The one year leases having expired, these amils were to receive new leases for the ensuing ten years; those under five year leases were to have the remaining four years confirmed and then continued for six years at the jama of the fourth year. I of 1795, cl. 2, in Local Acts, loc. cit..

<sup>22</sup>See I of 1795, Preamble, in Local Acts, loc. cit., which notes that Cornwallis had determined to introduce into Benares "as far as local circumstances will admit, the same system of interior administration as has been established in the Provinces of Bengal, Bihar and Orissa ...". Duncan notes, in Duncan to Cornwallis, 25 November 1790, English Records No. 1, loc. cit., that along with the Governor General's instructions of 17 June 1789 he had received "the instructions for the Permanent Settlement of Bihar ... having for their declared object the ascertaining and limiting of the demand of Government securing to its subjects in perpetuity the quiet enjoyment of the fruits of their industry". These Bihar instructions were to be applied to Benares "as far as possible", Duncan to Messrs. Neave and Treves, deputed to superintend the formation of certain parts of the Mofussil Settlement, Benares, 20 November 1789, para. 5, in English Records No. 1, 186.

<sup>23</sup>Duncan to Cornwallis, 25 November 1790, para. 111, in English Records No. 1, 229.

<sup>24</sup>Duncan to Cornwallis, 25 November 1790, para. 15, in English Records, 1, 198.

<sup>25</sup>Duncan to Neave and Treves, 20 November 1789, paras. 2 and 3 in English Records No. 1, 183. See also I of 1795, Title: "For the more general restoration of the ancient zamindars", Local Acts, loc. cit..

<sup>26</sup>Duncan to Cornwallis, 25 November, 1790, para. 17 in English Records No. 1, 198-9. Duncan states that 2000 out of 5000 zamindars remained out of possession.

<sup>27</sup>Duncan to Cornwallis, 25 November 1790, para. 3-5, in English Records No. 1, 194-6. See also correspondence between Duncan and the Raja, 12 January 1790 to 25 January 1790, in ibid., 189-194.

<sup>28</sup>Duncan to Cornwallis, 25 November 1790, para. 19, in English Records No. 1, 199. "The proportion which the several parts of the settlement ... bear to each other are with Zamindars  $\frac{2}{3}$ ds with farmers  $\frac{1}{4}$  and Cacha (or where the collectors continue to be made directly from the Ryots) one twelfth".

<sup>29</sup>I of 1795, c. 3(6) in Local Acts, iv-v.

<sup>30</sup>Misra, op. cit., 46 footnote.

<sup>31</sup>Baden-Powell, op. cit. II, 5-7.

<sup>32</sup>I of 1795, cl. 2 in Local Acts, iii. The settlement was thus declared permanent during the decennial settlement. The assessment for this was to be the highest jama in the pattas which the zamindars, or other holders, held for the decennial settlement.

<sup>33</sup>Duncan to Cornwallis, 25 November 1790, para. 146, in English Records No. 1, 245-6.

<sup>34</sup>See for example, C.Raikes, Settlement Officer Ghazipur to E.P.Smith, Commissioner Benares Division, 1 November 1841, in Proceedings of the Sadr Board of Revenue for the North-Western Provinces (ms. Government Central Record Office, U.P., Allahabad), 30 June 1843, consultation no. 8. Also, C.Chester, Settlement Officer Benares to D.B.Morrieson, Officiating Commissioner Benares Division, 10 November 1842, forwarding Settlement Report of the Revised Settlement of Benares District, in Proceedings, 29 October 1844, 3.

<sup>35</sup>The Benares Permanent Settlement (Supplemental) Regulation XVI of 1795, clause 4 (2) in Local Acts, viii. See also, I of 1795, cl. 3 (2), ibid. iv.

<sup>36</sup>XVI of 1795, clause 5(1), in Local Acts, viii.

<sup>37</sup>Jafri, S.N.A., History and Status of Landlords and Tenants in the United Provinces (Allahabad: Pioneer Press, 1930), 95.

<sup>38</sup>Misra, op. cit., 47.

<sup>39</sup>Duncan to Cornwallis, 25 November 1790, para. 61, English Records 1, 212.

<sup>40</sup>Roberts, Settlement Officer Parganas Dudhi and Singrauli, to E.A.Read, Commissioner of Benares, in Mirzapore Collectorate. Pre Mutiny Records. Vol. 249 (ms. Government Central Record Office, Allahabad), 3 August 1850, 71, para. 5.

<sup>41</sup>Misra, op. cit., 48.

<sup>42</sup>Wellesley to Routledge, despatch from Bareilly, 23 May 1802, para. 2, in U.P. State Record Series. Selections from English Records No. 2. Henry Wellesley's Correspondence (1801-1803), ed.

G.N.Saletore (Allahabad: Government Central Record Office, U.P., 1955), 62-3. See also, "Instructions to the Collectors for Making the Settlement of the Ceded Provinces from the Commencement of the Fussily Year 1210", para. 2, in ibid., 71.

<sup>43</sup>T.Fortescue, Assistant Secretary, to John Routledge, Collector of Goruckpoor, despatch from Bareilly, 14 July 1802, para. 4, in ibid., 70.

<sup>44</sup>In the Conquered Districts this first settlement was for one year, so as to keep it in step with the Ceded Districts. Dutt, op. cit., I, 177.

<sup>45</sup>"Instructions to the Collectors ...", para. 14, English Records No. 2, 73-74.

<sup>46</sup>idem.

<sup>47</sup>Baden-Powell, op. cit., II, 161-181.

<sup>48</sup>Commissioners' letter to Collectors, 7 September 1807, cited in Misra, op. cit., 21-2.

<sup>49</sup>Report, 13 April 1808, cited in Dutt, op. cit., I, 178.

<sup>50</sup>Baden-Powell, op. cit., II, 19.

<sup>51</sup>See, Moreland, W.H., The Revenue Administration of the United Provinces (Allahabad: Pioneer Press, 1911), 31-2. Also "Settlement Officer's Manual 1852", cited in Report, 102-3. Also, Whiteway, Report of the Settlement of the Muttra District, 1879, cited in Misra, op. cit., 71.

<sup>52</sup>The controversy is detailed in Baden-Powell, op. cit., II, 14-23, Misra, op. cit., 20-5 and Dutt, op. cit., 178-190.

<sup>53</sup>Baden-Powell, op. cit., II, 20-3. Also, CHI, V, 81.



<sup>54</sup>CHI, loc. cit..

<sup>55</sup>Regulation VII of 1822, section 1, in The Regulations of the Government of Fort William in Bengal, in Force at the End of 1853, prepared by Richard Clarke (London: J. and H. Cox, 1854) Vol. II: Regulations from 1806 to 1834. cited in Neale, W.C., The Relationship of Land Tenure to the Economic Modernisation of Uttar Pradesh (unpublished Ph.D. thesis, London School of Economics, University of London, 1953), 11 1.

<sup>56</sup>Misra, op.cit., 64.

<sup>57</sup>idem.

<sup>58</sup>Baden-Powell, op. cit., II, 27. Also Neale, op. cit., 291.

<sup>59</sup>CHI, V, 83.

<sup>60</sup>Dutt, op. cit., I, 390.

<sup>61</sup>Campbell, George, Tenure of Land in India in the Cobden Club's System of Land Tenure in Various Countries (London: MacMillan, 2nd ed., 1870), 190. Bentinck, the Governor General, is presumed to have suggested the 12 year rule; CHI, V, 83. Also, CSHI, 706.

<sup>62</sup>Campbell, op. cit., 188.

<sup>63</sup>ibid., 191-2.

<sup>64</sup>See, for example, "Circular Order on Classification of Tenures" proposed by Mr. J. Thomason, Member of Board of Revenue, Proceedings, 4 April 1843, no. 7.

<sup>65</sup>Cf. G. Tyler, Collector Aligarh to R.H. Boddam, Commissioner Agra, 7 April 1834, Proceedings, 27 January 1835, no. 28; "The rights of the Assamees seem to consist in their privilege of holding the land they cultivate as long as they continue and are willing to pay the stipulated rent of their engagements". Also, C.G. Mansel, Settlement

Officer Agra to R.N.C.Hamilton, Commissioner Agra, 30 April 1841, Proceedings 1 October 1841, no. 17: "the right of the old assamees, resident in the Estates, to some protection from arbitrary exaction is certainly the constitution of this part of the country". Also, E.Thornton, Settlement Officer Muzaffarnagar to G.F.Franco, Commissioner Meerut, 14 August 1841, Proceedings, 12 October 1841, no. 29: "those who have right of occupancy for as long as they continued to pay the amount due from them ...".

<sup>66</sup>Dalhousie to Outram, 14 February 1856, cited in Misra, op. cit., 100. The taluqdars were generally similar in character to the zamindars. They had been the revenue collecting agents during the Nawabi rule in Avadh. In the decay of that power they consolidated their general administrative control in the taluqa under their jurisdiction. These were larger than the usual zamindari mahals (estates).

<sup>67</sup>Hunter, op. cit., VII, 230. Hunter cites, amongst others, the case of Raja Man Singh whose estate was reduced from 577 villages to 6 villages, with a fall in income from £20,000 to £300.

<sup>68</sup>Irwin, op. cit., 180. These taluqdari villages were 2/3rds of the total area of Oudh, Hunter op. cit., VII, 230.

<sup>69</sup>Misra, op. cit., 101. See also Hunter, op. cit., VII, 231 who blames the settlement for the violence and extent of the Mutiny in Oudh.

<sup>70</sup>Misra, op. cit., 103.

<sup>71</sup>Campbell, op. cit., 221.

<sup>72</sup>Irwin, op. cit., 203.

<sup>73</sup>Sanad, cited in Report, 112.

<sup>74</sup>Outram, Memorandum to Government of India, 15 January 1858, cited Misra, op. cit., 103.

<sup>75</sup>Irwin, op. cit., 193.

<sup>76</sup>Calcutta Review, September 1860, cited in Irwin, op. cit., 192-3.

<sup>77</sup>Irwin, op. cit., 197. Of the 23,543 villages 22,637 were settled with taluqdars. This represented about 2/3rds of the total number of villages in the province, the rest being held by single zamindars, joint village bodies or groups of shareholders (pattidars).

<sup>78</sup>Circular No. 162/2679, 24 November 1859, cited in Report, 116.

<sup>79</sup>Irwin, op. cit., 202-3.

<sup>80</sup>'Record of Rights' Circular, September 1860, para. 31, cited in Irwin, op. cit., 210: "The Chief Commissioner has determined to make no distinction in the records between cultivators at fixed rates and cultivators at will".

<sup>81</sup>The controversy is dealt with in Misra, op. cit., 108-119, 150-6.

<sup>82</sup>Speech of Maharaja Man Singh to British Indian Association cited in Irwin, op. cit., 251. It is interesting to read along with this Campbell's account of the rise of the Maharaja's house from which it is clear that the Maharaja's uncle, a Bihari who began in the service of the Company, received his taluqdari from the Nawab, for services rendered.

<sup>83</sup>Misra, op. cit., 138.

<sup>84</sup>Irwin, op. cit., 292.

<sup>85</sup>Ibid., 294.

<sup>86</sup>Ibid., 295. Also Baden-Powell, op. cit., II, 246.

<sup>87</sup>Baden-Powell, loc. cit..

<sup>88</sup>Irwin, op. cit., 299.

<sup>89</sup>Ibid., 219. Cites Settlement Report of Partabgarh by C. Moss King.

<sup>90</sup>Campbell, op. cit., 224-5.

<sup>92</sup>Cf. Misra, op. cit., 122.

<sup>93</sup>Cf. Knowles, L.C.A., The Economic Development of the British Overseas Empire (2 vols. London: Routledge, 1924 and 1930), I, 413: "(Tenancy legislation) is another instance of the way in which India dealt a blow at laissez-faire theories. The optimism of the early period had to give way to legal regulation. There thus began a series of most interesting social experiments in land legislation for the protection of the tenants which twenty years later were applied to Ireland".

<sup>94</sup>Cf. Anstey, Vera, The Economic Development of India (London: Longmans, Green, 4th ed., 1952), 102.

<sup>95</sup>Campbell, op. cit., 164-5.

<sup>96</sup>Cf. Pillai, P.P., Economic Conditions in India (London: Routledge, 1925), 102.

<sup>97</sup>Martin, Montgomery, The History, Antiquities, Topography, and Statistics of Eastern India (3 vols. London: Allen, 1838), II, 539-540.

<sup>98</sup>Hunter, op. cit., VII, 169.

<sup>99</sup>It is doubtful if there was any marked increase in the population of 'Agra' in the 30 years before the Mutiny. But this is probably not important when it is realised that the population density was 377 to the square mile. In such circumstances, even slight changes could upset the balance if there was no accompanying economic improvement. Census of India 1951, Vol. II, Uttar Pradesh, Part I-A, Report, Rajeshwari Prasad, Superintendent of Census, U.P.,

(Allahabad: Superintendent, Printing and Stationery, U.P., 1953), 26, gives an outline of population growth from 1826 to 1871 and, while making allowance for the imperfect nature of the counts before 1853, maintains that the population increased only slightly. Moreover, there was always the awful spectre of famine and pestilence to carry off any increase. Hunter, op. cit., VII, 175, mentions famines in 1828, 1833 and 1837-8, the last of which, "the most terrible famine since the British occupation", devastated the whole area. Probably, considering the state of irrigation in the province, the population, which Prasad believes had remained steady over a long period, had reached an optimum level.

<sup>100</sup>Moreland, W.H. and Chatterjee, A.C., A Short History of India (London: Longmans, Green, 1936), 382.

<sup>101</sup>idem.

<sup>102</sup>Hunter, op. cit., VII, 177.

<sup>103</sup>Martin, op. cit., II, 539. See also Pillai, op. cit., 102; Knowles, op. cit., I. 412.

<sup>104</sup>Moreland and Chatterjee, loc. cit.

<sup>105</sup>idem.

<sup>106</sup>Jafri, op. cit., 120.

<sup>107</sup>Mention of conditions in Oudh has been made above, pp. 4, 11-14.

<sup>108</sup>Misra, op. cit., 124. Also, Moreland, Revenue Administration, op. cit., 56.

<sup>109</sup>Misra, op. cit., 121-5.

<sup>110</sup>Baden-Powell, op. cit., I, 642-3.

<sup>111</sup>ibid., 643.

<sup>112</sup>Neale, op. cit., 145.

<sup>113</sup>Baden-Powell, op. cit., I, 643.

<sup>114</sup>ibid., II, 172.

<sup>115</sup>Misra, op. cit., 128.

<sup>116</sup>ibid., 130.

- <sup>117</sup>Baden-Powell, op. cit., II, 173, footnote.
- <sup>118</sup>Idem... Also, Campbell, op. cit., 211; Jafri, op. cit., 121.
- <sup>119</sup>Baden-Powell, op. cit., II, 172.    <sup>120</sup>Ibid., I, 644.
- <sup>121</sup>Ibid., 645. Also, Misra, op. cit., 131-3.
- <sup>122</sup>Moens, Bareilly Settlement Report, 1874, p.54, cited in Jafri, op. cit., 136.
- <sup>123</sup>Baden-Powell, op. cit., I, 645-6.    <sup>124</sup>Irwin, op. cit., I, 645-6.
- <sup>125</sup>Baden-Powell, op. cit., II, 230.    <sup>126</sup>Ibid., 244.
- <sup>127</sup>Ibid., 243.    <sup>128</sup>Idem...
- <sup>129</sup>Irwin, op. cit., 294.    <sup>130</sup>Misra, op. cit., 120.
- <sup>131</sup>Ibid., 157.    <sup>132</sup>Irwin, op. cit., 294.
- <sup>133</sup>Neale, op. cit., 225.    <sup>134</sup>Ibid., 226.
- <sup>135</sup>Ibid., 228.
- <sup>136</sup>Agarwala, M.L., A Commentary on the Agra Tenancy Act (Being Local Act III of 1926) (Allahabad: Ram Narain Lal, 13th ed., 1935), 102, note to section 14. See also, Baden-Powell, op. cit., II, 176.
- <sup>137</sup>Misra, op. cit., 135.
- <sup>138</sup>Neale, op. cit., 152. Also Patel, G.D., The Indian Land Problem and Legislation (Bombay: Tripathi, 1954), 301.
- <sup>139</sup>Baden-Powell, op. cit., II, 175-6. Also Moreland, op. cit., 59.
- <sup>140</sup>Baden-Powell, op. cit., II, 191.
- <sup>141</sup>Basu, B.D. India Under The British Crown (Calcutta: Chatterjee, 1933), 245.
- <sup>142</sup>Baden-Powell, op. cit., II, 246.
- <sup>143</sup>Basu, op. cit., 245.

<sup>144</sup>Average rents of Oudh tenants at will were Rs. 5/8 per acre which was higher than any rents in the North-Western Provinces at the same time (see, Baden-Powell, op. cit., II, 194) and was more than double the heaviest revenue assessment in Oudh (see ibid., III, 72). Also, Misra, op. cit., 158-160.

<sup>145</sup>Baden-Powell, op. cit., II, 250-1.

<sup>146</sup>Baden-Powell, ibid., 254.

<sup>147</sup>Report of the Famine Commission, 1880, cited in Mukerjee, R.K., Economic Problems of Modern India (London: MacMillan, 1939), I, 222-3.

<sup>148</sup>Moreland, Revenue Administration, op. cit., 59-60.

<sup>149</sup>(The twelve year rule) bears hardly on the landlord, tends to excite antagonism between the landlord and tenant, and makes it the landlord's object to oust his tenant before a twelve years' 'title can accrue', Sir William Muir, 1861, cited by Sir Samuel O'Donnell, Finance Minister United Provinces, speaking in Legislative Council on Agra Tenancy Bill, 3 July 1926, in Proceedings of the Legislative Council of the United Provinces. Official Report (Allahabad: Superintendent, Government Press, U.P.), XXX, 323.

<sup>150</sup>Speech, 15 November 1900, cited in Misra, op. cit., 137-8.

<sup>151</sup>Moreland, Revenue Administration, op. cit., 60.

<sup>152</sup>Act II of 1901, Section 11. As in U.P. Revenue Companion, ed. Radha Charan (Allahabad: Ram Narain Lal, 1922). All further references to Act II of 1901 are to the text in the Revenue Companion.

<sup>153</sup>II of 1901, sec. 13.

<sup>154</sup>II of 1901, sec. 14.

<sup>155</sup>II of 1901, sec. 11.

CHAPTER III.1921 - 1947: THE YEARS OF COMPROMISE.

(i)

"The end of the World War found India in a state of suppressed excitement ... Political agitation, peaceful and wholly constitutional as it was, seemed to be working itself to a head and people talked with assurance of self determination and self-government. Some of this unrest was visible also among the masses, especially the peasantry ... The soldiers back from active service on distant fronts were no longer the subservient robots that they used to be. They had grown mentally and there was much discontent among them ... The dominant note all over India was one of waiting and expectation, full of hope and yet tinged with fear and anxiety".<sup>1</sup>

In this atmosphere the failure of the tenancy legislation of the nineteenth century became increasingly significant. Political agitation for independence, although it had some effect in the villages,<sup>2</sup> was mainly an urban middle-class matter. "The rising tide of kisan aggrandisement"<sup>3</sup> to which The Pioneer alluded was more concerned with the problem of securing the "fixity of tenure and freedom from excessive enhancement"<sup>4</sup> which the earlier legislation had not succeeded in providing.

In Avadh, the protection afforded to the tenants by the Rent Act of 1886 disintegrated from the pressure of 'economic growth'. Under its provisions, enhancement was limited to  $6\frac{1}{4}$  per cent. at the end of each statutory period of seven years. This was its weakest point and it was here that it failed.



"For some time the limit seems to have worked well; but as time went on and railway communications improved and new markets sprang up, particular classes of land improved enormously in value. Those landlords who did not wish to evade the law by going beyond this limit resorted to enhancement to taking premiums in advance. From that beginning the practice grew to a very serious proportion".<sup>5</sup>

Caught in a growing demand for land<sup>6</sup> the resourceless Avadhi cultivator was powerless to resist. He had to comply or forego his chance of subsistence. For the tenant in possession of land nazrana (premium payment) was the means of preventing the ejection against which the law gave no protection once the statutory period was over.<sup>7</sup> For the cultivator who needed land, nazrana was the necessary 'price' for admission to a holding.<sup>8</sup>

This position was most pronounced where population was heaviest and competition for land greatest. So that although the government felt that the Act had worked "fairly well" in the northern districts where the population was relatively sparse, they had to admit that it had broken down "completely" in the "densely populated" districts of southern Avadh.<sup>9</sup> Far from giving the security at which it had aimed, the Act had contained so many "loopholes for evasions that it ceased to give any effective protection to the tenants".<sup>10</sup>

In Agra the schemes for tenant security - occupancy tenancy based on twelve years' occupation and seven year leases which did not count toward occupancy rights - foundered on the opposition of the landlords. The number of occupancy-right holders increased

slowly<sup>11</sup> and often only after expensive litigation.<sup>12</sup> Twenty-five years after the passing of the Tenancy Act of 1901 the non-occupancy area, in which the tenant was largely unsecured, was still larger than that held by occupancy tenants.<sup>13</sup> Moreover, the government itself discounted much of the value of the increase in the occupancy area on the ground that it had taken place in Jhansi Division where the competition was for "tenants rather than for land".<sup>14</sup> At the same time the seven year leases remained largely inoperative. By 1925 they accounted for only 10,67,769 acres - less than ten per cent. of the non-occupancy area and only 3.6 per cent. of the total holdings in the province.<sup>15</sup> Even this meagre area was largely confined to isolated districts of the three western divisions (Meerut, Agra and Rohilkhand) and the Gorakhpur Division in the east.<sup>16</sup>

The landlords' resentment of occupancy rights caused this slow growth.<sup>17</sup> They disliked the independence of the occupancy tenant, the fact that he was able - and prepared - to "challenge the zamindar with impunity", as much as they disliked his "generally well-cultivable and cultivated lands".<sup>18</sup> Mutual antagonism generally made the occupancy tenant "a sore in the eyes of the zamindar".<sup>19</sup> There was, as a result, "a perpetual state of tension, if not of war, between the landlord and the tenant"<sup>20</sup> in which the tenants acquired rights "by litigation and chicane ... inch by inch".<sup>21</sup> From the landlords' side this tension brought suits for enhancement of rent or ejectment in ever-increasing numbers.<sup>22</sup> Where the landlord did not use litigation he coerced: there were reports from Agra Province of tenants being forced to surrender their holdings by

"fraud and oppression"<sup>23</sup> and, as in Avadh, of illegal exactions.<sup>24</sup>

It was in Southern Avadh that the discontent and dissatisfaction of the tenants first manifested itself. Less secure than in Agra province, the Avadhi tenants - mostly non-occupancy tenants - had to endure the exactions of the taluqdars - "the zamindari system at its worst".<sup>25</sup> As they formed a fairly homogeneous group with similar problems they developed a unity of purpose which became an agrarian movement. They were, says Nehru, "at white heat, a spark would have lighted a flame".<sup>26</sup> The whole countryside was

"afire with enthusiasm and full of a strange excitement.

Enormous gatherings would take place at the briefest notice by word of mouth. One village would communicate with another, and the second with the third, and so on, and presently whole villages would empty out and all over the fields there would be men and women and children on the march to the meeting place".<sup>27</sup>

Much of this sense of unity came from the work of local leaders, figures such as Pandit Gaurishankar Misra, a vakil (attorney) who had renounced his profession to work for the kisans<sup>28</sup> and Baba Ramachandra, an itinerant minstrel who, having returned from the Fijian sugar-cane fields, wandered through the Avadh districts reciting the Ramayana. Ramchandra's use of the traditional greeting, "SitaRam", as a catchcry - it was this which Nehru heard calling the villages together - was indicative of his methods.<sup>29</sup>

This spontaneous movement drew strength and inspiration from the broader leadership of the Congress organisation which had itself been revitalised in the immediate post-war years by the methods and personality of M.K.Gandhi.<sup>30</sup> The principle of satyagraha provided them with a weapon,<sup>31</sup> and at the end of 1920, when the arrest of several of their leaders provided the spark, the anger of the kisans flared into a movement which spread through the districts of Partabgarh, Rae Bareli and Faizabad, demanding "no nagrana, no ejectment".<sup>32</sup> In Partabgarh in the autumn of 1920 there was a 'preliminary skirmish'. Several kisan leaders were arrested for a minor offence. The kisans staged a passive demonstration before the court and along the road to the gaol which led to the release of the arrested men and a belief in the minds of the kisans that this was an infallible method of asserting themselves.<sup>33</sup>

The trouble in Rae Bareli began on 2 January 1921 when the crops of a taluqdar were destroyed and a large mob began moving through the countryside, looting and destroying property. The south of Rae Bareli district "rapidly assumed a state of anarchy, dacoity and bazar lootings". On 6 January 1921 a clash with police in the town of Fursatganj led to shooting in which five persons died. Further firing took place at Munshiganj on 7 January when a large crowd, moving towards the gaol in which those arrested in the earlier disturbances were imprisoned, was stopped at a bridge over the River Sai. Jawahar Lal Nehru attempted to disperse them but before he could do so the police had opened fire and killed at least four persons. The police later claimed that they had been

provoked by the kisans throwing stones and hitting them with lathis.<sup>34</sup>

The Faizabad disturbances, which began with an attack on a zamindar on 12 January 1921, were much more violent. Looting was extensive, as many as 65 houses in 30 villages in the eastern half of the district being robbed by 14 January 1921. The police arrested 346 persons.<sup>35</sup> Further disturbances occurred on the 23 and 29 January 1921,<sup>36</sup> but by then the "determined attack of the Government" had broken the kisans' spirits.<sup>37</sup>

Later in the same year there was a similar series of outbreaks in the Lucknow District - the Eka or Unity movement - which spread to Sitapur and Hardoi districts in the northern part of Avadh, but it had little organisation or leadership and as it became closely aligned with the non-cooperation movement the government took strong measures against it and it, too collapsed.<sup>38</sup>

These outbreaks were not, however, in vain. They aroused the 'kisan conscience' of the Congress and, through the influence of Gandhi, it became more and more a mass agrarian organisation.<sup>39</sup> Kisan Sabhas, the kisans' own organisations continued to exist, particularly in the economic sphere where they were relatively safe.<sup>40</sup> And, perhaps most important of all, the government realised that it had to repair the tenancy legislation of the Province, which it attempted in the Oudh Rent (Amendment) Act, IV of 1921.<sup>41</sup>

(ii)

Under the provisions of Act IV of 1921, the Avadhi non-occupancy tenant became a statutory tenant with the right to hold for ten years

"from the date of the last change in his rent or the last alteration in the area of his holding, or, where no such change or alteration has taken place, from the date of which the tenant was admitted to the occupation of the holding".<sup>43</sup>

In the case of tenants admitted after the commencement of the Act, this was to be from the time the tenant was admitted "at a rent agreed upon with the landlord in accordance with the provisions of (the) Act".<sup>44</sup>

This increase in the statutory period from seven to ten years was in itself important. The Act, however, went further and provided that "when a statutory tenant dies, his heir shall be entitled to retain occupation of the holding at the rent payable by the deceased for a period of five years from the date of the tenant's death".<sup>45</sup> The cultivator was then liable to summary ejectment although he was to receive compensation for improvements which he had made to the holding.<sup>46</sup>

At the end of the statutory period the tenant's rent was liable to enhancement on a notice served by the landlord.<sup>47</sup> The tenant had the right to contest this notice<sup>48</sup> and if this appeal was upheld on the grounds that the enhancement proposed was inequitable, the enhancement was to be determined by the Court.<sup>49</sup> If the tenant did not contest the enhancement and remained on the holding, or if he agreed to the rent as enhanced by the Court, he had the right to hold the land for a further ten years, at the higher rent.<sup>50</sup>

To help the Courts in determining enhancements the Act instituted "roster years".<sup>51</sup> Rather than leave to the Courts the

decision as to what constituted a reasonable rent for a statutory tenant, the government was to appoint Special Officers who would determine, every tenth agricultural year, for the different classes of soil within each district, the "fair and equitable rates of rent for statutory tenants".<sup>52</sup> The rates were to be based on

"genuine, adequate and stable rents which are paid by substantial tenants who depend for their livelihood on the produce of their holdings, and can be paid without hardship over a series of years, due regard being had to movements in prices, ... the letting value of land ... (and) the extent to which caste is taken into account in determining the rent payable by tenants ...".<sup>53</sup>

The Court was then to use these rates in determining the enhancement of statutory rents, unless the land for which the suit was brought was markedly superior or inferior to the other lands in the circle<sup>54</sup> or the landlord had been responsible for an improvement which increased the productive power of the holding.<sup>55</sup> The rates also helped to determine the rents of other tenant groups since expropriatory rents which were more than four annas in the rupee, and occupancy rents which were more than two annas in the rupee, below "the fair and equitable rate payable by statutory tenants of the same class for land of the same class or classes of soil" were liable to enhancement.<sup>56</sup> The regulation of rents by revenue officials therefore ran through the whole gamut of the tenant system, in an attempt, as W.C.Neale points out, to do what the 'market' had failed to do: the adjustment of the rent to what the land could bear.<sup>57</sup>

The statutory tenant was not freed from the landlord's power to eject him during his statutory period. He was of course liable to ejectment at the end of that period if he refused to pay the rent enhanced by the Court<sup>58</sup> but he was also liable to ejectment for arrears of rent at any time, on the suit of the landlord.<sup>59</sup> In addition, he was "liable to ejectment from his holding during the currency of his tenancy" if he misused or illegally sublet the holding.<sup>60</sup> These grounds were not new, but the additional provision that a landlord could eject a paikasht tenant if he wished to let the land to a khudkasht tenant<sup>61</sup> was a new provision which did nothing to increase the security of as many as ten per cent. of Avadhi cultivators.<sup>62</sup>

In return for these changes - they were only partly improvements - in the position of the statutory tenant, the landlord's power to take land under his absolute control was increased. The most important of these lands were the sir lands, the traditional 'home-farm' lands of the owner. The 1921 Act safeguarded sir which the landlords already held or were acquiring under the provisions of the original Act,<sup>63</sup> but as well it allowed them to add to this the khudkasht land which they had held in the agricultural year ending 30 June 1921.<sup>64</sup> After the Act came into force, further sir could be created by continuous "personal cultivation" for ten years subject to the limitation that this new sir, added to that already held, could not exceed

"in the aggregate, one-tenth of such portion of the total cultivated area of the village as is proportionate to the



extent of his proprietary or underproprietary right in the village".<sup>65</sup>

In addition to increasing his power to acquire sir, however, the Act gave the landlord a new right<sup>66</sup> to apply to the Deputy Commissioner to acquire land from a statutory or non-statutory tenant for

"any of the following purposes, namely, - (a) for agricultural development, including demonstration or model farms, dairy farms, poultry farms, stock-breeding, horticulture or any similar purpose; (b) for mills or factories for industrial purposes; (c) for his own cultivation, and of members of his family dependent on him for maintenance; (d) for sites for hamlets or markets; (e) for the erection of houses for tenants or labourers; (f) for groves; (g) for planting trees; (h) for opening or working a limestone, brick-earth, kankar or other mineral quarry, or a clay, sand or gravel pit, or for the construction of any works or buildings used in connection therewith; (i) for making any water-course, reservoir or canal; (j) for making any road, railway or tramway; (k) for building houses, outhouses, thanas or godowns for the landlord; (l) for any religious, educational or charitable purpose".<sup>67</sup>

These multifarious private uses were broadly aimed by the Government at increased investment by the landlords. They seem, however, to have struck the landlords as having a rather different purpose. The Collector of Partabgarh District reported that

"an indebted zamindar seriously suggested that if he were allowed to acquire fifty bighas for a farm he could pay off part of his debts by raising fifteen or twenty thousand rupees as nazrana by threatening to acquire tenant's land under section 30A".<sup>68</sup>

Although the tenant had the right to compensation of up to four times the annual rent and could sue for repossession if the landlord did not make use of the land as had been intended,<sup>69</sup> the landlord had acquired a new hold over the non-occupancy tenant<sup>70</sup> which in many ways negated the advances which the Act made in his status.

The landlord's powers in the collection of arrears of rent were also increased. Although the Act made the exaction of excess rent and nazrana illegal,<sup>71</sup> it preserved the landlord's power of distraint over

"standing crops and other ungathered products of the earth, and crops and other products when reaped or gathered and deposited in any threshing floor or place for treading out grain or the like, whether in the field or within a homestead,"<sup>72</sup> and it gave him the right to apply to the Collector "in case of any general refusal on the part of underproprietors or tenants ... to pay arrears of rents, rates or cesses" to have these recovered, officially, as arrears of land revenue.<sup>73</sup> The overall advantages which these powers gave to the landlords helped to tilt the balance of the 'exchange' even more in their favour.

This process of legislative change was, moreover, a continuum. Once it had been made in Avadh, it became impossible for the

Government to ignore the needs - and the dangers - of the position in Agra. A Select Committee was therefore established in 1924<sup>74</sup> to consider the matter so that amendments to the Agra tenancy laws (which were eventually embodied in the Agra Tenancy Act, III of 1926) could be introduced

"while the province was happily at peace, so as to remove in good time such grounds for agrarian discontent as might afford fuel for grave mischief if such another wave of ferment and excitement ... were to impinge again upon the province".<sup>75</sup>

How sensitive the agrarian situation was in Agra, was demonstrated when the plans of the Government were announced. The Board of Revenue reported that applications for ejectment rose by fifty per cent. throughout the province<sup>76</sup> and this was confirmed by reports from the districts.<sup>77</sup>

The provisions of the Agra Tenancy Act, III of 1926, followed the same general pattern as in Avadh, though with less gain to the landlords: the statutory tenancy was broader, the requirements for sir rather more stringent. The Agra act did, however, tend to bring the law of the two provinces much closer together. In particular, the tenant structure assumed a much more standard appearance. Before the 'twenties, occupancy tenancy had been the norm in Agra, while in Avadh this had been taken to be, firstly, non-occupancy and then, statutory, tenancy. This is not to say that Agra did not have large numbers of non-occupancy tenants but merely that it was accepted that the eventual position ought to be that all tenants of

unexceptional lands should have at least a right of occupancy.

There was no such assumption in Avadh. With the new tenancy legislation, however, statutory tenancy became the norm for both provinces for Act III of 1926 ended the accrual of occupancy rights by the 'twelve year rule'. It preserved those occupancy rights which had already been gained and, as well, gave occupancy rights to tenants on government estates<sup>78</sup> but in the future allowed occupancy rights to accrue only from purchase or by being specifically conferred by a proprietor.<sup>79</sup>

Statutory rights were given to non-occupancy tenants except sub-tenants and those on certain specified lands: sir, pastures, areas of unstable cultivation and public lands.<sup>80</sup> The statutory tenancy was, in Agra, a life tenancy<sup>81</sup> and the heir of the tenant was entitled to continue the tenancy for five years.<sup>82</sup> The heir was then liable to ejectment<sup>83</sup> but if the landlord took no steps to eject him for three years from the end of his tenancy, he was to be "considered to have been admitted to the holding ... (and) deemed to be a statutory tenant."<sup>84</sup>

The initial rent of a statutory tenant was to be "as may be agreed upon between him and his landholder".<sup>85</sup> This could then be enhanced by suit on the grounds that the rent was "less than the fair and equitable rate payable by statutory tenants for land of the same class or classes of soil"; that the productive powers of the land had been increased by fluvial action or by an improvement carried out by the landlord; that the area of the holding had been increased by alluvion or by encroachment or, finally, that there had been "a

rise in the average local prices of staple food crops".<sup>86</sup> The rent was reduced when these factors were unfavourable to the tenant.<sup>87</sup>

The "fair and equitable rate payable by statutory tenants" was to be determined, along with fair and equitable rates for occupancy tenants, by the roster year system.<sup>88</sup> The procedure differed from Avadh mainly in that every twentieth year, and not every tenth year, was to be a roster year.<sup>89</sup> The "standard rates" for statutory tenants derived from the calculations of the roster year were to be based on "genuine, adequate and stable rents paid by substantial tenants" as in Avadh.<sup>90</sup> The standard rates for occupancy tenants were to take account, in addition to "movements in prices, and rents and the letting value of land", of the "existing level of occupancy rents", a distinction being made between old and new holdings.<sup>91</sup> These standard occupancy rates were to be used in determining suits for enhancement of exproprietary as well as occupancy rents. In Avadh these had been measured against statutory rents but in Agra, exproprietary rents more than two annas in the rupee below the "fair and equitable rate payable by occupancy tenants for the same class of land" were liable to enhancement.<sup>92</sup> There were, therefore, differences only of emphasis between the roster year systems of the two provinces, with Agra, as usual, rather more liberal.

So also in the matter of ejectment; there was no provision for the ejectment of paikasht tenants as in Avadh and the statutory period was for the tenant's life, but the other grounds were identical. Arrears could be satisfied by ejectment - even before they were decreed<sup>93</sup> - and an illegal transfer or sublease,<sup>94</sup> trespass, misuse

and an act inconsistent with a lease<sup>95</sup> were all grounds for ejectment.

The position of the landlord in the two provinces was also generally similar. The additional powers granted to both groups differed only in detail; the relatively stronger position of the taluqdars rested on nineteenth century developments which later governments found it difficult to bypass.

The Agra landlords gained additional rights to sir and the power to acquire land for their own use and for the first time, permanent-tenure holders were permitted to acquire sir.<sup>96</sup> The Act preserved the sir which was already in the possession of the landlords - that recorded as such in the preceding record of rights, that recognised by village custom as the "special holding" of a co-sharer, and that land cultivated continuously by the landholder for twelve years before 1 January 1902. It then added to this the landholder's khudkasht of the agricultural year ending 6 September 1926<sup>97</sup> and provided that the landholder could acquire further sir after 1926 by continuously cultivating land for ten years, provided that the total sir holding kept within certain limits:

"If the cultivated area in the mahal  
owned by the landlord or held by the  
permanent tenure-holder is not more  
than thirty acres

Fifty per cent. of  
such area.

If such area is more than thirty but  
not more than six hundred acres

As above on thirty acres  
and fifteen per cent. on  
the balance.

If such area is more than six

hundred acres

As above on six hundred acres

and ten per cent. on the

balance".<sup>98</sup>

The Agra zamindar was more favourably placed than the Avadh taluqdar in the matter of the acquisition of land. He was given power, as in Avadh, to acquire land from statutory tenants for various 'developmental' purposes,<sup>99</sup> but he was also given power to acquire land from exproprietary and occupancy tenants, although only for the "purpose of farming on improved lines".<sup>100</sup> It was more costly for the landlord to acquire occupancy or exproprietary land for the Collector had to find "land with similar advantages" for the displaced tenant, or award him compensation of six times the annual rent.<sup>101</sup> Compensation for statutory tenants whose land was acquired was placed at four times the annual rental value of the land based on "standard rates".<sup>102</sup> In both cases the tenant could sue for repossession if the landlord did not use the land for the purpose for which it was acquired, or used it for some other purpose within two or if the land was let to another tenant within six years.<sup>103</sup> The provisions were more liberal than in Avadh but the principle was hardly more enlightened.

This legislation had faced one very serious practical problem: "the patent difficulty of getting a Legislature on which the landlords predominated"<sup>104</sup> to make far-reaching changes in the agrarian structure.

The landlords were themselves very conscious of their supremacy.

Raja Jagdish Prasad, a leader of the Agra zamindars made this clear in the Legislative Council in 1926.

"The attitude of the Government seems to be that if this concession of life tenancy is not conceded, then they will perhaps withdraw the Bill. In my opinion, Sir, if we the zamindar members are unable to secure more concessions in the rest of the Bill, it is of course open to us at the last stage to throw out the Bill".<sup>105</sup>

The government were also very much aware of this dominance. In Avadh they "conducted long and anxious negotiations with that great body known as the taluqdars of Oudh" so that they were able "to produce the Bill with their free consent as to the main principles involved".<sup>106</sup> Yet even then the government had to report that

"The taluqdars have not seen their way to grant the concession of hereditary rights to tenants which they regard as a breach of their proprietary rights and the Government, in view of the fact that this Bill is a compromise, have not embodied this provision in it".<sup>107</sup>

In Agra the government shelved its plans for universal occupancy rights and "contented" itself with "asking for statutory rights".<sup>108</sup>

The legislation was more than mere compromise. In order to obtain from the landlords those concessions which they did, the Government felt it necessary to grant "concessions to the landlords about the abstract equity of some of which ... (they were) doubtful".<sup>109</sup> Reform therefore became nothing more than exchange. This situation was not new in agrarian legislation; it is probably



true to say that all previous acts were compromises in actual fact.<sup>110</sup> Now, however, the situation demanded so much more. Compromise was insufficient. It was however what the provinces received: extended landlord powers were the quid pro quo for extended tenant rights.

The legislation satisfied very few. Even as it passed, leaders of all three interested groups, Government, landlords and tenants, expressed doubts as to its possible effects.

The landlords had most reason to be satisfied. Even so some realised that they had been fortunate. Certainly not all were as naive as the taluqdar who believed that "the three principles" of the Oudh Act (as he saw them) were: "no ejection, no nazrana and no occupancy right", and that these gave "full security to the tenantry".<sup>111</sup> Some spokesmen felt that items such as the roster year system or life tenancies might work against the landlords<sup>112</sup> but others recognised that the compromise was very favourable to the landlords<sup>113</sup> and that if anybody had suffered it was the tenants.<sup>114</sup> One zamindari spokesman during the debate on the Agra Bill went so far as to point out that the Bill contained provisions which the landlords were liable to misuse.<sup>115</sup>

Spokesmen of the "Government" echoed many of these misgivings.<sup>116</sup> The Acts represented clearly much less than they had wanted, much less than they knew was needed. Sir Ludovic Porter was prepared to be optimistic in 1921: the tenants, he felt, were

"in a position to make a fair bargain on equal terms with their landlords and I feel convinced that they will do so, and that if any rapacious landlord - such as have always

existed in a small minority and will no doubt continue to exist - attempts to extort nazrana from them in future, he will fail".<sup>117</sup>

Sir Samuel O'Donnell in 1926 was less certain. In March he felt that the Act would

"confer security of tenure and fair rents on the tenants in a much larger measure than was hitherto possible whilst securing to the landlords a fair share of the profits of the land ... (and) it will encourage that friendly co-operation between tenants and landlords on which the prosperity of both depends".<sup>118</sup>

By the end of July he was not prepared to go so far:

"Time alone can show how far we have succeeded in the objects which we placed before us ... But we have never claimed that this Bill was a final solution to the agrarian problem. We should ourselves have like to see occupancy rights conferred upon all tenants ...".<sup>119</sup>

It was, however, the small groups in the Legislative Council which debated the legislation from the 'tenant' point of view, which expressed the greatest disappointment. Pandit Hirday Nath Kunzru, a leader of the Liberal League in 1921, felt that the Act had done so little for the tenants that its real object must have been "to make concessions not to the tenants but to the landlords".<sup>120</sup> The taluqdars, moreover, by turning their backs on that opportunity for "setting their house in order" had planned their own downfall.<sup>121</sup>

Pandit Govind Ballabh Pant, the acknowledged leader of the

Swaraj Party in the Council in 1926 gave the Act little chance of survival.<sup>122</sup> By removing the principle of occupancy right and allowing the landlords to increase the area of their 'unregulated' lands, any advance in tenant security was, he claimed, "defeated in a left-handed manner".<sup>123</sup> In this he was supported by independent opinion. Mr. Tracey Gavin Jones, a European member of the Council, felt that the Bill would merely worsen relations between landlords and tenants,<sup>124</sup> while The Leader held in an editorial before the debate that statutory tenancy was "calculated to affect adversely the bulk of the tenantry in Agra"<sup>125</sup> and the power of the landlord to use the acquisition of sir as "a lever to extract nazrana or hush money from the tenant (was) a serious danger".<sup>126</sup>

(iii)

The new legislation operated as had been predicted, at least until the depression of the early 'thirties introduced unexpected aberrations. From the outset the provisions for increasing sir and for statutory tenancy were fully implemented and so the ostensible purposes of the Acts were achieved. At the same time, however, the worst fears of the critics were fulfilled by the way in which the landlords made use of their new powers of acquisition and ejectment.

The development of this abuse was more evident in Avadh than in Agra. In the former the Act operated for a decade before the economic catastrophe of the 'thirties, but even in Agra the same trend was apparent by 1930.

In Avadh, there was a thirty five per cent. increase in sir

holdings within the decade. This was general throughout the province and was accompanied by a decrease in khudkasht area. This trend is seen in Table I.

TABLE I.

SIR AND KHUDKASHT HOLDINGS, AVADH PROVINCE, 1919/20 - 1929/30.

Division	1919/20		1924/25		1929/30	
	Sir	Khudkasht	Sir	Khudkasht	Sir	Khudkasht
Lucknow	2,13,877	2,50,308	2,57,285	2,28,504	3,29,916	1,36,312
Faizabad	2,13,940	4,47,996	2,47,968	4,18,576	2,54,952	4,14,214
Avadh	4,27,817	6,98,274	5,05,253	6,47,080	5,84,868	5,50,526

SOURCE: Revenue Report, 1919/20, 62A-68A; 1924/25, 86A-92A; 1929/30, 52A-59A.

At the same time, as Table II demonstrates, the statutory tenancies, which extended to almost seventy per cent. of the total holdings area,<sup>127</sup> brought an enormous reduction in the non-occupancy area, although there was a slight re-growth in what was legally non-statutory as the original statutory tenants died and their holdings fell to their heirs.

There were, however, varied reports of the practical efficacy of the new tenancy. The Settlement Officer of Partabgarh District found that statutory rights were "valued by the tenants" because they were "less open to disturbance by the landowner".<sup>128</sup> An independent observer on the estate of the Maharaja of Balrampur in Gonda District found, however, that the new rights had not improved

TABLE II.

HOLDINGS OF STATUTORY HEIRS OF STATUTORY AND ORDINARY  
TENANTS, AVADH PROVINCE 1919/20 - 1929/30.

Year	Statutory	Heirs	Ordinary
1919/20	-	-	81,18,290
1924/25	66,27,535	4,72,659	9,43,294
1929/30	61,04,912	9.02,256	9,36,564

SOURCE: Revenue Report, 1919/20, 62A-68A; 1924/25, 86A-92A;  
1929/30, 52A-59A.

the tenants' economic position.<sup>129</sup> Moreover, while there was reputedly an increase in security in Unao District, marked by the increased construction of pukka wells,<sup>130</sup> the Settlement Officer of the district reported

"Statutory tenants hold the bulk of the area in holdings, namely, sixty per cent. but the fixity of tenure conferred by law on this class of tenant is, in this district at any rate, unreal. In practice most landlords find it easy to evict statutory tenants or to reshuffle their holdings at their pleasure without recourse to legal process".<sup>131</sup>

As early as 1922 the Commissioner of Faizabad reported that while the creation of statutory tenancy had been "an universal boon to the countryside" and had stopped "most of the nazrana exactions", "the new sections 30A, 62A and 68A have opened the way to fresh grounds of ejectment which are being seized upon by the less reputable type of landlord".<sup>132</sup> A "serious blow to the high caste tenants" had been the "power to eject tenants who (had) sublet even portions of their holdings".<sup>133</sup>

These problems continued throughout the period. In particular, section 30A - the provision for the landlord to acquire land from statutory tenants - became notorious. As early as 1923 the Board noted that the section was apparently being used to force the tenant to pay a higher rent or face ejectment.<sup>134</sup> They remarked on the same tendency in 1925, 1926 and 1927.<sup>135</sup> In the last years of the decade, however, it was reported that the landlords were beginning to realise that the courts would not permit them to use section 30A

as a "last resort" means of ejectment.<sup>136</sup>

It seemed to be hardly needed for the landlords had more convenient means of ejectment which they did not neglect to use. They ejected tenants rather than sue for arrears, because they claimed that they received their dues more quickly.<sup>137</sup> They made great use of the provisions which allowed them to eject tenants who had sublet even part of their holding and paikasht tenants - section 62A (1), clauses (b) and (e). As the Faizabad Commissioner had foreseen, clause (b) was felt mainly by high caste tenants, who often "paid" their ploughman by providing him with a small field.<sup>138</sup> If they were not ejected they often had to pay nazrana to placate the landlord.<sup>139</sup> If they were not ejected they often had to pay nazrana to placate the landlord.<sup>139</sup> This clause, moreover, gave scope to the patwari to aid the landlord by falsifying the records.<sup>140</sup> As for clause (e), even by 1926 the Government expressed the view that it had it had not "been justified by the experience of its working".<sup>141</sup> It had not, as it had been supposed in 1921 it would, made for more efficient cultivation and in many cases it had been found that the paikasht tenant was actually living closer to the holding than the tenants of the village to which the holding belonged.<sup>142</sup>

Section 67, clause 1 (b), which excluded tenancy rights from any cultivator who held any proprietary or underproprietary interest in a village, proved to be another "unhappy section".<sup>143</sup> The Pioneer claimed it had been so interpreted that a tenant who had at any time held a proprietary interest was refused statutory rights and that this had proved difficult because tenants often tried to build

up a small ancillary holding as "an asset against the rainy day".<sup>144</sup>  
The Board also commented on the misuse of this section.<sup>145</sup>

These factors in combination left the tenant almost as insecure as he had been before the amending Act; and indeed in some ways he was more harassed than before, since he had to suffer both the old and the new impositions. He remained at the mercy of the landlord in rental matters. Initial rents were dictated by the landlord<sup>146</sup> and nazrana and rent concealment vitiated the real level of rents, particularly in the southern districts.<sup>147</sup> In Rae Bareli, for instance, estates which appeared to be "moderately rented" were also those in which "large sums of nazrana (could) be and (were) frequently paid".<sup>148</sup> Even in estates where rents were high, "smaller sums" were paid to subordinate estate officials,<sup>149</sup> for the lack of personal interest by the Rae Bareli taluqdars left these officials "a free hand to mulct the tenants".<sup>150</sup>

In Unao concealment of rent was "the outstanding feature of the rental system of the district".<sup>151</sup> In this the patwaries were the willing aides of the landlords<sup>152</sup> who, besides levying nazranas as high as two years' rent,<sup>153</sup> had varied ways of disguising their real income. Some executed

"fictitious leases in the name of some relative, servant or friend at a low rent and let out the land to cultivators who were recorded as sub-tenants" but who paid rent "not to the nominal tenant-in-chief but to the landlord direct";<sup>154</sup>  
others gave a tenant "possession over a smaller area than that shown in his name and (then) re-let the area thus held back to another tenant".<sup>155</sup>



In the district of Bara Banki, though there was little concealment of rent in the sense of fictitious leases or double-letting, nazrana had reached the stage where it was "almost as much regarded as a matter of course as the payment of rent".<sup>156</sup> In "well conducted estates" a terminated lease was put up to "auction", "either on the previous rent or a slightly enhanced rent".<sup>157</sup> In "badly run estates", however, the "manager and his staff" made "private arrangements with the tenant as to the premium to be paid for the renewal of his lease", only part of the proceeds of which were paid into the estate.<sup>158</sup> In Lucknow District, though some taluqdars "screwed up the rents to an unusually high pitch", recorded taluqdari rents were usually low to allow for nazrana at the rate of "one or two years' rent".<sup>159</sup>

Nazrana continued in the Partabgarh District because the tenants were afraid of "asserting their rights and thereby involving their successors in trouble after their death".<sup>160</sup> Paikasht tenants, those with small underproprietary holdings, heirs of statutory tenants and 'new comers' were all subject to premium payments which the tenancy legislation, by reducing the opportunities for extraction from tenants in possession, often made heavier than before. The "traditional" rate of one extra rent in seven was, in the case of heirs of statutory tenants, generally increased to "two or three times the rent" on admission.<sup>161</sup> One estate collected at least Rs. 36,000 each year from nazrana which represented about twenty-six per cent. of the recorded rent.<sup>162</sup>

Such practices, and the continuation of the insecurity which

they signified, made a mockery of the tenancy legislation. The tenant in Avadh had gained little from the Act of 1921, except the rather doubtful privilege of being subjected to more - and novel - forms of oppression. As for the landlords, after only five years operation of the Act, Sir Samuel O'Donnell was able to answer them:

"I have no doubt that when the Oudh Rent Act was under discussion many landlords in Oudh feared that for them it would be the end of all things. Have such fears been realised? Will any Oudh landlord get up and say that his legitimate influence has been destroyed in Oudh? I cannot believe it. There is not a shred of evidence that the legitimate influence of the landlords in Oudh has been impaired".<sup>163</sup>

Neither the physical changes, nor the effects on landlord-tenant relations of the Agra Act of 1926 were as marked as those of the Oudh Rent Act. On the one hand, there was considerable divisional variation in sir and khudkasht changes, and on the other, a tendency for the ill-effects of the legislation to be delayed. By the end of the 'twenties, the net result was that in Agra the kisan had returned to the insecurity of the years before 1926.

The changing pattern of landlord holdings of sir and khudkasht exhibited striking differences between the eastern and western sections of the province. As Table III shows, in the western divisions - Meerut, Agra and Rohilkhand - sir increased while khudkasht declined, while in the eastern divisions - Allahabad, Jhansi, Benares and Gorakhpur - the reverse process took place. As a result

the overall provincial tendency to increase sir at the expense (presumably) of khudkasht in the years between the Tenancy Act and the depression, is considerably modified.

TABLE III.

SIR and KHUDKASHT HOLDINGS, AGRA

PROVINCE, 1924/25 - 1929/30.

(acres)

Division	1924-1925		1929-1930	
	Sir	Khudkasht <sup>+</sup>	Sir	Khudkasht
Meerut	6,09,588	5,67,253	7,34,499	4,55,808
Agra	3,49,225	2,51,668	3,52,056	2,18,292
Rohilkhand	2,73,191	2,40,843	2,90,062	2,32,701
Allahabad	3,05,626	1,77,675	2,97,312	2,16,653
Jhansi	5,13,891	4,51,022	4,98,672	4,82,575
Benares	5,60,063	1,84,026	5,41,240	1,63,946
Gorakhpur	7,89,288	5,72,751	7,70,397	6,01,010
Agra Province	34,04,234	24,61,270	34,87,061	23,42,403

+ includes thekadars' and mortgagees' cultivation.

SOURCE: Revenue Report, 1924/25, 86A-89A; 1929/30, 52A-57A.

There was in Agra, as in Avadh, a large reduction in the non-occupancy area following the distribution of statutory rights.

This is illustrated in Table IV.

TABLE IV.

HOLDINGS OF STATUTORY, HEIRS OF STATUTORY and NON-OCCUPANCY

TENANTS, AGRA PROVINCE, 1924/25 - 1929/30.  
(acres).

Division	1924-1925+	1929-1930		
	Non-occupancy	Statutory	Heirs	Non-occupancy
Meerut	13,29,892	10,83,900	47,476	1,01,585
Agra	13,08,247	9,18,658	40,669	55,402
Rohilkhand	22,63,444	13,88,547	63,773	95,710
Allahabad	14,66,916	6,67,032	27,129	1,05,639
Jhansi	20,46,912	9,24,718	41,013	2,05,104
Benares	9,29,253	3,72,070	13,858	82,586
Gorakhpur	12,21,517	7,58,275	37,706	61,704
Agra Province	1,07,19,982	61,34,716	273,021	7,24,201

+ There were of course no statutory or heirs of statutory tenants in 1924/25.

SOURCE: Revenue Report 1924/25, 86A-89A; 1929/30, 52A-57A.

The early working of the Agra Act brought an improvement in the agrarian situation. In 1927, only from Gorakhpur where the landlords attempted to acquire land under sections 40 and 41, was there any reported deterioration in relations.<sup>164</sup> There was, however, a

noticeable trend towards settling enhancement and arrears 'cases' privately as the zamindars felt they secured more favourable terms in this way.<sup>165</sup> On the whole, it was the landlords at this stage, who complained; the Board reported in 1928 that

"tenants have undoubtedly gained by the Act and realise its benefits ... The landlords, on the other hand, feel that their influence and credit are less than before".<sup>166</sup>

This followed a report from Meerut Division in the previous year that the zamindars were finding it difficult to mortgage their land.<sup>167</sup>

Yet even when the Act worked reasonably, danger signs appeared. Although acquisition powers were not used to "any appreciable extent"<sup>168</sup> in the early years, ejectments were extensive, particularly of trespassers, i.e. tenants holding land without a title.<sup>169</sup>

By 1929 these signs of deterioration had clearly set in.<sup>170</sup> There was increasing evidence of tenants refusing to pay more than the recorded rent<sup>171</sup> and this stand was resented by the zamindars who felt - and in this they were supported by the Rohilkhand Commissioner - that they had become simply "rent collectors".<sup>172</sup> Perhaps as a means of retaliation, there were increasing moves to acquire land under section 40 and 41 to get 'rid of' "unpopular tenants", a trend which the Rohilkhand Commissioner expected to cause trouble in the future.<sup>173</sup> On the eve of the slump therefore, Agra Province was moving back from the temporary improvements of 1927 and 1928, to the tensions of the period before the new tenancy Act.

The depression strengthened the tensions which had been developing in the agrarian structure during the twenties. It also redirected them, to some extent, because the reactions of the tenants became, for the first time, consciously political.

The fall in prices was evident by 1929/30.<sup>174</sup> This decline, the equivalent of a return to the price level of 1900,<sup>175</sup> made the rents and assessments based on the inflationary levels of the post-war years, insupportable.<sup>176</sup> Farming was no longer an economic proposition for statutory tenants and sub-tenants whose rents, officialdom now realised, had been increased "out of all proportion".<sup>177</sup> In the western districts the fall in prices came after a series of poor harvests<sup>178</sup> and statutory tenants there were able to continue only by defaulting.<sup>179</sup> In many cases holdings relinquished by tenants could be re-let for only fifty per cent. of the previous rent.<sup>180</sup>

The landlords themselves, faced with paying revenue demands based on the inflated prices of the 'twenties,<sup>181</sup> adopted the only methods which, apparently, they understood to meet the default on rent payments by the tenants - "suits for arrears of rent, and distrains".<sup>182</sup> In Avadh, moreover, the taluqdars, loth "to part with the relics of their territorial authority", demanded the continued payment of "oppressive and unjustifiable dues".<sup>183</sup>

Prices continued to fall in 1931 until the economic capacity of both landlords and tenants was reduced to a minimum.<sup>184</sup> Yet the landlords did not change their approach. The Commissioner of Faizabad reported that many taluqdars in Rae Bareilly had

"failed to profit by the lessons of the agrarian troubles of 1921 and ... persisted in the abuses of the nazrana system which had nearly been their undoing".<sup>185</sup>

There was increased litigation for arrears in Avadh although ejectments declined.<sup>186</sup> In Agra, while landlords ejected "privileged or undesirable tenants"<sup>187</sup> ejectment was held back by the diminished demand for land and the fact that some zamindars realised that

"there was little to gain from it where admission to a tenancy involved the accrual of statutory rights and there was little money available for premia".<sup>188</sup>

A fall in enhancement suits in Agra came, too, as the zamindars realised that the time was "most inopportune".<sup>189</sup> These decreases were, however, due "to the want of money rather than a growth of better feelings".<sup>190</sup>

In some cases the tenants attempted to make use of the conditions: tenants, even occupancy tenants, would relinquish their holdings in the hope that the landlord, unable to get new tenants, would re-let at a lower rent.<sup>191</sup> More often, however, they resented the harshness of the landlords' methods and attempted to resist. The Congress assumed the role of leader in organising "no-rent" campaigns in the Allahabad Division while at the same time they pressed the Government for adequate remissions of rent.<sup>192</sup> This campaign was partly successful. The Government granted remissions<sup>193</sup> but took exception to the "no-rent" campaign and resisted it strongly.<sup>194</sup>

There were some improvements in 1931/32, particularly in the eastern districts of Agra around Gorakhpur where a sugar "boom" made things easier, but improvements generally helped the merchants

and marwaris,<sup>195</sup> and did not solve the fundamental agrarian problem. In Avadh the continuance of low prices forced tenants to throw up holdings "rented at uneconomic rates".<sup>196</sup> Yet there were at the same time reports of landlords attempting to take illegal exactions in Faizabad<sup>197</sup> and of the continued ejection of paikasht tenants "based on the desire to gain increased rent from the incoming tenants".<sup>198</sup> In Agra there was a marked fall in litigation, the landlords accepting the fact that

"no useful purpose would be served by obtaining decrees for arrears of rent which could not be liquidated or by the wholesale ejection of tenants who could not be profitably replaced by others at a time of depression".<sup>199</sup>

The Provincial Congress Committee, however, continued to complain of the repressive treatment of tenants by police and zamindars.<sup>200</sup> The tenants, Nehru claimed, had been faced with continual demands to "pay, pay, pay or lose your lands and in addition suffer other penalties".<sup>201</sup> The zamindars exhausted both the patience and resources of the tenants.<sup>201</sup> They had little resistance left and gradually, as economic conditions began to improve, relations between zamindars and tenants settled into relative calm: political agitation lessened and there were "no-rent campaigns" only in a few "isolated instances".<sup>203</sup> In fact, the zamindars in Allahabad Division "regained their courage" and began to file suits for ejection,<sup>204</sup> a trend which continued through to 1936 and spread to both provinces.<sup>205</sup> Ejections decreased again in 1936<sup>206</sup> but by then the economic crisis was over and relations were returning to the traditional



tension and exploitation - the official "normal".<sup>207</sup>

The effects of those years were not to be shaken off so lightly, however, for it had been a time of bitterness, a trial of strength in which one of the chief consequences was that the zamindars lost their dignity, in spite of the backing of the government. They had been frightened by the militancy of the kisans - "the threat from the Left".<sup>208</sup> What was more, they had shown their fear; relations could never return quite to the "normalcy" of pre-1930, if for no other reason than that the kisans now knew the value of political pressure. Increasingly, through the growth of the kisan sabhas and the leadership of the Congress,<sup>209</sup> the kisans became a political force, conscious of their power.<sup>210</sup> This consciousness grew after the passing of the Constitution in the Government of India Act of 1935 which, by widening the franchise, gave the kisan a greater political importance.<sup>211</sup> It was a development of which the zamindars could not help but be aware.

"Since the inauguration of the present Constitution, the zamindars, though gradually, nonetheless with a great amount of certainty, have been losing ground. In the political field, their age-long influence over their tenants waned and they, before their very eyes, saw in a majority of cases their own tenants voting against their wishes ... In the financial field as well ... the zamindar finds that in spite of repeated demands his rents are not being paid and he is hard put to realise enough to pay the Government revenue much less to make both his ends meet".<sup>212</sup>

Despite this realisation the zamindars continued to act as if nothing had changed, as if there were a time-lag of a generation in their thinking. Their economic powers still buttressed their superior position in village life. These powers enabled them, despite political changes to continue to behave, at least within the village, as they felt it was their 'tradition' to behave. The world of the legislature was several spheres removed from the world of the village and often there must have seemed little relation between them.<sup>213</sup> Nazrana was illegal in Avadh yet official reports were forced to notice that it, and other illegal exactions, continued. In Bahraich nazrana was

"invariably taken by almost all estates ... at the time of giving fresh leases to new tenants or admitting the heir of a deceased tenant to the statutory tenancy of a holding ... The rate of nazrana generally varies from Rs. 1 to Rs. 10 per bigha; but in some special cases where there was keen competition for particular holdings, the rate of nazrana was even much higher than this".<sup>214</sup>

In Sultanpur there was no fixed rate

"but such (was) the land hunger of a dense population that fantastic sums (were) paid for vacant holdings put up for auction, for example, Rs. 5000 in village Itaunja Pachhim, tahsil Amethi, for a holding area of 38 bighas, and Rs. 800 by a Brahman, for 27 bighas in village Raharkpur, tahsil Sultanpur".<sup>215</sup>

In Sitapur, nazrana was realised only "here and there".

In Agra nazrana was present as well although the "more numerous body of occupancy tenants" prevented as much success as in Avadh.<sup>217</sup> In Aligarh District it was a feature of all large estates<sup>218</sup> but in Meerut "a district held predominantly by Bhaiyachara and Pattidari communities", most of the

"rent-collecting landlords (were) petty zamindars whose status (was) generally not much above that of their tenants, and they (had) not, therefore, the influence to exact more than the rents agreed upon. Moreover, the majority of the tenants themselves (were) of a spirit sufficiently independent to resist attempts at such exactions without much difficulty".<sup>219</sup>

Nazrana was, however, only one form of exaction. Tenants were under an obligation

"to devote at least one day in the season to the zamindar's land which he (had) to plough up free of charge. Closely allied (was) Begar or forced labour. The tenant (was) forced to carry loads, build houses, tile roofs or perform any other odd jobs absolutely free of charge or, at the best, for a purely nominal payment, for the zamindar and, in most cases, for his officials".<sup>220</sup>

As well, the zamindar requisitioned goods - ghee, oil, milk, gur - at below market rates<sup>221</sup> and in many cases exacted dues and levies for things as diverse as keeping a bullock cart<sup>222</sup> or the birth of a child. This latter was called "pet-piravan": "the word means 'pain in the stomach' and is a euphemism for labour pains.

It is paid when a lady in the zamindar's family is safely delivered of a child".<sup>223</sup>

Some zamindars went further than financial or material exactions. The Congress Committee which drew up the report of 1936, while admitting that "illegal practices ... are not resorted to by all zamindars",<sup>224</sup> did maintain that the zamindars had perfected a great many diverse forms of exacting.

"Fields, already sown, are ploughed up and crops forcibly reaped or burnt down. The tenant is called up to the zamindar's kutchery and there kept in confinement for several hours, sometimes for two or three days, without any food. He is made to stand in the sun, sometimes with a stick between his legs, so that he cannot bring them together. He is beaten, care being taken not to leave marks on the body, and sometimes the members of his family are forced to witness the beating. He is made to kneel down, put his arms from under the knee joints and clasp his ears with his hands. This is called "sitting like a cock". His cattle are forcibly impounded. ... It is not feasible to inflict physical violence on members of the higher castes. But the zamindar resorts to more powerful methods of coercion. He has bones burnt before the man's house and, in this way, wounds him in his religious susceptibilities".<sup>225</sup>

But above all, the zamindar was always in a more powerful position even when strictly within the law. The tenant could be enmeshed in the legalities of his position so that he was never

able adequately to clear himself. The Congress Committee Report gives the case of a distraint in village Aura, district Allahabad.

"In this case the tenant owed Rs. 150 to the zamindar as arrears. For the recovery of this amount, his four bullocks actually worth Rs. 300 were auctioned for Rs. 55, out of which Rs. 35 were deducted as cattle pound charges and Rs. 20 only taken as payment of the arrears. Finally, a decree for Rs. 162 was granted by the court against the tenant as the amount still outstanding as arrears, in satisfaction of which the tenant paid Rs. 60 cash and gave a hand note for Rs. 45".<sup>226</sup>

Accounts of zamindari misdemeanours such as these were often discounted as the ravings of class-conscious Congressmen.<sup>227</sup> Yet Congress was never a distinctly class organisation. It had a large zamindari membership and zamindars were frequently its lenders in the local and provincial sphere.<sup>228</sup> Moreover, Gandhi, to whom means were all-important, never supported abolition of the landlords from above.<sup>229</sup> It was largely because it was socially inclusive that Congress found difficulty in implementing a consistent policy when it became a political, as opposed to a national, body after the elections of 1937.<sup>230</sup>

Moreover, while some reports may have been embellished by the natural hyperbole of the villager, this would hardly seem to be a satisfactory explanation for the whole problem when the continually deteriorating relations of landlords and tenants are considered. There are too many reports from official or independent sources of

excesses - nazrana and the like - for these to be discounted and it would seem to be reasonable to assume that if some illegalities did exist, then others also existed in various forms.

Agrarian relations were strained in 1937, exacerbated by the electoral victory of Congress and the expectation of far-reaching reform by the kisans. The zamindars withdrew customary privileges of the tenants while the tenants attempted to claim new rights.<sup>231</sup> Litigation increased as both groups attempted to establish their position and rights before the new legislation which Congress promised was enacted.<sup>232</sup> In 1938/39 it was only possible to say that the situation had become no worse.<sup>233</sup> Nevertheless there was a twenty-five per cent. rise in litigation,<sup>234</sup> as the tenants "took every opportunity to contest the claims made by the zamindars".<sup>235</sup> The zamindars acted in the same vein and "many suits were instituted even for a single instalment of rent whereas in previous years arrears were often allowed to run for a considerable time".<sup>236</sup> This brought about increased ejectments for there was "a growing disinclination of the zamindars to show any leniency to the tenants".<sup>237</sup> Actual clashes occurred between groups<sup>238</sup> and agrarian relations fell to a dangerous nadir.

(iv)

The essentially conservative measures of the Congress government did nothing to alleviate this difficult and dangerous position. Its labours did in fact increase the tension if anything for they proved to be a most unsatisfying compromise which disappointed the

kisans while alarming the zamindars.

The 'kisan groups' both within Congress and in other organisations and parties expected, not without cause,<sup>239</sup> much of the new Ministry. They anticipated delivery "in toto on the campaign promises ... and were eager to press forward towards tenancy reform, debt reduction and rent relief".<sup>240</sup> The government, however, contented itself with moves which, although in some cases swift, were essentially palliatives.<sup>241</sup> Congress assumed office in July 1937<sup>242</sup> and on 2 August 1937 the appointment was announced of two committees,

"one to consider reform of the Tenancy and Land Revenue Law and the other to examine proposals for relieving rural indebtedness ... This was followed very shortly by Government instructions for stay of proceedings for recovery of arrears of rent previous to Rabi 1344 Fasli, for prohibiting ejectment or enhancement, for the recovery of debts due by farmers and small tenants. To give due validity to the stay of proceedings for old rental and civil debts, the Government introduced two Acts, one affecting the revenue courts and the other the moratorium. The former was given effect to on 22nd September while the latter came to effect from 1st January, 1938".<sup>243</sup>

To the kisan organisations, however, "the budget was the first important measure of the new provincial government, and agrarian relief did not figure in it".<sup>244</sup> Moreover, the second budget, introduced in March 1938 contained only

"extremely moderate plans for ... patchwork amelioration of rural living conditions mingled with the assumption that

the villages could solve their own problems if a little cash and a few inspired organisers were sent to them ... there was nothing in the new budget that would disturb the most conservative zamindar in the province ... None of the provisions of the (Election) Manifesto were provided for by the Budget proposals".<sup>245</sup>

Such dalliance with the long-felt grievances and newly-aroused aspirations called forth a great deal of criticism which the terms of the United Provinces Tenancy Bill did not stem. The President of the National Congress noted at the Hamipura Session of the Congress in 1938 that the record of the Ministry had not "come up to public expectation".<sup>246</sup> The Agrarian Sub-Committee of the Provincial Congress Committee dismissed the proposals as "modest ... inadequate (and) falling far short of the proposals enunciated in (the) Agrarian Programme and the recommendations of the Provincial Congress Committee".<sup>247</sup> Even kisan leaders who were prepared to admit that the ministry had problems in introducing 'revolutionary' legislation felt that the ministry had not "exhausted all the possibilities" for adequate reform.<sup>248</sup>

Other commentators were less kind and more outspoken.<sup>249</sup> The opinion of kisans was clear from resolutions passed at rallies which demanded the amendment of the Bill to provide for their 'minimum demands' -

"abolition of the zamindari system, non-ejection of a tenant under all circumstances, wiping out of all arrears of rent and the grant of hereditary rights to sub-tenants".<sup>250</sup>



Paradoxically, this 'inadequate' legislation was enough to alarm the zamindars. Their protests that the provisions were "derogatory"<sup>251</sup> and that they undermined "their rightful position"<sup>252</sup> were, however, only the agonised squawks of a vested interest which realised that an old order was fast passing. In reality there was little in the Bill to cause genuine alarm. Rafi Ahmad Kidwai, the Finance Minister, the minister responsible for the Bill, admitted that

"the changes proposed were not revolutionary ... The Bill merely reduced the zamindar's power of tyrannising over tenants and did not affect the zamindari system".<sup>253</sup>

The Government in fact accepted as one of the "outstanding principles" of the Bill "the maintenance of the proprietary rights of the landlords, i.e. the maintenance of the zamindari system".<sup>254</sup>

This was the real weakness of the Bill, for it meant that the Congress had decided to do merely what had been done in the preceding eighty years, viz. to repair the agrarian system within the confines of the landlord-tenant system. This made inevitable a complete clash with the kisans. Further it denied any chance of success in solving the agrarian problems of the province.

This is not to deny that Congress had many problems. The zamindari element within Congress had itself to be placated<sup>255</sup> - or circumvented.<sup>256</sup> As well, any legislation had to run the gauntlet of the Legislative Council, the Upper House, which still represented, very largely, the propertied interests.<sup>257</sup> The greatest hurdle, however, lay in the provisions of the Constitution of 1935. Article

299 made the previous sanction of the Governor of the Province necessary for any bill to abolish or modify the zamindari system in any way.<sup>258</sup> Such a restriction was tantamount, as Congress had seen before it assumed office, to removing any hope of changing the agrarian structure. There remains, however, even when allowance has been made for these difficulties, the doubt as to whether Congress at this stage wanted to change the existing structure. Even the Advocate General claimed that ~~the~~ <sup>the Act</sup> did not modify any right in land.<sup>259</sup> This was plainly insufficient to meet the needs of a society racked by the failure of its land tenure system.

While, therefore, the disappointment of kisan hopes was serious enough, it was the lesser of the failings of the Congress ministry. Far more serious was the fact that they failed to make the system any more workable. They, the first responsible Indian ministry, achieved no more than the alien administrators of the Raj, because they aimed no higher than them and because they followed the same methods. Perhaps the most important achievement was to consolidate the law for both provinces so that the distinctive nature of the taluqdars was destroyed and the tenant groups could become rather more homogeneous.

The actual provisions of the United Provinces Tenancy Act, Act XVII of 1939, followed the pattern of previous legislation. The concern was largely with the lands of the landlords, the status of the tenants and the relationship between the two agrarian groups which are expressed largely in a rent relationship on the one hand and a tenure relationship on the other. The Act was not aimed at

any one overall objective such as the greater protection of the tenants or the reduction of the landlords for both groups lost and gained rights and advantages.

The 'larger' landlords - those "assessed in the United Provinces to a local rate of more than twenty five rupees"<sup>260</sup> - were most affected by the sir provisions of the new Act. The sir of the smaller landlords, who did not fall into the above group, was left alone.<sup>261</sup> The larger landlords, however, lost the sir which they had gained from the legislation of the 'twenties, unless it was sir which had been acquired by an exchange of other sir held before those Acts were passed.<sup>262</sup> In addition, if they possessed "fifty acres or more than fifty acres of sir which (was) not let and which did not cease to be sir under any of the previous provisions", any tenant of sir holding from them became an hereditary tenant, which was the protected tenant class introduced by the Act.<sup>263</sup> If after the withdrawal of that sir which had been acquired after 1921 or 1926 the large landlord had less than fifty years, tenants of his let sir only became hereditary tenants after the assistant collector had reserved for him

"so much of (his) sir and of his khudkasht as amounts to fifty acres or the area of (his) sir whichever is less: Provided that only so much of the sir-holders sir which is let shall be demarcated as is necessary to make the total area demarcated as sir equal to fifty acres or the area of (his) sir whichever is less".<sup>264</sup>

As was usual, exemption from these provisions was granted to estates

under the Court of Wards and to certain classes of persons who were unable to cultivate their lands<sup>265</sup> - "a female, a minor, a lunatic, an idiot, or a person incapable of cultivating by reason of blindness or physical infirmity or because he is in the military, naval or air service of the Government".<sup>266</sup>

There was no provision in the new Act for the future acquisition of sir either for small or large landlords.<sup>267</sup> The landlords had, however, the right to apply for the acquisition of land held

"(a) by an occupancy or an hereditary tenant, if such land is situated within the limits of any municipality, cantonment or notified area, and is required for building purposes, or (b) by a hereditary tenant if such land is required by (the landlord) for his own residence, or a garden or a grove for his own enjoyment".<sup>268</sup>

The application was made to the Collector who could grant up to five acres or as much as, together with the landlord's existing house, garden and grove, would make five acres.<sup>269</sup> Occupancy tenants received compensation at the rate of ten times, and hereditary tenants at the rate of six times "the valuation of the land acquired at the rates applicable to hereditary tenants", in addition to compensation for improvements and trees.<sup>270</sup> If the land was not used for the purpose for which it had been acquired, within three years, the Collector was to order that "the land be restored to (the tenant) without the payment of any compensation".<sup>271</sup> These provisions were thus broader in the sense that they removed the Collector's discretionary power over applications for acquisition<sup>272</sup>

but yet more restrictive in that they allowed higher compensation and were more limited in scope.

The Act adopted section 17 of the Oudh Rent Amendment Act of 1921 for the whole province and it therefore became illegal for a landholder "to take a premium for the admission of a tenant to the holding" or to make it a "condition of any tenancy that the tenant (was) under any service to do any work for the landholder, whether for wages or not".<sup>273</sup> As well the landlords lost the power to have arrears recovered by the arrest and detention of a tenant.<sup>274</sup> A suit or notice from the tahsildar remained the only methods for the recovery of arrears.<sup>275</sup>

The tenant group was further expanded by the 1939 Act but not in any novel way. The statutory tenants of the 'twenties disappeared and were replaced by hereditary tenants: the statutory rights which had been heritable for five years had in fact been expanded to a fully inheritable tenancy. Henceforth, hereditary tenancy was to be the basic tenant position. "Above" were the privileged groups, the debris of the early settlements and legislation, ranging from the permanent tenure holders or Avadhi permanent lessees, through the fixed-rate tenants, the tenants holding under "a special agreement or a judicial decision" in Avadh, to the exproprietary and occupancy tenants whose tenures continued to differ as between the two provinces. "Below" remained the residual "non-occupancy" tenants.<sup>276</sup>

Hereditary rights were for those who had had no right other than the statutory tenancy, before 1939, and for tenants of the sir of large landlords which ceased to be sir under section 6 or which,

being let sir, remained outside the arrear demarcated by the assistant collector under section 16.<sup>277</sup> Areas of unstable or special cultivation were of course excluded, as in the past.<sup>278</sup> The hereditary tenancy was heritable but not transferable<sup>279</sup> except that it could be sublet for a period of up to five years<sup>280</sup> or sold to realise arrears of rent which had been decreed by the court.<sup>281</sup>

Initial rents were still to be by agreement<sup>282</sup> and they could be enhanced or abated on grounds similar to those provided in Agra in 1926.<sup>283</sup> Pre-eminent still as the measure of the "adequate" level of rents for occupancy and hereditary tenants, was the roster year system, renamed the "rent rate system"<sup>284</sup> and fixed for a period of twenty years unless the settlement of the area fell in or extraordinary economic conditions prevailed.<sup>285</sup> The procedure followed closely that of the roster years, with the additional provision that the rent-rate officer had to consider, along with the financial and agricultural circumstances of the district, "the expenses of cultivation and the cost to the cultivator of maintaining himself and his family".<sup>286</sup>

Unless there was a re-assessment of the revenue, or the tenant's holding increased in size or was improved by the landlord, occupancy and hereditary rents could be enhanced only once in ten years.<sup>287</sup> Non-occupancy tenants were liable to enhancement once in every five years.<sup>288</sup> There was, however, a constant awareness - even to the point of being unnecessarily repetitive - expressed in the Act, of the likelihood of another economic calamity of the scope of the 1929-33 Depression. Rent rates could be altered because of "a

substantial rise or fall in the price of agricultural produce or any particular form of produce"<sup>289</sup> and although, as in 1926, the "rise or fall in the average local price of staple food crops" was not a ground for enhancement or abatement as such, the legislators, conscious of the problem, made provision for such an occurrence. If the Government was satisfied that there had been, from some "extraordinary cause", a sudden and substantiated rise in the price of agricultural produce or that "an emergency" had arisen in any area, it could appoint a special officer and "invest him with all or any of the following powers:

- (a) The powers of a rent-rate officer;
- (b) Power to fix, commute, abate or enhance rents in accordance with the sanctioned rent rates;
- (c) Power in an emergency to abate rents summarily otherwise than in accordance with such rent rates".<sup>290</sup>

As well, the occurrence of an "agricultural calamity" allowed the Government to "remit or suspend for any period the whole or any portion of the rent of any holding affected by such calamity" and to "remit or suspend for a like period the whole or a portion of the revenue assessed on such mahal".<sup>291</sup>

The hereditary tenant was no freer from ejectment during his tenancy than his statutory predecessor or the earlier occupancy tenant. The landlord could have the tenant ejected for default in the payment of arrears of rent,<sup>292</sup> a course which the Government hoped would be only "an extreme process for getting rid of an utterly bad tenant".<sup>293</sup> The tenant was also liable to ejectment for misusing

the land or acting inconsistently with a lease or agreement.<sup>294</sup> Moreover, a tenant who transferred or sublet his holding "otherwise than in accordance with the provisions of (the) Act" was "on the suit of the landholder ... liable to ejectment from the area so transferred or sublet".<sup>295</sup> Trespassers - persons illegally entering onto a holding - were liable both to ejectment and to pay damages of up to four times the annual rental value.<sup>296</sup> A non-occupancy tenant was liable to ejectment, as in the past, when he was in arrears or when his tenancy expired.<sup>297</sup> A tenant wrongfully ejected could sue for re-possession of the holding and/or compensation.<sup>298</sup>

In an attempt to provide a measure of protection for a class of tenants who were traditionally left unprotected - the tenants of sir - the Act allowed those who did not become hereditary tenants under section 6 to retain possession for five years from the commencement of the Act, or, in the case of tenants admitted after the Act, from the date of their admission to the holding.<sup>299</sup>

Only the most privileged tenant groups - the permanent tenure-holders, fixed rate tenants, and Avadhi occupancy and "special terms" tenants - had unlimited rights to make improvements.<sup>300</sup> Exproprietary, Agra occupancy, and hereditary tenants could plant trees and make any improvement except to erect buildings on a holding or construct a tank.<sup>301</sup> These latter could be built only with the written consent of the landlord because he was liable to pay compensation for them if the tenant was ejected.<sup>302</sup> Conversely, however, the landholder had to obtain the tenant's consent to make improvements to the holding for this could bring enhancement of the rent.<sup>303</sup>



Such was, therefore, the attempt of the Congress Ministry to meet the demands of the agrarian situation. Some points of the Agrarian Programme of 1936 received recognition; many did not. The Act moved to make premia illegal and to give "heritable rights along with the right to build houses and plant trees"<sup>304</sup> but it made "no radical change in the antiquated and repressive land tenure and revenue systems".<sup>305</sup> Nor did it "readjust" rent and revenue to "present conditions" or make a "substantial reduction in both".<sup>306</sup> Many of the ideals withered in the hard realities of administration; uneconomic holdings were not exempted from rent or revenue, arrears of rent were not wiped out, ejectment remained for arrears.<sup>307</sup> Such shortcomings are understandable. What is less so is the "undue concern for legalisms and for the rights of the zamindars"<sup>308</sup> which bedevilled the Act. The Congress continued to deal in that curious brand of legal naivety by which an impoverished and often illiterate man had to seek redress in a court against an economically more secure opponent.<sup>309</sup> Indeed, so ineffectual did the Act appear when it was enacted, that one commentator was moved to remark that while the taluqdars had

"reason to be dissatisfied with some of the provisions of the Act which have curtailed their customary rights and weakened their hold on tenants ... it is unlikely that in well-managed zamindaris of Agra the old position will be seriously disturbed. It is not being sufficiently realised how little the tenant has really gained by the new Act".<sup>310</sup>

A sad commentary indeed on the efforts of a 'national' government.

TABLE V.

HEREDITARY HOLDINGS and TOTAL HOLDINGS, U.P., 1944-1945.  
(acres)

Division	Hereditary	Total
Meerut	12,33,492	39,37,655
Agra	12,70,403	41,22,578
Rohilkhand	18,74,978	52,17,647
Allahabad	11,05,335	44,19,496
Jhansi	15,46,297	42,98,753
Benares	5,12,027	35,03,622
Gorakhpur	9,26,375	48,50,199
Lucknow	39,09,607	50,95,885
Faizabad	38,49,399	54,69,151
U. P.	1,62,27,913	4,09,14,686

SOURCE: Revenue Report 1944/45, 48A-75A.

(v)

The provisions of the Act as regards tenancy were implemented from 1 January 1940 and although they could not be recorded in 1939/40 because the khataunis had already been completed, the new hereditary ~~tenancies~~ <sup>tenancies</sup> were given practical effect as from that date.<sup>311</sup> Settlements which were finalised during the 'forties illustrate the extent of the hereditary tenancies in the districts. Of the sample thus provided the proportion went as high as 35.2 per cent. in Aligarh<sup>312</sup> and was generally one-fifth to one-third.<sup>313</sup> This is illustrated by Table V, which also shows the variation between these districts which were in the western region of the Province and the 'eastern' districts of the Benares and Gorakhpur Divisions on the one hand, and the districts of Avadh on the other. The much greater proportion of hereditary holdings in Avadh is a result of the predominance of non-occupancy tenancy until the 'twenties in that Province which meant that the greater part of the area of the Province became statutory and hence, hereditary tenancy land. The very low proportion of hereditary holdings in the eastern districts is conversely due to the relatively larger amount of land held by tenants with occupancy rights - particularly occupancy tenants in Gorakhpur and fixed-rate tenants, together with occupancy tenants, in Benares. The landlords held a large amount of land in these districts as well.<sup>314</sup>

Closely linked with the rise of the hereditary tenancies was the radical reduction in the non-occupancy or 'ordinary' area in both provinces. This was proof that the Act had been of positive value

TABLE VI.

NON-OCCUPANCY HOLDINGS, UNITED PROVINCES, 1939/40 - 1944/45.  
(acres)

Division	1939/40 <sup>+</sup>	1944/45
Meerut	2,96,368	24,691
Agra	2,38,295	11,787
Rohilkhand	4,40,388	37,272
Allahabad	2,53,143	36,068
Jhansi	3,23,537	32,835
Benares	2,04,177	16,016
Gorakhpur	2,77,579	20,648
Lucknow	13,82,340	26,141
Faizabad	12,59,320	13,670
U.P.	46,65,157	1,79,317

<sup>+</sup> includes heirs of statutory tenants.

SOURCE: Revenue Report 1939/40, 66A-83A; 1944/45, 48A-75A.

for otherwise the new tenancy would have represented nothing more than a lengthening of the statutory tenancy. That it was more than this can be seen from Table VI.

There is no evidence from the statistics to show that the sir provisions were effective. In both provinces sir actually increased between 1940 and 1945 and while in Avadh there was a parallel decline in the area of ~~khuk~~kasht, this area remained static in Agra. This trend was fairly uniform, only the Benares and Lucknow Divisions showing a contrary movement. (Cf. Table VII; below).

Overall, however, apart from its technical implementation, the Act did not provide a lasting answer to the tension between the rural classes. The first nine months of 1940 were a transition period when

"the general public, and in some respects the courts themselves were doubtful as to the implications and correct interpretation of some of the new sections of the Act".<sup>315</sup>

There was an improvement "to some extent" in relations but this was credited to a decline in political agitation rather than to any increased cordiality for the Act had "deprived petty agitators of an excuse for going round the villages ... inciting the tenants to seize their landlords' grass or timber".<sup>316</sup> Rent collections were generally satisfactory<sup>317</sup> so that litigation and ejectments for arrears declined.<sup>318</sup> However, there was considerable ejectment as the landlords moved to rid themselves of those who had 'trespassed' in the hope of gaining from the new Act.<sup>319</sup> The Board endorsed the feeling that the break from "the old feudal ties between the zamindars and tenants" was final<sup>320</sup> but there was little to suggest

TABLE VII.

SIR and KHUDKASHT AREA, UNITED PROVINCES, 1939/40 - 1944/45.  
(acres).

	1939-1940		1944-1945	
Division	Sir	Khudkasht	Sir	Khudkasht
Meerut	7,10,519	5,23,466	7,13,962	5,85,709
Agra	3,65,157	2,19,403	3,86,836	2,13,827
Rohilkhand	3,00,634	2,78,272	3,40,110	2,45,184
Allahabad	2,91,151	2,26,656	2,99,772	2,25,014
Jhansi	4,74,184	6,19,269	5,78,847	5,73,309
Benares	5,13,934	2,04,745	4,87,619	2,18,323
Gorakhpur	7,37,860	7,11,785	7,56,545	7,33,537
Lucknow	3,25,839	1,56,329	3,22,145	1,55,942
Faizabad	3,16,509	2,99,065	3,78,054	1,41,944
U.P.	40,35,787	27,93,696	42,63,890	27,94,903

SOURCE: Revenue Report 1939/40, 66A-83A; 1944/45, 48A-75A.

that any real improvement could be expected.

In the next year, there was a continued improvement in relations, owing to the lessening of political activity rather than to any change in outlook.<sup>321</sup> It was reported that generally the Act had not been tried fully by the tenants: while they were prepared to contest ejectment suits filed by the zamindars<sup>322</sup> they had not to make use of the longer period allowed for the payment of rent for fear of losing their new security.<sup>323</sup> Hereditary tenancy resulted in a general increase in the value of tenant holdings and tenants were, as a result, anxious to have their rights defined.<sup>324</sup> If there was to be conflict between landlord and tenant in the future, the depth of its bitterness would be measured by this attachment to hereditary rights. As yet, however, there had been no spark.

Nor was there in 1941/42<sup>325</sup> although the first signs of trouble appeared as the zamindars in some areas began to use - and misuse - section 171 which allowed for the ejectment of a tenant who illegally sub-let his holding. Tenants complained that they were being evicted even if they, as the tenant-in-chief, had commenced an action to evict their sub-tenant.<sup>326</sup> In these circumstances, it was reported, subleases became "comparatively valueless".<sup>327</sup>

The influence of war-inflated prices began to be apparent from 1943 and this enabled the cultivator to preserve a "prosperity" which kept agrarian unrest at bay.<sup>328</sup> There was always, however, in the thinking of revenue officials, the spectre of the fate of the inflated enhancements which had followed the boom of the

'twenties. The Commissioner of the Faizabad Division feared the reaction which might follow a downward trend in prices. Despite the calm, it was a disquieting time.<sup>329</sup> The prosperity, however, continued through 1944 and 1945,<sup>330</sup> so that rent payments - despite an increase in rental demands - continued with little trouble.<sup>331</sup> The Board regarded this as a distinctly qualified mark of the success of the new Act, however: "whether the existing provisions of the Act regarding collection of rent would have worked so well even during a period of normal or low prices" remained, they felt, a moot point.<sup>332</sup>

Other grounds for conflict indeed, were not so well cushioned by the economic conditions. There was an increased ejectment of tenants who had sublet illegally which in turn led to redoubled efforts on the part of the tenants-in-chief to rid themselves of the sub-tenants.<sup>333</sup> Although the Board expected in 1943 that ejectments under section 171 would fall "rapidly" in the future,<sup>334</sup> in 1945 they were still reporting "wholesale ejectments" on this ground.<sup>335</sup> That this was so despite the reported reluctance on the part of the tenants to sublet<sup>336</sup> was explained by the Board's order requiring the patwari to obtain the signature of the tenant-in-chief before entering a sub-tenancy in the records to prevent "ejectments facilitated by the collusion of patwaris".<sup>337</sup>

Congress had had no hand in administering the Tenancy Act as it had left office in October 1939 in protest against the policy of the British government on national independence and Indian participation in the world war.<sup>338</sup> During the war the province was



administered by the Governor and it was not until after the elections of March 1946 that a Congress government again held office.<sup>339</sup> Its action when it did return to power were a measure of the defects in the Act

"which had made it possible for the landlords to eject a considerable number of tenants on flimsy pretexts, thus defeating the main object of the Act which was to secure for the tenants a stability of tenure".<sup>340</sup>

The Home Minister, Rafi Ahmad Kidwai, ordered a stay of execution for all ejectment proceedings under sections 171 and 175,<sup>341</sup> as a result of which ejectment suits fell from over 90,000 to 77,752.<sup>342</sup> Immediately afterwards a Tenancy Law Regulations Committee of three members (Charan Singh, Ajit Prasad Jain and Radha Mohan) considered the need to amend the 1939 Act.<sup>343</sup>

As a result of their deliberations, Act X of 1947 attempted to remove the worst defects. The power of the landlord to acquire land for houses, gardens or groves under section 54 was removed completely.<sup>344</sup> Moreover, a tenant whose land had been acquired could apply, within six months of the commencement of the Act, for its restoration on the grounds that it had not been used for the purpose for which it was originally acquired.<sup>345</sup> As well, certain classes of ejected tenants were permitted to apply for reinstatement. There were four groups: firstly, tenants ejected for an amount of arrears less than one quarter of the rent; secondly, tenants ejected under section 171 "otherwise than on the ground of an illegal transfer by way of sale or gift"; thirdly, a tenant ejected as a

trespasser despite the fact that he had been officially recorded as an occupant after January 1938 and, lastly, any tenant of sir who had become an hereditary tenant under section 16 but who had been ejected or dispossessed

"in consequence of any fraud, misrepresentation, undue influence or coercion practised upon or against him by the landholder or by any person acting on behalf of the landholder".<sup>346</sup>

All had six months from the commencement of the Act to seek redress.<sup>347</sup>

For the future, a tenant whose ejectment had been ordered because of arrears, was to be given one month to deposit the full amount before the order was made final.<sup>348</sup> In addition, to give further protection to non-hereditary tenants of sir, they were made exempt from ejectment for a further period of five years from the beginning of the Act.<sup>350</sup>

These amendments relieved the position to some extent. The Board noted that

"tenants who had been ejected on insufficient ground or for technical reasons were enabled to obtain possession again.

Tenants of sir and certain tenants who would otherwise have been liable to ejectment got a fresh lease of life."<sup>351</sup>

The fact remained, however, that more far-reaching measures were needed. Piecemeal legislation had not brought security to the tenants for it had left untouched the existing structure of the village. Legal complexity but not rural peace had been the result of ninety years of legislation. Henceforth radical change, in the 'magic formula' of zamindari abolition, was the touchstone for the brave new agrarian order.

NOTES - CHAPTER III.

<sup>1</sup>Nehru, Jawahar Lal An Autobiography (London: John Lane, The Bodley Head, 1936), 40.

<sup>2</sup>E.g., "The Collector of Etah remarks that the expectation of Swaraj made the tenant decline to pay his rent and there is no doubt that many tenants withheld payment in the hope that it would not be required". Revenue Report 1920-1, 18. See also The Leader, 12 January 1921, for report of address by Nehru to kisans at Munshiganj, Rae Bareilly district in which he stressed that economic improvement and Swaraj were nationalists' goals.

<sup>3</sup>"The Oudh Rent Act. Some Suggested Amendments", The Pioneer (Allahabad), 8 March 1925. See also Editorial, The Leader, 22 January 1921, "Ferment among the kisans is one of the most significant signs of the times. The kisans are becoming self-conscious".

<sup>4</sup>Government Resolution, 28 April 1924, appointing Select Committee to enquire into working of Act II of 1901, cited Misra, op.cit., 143.

<sup>5</sup>Mr. H.R.C. Hailey, Commissioner for Faizabad Division, in Legislative Council, 7 November 1921, P.L.C., IV, 378.

<sup>6</sup>This was brought about by two developments: the growth of population density and a shift in the structure of the agrarian population. The population increased only up to 1901 when the maximum density of the period 1881-1921, 429 per sq. mile, was reached. After 1901 famine but more particularly disease - plague, malaria, influenza - caused a steady decline in aggregate population. Even so, there was an overall increase in density from 397 per sq. mile

in 1881 to 412 per sq. mile in 1921. See Census of India 1951, Vol. II, Pt. IA, op. cit., 25 & 27-8. As an example of shifts within the population, Krishna Sahai Asthana recorded in "A social and economic survey of village Malhera, district Hardoi" in Fields and Farmers in Oudh ed. R.K.Mukherjee (Madras: Longmans, Green, 1929), 7, that in this period there was a decline in proprietors and a large increase in cultivators which implied an increase in land competition. This ~~wax~~ probably intensified by the contemporaneous effects of urban unemployment and the desire of urban capitalists to invest in land. Asthana, op. cit., 20.

<sup>7</sup>Jafri, op. cit., 323.

<sup>8</sup>Sir Ludovic Porter, Revenue Member, speech in the Legislative Council introducing the Oudh Rent (Amendment) Bill, 4 August 1921, P.L.C., III, 597.

<sup>9</sup>Idem.

<sup>10</sup>Mr. H.R.C.Hailey, speech in Legislative Council, 28 October 1921, in P.L.C., IV, 143.

<sup>11</sup>Between 1919/20 and 1924/5 for instance the area under occupancy tenants rose from 1,01,86,362 acres to 1,03,30,447 acres throughout the province, which was in itself a misleading figure for almost the whole increase was in the Agra Division. Revenue Report 1919/20, 62A-65A; Revenue Report 1924/5, 86A-89A.

<sup>12</sup>Sir Samuel O'Donnell, speech in Legislative Council, 3 July 1926, in P.L.C., XXX, 323. See also Revenue Report 1924/5, 2. In his message to the Legislative Council on 29 July 1926, in P.L.C., XXX, 994, the Governor, Sir William Marris, referred to the 'huge

and regrettable burdens" of litigation, while The Leader, 2 October 1924 spoke of "Ruinous and protracted litigation".

<sup>13</sup>In 1924/5, occupancy tenants held 1,03,30,447 acres while non-occupancy tenants held 1,07,19,982 acres. Revenue Report 1924/5, 86A-89A.

<sup>14</sup>Sir Samuel O'Donnell, speech in Legislative Council, 29 March 1926, P.L.C., XXIX, 310.

<sup>15</sup>Revenue Report 1924/5, loc. cit..

<sup>16</sup>Idem. See also Sir Samuel O'Donnell, speech in Legislative Council, 6 July 1926, in P.L.C., XXX, 410-11.

<sup>17</sup>Revenue Report 1919/20, 8.

<sup>18</sup>Letter from Prof. Dori Lal Dubey, Meerut, in The Leader, 29 October 1924.

<sup>19</sup>Idem..

<sup>20</sup>"The Agra Tenancy Bill. I - The Residuary Legatee" in The Leader, 2 October 1924.

<sup>21</sup>"The Agra Tenancy Bill. III - The Cultivating Tenant" in The Leader, 20 October 1924.

<sup>22</sup>Revenue Report 1919/20, 15-17. See also Jafri, op. cit., 181.

<sup>23</sup>Revenue Report 1920/1, 18-19. <sup>24</sup>Revenue Report 1921/22, 18.

<sup>25</sup>Nehru, Autobiography, 53. <sup>26</sup>Ibid., 59.

<sup>27</sup>Ibid., 51. See also The Leader, 1 January 1921 and 22 January 1921 for report of First Avadh Kisan Congress held at Ajudhya, Dt. Faizabad on 20-21 December 1920, which was attended by more than 1 lakh - more than at the Indian National Congress annual session at Nagpur earlier that year.

<sup>28</sup>The Leader, 1 January 1921.

<sup>29</sup>Nehru, Autobiography, 53. See also The Leader, loc. cit..

<sup>30</sup>Nehru, Jawahar Lal, The Discovery of India (London: Meridian, 3rd ed., 1951), 336. See also Narendra Deva, Presidential Address to Fourth Annual All-India Kisan Conference, Gaya (Bihar), (9-10 April 1939), 3.

<sup>31</sup>Nehru, Autobiography, 54. <sup>32</sup>Misra, op. cit., 212.

<sup>33</sup>Nehru, Autobiography, 59-60.

<sup>34</sup>Final Report of the Commissioner of the Lucknow Division, J.C.Faunthorpe, to the Chief Secretary, Government of the United Provinces, dated 18 January 1921, in The Leader, 6 February 1921.

<sup>35</sup>The Leader, 21 January 1921, See also Report by the Commissioner of the Faizabad Division in The Leader, 5 February 1921 and the Government Resolution on disturbances in Rae Bareli and Faizabad, in The Leader, 5 February 1921.

<sup>36</sup>Government Resolution on disturbances in Rae Bareli and Faizabad, loc. cit..

<sup>37</sup>Nehru, Autobiography, 62. The government met the disturbances with severe measures because they saw them as manifestations of the activity of the 'political agitators', (i.e. Congress). They did not deny that the kisans had "legitimate grievances" but they felt that these feelings were being subverted. See Government Resolution on Disturbances in Rae Bareli and Faizabad in The Leader, 5 February 1921. Faunthorpe's Report on the Rae Bareli disturbances, by far the most serious and far-reaching of the outbreaks, made much of this point. "The non-cooperators finding their efforts to stir up

trouble among students and the general public unsuccessful, had to look around for some more promising field for their operations. They failed to influence the general public and students to any great extent because they had no real grievance. They had succeeded in stirring up the cultivators of Oudh to a stage of considerable excitement because the cultivators have in many cases considerable grievances against the landlords". The landlords, naturally, held that the troubles had been purely political; see, for instance, Rai Mashal Singh Bahadur, speech in Legislative Council, 4 August 1921, in P.L.C., III, 615. The Leader, in an editorial of 6 February 1921 accepted the 'agitators' as being responsible but felt that the Government's share of the responsibility could not be "minimised". If it had taken timely steps to redress the admittedly legitimate grievances of tenantry the wind would have been taken out of their sails and tragic loss of life would not have taken place. For long have the Indian publicists been drawing attention to the urgent need of ameliorating the position of the kisans and giving relief to them from intolerable oppressions to which they have been subjected by a section of the zamindars, but it showed the usual qualities of being wooden and inelastic and of not being sufficiently responsive to the democratic forces that were at work. An upheaval on a large scale was needed to arouse their conscience ... An impression has been created that the extremists have forced their hands and that they would not have moved if matters had not been brought to a head by the agitators". Kisan advocates, however, claimed that the movement had been almost entirely spontaneous, although there was

an increasing alignment of the Congress and Kisan movements. See Nehru, Autobiography, 54, 59. A contemporary account of the disturbances in the Allahabad paper, Independent, reprinted in The Leader, 12 January 1921, claimed that the kisans movement had gained tremendously despite the fact that it had been without outside help and that there had been no capable local leaders.

<sup>38</sup>Misra, op. cit., 213. Also Jafri, op. cit., 180-1.

<sup>39</sup>Nehru, Discovery of India, 338. Nehru has recorded the effect of these events on himself in his Autobiography, 51-52. "I went there with some colleagues and we spent three days in the villages ... That visit was a revelation to me ... I was filled with shame and sorrow, shame at my own easy-going and comfortable life and our petty politics of the city which ignored this vast multitude of semi-naked sons and daughters of India, sorrow at the degradation and overwhelming poverty of India. A new picture of India seemed to rise before me, naked, starving, crushed and utterly miserable. And their faith in us, casual visitors from the distant city embarrassed me and filled me with a new responsibility that frightened me".

<sup>40</sup>Statement exhibiting the Moral and Material Condition of India during the year 1924/25. Prepared by L.F.Rushbrook Williams (London: H.M.S.O., 1925), 232.

<sup>41</sup>Mention of the government's determination to amend the Rent Act was made in the Resolution on the Rae Bareilly and Faizabad disturbances, op. cit.. Sir Ludovic Porter announced the proposed amending Bill in a speech in the Legislative Council, 15 February 1921, in The Leader, 17 February 1921.



<sup>42</sup>With the exception of certain groups. Sub-tenants were excluded by section 36 and section 37 which withheld tenant rights from tenants of "(a) sir land; (b) land held by a tenant, otherwise than under a special agreement or decree of court, in a village in which the tenant possesses any proprietary or underproprietary right; (c) land leased for pasturage; (d) land covered with water used for the purpose of growing singharas or similar produce; (e) land planted by the landlord with trees". Oudh Rent (Amendment) Act, IV of 1921, as in Revenue Companion. (All references to Act IV of 1921 are to the text printed in the Revenue Companion).

<sup>43</sup>IV of 1921, sec. 36.

<sup>44</sup>IV of 1921, sec. 37.

<sup>45</sup>IV of 1921, sec. 48.

<sup>46</sup>Idem.

<sup>47</sup>IV of 1921, sec. 39.

<sup>48</sup>IV of 1921, sec. 43.

<sup>49</sup>IV of 1921, sec. 44.

<sup>50</sup>IV of 1921, sec. 45.

<sup>51</sup>IV of 1921, sec. 51C (4).

<sup>52</sup>IV of 1921, sec. 51D (1-3).

<sup>53</sup>IV of 1921, sec. 51D (3-4).

<sup>54</sup>IV of 1921, sec. 51G.

<sup>55</sup>IV of 1921, sec. 50.

<sup>56</sup>IV of 1921, sec. 33 and 35A.

<sup>57</sup>Neale, op. cit., 255-6.

<sup>58</sup>IV of 1921, sec. 53(1).

<sup>59</sup>IV of 1921, sec. 61.

<sup>60</sup>IV of 1921, sec. 62A. Misuse was defined as (i) using the land in a manner which rendered it "unfit for the purpose of his tenancy"; (ii) if he paid grain rent, allowing the cultivation to fall "to a point which by the custom of the locality involves the forfeiture of the holding"; (iii) if, having taken a lease to reclaim waste land, he failed to fulfil a condition of the lease. Sec. 68A, ~~1921~~, defined the limits of the power of a statutory tenant to sublet:

"except with the written consent of the landlord ... not for a term exceeding two years or within two years of any part of his holding being held by a sub-tenant".

<sup>61</sup>The paikasht tenant was one who held land in a village in which he did not ordinarily reside, provided that the landlord had no proprietary or under-proprietary rights in his home village. The resident or khudkasht tenant ordinarily resided "in the village in which the holding is situated". IV of 1921, sec. 62A(e).

<sup>62</sup>Pt. Hirday Nath Kunzru, citing Memorandum of Board of Revenue in Legislative Council, 8 November 1921, in P.L.C., IV, 437. H.R.C.Hailey claimed (P.L.C., IV, 440) that this figure was an over estimate but he gave no alternative.

<sup>63</sup>IV of 1921, sec. 3(17), (a) (b): "Sir means (a) land which for the seven years immediately preceding the passing of this Act had been continuously dealt with as sir in the distribution of proprietary or underproprietary profits and charges; (b) land which for the seven years immediately preceding the passing of this Act had been continuously cultivated by the proprietor or underproprietor himself or by his servants or by hired labour ... Provided that land which was recorded as sir at the last settlement prior to the passing of this Act and has been continuously so recorded since, shall be presumed to be land of the class mentioned in clause (a) till the contrary is proved".

<sup>64</sup>IV of 1921, sec. 3(17) (c). See also A Commentary on the Oudh Rent Act (Act XXII of 1886) by M.L.Agarwala (Allahabad; Ram Narain Lal, 2nd ed. 1927), 56.

<sup>65</sup>IV of 1921, sec. 3(17)(d). Agarwala gives an illustration of the effect of this limitation: "The area of a village is 1000 bighas, 800 cultivated and the rest not cultivated though culturable. A is a proprietor or underproprietor of a 4-annas share in the village. He has sir falling under clauses (a-c) amounting to M bighas. A's share in the village comes to 250 bighas; one-fourth of the 800 cultivated bighas is 200. One-tenth of this is 20 bighas. Hence, if M exceeds or is equal to 20 bighas he cannot acquire any more sir under clause (d); if it is less than 20 bighas he can acquire 20-M bighas under clause (d)." loc. cit.

<sup>66</sup>Commentary on the Oudh Rent Act, Agarwala, op. cit., 126.

<sup>67</sup>IV of 1921, sec. 30A. <sup>68</sup>Revenue Report, 1923/4, 5.

<sup>69</sup>IV of 1921. See 30A.

<sup>70</sup>Agarwala, in his Commentary on the Oudh Rent Act, op. cit., 126, comments bluntly: "This new section gives an advantage to a proprietor or underproprietor".

<sup>71</sup>IV of 1921, sec. 17(3). <sup>72</sup>IV of 1921, sec. 76.

<sup>73</sup>IV of 1921, sec. 12A. <sup>74</sup>Misra, op. cit., 143.

<sup>75</sup>Sir William Marris, Governor of U.P., message to Legislative Council, 29 July 1926, in P.L.C., XXX, 994.

<sup>76</sup>Revenue Report 1923/24, 3.

<sup>77</sup>See report of reception of draft Bill in Benares, in The Leader, 2 October 1924; letter from Abdul Samad, Mukhtar, Jaunpur, in The Leader, 5 October 1924; letter from Prof. Dori Lal Dubey, Meerut, in The Leader, 1 November 1924.

<sup>78</sup>III of 1926, sec. 16, as in A Commentary on the Agra Tenancy Act, Being Local Act III of 1926, by M.L. Agarwala (Allahabad: Ram Narain Lal, 13th ed., 1935), 136. (All further references to Act III of 1926 are to the text printed in Agarwala's Commentary).

<sup>79</sup>III of 1926, sec. 17.

<sup>80</sup>III of 1926, sec. 19.

<sup>81</sup>Idem..

<sup>82</sup>III of 1926, sec. 20(2).

<sup>83</sup>III of 1926, sec. 86(2).

<sup>84</sup>III of 1926, sec. 20(2).

<sup>85</sup>III of 1926, sec. 43.

<sup>86</sup>III of 1926, sec. 53.

<sup>87</sup>III of 1926, sec. 54.

<sup>88</sup>III of 1926, sec. 53(a), 55, 57(1).

<sup>89</sup>III of 1926, sec. 55.

<sup>90</sup>III of 1926, sec. 57(4).

<sup>91</sup>III of 1926, sec. 57(5).

<sup>92</sup>III of 1926, sec. 53(a).

<sup>93</sup>III of 1926, sec. 79.

<sup>94</sup>III of 1926, sec. 82. Under sec. 29(2) a statutory tenant could not sublet the whole or any part of his holding "without the consent of the landholder ... for a term exceeding three years or within three years of any portion of such holding being held by a subtenant".

<sup>95</sup>III of 1926, sec. 44, 84.

<sup>96</sup>An Outline of Changes Introduced by the Agra Tenancy Act III of 1926 (Allahabad: Superintendent of Government Press, U.P., 1926), 2.

<sup>97</sup>III of 1926, sec. 4 (a-d).

<sup>98</sup>III of 1926, sec. 4(e).

<sup>99</sup>III of 1926, sec. 41(1).

<sup>100</sup>III of 1926, sec. 40(1).

<sup>101</sup>III of 1926, sec. 40(2).

<sup>102</sup>III of 1926, sec. 41(2-3).

<sup>103</sup>III of 1926, sec. 42.

<sup>104</sup>Sir William Marris, message cited, P.L.C., XXX, 995.

<sup>105</sup>Raja Jagdish Prasad, speech in Legislative Council, 3 July 1926, in P.L.C., XXX, 303.

<sup>106</sup>Sir Ludovic Porter, introducing Oudh Rent (Amendment) Bill, Legislative Council, 4 August 1921, in P.L.C., III, 597.

<sup>107</sup>Idem... (Italics mine, P.D.R.)

<sup>108</sup>Sir William Marris, message cited, P.L.C., XXX, 995. (Italics mine, P.D.R.).

<sup>109</sup>Idem...

<sup>110</sup>See Moreland, op. cit., 63, and Sir Samuel O'Donnell, speech in Legislative Council, 29 March 1926, P.L.C., XXIX, 309.

<sup>111</sup>Lt. Nawab Muhammed Ahmad Said Khan, speech in Legislative Council, 4 August 1921, in P.L.C., III, 617.

<sup>112</sup>E.g. Rai Mashal Singh Bahadur, speech Legislative Council, 4 August 1921, in P.L.C., III, 615-6; also Khan Bahadur Hafiz Hidayat Husain, speech Legislative Council, 3 July 1926, in P.L.C., XXX, 296.

<sup>113</sup>Raja Jagdish Prasad, speech Legislative Council, 3 July 1926, in P.L.C., XXX, 303.

<sup>114</sup>"Life tenancy should never be a bugbear to the zamindar to the extent to which it should be to the tenant ... The period of five years allowed to the heirs of the tenants is after all an ineffectual palliative ...", Khan Bahadur Maulvi Fasih-ud-din, speech to Rohilkhand Zamindars' Conference, 1925, cited in Note of Dissent by Pt. Govind Ballabh Pant, Babu Nemi Saran and Babu Sangam Lal, appended to Report of the Select Committee on the Agra Tenancy Bill (Nainital: Government Branch Press, 1926), 37.

<sup>115</sup>Khan Bahadur Mr. Mohammad Ismail, speech in Legislative Council, 30 July 1926, in P.L.C., XXX, 1061, who pointed out that when the heirs of statutory tenants reached the end of their five year period the landlords would be "tempted" to demand high nazranas and rents.

<sup>116</sup>Sir William Marris, message 29 July 1926, P.L.C., XXX, 998: "the existence of the power to acquire land at the pleasure could be used, and by some landlords would be used, as a lever to extort money from the tenants as the price of leaving them undisturbed".

<sup>117</sup>Speech, Legislative Council, 9 November 1921, P.L.C., IV, 491.

<sup>118</sup>O'Donnell, speech Legislative Council introducing Agra Tenancy Bill, 29 March 1926, in P.L.C., XXIX, 315.

<sup>119</sup>O'Donnell, speech Legislative Council 31 July 1926, in P.L.C., XXX, 1084.

<sup>120</sup>Speech Legislative Council, 9 November 1921, P.L.C., IV, 479.

<sup>121</sup>Ibid., 481.

<sup>122</sup>Pt. G.B.Pant, speech Legislative Council, 3 July 1926, P.L.C., XXX, 320.

<sup>123</sup>Ibid., 2 July 1926, p.242.

<sup>124</sup>Mr. T.G.Jones, speech Legislative Council, 30 July 1926, P.L.C., XXX, 1058.

<sup>125</sup>"The Agra Tenancy Bill. II Occupancy Rights", editorial, The Leader, 6 October 1924.

<sup>126</sup>"The Agra Tenancy Bill. II Cultivating Proprietor", article in The Leader, 4 October 1924.

<sup>127</sup>Revenue Report 1922/23, 4. The actual figure was 69.3 per cent..

<sup>128</sup>Final Settlement Report of the Partabgarh District, U.P., 1930, by Baba Biswanath Singh (Allahabad: Superintendent of Government Press, U.P., 1930), 4, para. 14. On p.14 he notes that the Act had secured the tenants, "to some extent".

<sup>129</sup>Sen, Voiceless India, op. cit., 184-5. (First edition, U.S.A., 1930).

<sup>130</sup>Hari Har Dayal, "Agricultural Labourers: An inquiry into their conditions in Unao" in Fields and Farmers in Oudh, op. cit., 228.

<sup>131</sup>Final Settlement Report of the Unao District, United Provinces, 1926-1929 by Himavat Singh K.Maheshwari (Allahabad: Superintendent of Government Press, U.P., 1931), 5, para. 14.

<sup>132</sup>Revenue Report 1921/22, 20.

<sup>133</sup>Idem... Traditionally, high caste (Brahman, Kshattriya) cultivators did not handle the plough as this was degrading, and so found it necessary to employ labour or sublet their lands.

<sup>134</sup>Revenue Report 1922/23, 11.

<sup>135</sup>Revenue Report, 1924/5, 6; 1925/6, 3; 1926/7, 7.

<sup>136</sup>Revenue Report 1927/8, 6; 1928/9, 8.

<sup>137</sup>Revenue Report, 1925/6, 3.

<sup>138</sup>Revenue Report, 1926/7, 7.

<sup>139</sup>Revenue Report 1924/5, 6.

<sup>140</sup>Revenue Report 1927/8, 6.

<sup>141</sup>Sir Samuel O'Donnell, speech Legislative Council, 10 July 1926, in P.L.C., XXX, 652.

<sup>142</sup>Idem...

<sup>143</sup>"The Oudh Rent Act. Some Suggested Amendments" in The Pioneer, 8 March 1925.

<sup>144</sup>Idem...

<sup>145</sup>Revenue Report, 1924/5, 6; 1926/7, 7; 1927/8, 6.

<sup>146</sup>Gunwar Sahai Saksena, "An Agricultural survey of Babhshi-  
ka-Talab, District Lucknow", in Fields and Farmers in Oudh, op. cit..186.

<sup>147</sup>Ibid., 185.

<sup>148</sup>Final Report on the Third Regular Settlement of the Rae Bareli  
District, Oudh, 1929 by A.C.Turner, (Allahabad: Superintendent  
Government Press, U.P., 1929), 12, para. 22.

<sup>149</sup>Idem.

<sup>150</sup>Ibid., 14, para. 23.

<sup>151</sup>S.R.Unao 1931, 10, para. 19.

<sup>152</sup>Ibid., 11, para. 19.

<sup>153</sup>Idem.

<sup>154</sup>Idem.

<sup>155</sup>Idem.

<sup>156</sup>Final Settlement Report of the Bara Banki District, (Oudh), 1930,  
by L.Owen (Allahabad: Superintendent, Government Press, U.P., 1931),  
11, para. 34.

<sup>157</sup>Idem.

<sup>158</sup>Idem.

<sup>159</sup>Final Report on the Settlement of Land Revenue in the Lucknow  
District, Oudh, 1926-28 by Pt. Brij Chand Sharma (Allahabad:  
Superintendent, Government Press, 1930), 8, para. 13.

<sup>160</sup>S.R.Partabgarh 1930, 15.

<sup>161</sup>Idem.

<sup>162</sup>Ibid., 16.

<sup>163</sup>Sir Samuel O'Donnell, speech in the Legislative Council,  
8 July 1926, in P.L.C., XXX, 526.

<sup>164</sup>Revenue Report 1926/27, 1. <sup>165</sup>Idem.

<sup>166</sup>Revenue Report 1927/28, 7.

<sup>167</sup>Revenue Report 1926/27, 1. The depreciation of zamindari  
property following the 1926 Act was also noted in the Report of the



Registration Department, U.P., 1929-1931, cited in Neale, op. cit., 399.

<sup>168</sup>Revenue Report 1927/28, 7.

<sup>169</sup>Idem..

<sup>170</sup>Revenue Report 1928/29, 8.

<sup>171</sup>Ibid., 2, 6, 9.

<sup>172</sup>Ibid., 2.

<sup>174</sup>Idem..

<sup>174</sup>Idem..

<sup>175</sup>Revenue Report 1929/30, 1, 3.

<sup>176</sup>Ibid., 3.

<sup>177</sup>Ibid., 2, 3.

<sup>178</sup>Ibid., 4.

<sup>179</sup>Ibid., 2.

<sup>180</sup>Ibid, 3.

<sup>181</sup>Ibid., 2.

<sup>182</sup>Ibid., 3. This may be traced perhaps, at least in part, to the fact that both before and during the depression the older zamindari and taluqdari families were losing their estates to money-lenders who made harsh landlords, interested in profit at any price. The major reason was probably simply the inflexibility of the 'zamindari mind' but evidence lends some support to the influence of this other factor. McKim Marriott in "Social Change in an Indian Village" in Economic Development and Cultural Change No. 2, June 1952, (Chicago, Research Centre in Economic Development and Cultural Change, University of Chicago), 49, records that in village Paril, district Aligarh, 2 zamindari families were bankrupted during the depression and part of their lands passed to a local moneylender while the rest went to a Jat from outside the village. This process had gone on for much longer, however. Saksena, in Fields and Farmers in Oudh, op. cit., 190, noted that "because of the extravagant and intemperate habits of the Thakurs", the village land was "slowly and gradually passing into the hands of professional moneylenders". Settlement Reports throughout the 'twenties noted the same tendency.

S.R.Lucknow 1930, 3: Muhammedan and Thakur zamindars were facing "gradual displacement by moneylending mahajans"; S.R.Unao 1931, 4: "Thakurs have lost heavily since the last settlement ... Brahmans and Khattris are the principle gainers at their expense, these classes supplying the leading moneylenders of the district". S.R.Bara Banki 1931, 4: Muhammedans, Thakurs and Kayasths "lost and losing" land to Brahmans, money-lenders and traders; S.R.Partabgarh 1930, 3: "Thakurs (Kshattriyas) still occupy decidedly first place ... They lost some ground chiefly on account of litigation and heavy expenditure over marriages. Fortunately ... the major portion lost was purchased by the Kshattriya taluqdars of other districts". Final Settlement Report of the Budaun District, U.P., 1929 by A.A.Waugh (Allahabad; Superintendent, Government Press, U.P., 1930), 9: "It is a question whether legislation ... to restrain agriculturist zamindars from reckless mortgage of their own and their heirs' property has not become desirable" Final Report on the Settlement of Land Revenue in the District Hardoi (Oudh) by Pt. Brijchand Sharma (Allahabad; Superintendent, Government Press, U.P., 1932), 12: "Other castes have gained at the expense of Thakurs and Muhammedans. The purchasers are generally well-to-do proprietors. The largest gainers are Brahmans and Vaishes".

<sup>183</sup>Ibid., 3.

<sup>184</sup>Revenue Report, 1930/31, 2.

<sup>185</sup>Idem.

<sup>186</sup>Ibid., 10.

<sup>187</sup>Ibid., 7. "Privileged tenants" here refers to those with tenant rights granted under the legislation, i.e. they are privileged against the landlord, not from him. This highlights one of the

curious features of the Indian agrarian system, that the "landlord" was in fact largely divorced from the control of his land.

<sup>188</sup>Ibid., 6.

<sup>189</sup>Idem.

<sup>190</sup>Ibid., 4.

<sup>191</sup>Ibid., 7.

<sup>192</sup>Ibid., 2. See also Indian National Congress, U.P. Provincial Committee, Agrarian Distress in the United Provinces (Allahabad: U.P.P.C.C., 1931) cited in Crane, R.I., The Indian National Congress and the Indian Agrarian Problem, 1919-1939 (unpublished Ph.D. dissertation, Yale University, New Haven, Conn., 1951), 56-9. See also Nehru, Autobiography, Chap. 39, "Agrarian Troubles in the United Provinces", 297-312.

<sup>193</sup>Nehru, op. cit., 303-4, 306. <sup>194</sup>Revenue Report 1931/32, 2-3.

<sup>195</sup>Ibid., 2-5.

<sup>196</sup>Ibid., 12.

<sup>197</sup>Ibid., 4.

<sup>198</sup>Ibid., 10, 12.

<sup>199</sup>Ibid., 11. The number of cases instituted fell from 610,000 to 522,000 which still meant that one person in 70 in the province was involved, on the average, in litigation.

<sup>200</sup>See J.L.Nehru to Kunwar Jagdish Prasad, Chief Secretary of the U.P. Government, Allahabad, 15 October 1931, and 26 October 1931, in Correspondence Relating to the Agrarian Crisis in the United Provinces (Allahabad: U.P. Provincial Congress Committee, (1932)), 1-3, 19. Nehru complained of outrages on women, "atrocities of the employees of zamindars", ejectments, harshness of police methods, attachments and the harassment of Congress workers.

<sup>201</sup>Letter from Pt. J.L.Nehru, to Kunwar Jagdish Prasad, 15 October 1931, loc. cit.

<sup>202</sup>Letter T.A.K.Sherwani, President U.P.P.C.C., to Shri Ballahbhai Patel, Chairman, Parliamentary Committee of Indian National Congress, dated Allahabad, 18 October 1931, in Correspondence relating to the agrarian crisis, op. cit., 16.

<sup>203</sup>Revenue Report 1932/33, 1-2. The government was not happy about the strength of the political movement among the kisans. I have had the opportunity to see extracts from the records of the Government of Bihar and Orissa which reflect this. A confidential memo No. 6346-C, 24 November 1933 from P.C. Talberts, Chief Secretary Government of Bihar and Orissa to Commissioner of the Patna Division, A.P.Middleton, in File 21/1934 (Political Dept. Special Section): "The relations of the kisan sabha with similar bodies in the United Provinces and with the leadership of Jawahir Lal Nehru of that Province are at present one of the politically important considerations".

<sup>204</sup>Revenue Report 1932/33, 6.

<sup>205</sup>Revenue Report 1932/33, 11-12; 1934/35, 12.

<sup>206</sup>Revenue Report 1935/36, 8.      <sup>207</sup>Ibid., 5.

<sup>208</sup>Jagdish Prasad, President of the U.P. Zamindars' Association, meeting, 1930, cited Crane, op. cit., 51.

<sup>209</sup>Misra, op. cit., 230-2. Also Malaviya, op. cit., 63-5.

<sup>210</sup>Revenue Report 1936/37, 2.

<sup>211</sup>Phillips, C.H. India (London: Hutchinson, (1948), 128. The electorate was increased from c. 7 millions to 35 millions. See also, Keith, A.B., A constitutional history of India, 1600-1935 (London: Methuen, 1936), 357 and 359, and Coupland, R., The Indian Problem 1833 - 1935 (London: Oxford, 1942), 62, 134. There is some slight

discrepancy in the figures given in these three places, but the point that there was a large increase is sustained.

<sup>212</sup>Report of Rai Amar Nath Agarwal, honorary general secretary, to Agra Province Zamindars' Association, The Leader, 23 March 1939.

<sup>213</sup>E.g. Rafi Ahmad Kidwai, the Revenue Minister, admitted in the Legislative Assembly that zamindars were known to be collecting arrears suspended by the Government. The Leader, 11 February 1939.

<sup>214</sup>Final Report of the Settlement Operations in the Bahraich District by Badri Prasad (Allahabad: Superintendent of Printing and Stationery, U.P., 1939), 17, para. 35.

<sup>215</sup>Final Settlement Report of the District Sultanpur by J.A. Fordham (Allahabad: Superintendent, Printing and Stationery, U.P., 1940), 31, para. 53.

<sup>216</sup>Final Report on the Settlement and Record Operations in District Sitapur by S.Abdul Hasan (Allahabad: Superintendent Printing and Stationery, U.P., 1939), 13, para. 27.

<sup>217</sup>Final Settlement Report of District Bareilly, by I.W.Lewys-Lloyd, (Allahabad: Superintendent, Printing and Stationery, U.P., 1942), 1, para. 8.

<sup>218</sup>Final Settlement Report of the Aligarh District by S.Ahmad Ali (Allahabad: Superintendent Printing and Stationery, U.P. 1940), 19, para. 1.

<sup>220</sup>Final Settlement Report of the Meerut District by C.H.Cooke (Allahabad: Superintendent Printing and Stationery, U.P., 1940), 19, para. 1.

<sup>220</sup>U.P.P.C.C. Congress Agrarian Enquiry Committee Report (1936), 64-5. The first exaction was "Hari". Prof. H.S.Jevons claimed that the begar labour rate was 1 anna per day compared to the normal rate (then) of 6 annas per day. The Economics of Tenancy Law and Estate Management (Allahabad: Dept. of Economics, Allahabad University, 1929), 71.

<sup>221</sup>Congress Report, 1936, op. cit., 65. Jevons, op. cit., 70.

<sup>222</sup>Z.H.Lari, speech in Legislative Assembly, The Leader, 22 April 1939.

<sup>223</sup>Agrarian Enquiry Committee Report, loc. cit..

<sup>224</sup>Ibid., 67.

<sup>225</sup>Ibid., 66-7.

<sup>226</sup>Ibid., 53. See also Final Settlement Report of Jhansi District by H.T.Lane (Allahabad: Superintendent, Printing and Stationery, U.P., 1947), 9: "Though the loan transactions are not large on paper the important thing is that the banyas have been content to keep the cultivators permanently in the 'jujmani' and the logical conclusion of this in Lalitpur has often been a kind of economic serfdom".

<sup>227</sup>Cr. Sir Malcolm Hailey, Governor of U.P., in Legislative Council, 20 July 1931, in Current Problems in the Rural Area. Vade-Mecum for the Rural Propogandist. comp. S.S.Nehru (Naini Tal, Assistant Superintendent in Charge, Government Branch Press, 1932), 10:

"When certain newspapers are allowed to tell the world that landlords habitually perpetuate nameless horrors on tenants ... then clearly there is something far beyond a mere desire to find a remedy for the economic distress of the tenants. Once more I refrain from applying any epithet to this attempt to spread class hatred through

the countryside". See also "U.P. Tenancy Bill. I", editorial, The Leader, 28 April 1938; "What proof have the Government got that there have been 'abuses' and 'waste' and 'oppression'? Their ipsi dixit is not enough. They should give cogent reasons for making statements which cast a serious slur on the generality of zamindars".

<sup>228</sup>Nehru, Autobiography, 297. See also Spear, P. India, Pakistan and the West (London, Oxford University Press, 3rd ed. 1958), 205.

<sup>229</sup>Gandhi was prepared to see a change in the agrarian system for the improvement of the tenants' position. But means were all important. Nehru (Autobiography, 403) records that at a meeting in 1933: "I was happy to have Gandhiji's declaration that there must be a de-vesting of vested interest, though he laid stress that this should be by conversion, not compulsion". (Emphasis added.) It was a view which accorded with the "theory of trusteeship" according to which "the privileged classes held their wealth as 'trustees' of the nation at large", see Brecher, M., Nehru, A Political Biography (London: Oxford, 1959), 198. Later, at least, he suggested that the State could liquidate the trusteeship. Malaviya, op. cit., 72-3, cites from Harijan, 29 December 1951, a report of an interview which Mirabehn had with Gandhi; "One day she asked Gandhiji in Aga Khan jail, "How will land be distributed after Swaraj? Gandhiji answered: "Land will be owned by the State ... A majority of zamindars will give up their land willingly. Those who do not ... will have to do so under legislation". To Louis Fischer he expressed the view that the peasants would "confiscate" the land, "without compensation", ibid., 71-2.

<sup>230</sup>This is not to say that there were no class-conscious Congressmen nor that the Congress was not to a large extent political; but merely that it was never successful in this role. As Crane, op. cit., 164-5, points out: "Historically ... the Congress grew from a small organisation of the intellectual and professional groupings into a mass national movement ... It did not, however, learn how to solve basic socio-economic problems while preserving unity. As a result the promised social reform had to be sacrificed in the interests of the larger goal of national independence".

<sup>231</sup>Revenue Report 1937/38, 2.

<sup>232</sup>Ibid., 5.

<sup>233</sup>Revenue Report 1938/39, 2.

<sup>234</sup>Ibid., 15.

<sup>235</sup>Ibid., 2.

<sup>236</sup>Ibid., 15 and 17.

<sup>237</sup>Ibid., 5.

<sup>238</sup>Government Statement in Legislative Assembly, The Leader, 8 December 1938. See also Revenue Report, 1938/39 for constant references to friction.

<sup>239</sup>Ranga, N.G. and Sahajanand Saraswati, History of the Kisan Movement (Madras: All India Kisan Publications, 1939), 88, cited in Crane, op. cit., 108.

<sup>240</sup>Crane, op. cit., 102.

<sup>241</sup>Ibid., 124.

<sup>242</sup>Ibid., 110.

<sup>243</sup>The United Provinces Government at Work, July 1937-January 1938 (Department of Public Information, U.P., n.d.), 4, 18, 20-2. See also, Crane, op. cit., 110.

<sup>244</sup>Ranga and Saraswati, op. cit., 88, cited Crane, op. cit., 108.

<sup>245</sup>Crane, op. cit., 123-4.

<sup>246</sup>cited, ibid., 139.



<sup>247</sup>Ibid., 141-2, cites Indian National Congress Resolutions, 1938-9, 60-2.

<sup>248</sup>Narendra Deva, Presidential Address Fourth All-India Kisan Conference, Gaya, (Bihar), 9-10 April 1939, 8.

<sup>249</sup>Ranga and Saraswati, op. cit., 103, cited Crane, op. cit., 139. Also Schiff, L., The Present Condition of India (London: Quality Press, 1939), 22ff., cited in Crane, op. cit..

<sup>250</sup>Statesman, 30 June 1938 cited in Crane, op. cit., 140. See also Desai, A.R., Social Background of Indian Nationalism (Bombay: Popular Book Depot, 2nd ed., 1954), 169.

<sup>251</sup>Statement by Sir Jogendra Singh, taluqdar and former Minister for Agriculture, Punjab, in The Leader, 20 April 1938, 2.

<sup>252</sup>Address of Rani Phulkumari Sahiba of Sherkot at meeting, Bijnor, in The Leader, 28 April 1938, 8. Similar protest meetings, Unao, 21 April 1938 and 17 October 1938.

<sup>253</sup>The Statesman, 5 May 1938, 18, cited in Crane, op. cit., 139. See also The Leader, 29 April 1938, 11. Cf. Coupland, R., Indian Politics 1936-42 (Oxford, 1943), 140.

<sup>254</sup>Charan Singh, speech in Legislative Assembly in Proceedings of the United Provinces Legislative Assembly, Vol. IX, No. 5, 649, cited in Crane, op. cit., 143.

<sup>255</sup>The Leader, 1 May 1938 reported that 50 zamindar Congress M.s L.A. had held meeting to consider the provisions of the Bill and had decided to ask for reconsideration of sir and rent provisions.

<sup>256</sup>Narendra Deva, Presidential Address, op. cit., 10, claimed that "cases were not wanting when an individual committee does not interest itself in the matter for the simple reason that it is controlled by zamindars who

are not true to the Congress programme and who even use their position for frustrating peasants' rights and claims on the organisation".

<sup>257</sup>Coupland, Indian Politics 1936-42, op. cit., 140. See also Vakil, Mankilal H., Land Taxation and Tenures in India. A Historical Juridical Study (Bombay: The Indian Institute of Sociology, 1937), Preface.

<sup>258</sup>The Government of India Act, 1935, (25 & 26 Geo. V., Chap. 42) Article 299 in Speeches and Documents on the Indian Constitution, 1921-47 ed. Sir Maurice Gwyer and A.Appadorai (2v. London: Oxford, 1957), 363.

<sup>259</sup>U.P. Advocate-General, speech in U.P. Legislative Assembly in Proceedings of the Legislative Assembly of the United Provinces, IV, vi, 730, cited in Crane, op. cit., 136.

<sup>260</sup>The United Provinces Tenancy Act, (United Provinces Act No. XVII of 1939) (As amended ...) (Superintendent, Printing and Stationery, n.d.), sec. 6, p.5. Local rates were assessed by the District Boards for general development funds under the U.P. Local Rates Act, I of 1914. In the permanently settled districts they were limited to 6 per cent. of the annual value of the estate. They were additional to road cesses and land revenue. Normally, a local rate of Rs. 25 p.a. would represent an annual revenue payment of Rs. 250. See An Analytical and Exhaustive Commentary on the U.P. Tenancy Act (XVII of 1939) by K.B. Qazi Azizuddin Ahmad Bilgrami (Allahabad: Ram Narain Lal, 3rd ed., 1950), 216. Act I of 1914 will be found in Revenue Companion, 308-314. (References to Act XVII of 1939 unless otherwise stated are from the official text).

<sup>261</sup>XVII of 1939, sec. 6.

<sup>262</sup>Idem.

<sup>262</sup>Idem.

<sup>263</sup>XVII of 1939, sec. 16(1).

<sup>264</sup>XVII of 1939, sec. 16(4). This section was not licence for a sir-holder to bring his sir up to 50 acres. "Whichever is less" is the operative clause. He was simply permitted to have excluded from the effects of the section as much of his let sir and khudkasht as would bring his total sir to 50 acres, or an amount equal to the unlet sir which he already held. Thus, if he held 46 acres of unlet sir and 30 acres of let sir and khudkasht, 4 acres could be demarcated and added to his sir to bring it to 50 acres. But if he held 20 acres of unlet sir and 30 acres of let sir and khudkasht, only 20 acres could be demarcated and added as sir. See also Bilgrami's Commentary, 249-50.

<sup>265</sup>XVII of 1939, sec. 17.

<sup>266</sup>XVII of 1939, sec. 41(1).

<sup>267</sup>Cf. Misra, op. cit., 178.

<sup>268</sup>XVII of 1939, sec. 54(1) as in Bilgrami's Commentary, 509.

<sup>269</sup>XVII of 1939, sec. 54(2) as in Bilgrami's Commentary, loc. cit..

<sup>270</sup>XVII of 1939, sec. 54(3) as in Bilgrami's Commentary, loc. cit..

<sup>271</sup>XVII of 1939, sec. 54(5) as in loc. cit..

<sup>272</sup>Revenue Report 1939/40, 13.

<sup>273</sup>XVII of 1939, sec. 90.

<sup>274</sup>XVII of 1939, sec. 147.

<sup>275</sup>XVII of 1939, sec. 148.

<sup>276</sup>XVII of 1939, sec. 21.

<sup>277</sup>XVII of 1939, sec. 14, sec. 29.

<sup>278</sup>XVII of 1939, sec. 30.

<sup>279</sup>XVII of 1939, sec. 33 (10).

<sup>280</sup>XVII of 1939, sec. 40(1). The holding could not be sublet within three years of any portion of it being under a sublease.

<sup>281</sup>XVII of 1939, sec. 251.

<sup>282</sup>XVII of 1939, sec. 92.

<sup>283</sup>XVII of 1939, secs. 114, 117. Permanent tenure-holders and fixed rate tenants were not subject to these provisions.

<sup>284</sup>XVII of 1939, sec. 104.

<sup>285</sup>XVII of 1939, sec. 107.

<sup>286</sup>XVII of 1939, sec. 110.

<sup>287</sup>XVII of 1939, sec. 96.

<sup>288</sup>XVII of 1939, sec. 97.

<sup>289</sup>XVII of 1939, sec. 107.

<sup>290</sup>XVII of 1939, sec. 126(1).

<sup>291</sup>XVII of 1939, sec. 123.

<sup>292</sup>XVII of 1939, sec. 163 provided for payment of arrears on notice from the tahsildar; sec. 168 provided that decreed arrears not satisfied within one year made the tenant liable to ejectment. Arrears were completely satisfied on ejectment, sec. 158.

<sup>293</sup>Ajit Prasad Jain, speech in U.P. Legislative Assembly, in The Leader, 12 February 1939, 14.

<sup>294</sup>XVII of 1939, sec. 172.

<sup>295</sup>XVII of 1939, sec. 171(1).

<sup>296</sup>XVII of 1939, sec. 180. This was added by Act I of 1940. The Congress Ministry had hoped to make trespassers who had been on land for a number of years, hereditary tenants. The Leader, 22 February, 1939.

<sup>297</sup>XVII of 1939, sec. 169, 175.

<sup>298</sup>XVII of 1939, sec. 183.

<sup>299</sup>XVII of 1939, sec. 20.

<sup>300</sup>XVII of 1939, sec. 65(1).

<sup>301</sup>XVII of 1939, sec. 3(8), 65(2), 80.

<sup>302</sup>XVII of 1939, sec. 65(2), 73.

<sup>303</sup>XVII of 1939, sec. 71.

<sup>304</sup>Faizpur Agrarian Programme, 1936, cited in Malaviya, op. cit., 64.

Points 5 and 6.

<sup>305</sup>Preamble to Agrarian Programme, ibid., 63.

<sup>306</sup>Point 1, Agrarian Programme, ibid., 63-4.

<sup>307</sup>Points 2, 9, 11, Agrarian Programme, ibid., 64-5.

<sup>308</sup>Crane, op. cit., 163. Such failings however made nonsense of claims such as that made in The United Provinces Government at Work, op. cit., 3: "What the Congress has proposed, the Government have enacted".

<sup>309</sup>Ehrlich's proposition is clearly applicable": ... legislation is characterised by a most naive dilettantism, which is satisfied in its own mind that all that is necessary in order to abolish an existing evil is to forbid it". Op.cit., 411.

<sup>310</sup>Bilgrami's Commentary, 23. Preface to First Edition, 31 August 1940.

<sup>311</sup>Revenue Report 1939/40, 4.

<sup>312</sup>Final Settlement Report of Aligarh District by S.Ahmad Ali (Allahabad: Superintendent, Government Press, U.P., 1942), 1, para. 6.

<sup>313</sup>See Final Settlement Report of the Shahjahanpur District by G.A.Haig (Allahabad: Superintendent, Printing and Stationery, U.P., 1943), 7, para. 21, (30%); Final Settlement Report of District Mainpuri by Sh. Zahurul Hasan (Allahabad: Superintendent, Printing and Stationery, U.P., 1944), 9, para. 22, (19%); Final Settlement Report of Etah District by M.M.Siddiqui (Allahabad: Superintendent, Printing and Stationery), U.P., 1944), 2, para. 7, (22.9%); S.R.Jhansi, 1947,8, para. 6, (33.0%).

<sup>314</sup>cf. Revenue Report 1944/45, 48A-75A.

<sup>315</sup>Revenue Report 1939/40, 11-12.

<sup>316</sup>Ibid., 2-3.

<sup>318</sup>Ibid., 12.

<sup>320</sup>Ibid., 2.

<sup>322</sup>Ibid., 4.

<sup>324</sup>Ibid., 6.

<sup>326</sup>Ibid., 6.

<sup>328</sup>Revenue Report 1942/43, 3.

<sup>317</sup>Ibid., 3.

<sup>319</sup>Idem.

<sup>321</sup>Revenue Report 1940/41, 3.

<sup>323</sup>Ibid., 3-4.

<sup>325</sup>Revenue Report 1941/42, 3.

<sup>327</sup>Ibid., 5.

<sup>329</sup>Idem.

<sup>330</sup>Revenue Report 1943/44, 3; 1944/45, 2-4. See also Marriott, "Social Change in an Indian Village" in Economic Development and Cultural Change, op. cit., 149.

<sup>331</sup>Revenue Report 1944/45, 3. <sup>332</sup>Idem..

<sup>333</sup>Revenue Report 1943/44, 3; 1944/45, 12.

<sup>334</sup>Revenue Report 1942/43, 6. <sup>335</sup>Revenue Report, 1944/45, 3.

<sup>336</sup>Ibid., 5.

<sup>337</sup>Ibid., 12.

<sup>338</sup>Speeches and Documents on the Indian Constitution 1921-47, op. cit.,

liii. See also, Phillips, op. cit., 138; Brecher, op. cit., 262.

<sup>339</sup>Speeches and Documents, op. cit., lvii. See also Brecher, op. cit., 303-5. See above, p.5, for details of election.

<sup>340</sup>Revenue Report, 1945/46, 3.

<sup>341</sup>Idem.. See also A.B.P., 3 April 1946, 3.

<sup>342</sup>Revenue Report 1946/47, 12. <sup>343</sup>ABP, 22 May 1946, 3.

<sup>344</sup>ABP, 17 August 1946, 3. See also, Bilgrami's Commentary, 508.

<sup>345</sup>United Provinces Tenancy (Amendment) Act, X of 1947, printed in Act XVII of 1939 (As amended ...), op. cit., 97-100; section 28. See also Bilgrami's Commentary, 509. The Act commenced 14 June 1947, f.note XVII of 1939, op. cit., p.97.

<sup>346</sup>X of 1947, sec. 27.

<sup>347</sup>Idem..

<sup>348</sup>XVII of 1939, sec. 165(4). <sup>349</sup>XVII of 1939, sec. 171.

<sup>350</sup>XVII of 1939, sec. 20A. See also, ABP, 25 June 1946, 2.

<sup>351</sup>Revenue Report 1946/47, 3.

CHAPTER IV.THE AGRARIAN STRUCTURE, 1951.

## (i)

The legal fact of the ownership of a piece of land consists in the aggregate of a set of rights or privileges relating to that piece of land. These rights may, of course, vary under different systems of law. Under Anglo-American law a person who owns a piece of land in fee simple has

"as against each of an indefinite, constantly changing number of persons a claim that they refrain from certain kinds of acts - trespasses ... - with reference to the land. In addition he has the privilege or liberty of using the land in all lawful ways. He also has the legal power or legal ability to transfer or otherwise cut down the ownership. Finally, he has an immunity from having his ownership destroyed or altered without his consent except in certain specified ways, as, for example, by the exercise of the power of eminent domain by the State."<sup>1</sup>

Subject to the absolute ownership of the State expressed in the levy of land revenue, this was an approximation of the rights conferred on the "landlords" by the administrators of Company and Crown in India.

If each of such rights is thought of as a unit in an ownership "bundle", then the agrarian legislation enacted from 1859 to 1947 served to distribute those units between the groups within the agrarian structure: the State, the landlord and the cultivator or

tenant. Generally it gave to different groups a specific right - the right to revenue, to rent, to occupancy and so on. Sometimes it shared specific rights between the groups, breaking the units, as it were, into irregular portions. Yet, although the units thus became separated, they still represented, in sum, the fact of ownership.<sup>2</sup> There was not, in the Indian context, anything very revolutionary in the mere fact of separation or sharing of rights, for this, to all intents and purposes, had always been the case. The State, in the person of the Raja, had traditionally exercised an ultimate suzerainty by levying land revenue, while the landholder - who was ipso facto the settlement holder - retained the remaining rights.<sup>3</sup> What was different in the efforts of the nineteenth and twentieth centuries was the range over which the rights were distributed, "the elaborate sets of inferior claims"<sup>4</sup> which were defined.

The result was that in the Indian agrarian system there was no "owner" possessing the totality of rights which are accepted as the standard of "western" ownership. The zamindar's position was compromised by the State 'above' and the rights which were recognised 'below' him<sup>5</sup> and yet these inferior-right holders fell short of ownership themselves.<sup>6</sup> Instead there was

"a layering of rights from these of the State as superlandlord (or ultimate owner) down through those of the sub-landlords (penultimate owners) to those of several tiers of tenants".<sup>7</sup>

This was the position in 1950. It had not been as well defined at the time of the passing of the first tenancy acts, however, and



the importance of the various measures discussed in the preceding chapters lies in their action in creating the later structure. When the Bengal Tenancy Act of 1859 was applied to the North-Western Provinces and the Sub-Settlement Act of 1866 and Rent Act of 1868 were enacted for Avadh, the majority of the residual rights of ownership beyond those retained by the State were vested in the zamindar, or taluqdar - the person with whom the revenue settlement was concluded. Only in a relatively few cases had the rights of holders below these "landlords" been recognised. In the following eighty years, while the landlord retained his basic right - to collect rent - he gradually lost, to his tenants, most of his rights which bore directly on the occupation and use of the land.<sup>8</sup> As has been shown in the chapters above, each new phase of legislation was the result of the specific economic and political pressures during the period in which they were passed. It is apparent now, however, that they were not an aimless movement stretching over nearly ninety years but a series of consistent attempts to keep pace with a continually changing agrarian society,<sup>9</sup> a progressive and logical extension of the rights of ownership to the limits of the agrarian structure.

Any assertion of a landlord-tenant "system" in U.P. needs qualification for ~~it is not that~~ there was no homogeneity within either group, "landlords" or "tenants".<sup>10</sup> There were in fact a wide variety of landlord-tenant "systems", e.g. between taluqdar and occupancy tenant, zamindar and hereditary tenant, permanent tenure-holder and tenant, or any of the other possible permutations and combinations

of tenures.

Such a qualification defied the use of "western" concepts of land-ownership, but it did not preclude an alignment of social groups based on land. Within the village, agrarian groups fell into such alignments - zamindar and kisan, malik and raiyat - which were landlord-tenant groupings within the framework of the tenures which existed in the particular village however variant the groups were on the provincial scale. Even the tenant, by sub-letting, could create a quasi-landlord relationship, often accentuating, in the process, the worst features of the system under which he himself held land. As one commentator noted:

"it is a melancholy fact that the kisan, in Oudh at any rate, is the worst of landlords when he sublets his land, the worst of usurers when he lends money and the worst of bullies when a little prosperity enables him to ride roughshod over his less prosperous brethren in the village".<sup>11</sup>

The terms "landlord" and "tenant" were thus purely relative in the agrarian structure of the United Provinces; they existed only in the context of the tenures of a specific village or set of villages. In any other way they were merely indefinite generalisations.

(ii)

Of the group which, because they stood in a proprietary relationship to a tenant, can be termed landlords, the taluqdars of Avadh had the most favoured position. They had, largely as a result of the manner of their acceptance and protection by the post-1857

administration, wider powers than the zamindars of either Agra or Avadh.<sup>12</sup> Under the terms of their sanads they had "a permanent, heritable and transferable right"<sup>13</sup> which was "transferable and heritable by a single heir".<sup>14</sup> They could create sub-proprietary rights within their estates and had the "privilege of engaging with the government for the revenue of a whole taluqa instead of for one mahal".<sup>15</sup> Their uniform character, based on the sanads, was moreover fostered by institutions such as the British India Association.

The zamindars were more diverse, at least in legal terminology. This distinguished between those estates which held as one unit and those held in shares, as well as between different forms of sharing. There were proprietors who, usually by purchasing an estate, held the whole of a mahal on their own account and were therefore denoted 'single zamindari'.<sup>16</sup> Then there were families which held the whole of a mahal undivided. This was 'joint zamindari'.<sup>17</sup> As well there were the co-sharing tenures, the bhaiyachara and pattidari communities. In the first of these the lands were held by the descendants of a common ancestor, usually in common but with shares defined on a traditional basis. In the second, where the lands were usually held in severalty, there was a definite scheme of distribution based on the law of inheritance.<sup>18</sup> As a further elaboration, both bhaiyachara and pattidari tenures could be designated 'perfect' or 'imperfect': perfect when the form was complete, imperfect if part of the mahal was held in common while the rest was in severalty.<sup>19</sup> This terminology was not of any great significance, in itself, in understanding the position of the landlord group for they were, as Baden-Powell points out

"adapted for such convenience as might have resulted from it, in the first days when inquiry into tenures began to be important. But except as regards the term 'bhaiachara' it has no place in the language or thought of the people, the terms being mere vernacular - office equivalents of English terms indicating 'landlord' and 'divided share'. And it really has but little significance ... all these estates are 'zamindari', i.e. there is one person, an individual or a legal body, that is between the actual ... soil worker and the State".<sup>20</sup>

The only vital distinction was between a zamindar who owned the whole and one who owned only a share for this affected material position and, hence, social status. In the same way the distinction between the taluqdars and the zamindars was one of legal notation (which lessened anyway after the 1939 Act) and degree rather than of kind. There was diversity in the landlord group, of course, but the distinctions were economic, not legal.

The gulf from these "penultimate owners" to the underproprieters or subproprieters and then to the thekadars, the permanent tenure-holders, the permanent lessess in Avadh and the fixed rate tenants in Agra, was much greater. These groups stood in varying degrees (Actually, in a descending order very much as listed) in an intermediary proprietary position between tenants and proprietors.<sup>21</sup>

The underproprieters and subproprieters, the former in Avadh and the latter in Agra, were the strongest of these 'intermediary-landlords'. Their tenures were heritable and transferable and in Avadh the superior proprietor was deprived of a right of re-entry.<sup>22</sup> Many,

moreover, had a right to a sub-settlement and were redorded as pukhtedars, the holders of sub-settlements.<sup>23</sup>

The position of the other tenures was more difficult. The thekadars had no rights beyond their thekas and these could vary considerably, some being heritable and transferable, others being mere temporary leases.<sup>24</sup> After 1939 thekas could last only for ten years.<sup>25</sup> Whatever their rights in this regard, however, the thekadars were alike in being the lessees of the rights of a proprietor, and "in particular of the right to receive rents and profits".<sup>26</sup> They were thus in the usual Indian proprietary position. Moreover they could in many cases exert a great deal of influence in a village and acquire many other attributes of proprietorship. Gertrude Emerson Sen gives an illustration from a village in the estate of the Maharaja of Balrampur in Gonda District.

"Until Lala Babu, Superintendent of the Maharaja's elephants, was appointed Thekadar ~~for~~ Pachperwa ... the village had been spared a rent contractor. Tenants had paid their rents directly to the tahsil treasurer. They were not overjoyed at the change since the rent collector, who receives as payment from a tenth to a quarter of the rents, can exact labour and certain other taxes from them. Most unhappy of all, by general rumour, was the rich Mohammedan tenant who had to give up half of his land for the creation of sir land for the (thekadar in) Pachperwa. ... The tenant was compensated by receiving an appointment as rent contractor for another village but he did not feel that he had benefitted by the

exchange. From this and other sources, a block of a hundred acres was set apart for Lala Babu".<sup>27</sup>

Yet, despite such occasionally wide powers, the thekadars had the 'dual character' of the intermediary landlords in that they were "more or less like a tenant in relation to the lessor and proprietor in relation to the cultivating tenant".<sup>28</sup>

In this they were akin to the other 'intermediary landlords' although the remainder of this group had stronger positions than the average thekadar in that they had tenures which were heritable and, except for the Avadhi permanent lessees, were transferable.<sup>29</sup> In other respects however these tenures differed amongst themselves. The 'proprietary' nature of the tenure of the permanent tenure-holder and the permanent lessee was emphasised in several ways. Cultivators holding from them were tenants and not subtenants.<sup>30</sup> Moreover, the permanent tenure-holder's

"rights to manage the land and receive rents and profits thereof (were) unlimited. He (had) the right to grant leases, make improvements, use lands for any agricultural or non-agricultural purpose. He (could) plant groves without becoming a grove-holder and acquire sir and khudkasht rights in land under his personal cultivation. ... His interest (devolved) according to his personal law. He (could) not be ejected from his holding and the landlord (had) no right of re-entry upon his land. It (could), however, be sold in execution of a decree. ... Actually he (had) an advantage over the underproprietor inasmuch as his rent (was) fixed in perpetuity".<sup>31</sup>

However, even the position of the fixed rate tenant, it was admitted

by 1926, had become "practically, though not legally, closely analogous to that of a sub-proprietor".<sup>32</sup> The nicety of legal definition denied them subproprietary 'rank' because cultivators holding from them were only sub-tenants<sup>33</sup> but this was one of the few - and minor - marks of their previously inferior status which persisted. They could not acquire sir as the permanent tenure-holders but they had tenures which were completely transferable and which devolved in accordance with the tenant's personal law.<sup>34</sup> They had, moreover, acquired some of the less savoury characteristics of 'landlords'. Khan Bahadur Maulvi Fasih-ud-din claimed in the Legislative Council in 1926 that a fixed rate tenant paying eight annas per bigha would very likely charge a subtenant as much as eight rupees and ten annas per bigha.<sup>36</sup>

The 'intermediary landlords' therefore, despite their more complex character, must be considered as a part of the, in law, extremely diverse proprietary group.

A more valid division of the proprietary body was that which was based on the material condition of the groups. This had reference to the size of estates rather than tenures although there is a correspondence between the two. The scale descended in the main from the taluqdars and single zamindars through the co-sharers to the 'intermediary landlords'. The Settlement Report of the Gonda district establishes the upper limits of the scale in its statement that

"the two northern parganas of tahsil Utraula, Tulsipur and Balrampur, covering an area of 864 square miles, are (with the exception of nine small villages) permanently settled

TABLE VIII.

AVERAGE SIZE OF PROPRIETARY ESTATES, UNITED PROVINCES.  
(acres).

District	Taluqdari	Single Zamindari	Joint Zamindari	Pattidari	Bhaiyachara
Sultanpur	7,344.0	151.0	10.0	6.0	4.0
Sitapur	2,765.5	274.0	46.1	23.4	23.2
Bijnor	-	243.0	23.0	8.0	2.6
Bareilly	-	187.0	17.0	8.6	4.9
Shahjahanpur	-	262.0	28.9	10.6	4.6
Mainpuri	-	362.0	25.0	14.3	7.4
Meerut	-	227.7	16.8	7.3	4.0

SOURCE: S.R.Sultanpur 1940, 15. S.R.Sitapur 1939, 36. Final Settlement Report of the Bijnor District by W.F.G.Browne (Superintendent, Printing and Stationery, U.P., Allahabad, 1939), 7. S.R.Bareilly, 1942, 5. S.R.Shahjahanpur 1943, 21. S.R.Mainpuri 1944, 7. S.R.Meerut 1940, 56.



with the Maharaja of Balrampur for services rendered by his family in the Mutiny".<sup>37</sup>

Other settlement reports gave an indication of the variation within the proprietary grades - taluqdari, zamindari and the co-parcenary communities. These are seen in Table VIII.

Some idea of the average holdings of the 'intermediary landlords' may be gained from the figures collected by the Zamindari Abolition Committee in 1948. These are compared in Table IX. There were, naturally, differences between districts in these figures. In Mirzapur, sub-proprietors held nearly twenty-seven acres on the average while in Unao, where 15,799 underproprietors held 22,368 acres, the average was less than one and one-half acres. In Azamgarh the average for the same group was less than one acre, 4060 sub-proprietors holding only 3,509 acres.<sup>38</sup>

These differences may be examined from another source - the revenue payments which, being based on land holdings, gave an idea of the variations in holdings throughout the provinces. As the average land revenue rate was about Rs. 1 and 8 annas per cultivated acre,<sup>39</sup> the following table confirms the immense range of holdings amongst the proprietary-tenure holders. At the one extreme were nearly eighty-five per cent. of the zamindars whose revenue payments represented average 'estates' of between thirteen and fourteen acres; at the other, settlement holders paying revenue for average estates of more than twenty-seven thousand acres. (Cf. Table X)

The holders of these varying estates belonged to very different social grades: at the one extreme was "Maharaja" and at the other

TABLE IX.

AVERAGE HOLDINGS OF INTERMEDIARY LANDLORDS, UNITED  
PROVINCES, 1945.  
(acres).

Tenure a	Number of persons. b	Area c	Average d
1. Underproprietor and subproprietor.	2,41,100	6,97,027	2.8
2. Permanent tenure-holders.	831	1,912	2.3
3. Fixed rate tenants.	4,67,921	7,10,817	1.5

SOURCE: Columns a, b, c, from Report, II, 7-8.

TABLE X.

ZAMINDARS BY AMOUNT OF LAND REVENUE PAYABLE; U.P., 1946/7.

Revenue Payable (Rs.)			Zamindars.
Less than	25		17,10,530
25	-	250	2,76,111
250	-	1000	24,249
1000	-	5000	5,089
5000	-	10000	414
10000	-	50000	323
Over		50000	67

SOURCE: Report, II, 1,3. Statements No. 1 and 2.

"Thakur Sahib". Yet they were also in very different economic positions. To say that

"in no other period of Indian history can we find so large, so well-established, and so secure a group of wealthy landholders as that which grew up and flourished between the 1790's and the 1940's"<sup>40</sup>

is to talk of only a portion of the landholding group. The Settlement Officer of Sultanpur noted in 1940 that "many petty proprietors and sub-settlement holders are in a worse position than the cultivators";<sup>41</sup> a remark echoed in the Gonda Settlement Report four years later: the pukhtedars were seriously indebted, "financially they are hardly better off than the ordinary tenants".<sup>42</sup> One of their number, pleading their case in a letter to The Leader, claimed that many had so little land that they had to find employment outside the village in such avenues as government service, to maintain themselves. What was more this writer places those paying up to Rs. 500 per annum as petty proprietors.<sup>43</sup> Bernard Cohen noted a similar trend among the Thakurs of a Jaunpur village:

"since 1900 more and more Thakurs had begun to derive incomes and prestige from working outside the village as teachers, police inspectors, printers and businessmen".<sup>44</sup>

Those who did this were not always the poorest; Kunwar Jagdish Prasad, for some time Chief Secretary to the U.P. government, was by no means a "petty proprietor".

Less tangible were the differences within the zamindari ranks which sprang from caste. Not that caste operated to any greater

extent among them than in normal society. It may have been lessened to some extent by the community of interest implied in a common tenure status, although there is no means of proving this except to point to the fact that associations such as the Agra Province Zamindars Association and the British India Association were wholly tenure alignments. The fact is worth noting, however, simply to demonstrate that there was no "landlord caste" in the sense that landholding was restricted to one group. And that being so, caste can be counted as a diffusing factor in the structure of the landlord group.

Caste often was, moreover, an indicator of other factors such as the origin of the tenure. Some castes carried traditions of ancient connections with the land; others were simply purchasers from recent times. The Jats of Aligarh, Marriott found, were

"descendants of the same Jat chieftains who seized control of the region some three hundred years ago. They are the heads of the leading families of their localised lineages, the principal proprietors of the land and, by the same token, quasi-officials of the State. Ancestors of the present Jat headmen, being in de facto control of hundreds of villages, had secured rights of revenue collection under provincial officials of Shah Jahan and Aurangzebe".<sup>45</sup>

Certain castes in other areas, e.g. the Pathans of the north-western districts such as Shahjahanpur and the Thakurs, widely throughout the province could trace a similar history.<sup>46</sup>

On the other hand were the moneylenders, principally Vaishes,

who had built up estates in very recent times by foreclosure and purchase. Even in the areas where there had been attempts to prevent them acquiring land - as in Bundelkhand where the Land Alienation Act of 1903 prevented the transfer of land to 'non-agriculturalists' for credit purposes - Vaishes and Jains tried

"by hook or by crook to evade the provisions of the Act and to acquire even a minute fraction of a share in a village ... (and then worked) themselves into the position of lambardar or made the other zamindars assign to them the job of rent collection".<sup>47</sup>

In other districts Brahmans did the same work as the major moneylending group.<sup>48</sup>

This lack of homogeneity was also apparent in the attitudes which different zamindari groups adopted towards their tenantry. To talk of attitudes is, of course, to deal in dangerous generalisations, but there are some reports<sup>5</sup> which make it clear that these existed. The older established groups often, as Marriott noted of the Aligarh Jats, "loved the soil" and maintained their contact with the village<sup>49</sup> with "an ideal of paternal despotism".<sup>50</sup> The Thakurs of Jhansi retained, even to 1947

"their old characteristics: conservative and reactionary, extravagant and wilful they struggle to maintain their ancient feudal rights and fight all attempts at independence or insistence on their legal rights on the part of their tenants; nor can they often be found in the van of agricultural progress or as pioneers of scientific methods of farming.

But when all this is said it must be freely admitted that the cultivators prefer them to a Vaish and it is probably due to them that the district is so remarkably free from the general course of litigation. The best Thakur landlords regard it as derogatory to their own honour to sue a tenant in court for rent or ejectment: theirs is an ideal of paternal despotism which, though it may have many faults and be unsjited to modern trends of thought, yet carries with it a great deal of graciousness".<sup>51</sup>

The 'mercantile landlords' on the other hand often '(looked) on their estates as a monetary investment and upon their tenants as mere rent payers".<sup>52</sup> Often absentee<sup>53</sup> and unbending landlords, they were "harsh with their tenants and prone to charge interest in true moneylending style on their arrears of rent".<sup>54</sup> The difference in attitude may in fact be that between agricultural and non-agricultural castes, for in Sultanpur Kayastha (clerk) landlords were noted as "harsh and indolent".<sup>55</sup>

Finally, it may be noted that not all landlords were Indian. At the time of zamindari abolition there were one hundred and ninety four foreign landlords in U.P., 177 of whom were Englishmen. They appeared to hold estates mainly in Meerut and Jhansi Divisions.<sup>56</sup> Insignificant perhaps in the overall picture, they were indicative of the conglomerate character of the 'landlords'.

The tenant group was no more unified. Indeed it suffered from similar causes of diffusion. As with the 'landlords', there were many legal variants reinforced by economic and caste distinctions.

Legal terminology defined a chain of tenures which, although widely separated at the extremities, were often only slightly variant from the tenure immediately 'above'. Thus, the chain which descended through tenants on special terms in Avadh, exproprietary tenants, occupancy tenants, groveholders, hereditary tenants, the holders of rent-free grants or grants at a 'favourable rate of rent' and non-occupancy tenants, falls essentially into two groups, distinguished by the Zamindari Abolition Committee as (i) those with rights of occupancy and (ii) those with temporary rights.<sup>57</sup> The Committee included fixed rate tenants with the first of these groups but here they have been left with the proprietary group as belonging, despite legal status, to that part of the agrarian structure.

The first group - those with rights of occupancy - included the tenants on special terms in Avadh, exproprietary tenants, occupancy tenants, groveholders and hereditary tenants.<sup>58</sup> All these subdivisions had basically a similar right: to retain possession of their land for as long as they did not become liable to ejectment under the provisions of the Act, and on their death, to pass the holding to their heirs. There were, however, differences within this general right. An Avadhi 'special terms tenant' while normally liable to ejectment on the same grounds as an occupancy tenant, could gain exemption on the grounds that there was a contrary agreement in the terms of his tenancy.<sup>59</sup> Then too, the holdings of all Avadhi tenants with rights of occupancy, (except hereditary tenants), whether they were tenants on special terms, exproprietary tenants or occupancy tenants, devolved according to personal law<sup>60</sup> and not

according to the order of succession laid down by the Act in sections 35 and 36. Moreover, while the 1939 Act removed many of the differences between exproprietary and occupancy tenants belonging to the two provinces in matters such as rent, mortgages and the eligibility of land for certain rights,<sup>61</sup> differences did remain between the provincial groups. Rents and the right to make improvements were examples. Avadhi special terms and exproprietary tenants had a privileged rent rate of two annas in the rupee below those of occupancy tenants,<sup>62</sup> while Avadhi occupancy and special terms tenants had an advantage over other occupancy groups in that they could make any improvement without the consent of the landholder, including the erection of a building on their holding and the construction of a tank.<sup>63</sup>

The groveholder, a tenant who had turned his holding into a grove by planting trees, held that land (unless he was a permanent tenure-holder, a fixed rate tenant, or an Avadhi special terms or occupancy tenant)<sup>64</sup> by a right generally similar to that of the occupancy tenants, for as long as the grove continued as such.<sup>65</sup> Apart from the fact that the holding was transferable - voluntarily as well as in execution of a court decree -<sup>66</sup> a groveholder was subject to the same provisions as occupancy tenants.<sup>67</sup>

The distinction between occupancy and hereditary in Agra rested wholly on the time of their creation. Until 1926 Agra tenants were moving towards occupancy rights. In that year occupancy rights were 'frozen' and statutory rights, which carried only limited heritability were introduced. After the 1939 Act, however, when



statutory rights were made fully heritable, little real difference remained between the pre-1926 occupancy tenant and the post-1939 hereditary tenant. Neither tenancy was transferable<sup>68</sup> and the rights of devolution,<sup>69</sup> subletting<sup>70</sup> and the making of improvements on the holding<sup>71</sup> were the same for both. The rent-rate system was designed to preserve existing differences in rents between occupancy and hereditary tenants. Where the rent-rate officer could find no distinction, the same rates were to apply to both.<sup>72</sup> It was the hereditary rates which were basic and occupancy rates were to be calculated by reference to them. However, only in Avadh, where it was laid down that occupancy rates were to be two annas in the rupee less, was any definite distinction made.<sup>73</sup> The gap to the Avadhi occupancy tenant was, of course, very much greater.

Of the tenures which comprised the other group of tenants, those with limited or temporary rights, rent-free or favourable rent grantees, and the various non-occupancy tenures, subtenants, tenants of sir and tenants of land used for temporary cultivation, - the first were in the strongest position, at least with regard to rent.<sup>74</sup> They had the privilege, implied in their title, of paying either no rent at all or of paying a 'favourable' rent - one less than the aggregate of revenue and local rates.<sup>75</sup> As well as this they had the rights of an hereditary tenant in making improvements and the same protection against illegal ejectment.<sup>76</sup> Moreover, when the favoured nature of the grant ceased, the grantee reverted to the status of an hereditary tenant.<sup>77</sup> There were disabilities, however, in the grantee's position. Except for grants of long standing,<sup>78</sup> rent, or on certain cases, revenue,<sup>79</sup> could be fixed on grants. <sup>80</sup> When

this happened the grantee could be ejected if "by the terms of the grant or local custom" it was held

- "(a) at the pleasure of the grantor; or
- (b) for the purpose of some specific service, religious or secular, which the landlord no longer (required); or
- (c) conditionally or for a term, when the condition (had) been broken or the term (had) expired".<sup>81</sup>

The grantee's position could, therefore, be made very uncertain. Provided that he did not become liable to ejectment, he might become an hereditary tenant<sup>82</sup> but the element of doubt reduced many grants to a position inferior to that of the occupancy-right holder.

Even so their status was superior to that of the third group, non-occupancy tenants, i.e. those who were not included in any other tenant group. The non-occupancy tenant's right of heritability<sup>83</sup> was, for instance, largely a right to succeed to a tenancy limited by the other provisions of the Act. A subtenant's position was, of course, limited by the terms of the lease which he held. ~~Avadhi~~ special terms or occupancy tenants and permanently disabled tenants could sublet for indefinite periods but subtenants holding from exproprietary, hereditary or Agra occupancy tenants were limited to a tenure of five years,<sup>84</sup> while those holding from non-occupancy tenants on unstable lands could have only an annual tenancy.<sup>85</sup> In addition, the extinction of the interest of the tenant-in-chief meant the extinction of the sublease.<sup>86</sup> Subtenants had no right to make improvements,<sup>87</sup> nor any protection against enhancement because sub-tenants, along with sir-tenants, were excluded from the benefits

of section 97 which restricted non-occupancy rent enhancement to once every five years. Subtenants and sir-tenants were at a further disadvantage in that a differential of 33 1/3rd per cent. was maintained between their rent rates and those for other non-occupancy tenants.<sup>88</sup>

Although Act XVII of 1939 extended hereditary rights to some tenants of sir<sup>89</sup> there were still many tenants on these home-farms who remained non-occupancy tenants.<sup>90</sup> These were given, first in 1939 and then again in 1947,<sup>91</sup> protection against enhancement for five years but this in no way gave them a secure tenure. Their tenancy was in fact the unprotected and unprivileged tenure which had always been deemed to be consistent with the personal lands of the landlord.

The last of the non-occupancy groups were those whose lands were either areas of temporary cultivation or public lands.<sup>92</sup> Except for protection against too frequent enhancement their position was little better than that of subtenants or sir tenants. In fact the very nature of their tenure signified their insecurity.

The picture of the tenant group was further confused by the fact that tenants often belonged to more than one grade: in 1945 there were 1,22,78,289 individual holders of rights in land but they held 2,15,56,617 "interests in land".<sup>93</sup> Some of this duplication occurred among the proprietary classes<sup>94</sup> for these figures were drawn from the first part of the khatauni, the patwari's account which recorded all those "cultivating or otherwise occupying land" in the villages. The disparity is too great, however, to be explained entirely in

this way and it is obvious that many tenants held different interests in land.

This was supported by evidence from other sources. Tenants in Bijnor were often occupancy tenants of some land and non-occupancy tenants for the remainder of their holding.<sup>95</sup> The Report of the Zamindari Abolition Committee noted that the holders of rent free and favourable rent grants included grades "ranging from a proprietor or under-proprietor, a highly privileged tenant ... down to a tenant with only a temporary right".<sup>96</sup> Further, on the evidence of the 1951 Census, cultivators most commonly resorted to further cultivation as a secondary occupation.<sup>97</sup>

Tenure itself was, however, only one factor working to vary the tenant group. As with the landlords, the fundamental disunity of the group was stressed by the differences in size of holdings. Table XI which compares the average holdings of tenants demonstrates the overall range as well as confirming the division proposed earlier of two broad tenant groups. The figures are, of course, only averages.<sup>98</sup> They are, however, useful for purposes of comparison. It will be seen that there was a clear relationship between the size of the average holding and the security of the tenure. The occupancy right holders and hereditary tenants had average holdings between two and two and one-half acres. Tenants on special terms in Avadh had above-average holdings of slightly more than three acres but they were an almost negligible group in the provincial tenant structure. Groveholders diverged in the opposite direction, but as they could also be exproprietary tenants, hereditary tenants or occupancy tenants

AVERAGE TENANT HOLDINGS, UNITED PROVINCES, 1945.

Tenure	No. Tenants	% Tenants	Total Holdings (acres)	Average holdings.
Special Terms	2,569	0.01	8,019	3.10
Exproprietary	3,96,183	1.79	8,21,981	2.10
Occupancy	60,38,361	27.01	1,24,32,563	2.05
Hereditary	70,49,717	31.69	1,63,40,541	2.3
Groveholders	12,04,638	5.41	7,02,029	0.50
Rent free grants	5,35,132	2.36	3,55,243	0.64
Favourable rate	3,277	0.01	10,031	3.06
Sub-tenants <sup>+</sup>	17,79,432	7.99	17,47,726	0.98
Sir-tenants	11,86,075	5.33	10,67,084	0.89
Non-occupancy	2,28,547	1.02	2,35,433	1.03
Trespassers <sup>†</sup>	35,79,285	16.00	22,46,108	0.62
Total	2,22,45,348	c.100.00 <sup>@</sup>	3,59,66,758	1.60

<sup>+</sup>Includes tenants holding from permanent tenure holders, grantees at favourable rates and grantees of rentfree holdings, as well as holders of subleases from tenants.

<sup>†</sup>Includes "occupiers without the consent of the person entitled to admit" recorded in the khatauni. These fit into no tenant group as they are without legal rights. If no action was taken against them within a specified limitation period, they became either hereditary tenants or, if they were a co-sharer trespassing in the mahal, a khudkasht holder; vide XVII of 1939, sec. 180.

<sup>@</sup>Does not include "lessees under sec. 252" recorded in Part II of Khatauni.

SOURCE: Report, II, 7-8. Statement No. 6.

in Agra, the statement requires little qualification on this account.

The group of tenants with limited rights of security generally held between one-half and one and one-half an acre of land. The holders at favourable rates deviated from this general pattern but they were a negligible group, holding less than one per cent. of all land.

The size of the tenant's holding did more, however, than merely reinforce legal distinction. It was generally "a fairly reliable index of the economic status of a farmer and accordingly of his standard of living",<sup>99</sup> and this was perhaps the most fundamental of all the variations. Narendra Deva stressed these divisions in his Presidential Address in 1939.<sup>100</sup> Such class distinctions were well expressed in an article in Amrita Bazar Patrika in 1954. The writer distinguished four groups within the village: the "big zamindar" - "hathi-wallah" or elephant owner; the rich peasant - "ghora-wallah", horse owner; the poor peasant - "be'l wallah" or bullock owner and finally the kisan who was "be-zamin", without land.<sup>101</sup>

The final divisor of the tenant group was caste which manifested itself in position, rent and holdings. Although, as Table XII shows, there were 78.5 per cent. of scheduled caste members engaged in agriculture as compared with 74.2 per cent. of the general population, scheduled castes formed the bulk of the unprivileged classes.

They were, in contrast to the general population, more likely to be labourers or lessees than owners of agricultural land. They were most infrequently proprietors<sup>102</sup> and although two-thirds of them were

TABLE XII.

LIVELIHOOD PATTERNS, SCHEDULED CASTES AND  
GENERAL POPULATION, UTTAR PRADESH, 1951.

Class	% General Population	% Scheduled Castes.
All agricultural classes.	74.2	78.5
I. Cultivators of land wholly or mainly owned.	62.3	52.5
II. Cultivators of land wholly or mainly unowned.	5.1	8.4
III. Cultivating labourers.	5.7	17.2
IV. Non-cultivating owner of land and rent-receivers.	1.1	0.4

SOURCE: Census 1951, Vol. II, Part IA, op. cit., 425. Table 393.

owners of the land which they cultivated, this compared unfavourably with the 84 per cent. of agriculturists in the general population who, under the Census classifications, were owners of their land.

Moreover, as these inferior agricultural ranks were those which held the smallest average holdings, it followed that low caste agriculturists who were forced to lease land, generally had small, and ipso facto, insufficient, holdings. This was amply demonstrated by the position of the Chamar farmers in Cohen's Jaunpuri village which contained over one thousand acres of cultivated lands

"As the tenant of a Thakur, the average Camar family cultivates only a little more than one acre of land. (The average Thakur family cultivates six times as much). Out of the total of 107 acres which the Camars cultivate as tenants only 9 acres are lands on which they hold permanent tenancy rights; on the rest of their tenancy holdings in Madhopur they are temporary tenants at will".<sup>103</sup>

The same general disability was reflected in rentals. Since the heaviest rent rates coincide remarkably with the most insecure tenures, it is evident that the scheduled castes were in an unfavourable position. The lowest rents were paid by such well-established agriculturists as permanent tenure-holders who had average rates as low as Rs. 1.15 annas in 1948.<sup>104</sup> On the other hand, non-occupancy tenants paid on the average, Rs. 7 - 1 - 2 which, while it was higher than the average for all classes of Rs. 5 - 8 - 6, was yet lower than the average subtenant rents of Rs. 8 - 3 - 2.<sup>105</sup> As well, rents were generally weighted in favour of the higher castes.<sup>106</sup>



Rental privilege was not always, or only, a matter of caste but circumstances generally told against the low caste agriculturist. Partly this was because, privileged rents were usually aligned to relationship with the zamindari body - by caste, kin or service<sup>107</sup> and partly because the lower castes were the better cultivators.<sup>108</sup> Caste therefore acted as a depressing factor in rural society, inextricably mixed as it was with the bases of agrarian economy. It thereby aided the other divisive elements at work in the tenant group.

(iii)

There was, therefore, no simple division of the agrarian society of the Province into "landlord" and "tenant". The village with its "maze of legal tenures, informal understandings and customary relationships of dominance and dependence"<sup>109</sup> still further complicated an already diversified scene. This lack of simplicity, however, far from precluding a clash of interests probably helped to foment trouble once customary ties began to break down.<sup>110</sup>

The conflict occurred along a property axis because of the maldistribution of land in a society which pressed too heavily on available resources. Its manifestations were much wider than this, however, and by the end of the 'forties social, material and even the possibility of political differences had been joined to this basic agrarian aspect. It was present in all facets of village life turning the village, as the Zamindari Abolition Committee Report rather dramatically put it, into "a vast battleground of craven

intrigues ... a war of each against all".<sup>111</sup> There is some reason, however, to regard the village as an arena of class struggle.<sup>112</sup> And the conflict was essentially "a problem of relationship between men and men (rather) than between men and land. The struggle between men ... (was) charged with tensions and emotions unfamiliar to people under more fortunate circumstances".<sup>113</sup>

This 'warfare' expressed itself in litigation, the remedies prescribed by the tenancy legislation. The Acts were framed and operated within a system which reduced all problems to a legal 'common denominator'. If a man was illegally dispossessed or subjected to extortion he could find his redress in a court; likewise if he failed to pay his rent or if he misused his land he was liable to answer before a court. It was the attitude implicit in Sir Samuel O'Donnell's reply to complaints about the power of the landlord to exact money from the tenants:

"if the landlord resorts to methods of that kind a criminal complaint will lie against him for intimidation or for illegal confinement, for assault or for extortion ..."<sup>114</sup>

It was also the attitude of Rafi Ahmad Kidwai in 1938 when, admitting that the Congress government was aware that the landlords were attempting to eject tenants, he refused to take further action on the plea that the "law provided remedies".<sup>115</sup>

In theory, even in practice in a materially wealthy society where there was little inequality in the distribution of wealth, this attitude might be admirable. In U.P. its effect was calamitous. In 1949/50 it resulted in the institution of three and one-half lakh

## CASES INSTITUTED IN 1949/50 UNDER ACT XVII OF 1939

SECTION OF ACT	DESCRIPTION	NUMBER
144, 148, 163(5), 228.	Arrears of rent.	1, 06, 670
224-227, 230-231.	Arrears of revenue or profits	9, 210
108, 117, 118.	Enhancement of rent.	423
108, 114, 115, 116.	Abatement of rent.	1, 425
94, 108.	Determination of rent.	5, 423
108, 113.	Commutation of rent.	4, 695
190, 192, 194, 195.	Resumption of land.	1, 104
183, 236.	Compensation.	772
183.	Recovery of possession.	6, 345
49, 55, 59-61, 63, 85, 140, 149, 154(46), 174, 182.	Miscellaneous suits.	1, 06, 285
49.	Relinquishment.	9, 523
15, 16, 70, 71, 77, 79-81, 91(4), 95, 126A, 137, 138(4), 142, 154, 160, 294.	Miscellaneous applications.	16, 362
	Miscellaneous applications not under Schedule IV of XVII of 1939.	20, 362
52.	Entry of exchange in records.	178
53.	Exchange for consolidation.	575
54.*	Acquisition of land by landlord.	7
171.	Ejectment for illegal transfer.	894
172.	Ejectment for detrimental act or breach of contract.	529
180.	Ejectment of trespassers.	32, 278
163 with 165.	Ejectment for default of arrears by exproprietary, occupancy or hereditary tenant.	7, 820
169.	Ejectment for default of arrears by non-occupancy tenant.	484
168.	Ejectment on decree of arrears of ex- proprietary, occupancy and hereditary tenant.	80
170.	Ejectment for decree of arrears of non-occupancy.	207
175 with 178 and 179.	Ejectment, non-occupancy or other grounds.	1, 209
	Total	3, 33, 185 +

\* Section 54 repealed by X of 1947.

+ Total is less than figure cited above because only the 43, 501 ejectment cases disposed of are included. This is 16, 780 less than number instituted.

SOURCE: Revenue Report 1949/50, Statement XXA, p. 17A; Statement XXB, p. 18A;  
Statement XXC(a) p. 20A - 22A.

suits or applications under the provisions of Act XVII of 1939.<sup>116</sup> These, added to the cases pending from the previous year, gave a total of over five lakh cases for disposal.<sup>117</sup> And these figures represented a decrease from 1948/49 of some 40,000 cases.<sup>118</sup>

The extent of this litigation can be seen in Table XIII which breaks down the totals into the various classes of actions. It is not suggested that part at least of these cases were unwarranted or purely mischievous, or that a system of impartial courts is not the logical method of settling disputes between men. It is obvious, however, that the system of legal safeguards and remedies provided by the agrarian legislation in U.P. had not solved the basic problem of antagonism and had, rather, provided a means of furthering those antagonisms. The courts in fact became a weapon for use in the class war, a means of harassment rather than of remedy.

Ejectment provides an excellent illustration of the fact that litigation had lost much of its original, remedial, function. It is obvious that a great many ejectment suits were unjustified for the courts ordered ejectment in less than one-third of the cases heard. This did nothing to relieve the burdens imposed on the tenants in having to defend these suits or the heightening of tensions within the village which these legal processes must have represented. Moreover, the damage often lingered and accumulated. Cases at times were carried over from year to year. Table XIV illustrates these tendencies.

TABLE XIV.DETAILS OF EJECTION CASES, U.P., 1949/50.

Details.	Number.
Cases pending at end of 1948/49.	48,922
Cases filed during 1949/50.	60,281
Cases disposed of in 1949/50.	43,501
Cases in which ejection ordered.	15,469
Area from which ejection took place, (acres).	16,321
Cases pending at end of 1949/50.	66,602

SOURCE: Revenue Report 1949/50, Statement XX C(a), p.22A.

The law, then, instead of reconciling the groups within agrarian society, had simply "set landlords against tenants".<sup>119</sup> The complexity of the tenure system aggravated this tendency. The settlement officer of Sultanpur district in 1940 remarked on the fact that litigation increased in proportion to the number of proprietors in the tahsils of his district:

"It is not an unfair assumption to make that the number of indebted cultivators, the amount of their debts and the percentage of loans incurred in litigation varies directly with the proportion of co-parcenary communities. And that is why there are only 31 per cent. of indebted cultivators in Amethi (tahsil) which, although largely precarious and little superior to Kamlipur, has a strong taluqdari interest.

It may be that litigation is the 'only fine art the people cultivate' in Kadipur but clearly law suits are the inevitable accompaniment of 'decently complicated khewats which sometimes weigh as much as 15 or 16 pound'. ... It cannot be pure coincidence that the figures for Sultanpur and Kadipur, which are tahsils full of petty proprietors, underproprietors and sub-settlement holders, should approximate and that both should differ markedly from those of the other two tahsils where the proprietary tenures are less intricate".<sup>120</sup>

In this connection it is interesting to notice that the figures, as seen in Table XV, for the Avadh divisions were much lower than those for Agra with the exception of Jhansi, in 1949/50. Avadh was predominantly taluqdari, the large landholders, par excellence. This is not to say that large landholders - taluqdars or zamindars - did not indulge in litigation but simply that the greater the number of 'landlords', the greater the chance of litigation.

Ruinous and disconcerting though litigation was, it nevertheless remained a preferable alternative to the open violence which did at times break through. This was sometimes but not always the outcome of agrarian tension.<sup>121</sup> The chronic problem was not violence but a nagging conflict between the villagers, centring around land or crops. This increased in the latter half of 1946 after the re-election of the Congress Government. Reports came particularly from the districts in the eastern part of the State. The report of the secretary of the U.P. Provincial Congress Committee Thakur Phool

TABLE XV.

CASES INSTITUTED UNDER XVII of 1939, U.P.,  
1949/50, BY REVENUE DIVISIONS.

DIVISION	No. of Cases.
Meerut	54,201
Agra	52,376
Rohilkhand	83,054
Allahabad	57,930
Jhansi	12,804
Banaras	81,823
Gorakhpur	88,078
Total Agra Province	4,30,266
Average Agra Province	61,466
Lucknow	31,642
Faizabad	39,779
Total Avadh Province	71,421
Average Avadh Province	35,710
Total Uttar Pradesh	5,01,765

SOURCE: Revenue Report 1949/50, Statement XXI, 24A-25A.

Singh, from Gorakhpur was typical:

"There were numerous complaints against the zamindars who were getting false entries made in the names of their relations and forcibly taking possession of crops. Fallow lands so far used as threshing floors, thoroughfares, grazing grounds and even lands appurtenant to tenants' houses (were) being brought under cultivation by the zamindars who have engaged badmashees for the purpose".<sup>122</sup>

Reports of strife came also from Jhansi,<sup>123</sup> Basti<sup>124</sup> and Gonda<sup>125</sup> and one report mentioned a clash of zamindars and tenants in which three men were killed.<sup>126</sup>

Social differences in India mean largely caste differences. It has already been suggested that the 'inferior' castes tended to occupy the less secure tenures. It did in fact go even further.

Thorner remarks:

"the belief that low castes (were) born to labour with their hands and high castes to enjoy the fruits of others' labour ... (drew) sanction from and (served) to reinforce the caste structure of rural society".<sup>127</sup>

The structure of the proprietary groups when analysed by castes, gives confirmation to this point. The caste groups which figured most frequently were Thakurs, Brahmans, Jats, Vaishes, Kayasthas and Muslims. The lower caste groups were generally so small that they were, if they existed at all, grouped along with such miscellaneous groups as dedicated, government or cantonment lands, as "others". Broadly speaking only Kurmis, Ahirs and Khattris gain separate



recognition with any frequency. The following table gives a comparison of figures from districts settled since 1939. (Table XVI)

Caste itself was sufficient to sustain the landlord's power in many cases for it removed agrarian relations, which are essentially economic, to an altogether different plane. In Madhopur for instance, "the lessee of a Thakur is called 'praja', literally a 'subject', 'dependent' or 'child'.<sup>128</sup>

The proprietors did not rely only on caste. Their powers were rooted in the whole economic and social life of the village. They owned the abadi, the site on which the village houses stood,<sup>129</sup> as well as the waste land and the trees within the village boundaries.<sup>130</sup> At one time it was possible to say that "the landlords were the law for all purposes beyond the caste councils".<sup>131</sup> They had

"maintained their own court and record room, and dealt summarily with offenders through the strength of their dependent followers. One or another landlord always held the office of police headman (*mukhya*) ... Village crimes and disputes could reach formal trial in the district courts only with the support of one of the landlords or principal tenants".<sup>132</sup>

This had changed to some extent by the late 'forties -

"unrivalled economic eminence ... slipped from the hands of the petty landlords ... and they (saw) their power and influence jolting downward".<sup>133</sup>

The darbar which the landlord had, perhaps, once held at Dasahra<sup>134</sup> and other forms of symbolic dominance may have disappeared or

TABLE XVI.  
PROPRIETARY CASTES IN SELECTED U.P. DISTRICTS  
(Figures show percentage of land held in proprietary tenure  
by each caste in the district at time of settlement.)

CASTE	BIJNOR	BAHRAICH	SULTANPUR	MEERUT	BAREILLY	MAINPURI	SITAPUR	SHAHJAHANPUR	GONDA
Thakur	22.9	59.9	67.2	7.5	13.1	43.8	52.0	37.0	60.0
Brahman	11.7*	0.7	10.7	16.5*	11.6	23.9	4.0	11.9	23.0
Jat	16.5	8.4†	-	24.7	0.6	-	-	-	-
Vaishya	17.3	0.5	1.5	14.7	15.5	7.4	1.0	12.0	-
Kayasth	1.6	1.1	1.9	-	8.9	4.4	5.0	4.4	-
Muslim ‡	16.4	25.0	14.6	15.2	21.3	1.7	27.0	19.0	10.0
Ahir	-	-	-	-	1.7	9.3	-	3.0	-
Kurmi	-	0.2	-	-	5.9	-	1.0	1.7	-
Khattris	-	0.1	-	-	2.9	1.1	5.0	3.5	-
Other §	11.5	4.1	4.1	21.4*	18.5*	8.4*	3.0*	7.5*	7.0*

\* Includes Taga or "pseudo-Brahman".

† Includes Sikhs.

‡ Includes Pathans, Shaikhs and Sayyids where separately listed.

§ In Bijnor, Sultanpur, Meerut and Gonda, may include Ahirs, Kurmis and Khattris.

\* Includes dedicated and/or government lands. In Meerut includes Gujars.

SOURCE: S.R. Bijnor 1939, 8, para. 11; S.R. Bahraich 1939, 46; S.R. Sultanpur 1940, 14, para. 21;  
S.R. Meerut 1940, 13, para. 2; S.R. Bareilly 1940, 4, para. 12; S.R. Mainpuri 1944, 8, para. 20;  
S.R. Sitapur 1939, 36; S.R. Shahjahanpur 1943, 21; S.R. Gonda 1944, 2.

lessened, but the more substantial forms did not wilt so easily. One of the most important of these was the zamindar's auxiliary role as money-lender. The zamindar was usually one of the two most important sources of rural credit. There were differences between the districts, however, and in Sultanpur, for instance, they surpassed the professional mahajans although still running second - in this case to the other agriculturists.<sup>135</sup> The power which a zamindar-mahajan could wield was exceptionally great in the subsistence-agricultural economy of the village.<sup>136</sup> Rent and debt could become so entangled as to leave the tenant virtually in the position of a permanent debtor. For the tenant it was perhaps the worst combination with which he could be faced.

In line with this dominant position went higher standards of material comfort. Thorner summarised their superior position:

"they live in larger houses, wear finer clothes, and eat a better diet than the rest of the villagers. They may send their children to higher schools, subscribe to newspapers, listen to battery radios and own bicycles".<sup>137</sup>

Accounts have been published of even more specific differences in these facets of general living standards. Jafri spoke of the "great pile of brick ... towering above the pigmy huts at its feet"<sup>138</sup> which denoted the houses of the oldest and strongest landed families. In U.P. these are called haveli (cf. Plate 1). The houses of the smaller landlords were "commonly made of mud, but occasionally with some part of masonry. Attempts (were) made to make them somewhat pretentious".<sup>140</sup> Jafri also found distinct differences in the

bedding and household implements which the villagers were able to provide for themselves.<sup>141</sup>

A later survey in Shahjahanpur District by B.N.Datta, revealed similar distinctions in food and clothing. The eating of rice, vegetables, milk, meat or fish and spices was normally the basis of distinction between different agrarian groups.<sup>142</sup> A "big peasant", cultivating as much as 100 bighas of land, ate from the whole range of foods, drank milk daily and used spices, ghee and molasses; he made

"breakfast with sharbat and gur, (took) dal and roti at noontime; in evening dal, roti or rice, vegetables. Fish and meat ... sometimes a month".<sup>143</sup>

The poorest groups, on the other hand, had a "daily ration" of

"bread and dal; sometimes he (did) not get dal even, (and) he (finished) his meal with bread and chutney. In evening he (ate) dal and roti. Full dinner (was) taken once a day in the evening ... No milk or ghee or oil or spices in food. Only salt, chilley and khattai (sour condiment) (were) used in food. Gur, potato (were) also taken in food".<sup>144</sup>

Another index of social and economic status was the capacity to afford shoes and umbrellas.<sup>145</sup> Then, too, where the well-to-do had shirts, the poorer groups had kurtas and while the former used as many as four dhotis in a year the others had to make do with two.<sup>146</sup> (Cf. Plate 2). The materials used in clothing were moreover of distinctly different grades, no less for the women than the men.<sup>147</sup>

The more powerful social groups used their position to entrench themselves even more firmly. They had generally smaller families,

as Table XVII shows.

TABLE XVII.

CHILDREN AGED 0 - 4 YEARS PER 1000 FEMALES AGED 15-44 YEARS,  
BY AGRICULTURAL CLASSES, UTTAR PRADESH, 1951.

Class	Number of Children
I. Cultivators of land wholly or mainly owned.	642
II. Cultivators of land wholly or mainly unowned.	697
III. Cultivating labourers.	640
IV. Non-cultivating owners and rent-receivers.	494

SOURCE: Census 1951, Vol. II, Part IA, op. cit., 82, Table 67.

From these figures it is obvious that while there was little difference between the figures for the cultivating and labouring groups, there was a very definite gap between these and the proprietors in Class IV. The family affected the farmer in two ways. In the first place, as he had to provide for it, a large family increased his day-to-day burdens. In the second place, it affected the most important possession of his family - the land - and it could consequently act either to retard or enhance the economic position of the family. In this respect it is important to note that the groups with the most insecure hold on the land which they cultivated - Class II - was also the group with the largest families. In this way the trend towards the dispersal of necessarily meagre

resources by the weaker agrarian groups aided the proprietors at the same time as it worked against those groups. In addition, the proprietors tended to act so as to conserve their resources, and so assure their position.

The modus vivendi of the landlords, including such factors as schooling, newspapers and radios, which Thorner mentions, points to more than mere affluence, though it was essential. They indicate as well, however, a higher level of general education among the landlord class as a whole. Of all the differences which can be measured between the agrarian groups, indeed, this is the most striking - and the one most calculated to stand in the way of any change in rural society. Both the male and female members of the class were far above the levels of education for both the general population and the other rural groups. Table XVIII completes the picture.

TABLE XVIII.

NUMBER OF LITERATES PER 1000 RURAL POPULATION BY AGRICULTURAL CLASSES, U.P., 1951.

Class	Male	Female
All classes, including non-agricultural.	136	15
I. Cultivators of owned land.	139	13
II. Cultivators of unowned land.	69	4
III. Cultivating labourers.	32	2
IV. Non-cultivating owners, rent receivers.	313	75

SOURCE: Census of India 1951, II, IA, 397. Table 367.

The landlords were, of course, in a much better position to educate the members of their family. They could, for instance, send their children to school rather than to work in the fields.<sup>148</sup> The important fact was, however, that they were doing so because this, together with the backwardness of the education of the weakest rural groups assured them of continued supremacy in many village matters.

Caste, education and living standards all reinforced the "deeply entrenched tradition of rural inequality".<sup>149</sup>

It seemed for a brief instant, in the late 'forties, as if there might be added to these, a difference in political allegiance. There had been, as was seen in the last chapter, a growing feeling of political difference even while the 'national struggle' had been the central theme of Indian politics. This had been due firstly, to the opposition of the zamindars to socialist ideas likely to endanger their own position,<sup>150</sup> and secondly, to the belief on the part of the masses (a belief half-shared by the zamindars) that the propertied classes were the "props of British rule".<sup>151</sup>

At the end of the War, when the Congress was re-elected to the government and possibilities began, for the zamindars, to assume the unpleasant appearance of facts, there were attempts to form a zamindars' party, or conversely to ally with the established parties in opposition to the Congress. As early as 1945 there were reports from Jhansi that the zamindars were forming a party to "oppose the Congress leftists' slogan for Zamindari Abolition",<sup>152</sup> and a Zamindari Party actually sat in the Legislative Assembly during the debate on the formation of the Abolition Committee in 1946.<sup>153</sup>

The attempt to forge an alliance with either of the opposition parties most likely to support them - the Muslim League or the Hindu Mahasabha - despite the accusations of Nehru,<sup>154</sup> were unfruitful because of the problem of reconciling class interests with political tactics.<sup>155</sup> The zamindars therefore continued for some years to cherish the hope of forming

"a strong party wedded to the institution of private property, private enterprise and the establishment of a society in which the people can lead free, happy and honourable lives undivorced from their ancient culture, customs and traditions".<sup>156</sup>

Such aspirations were not, however, bedded deeply in the zamindari group. They were, in fact, the aspiration of the wealthier upper strata. The smaller zamindars were generally apathetic,<sup>157</sup> feeling, as many had in the past in working for the Congress, that they had more to gain by uniting with the masses. Moreover, where political affiliation was an important factor in social status<sup>158</sup> it was obviously politic to be a member of a well-founded, important party rather than of a small, unimportant and possibly discredited group. The larger landowners who no longer resided in villages were not subject to this feeling, of course, but the smaller men were. The Congress or one of the opposition parties - Socialist, Kisan-Mazdur Praja Party, Hindu Mahasabha or Jan Sangh - therefore were more attractive to politically minded zamindars and political division along a strict zamindar-tenant line failed to make much impact outside the village. At the same time, of course, this in itself represented a change from the older order when the zamindar was the



political leader of the village. This change had been apparent in the thirties:

"... in the political field (the zamindars') age-long influence over their tenants waned and they, before their very eyes, saw in a majority of cases their own tenants voting against their wishes."<sup>159</sup>

Narendra Deva forecast still greater changes when he made his presidential address to the All-India Kisan Sabha in 1939:

"Whatever may happen the peasantry is not again going to look up to the landowning class as its natural leader. The political influence of this class is surely on the wane although its social basis may not have been wiped out. It would be difficult to restore it ... . The present measures ... mark the beginning of a new era of such successive changes in the agrarian organisation as are sure to undermine their position of eminence and shatter their social basis completely."<sup>160</sup>

A decade later his vision was realised. The post-war Congress ministry went ahead with its plan to abolish the zamindars. A committee was established to determine how and in August 1948 tabled its report. By 24 January 1951, after protracted challenges in the courts by the zamindars, the U.P. Zamindari Abolition and Land Reforms Act, Act I of 1951, had become law and 150 years of agrarian history in U.P. drew to an end.

NOTES - CHAPTER IV.

<sup>1</sup>Cook, W.W., "Ownership and Possession" in Encyclopaedia of the Social Sciences ed. E.R.A. Seligman (15 vols. New York: Macmillan, 1933), XI, 521.

<sup>2</sup>Neale, op. cit., 156.

<sup>3</sup>Cf. Thorner, D., The Agrarian Prospect in India (Delhi: Delhi University Press, 1956), 7.

<sup>4</sup>Ibid., 8.

<sup>5</sup>Idem.

<sup>6</sup>Cf. Neale, op. cit., 194. See also Charan Singh, Abolition of Zamindari (Allahabad: Kitabistan, 1947), 17.

<sup>7</sup>Thorner, op. cit., 11.

<sup>8</sup>Ibid., 8. Cf. also Neale, op. cit., 154-5; Report, I, 158, 338. He also lost rights through his own actions of course. Dr. and Mrs. Wiser noted for instance: "Rights and privileges which would be in the hands of the landlord were he to reside in the village are retained by a small group of leaders". Behind Mud Walls (New York: Smith, 1930), 18.

<sup>9</sup>Changing, in the sense that the protection of a tenant group by legislation had the effect of altering the nature of the group. Once protected, tenants tended to assume - through subletting, what has been called 'the purchase of leisure' - a proprietary position, akin to that of their own superior, in relation to their lessees. See Thorner, op. cit., 9; Moreland and Chatterjee, op. cit., 383.

<sup>10</sup>Cf. Singh, Tarlok, Poverty and Social Change (Calcutta: Longmans Green, 1945), 18: "Everywhere attempts have been made through a series of Tenancy Acts to correct past errors and protect the

tenantry. Consequently even within the same province and the same system of tenures, we meet with an extraordinary range of variations in rights".

<sup>11</sup>Bonarjee, D.N., "Landowning in Extremis, Part II" in The Leader, 30 April 1938, 15. See also Saksena, in Fields and Farmers in Oudh, op. cit., 186: "The occupancy tenant naturally and easily sublets his land on a higher rent than what he pays to the proprietor". Also Tarlok Singh, op. cit., 16: "Tenants at will may hold land from peasant owners or from hereditary tenants or from large owners. Peasant owners and hereditary tenants have control over the use of land. They may choose to cultivate the land themselves or they may let it to tenants at will or subtenants".

<sup>12</sup>Misra, op. cit., 191.

<sup>13</sup>Oudh Estates Act, Act I of 1869, sec. 3, in Local Acts, II, 1351.

<sup>14</sup>Indian Society of Agricultural Economics, Land Tenures in India, (Reprinted from The Indian Famine Commissioner's Report, II, Part 4) (Bombay: Vora, 1946), 73.

<sup>15</sup>Idem.

<sup>16</sup>Wilson, H.H., A Glossary of Judicial and Revenue Terms ed. A.C.Ganguli and N.D.Basu (Calcutta: Eastern Law House, 1940), 898. See also Baden-Powell, op. cit., II, 104, 108-154; Misra, op. cit., 199-200.

<sup>17</sup>Baden-Powell, loc. cit... Also Misra, loc. cit...

<sup>18</sup>Wilson, op. cit., 115. Also Baden-Powell, op. cit., 104-5; Misra, op. cit., 199-200.

<sup>19</sup>Wilson, op. cit., 655. Also Baden-Powell, loc. cit..

<sup>20</sup>Baden-Powell, op. cit., II, 103.

<sup>21</sup>Report, I, 158.

<sup>22</sup>Ibid., 159-160.

<sup>23</sup>Idem..

<sup>24</sup>Ibid., 161. See, for example, S.R.Bahraich 1939, 11, in which district thekas were usually for a period of three years.

<sup>25</sup>XVII of 1939, sec. 214(f).

<sup>26</sup>Report, I, 161.

<sup>27</sup>Sen, Voiceless India, op. cit., 186. The Settlement Officer of Gonda district noted that Balrampur thekedars were limited to holding  $\frac{1}{2}$  of a village as khudkasht (the 'sir' which Sen noted) and were not permitted to interfere with the rents. Although annual, thekas on the Maharaja's estate tended to become hereditary. S.R.Gonda 1944, 6, para. 32.

<sup>28</sup>All-India Rural Credit Survey, District Monograph Deoria (Bombay: Reserve Bank of India, 1958), 9. See also Report, I, 161.

<sup>29</sup>Report, I, 160, 164-5.

<sup>30</sup>Idem..

<sup>31</sup>Ibid., 160.

<sup>32</sup>Sir Samuel O'Donnell, speech in the Legislative Council, 29 March 1926, in P.L.C., XXIX, 313. He reiterated this 5 July 1926 and 24 July 1926, in P.L.C., XXX, 370, 694.

<sup>33</sup>Report, I, 164. See also Agarwala's Commentary 1926, 95, note to sec. 12(7).

<sup>34</sup>Agarwala's Commentary 1926, 95-6. <sup>35</sup>Idem..

<sup>36</sup>Speech 3 July 1926 in P.L.C., XXX, 371. Sir Samuel O'Donnell also mentioned this rack-renting, 29 March 1926 in P.L.C., XXIX, 313 and 5 July 1926, in P.L.C. XXX, 370.

<sup>37</sup>Final Settlement Report of Gonda District by Jai Krit Singh  
(Allahabad: Superintendent of Printing and Stationery, U.P., 1944),

1. (Emphasis added).

<sup>38</sup>Report, II, 45. Statement No. 15.

<sup>39</sup>Ibid., 93. Statement No. 22 (iv).

<sup>40</sup>Thorner, D., "Long Term Trends in Output in India" in Economic Growth: Brazil, India, Japan ed. S.Kuznets, W.E.Moore and J.J.Spengler (Durham, N.C.: Duke University Press, 1955), 125.

<sup>41</sup>S.R.Sultanpur 1940, 19, para. 29.

<sup>42</sup>S.R.Gonda 1944, 6, para. 26.

<sup>43</sup>Letter signed "Absentee Zamindar", The Leader, 25 April 1938,  
7. An example was the settlement officer of Partabgarh in 1930, Thakur Biswanath Singh, a landlord who had joined the revenue service of the government; see S.R.Partabgarh 1930, 7, para. 8, Note by Settlement Commissioner, K.W.Knox.

<sup>44</sup>Cohen, B.S., "The Changing Status of a Depressed Caste" in Village India, ed. McKim Marriott (Chicago: University of Chicago, 1955), 68.

<sup>45</sup>Marriott, McKim, "Little Communities in an Indigenous Civilization", in Village India, op. cit., 182.

<sup>46</sup>See S.R.Shahjahanpur 1943, 6, para. 19. Also S.R.Jhansi 1947, 7, para. 3.

<sup>47</sup>S.R.Jhansi 1947, 8, para. 7. See also Jafri, op. cit., 228. Also S.R.Meerut 1940, 13-14, para. 4; S.R.Aligarh 1942, para. 14; S.R.Bijnor 1939, 9, para. 11.

<sup>48</sup>S.R.Sultanpur 1940, 14, para. 21.

<sup>49</sup>Lewis, Oscar, "Peasant Culture in India and Mexico: A comparative analysis" in Village India, op. cit., 165.

<sup>50</sup>S.R.Jhansi 1947, 7, para. 3.

<sup>51</sup>Idem. Cf. S.R.Shahjahanpur 1943, 6, para. 19.

<sup>52</sup>S.R.Jhansi 1947, para. 4.

<sup>53</sup>S.R.Aligarh 1942, 5, para. 14. See also S.R.Bijnor 1939, 9, para. 11; S.R.Shahjahanpur 1943, 6, para. 19; S.R.Meerut 1940, 13-14, para. 4.

<sup>54</sup>S.R.Bijnor 1939, loc. cit..

<sup>55</sup>S.R.Sultanpur 1940, 14, para. 21.

<sup>56</sup>A.B.P., 24 August 1954, report of answer given by Sri Charan Singh on previous day during question time in Vidhan Sabha; also 5 September 1955 and 13 September 1955.

<sup>57</sup>Report, I, 378-9. Frank J. Moore and Constance A. Freydis, in Land Tenure Legislation in Uttar Pradesh (Berkeley: Institute of East Asiatic Studies, University of California, 1955), (Modern India Project Monograph No. 1), 86-88, call these groups (with only slight differences), "tenants with some security of tenure" and "tenants with limited security of tenure".

<sup>58</sup>Cf. Report, loc. cit..

<sup>59</sup>XVII of 1939, sec. 156. See also Bilgrami's Commentary, 827-8.

<sup>60</sup>XVII of 1939, sec. 34.

<sup>61</sup>Bilgrami's Commentary, 272-3, 315-326.

<sup>62</sup>XVII of 1939, sec. 101 (1) (b). <sup>63</sup>XVII of 1939, sec. 65(1).

<sup>64</sup>XVII of 1939, sec. 205.

<sup>65</sup>XVII of 1939, sec. 206(a). When the land ceased to be groveland the groveholder became an hereditary tenant, idem.

<sup>66</sup>XVII of 1939, 206 (c).

<sup>67</sup>Cf. Report, I, 378-9.

<sup>68</sup>XVII of 1939, sec. 33.

<sup>69</sup>XVII of 1939, sec. 35.

<sup>70</sup>XVII of 1939, sec. 40.

<sup>71</sup>XVII of 1939, sec. 65(2).

<sup>72</sup>XVII of 1939, sec. 105.

<sup>73</sup>XVII of 1939, sec. 110.

<sup>74</sup>Moore and Freydidg in fact include them in the first group because they fit their definition as having "some security of tenure". The grounds for ejectment, however seem too elastic for this to be reasonable, op. cit., 86.

<sup>75</sup>XVII of 1939, sec. 189.

<sup>76</sup>XVII of 1939, sec. 198.

<sup>77</sup>XVII of 1939, sec. 192(3).

<sup>78</sup>XVII of 1939, sec. 191. These were (i) in Agra: (a) those made before the permanent settlement of a district; (b) those made under a judicial decision or for a "valuable consideration" before 22 December 1873, with no right of resumption. (ii) In Avadh: (a) those held under a government grant; (b) those acquired for a valuable consideration before 10 October 1876, with no right of resumption; (c) those held under a judicial decision made before 1 January 1902.

<sup>79</sup>XVII of 1939, sec. 192.

<sup>80</sup>XVII of 1939, sec. 194, 196. Four grounds were provided:

"(a) where the land is held under a written instrument by which the grantor has expressly agreed that it shall not be resumed, on the death of the original grantor or on the expiration of the settlement in force at the date of the grant or on the expiry of a period of thirty years from the date of the grant, whichever event occurs first; (b) where the land is held for some specific service, religious or secular, when the service is no longer required;

(c) where the land is held conditionally or for a lease, when the condition has been broken or the term expires, or the expiry of eleven years from the date of the grant, whichever event first occurs; (d) in any other case, on the expiry of five years from the date of the grant".

<sup>81</sup>XVII of 1939, sec. 195.

<sup>82</sup>XVII of 1939, sec. 197.

<sup>83</sup>XVII of 1939, sec. 33(1).

<sup>84</sup>XVII of 1939, sec. 40(1).

<sup>85</sup>XVII of 1939, sec. 40(2).

<sup>86</sup>XVII of 1939, sec. 47(1).

<sup>87</sup>XVII of 1939, sec. 66.

<sup>88</sup>XVII of 1939, sec. 101 (1).

<sup>89</sup>XVII of 1939, sec. 16.

<sup>90</sup>In 1946/47 there were 11,86,075 tenants of sir and khudkasht holding 10,67,084 acres of land. Report, II, 46. Statement 15.

<sup>91</sup>XVII of 1939, sec. 20, 20A.

<sup>92</sup>XVII of 1939, sec. 30.

<sup>93</sup>Report, II, 6-8, Statements No. 5,6.

<sup>94</sup>An example was given during the debate on the Agra Tenancy Bill of 1926 when the Raja of Jaunpur, Sri Krishna Dutt Dube, pointed out that he was both a zamindar and a fixed rate tenant; P.L.C., XXX, 368. See also Tarlok Singh, op. cit., 18-19: "The bulk of those who are now in possession of superior rights are small men and often enough, the same man may fill more than one part. He may hold a zamindari, a title to rent, in respect of one area, a heritable tenancy in respect of another, and perhaps a tenancy-at-will in yet another".

<sup>95</sup>S.R.Bijnor 1939, 9, para. 12.

<sup>96</sup>Report, I, 165.

<sup>97</sup>Census of India, 1951, Vol, II, Part IA, op. cit., 231.



<sup>98</sup>Averages could be misleading, as Gertrude Emerson Sen found. In Pachperwa the average holding worked out at  $6\frac{1}{2}$  acres. "But the figure turned out to be deceptive. If the six tenants who cultivated twenty acres or more were left out, 58 of the total number of 112 tenants had less than three acres and 49 out of these had less than a single acre a-piece. One or two had only two biswas, twice twenty square feet". Voiceless India, op. cit., 187.

<sup>99</sup>Agarwal, G.D., "Agricultural Holdings in U.P.", in ABP, 31 October 1951, 7.

<sup>100</sup>Presidential Address 1939, op. cit., 13.

<sup>101</sup>Suresh Ramabhai, "Acharya Narendra Deva and Bhoodan Yagna", in ABP, 29 June 1954, 4.

<sup>102</sup>Settlement Reports confirmed this. See below p.

<sup>103</sup>Cohen, in Village India, op. cit., 63.

<sup>104</sup>All-India Congress Committee, Report of the Congress Agrarian Reforms Committee (New Delhi: AICC, 1949), 38.

<sup>105</sup>Idem.

<sup>106</sup>Jafri, op. cit., 353.

<sup>107</sup>Idem. See also S.R.Meerut 1940, 19, where it is noted that rental privilege had been found only in villages where Gujars or Rajputs favoured fellow caste members. S.R.Sitapur 1939, 13, noted that privileges found for Brahmans, Thakurs and Muslims whose women observed purdah. In Mainpuri, Kayasthas who were often related to patwaris had rent privileges, as did Thakurs and Ahirs who were caste fellows of the majority of the proprietors. The low castes - Kachhis, Lodhs and Chamars - paid very high rents; S.R.Mainpuri 1944, 10, para. 23.

<sup>108</sup>Jafri, op. cit., 356. See also S.R.Gonda, 1944, 6, para. 3.

<sup>109</sup>Thorner, D., "India's agrarian revolution by Census redefinition", in Indian Economic Review, Vol. III, No. 2, August 1956, (Delhi: School of Economics, Delhi University), 9.

<sup>110</sup>Cf. Marriott, McK., "Social Structure and Change in a U.P. Village", in India's Villages. (A collection of articles originally published in The Economic Weekly of Bombay) (Calcutta: Development Department, West Bengal, at the West Bengal Government Press, 1955), 97-8. The article is a revised version of an article published in Vol. IV, No. 34 of The Economic Weekly, 23 August 1952, 869-874.

<sup>111</sup>Report, I, 59, 57.

<sup>112</sup>Cf. Charan Singh, Agrarian Revolution in Uttar Pradesh (Publications Bureau, Information Department, U.P., n.d.), 3.

<sup>113</sup>Dantwala, M.L., "Problems of countries with heavy pressure of population on land: The Case of India" in Land Tenure; Proceedings of the International Conference on Land Tenure and Related Problems in World Agriculture held at Madison, Wisconsin, 1951. ed. K.H. Parsons, R.J.Penn and P.M.Raup (Madison: University of Wisconsin Press, 1956), 134.

<sup>114</sup>Speech in Legislative Council, 8 July 1926, in P.L.C., XXX, 559. Neale, op. cit., 348-354, also argues that the legislation was, in itself, sound. In giving a list of the restrictions on the power of the landlords and the remedies and compensation available to an 'injured' tenant, he observes: "In fact the legislation was not unfair or trickily legalistic in the layman's sense. The procedure

was straightforward and allowed sufficient time and alternative methods of enforcement to permit a potential 'victim' to escape its harsher clauses. There were anomalies .... But by and large the legislation did its best to prevent fraud, chicanery or quibbling as a means of evasion ... It is clear that the Acts provided for ample opportunity to meet with the substantive requirements of the law". Yet, having said this, he goes on to admit that in the context of Indian society the legislation was faulty: "It is true that illiterate peasants were not in a position to take full advantage of the laws' provisions, that a wealthy man could use the law and litigation to make difficulties for the tenants, and that the zamindars did exercise great extra legal powers". This it would seem points to the basic defect of the legislation - that it was not adapted to the actual agrarian situation for which it was enacted - and it is emphasised rather than qualified by Neale's next statement that "... such faults can be attributed to every law or system of laws or were attributable to the caste, prestige and social power of the zamindars". (Emphasis added).

<sup>115</sup>The Leader, 18 December 1938, 10.

<sup>116</sup>Revenue Report 1949/50, 3 and Statement XXI, pp. 24A-25A.

<sup>117</sup>Ibid., 3.

<sup>118</sup>Idem.

<sup>119</sup>Bonarjee, D.N., "Landowning in Extremis, II", in The Leader, 30 April 1938, 15.

<sup>120</sup>S.R.Sultanpur 1940, 21, para. 35.

<sup>121</sup>See e.g. The Leader, 26 September 1940, 6, for report of the trial of 4 persons from an Etah village who murdered the zamindar,

who was according to the prosecution (!) "an unpopular landlord who was harsh, ruthless and merciless in his treatment of tenants", in order to avenge themselves for cruelties they had suffered.

See e.g. The Leader, 5 July 1940, 6, for report of trial of 5 men who had become involved with zamindars after speaking ~~against~~ begar and nazrana as Congress workers and had murdered him.

<sup>122</sup>ABP, 8 August 1946, 2. There were similar report in ABP, 16 September 1946, 3; 11 October 1946, 3; 13 November 1946, 7.

<sup>123</sup>ABP, 13 June 1946, 3. <sup>124</sup>ABP, 5 February 1947, 7.

<sup>125</sup>ABP, 24 February 1947, 7. In ABP, 7 February 1947, 3, there was a report that the rights of "thousands of tenants" in Utraula tahsil of District Gonda had not been recorded properly or their lands had been included in the records in the zamindars' sir or khudkasht so that they were "ukhra kisan" - uprooted peasant.

<sup>126</sup>ABP, 29 October 1946, 3. Even so, agrarian relations were apparently better than the Government had expected; Revenue Report 1946/47, 3.

<sup>127</sup>Thorner, Agrarian Prospect in India, op. cit., 11.

<sup>128</sup>Cohen, in Village India, op. cit., 55.

<sup>129</sup>Report, I, 159. While permission to build a house was rarely refused a cultivator, "formal permission" had sometimes to be obtained. Saksena, in Fields and Farmers in Oudh, op. cit., 145, mentions that this was obtained in a Lucknow village by the "presentation of a Raka (2 pice) or a Bira (betel leaf)."

<sup>130</sup>Report, I, 159.

- <sup>131</sup>Marriott, in India's Villages, op. cit., 98.
- <sup>132</sup>Idem. <sup>133</sup>Idem.
- <sup>134</sup>Ibid., 102.
- <sup>135</sup>See S.R.Rae Bareilly 1929, 13; S.R.Unao 1930, 6; S.R.Hardoi 1932, 14; S.R.Sultanpur 1940, 21.
- <sup>136</sup>Cf. Gangulee, W.N., The Indian Peasant and His Environment (Oxford, 1935), 22. See also S.R.Jhansi 1947, 9, cited above, p.68.
- <sup>137</sup>Thorner, Agrarian Prospect in India, op. cit., 10.
- <sup>138</sup>Jafri, op. cit., 202. <sup>139</sup>Thorner, loc. cit., 49.
- <sup>140</sup>Ibid., 203. <sup>141</sup>Ibid., 207, 222-3.
- <sup>142</sup>Datta, B.N., Dialectics of Land Economics in India (Calcutta: Mohendra Publishing Co., 1952), 175-8.
- <sup>143</sup>Ibid., 178.
- <sup>144</sup>Ibid., 177-8. See also Jafri, op. cit., 213.
- <sup>145</sup>Datta, loc. cit. See also Jafri, op. cit., 217.
- <sup>146</sup>Datta, loc. cit. <sup>147</sup>Jafri, op. cit., 218.
- <sup>148</sup>Census of India 1951, II, IA, op. cit., 398.
- <sup>149</sup>Thorner, Agrarian Prospect in India, op. cit., 11.
- <sup>150</sup>See e.g. Rai Govind Chandra, "Are Zamindars Anti-National?" in ABP, 13 February 1946, 6, in which the writer argued that the zamindars, while wholeheartedly behind the national effort were totally opposed to socialist concepts of a "classless society".
- <sup>151</sup>Charan Singh, Agrarian Revolution in Uttar Pradesh, op. cit., 3. See also Raja Yuraj Datta Singh of Oel, President of British India Association telegram to Viceroy, in ABP, 26 July 1945, 5. Also Maharajkumar of Vizianagram memorandum to British Parliamentary Delegation, ABP, 9 February 1946, 3.

<sup>152</sup>ABP, 1 September 1945, 7.

<sup>153</sup>ABP, 9 August 1946, 1.

<sup>154</sup>ABP, 11 February 1946, 3. Gopinath Srivastava, Congress M.L.A., had earlier accused the Muslim League and the Hindu Mahasabha of finding common ground on the retention of zamindari. ABP, 8 September 1945, 4.

<sup>155</sup>For example, the Muslim League hoped to embarrass Congress by moving for the abolition of all forms of capitalism but the zamindars were unable to accept this and voted against it. But later both Muslim League and Zamindari Party members walked out in protest against the resolution on Zamindari Abolition. ABP, 9 August 1946, 1.

<sup>156</sup>Platform of the "Praja Party" formed at a meeting in Lucknow 6 April 1951 with Kunwar Jagdish Prasad as President, ABP, 7 April 1951, 3. This seems to have followed an earlier meeting of the "Democratic Convention" and the U.P. Province Zamindars' Conference at which Jagdish Prasad advocated organisation of a strong party to oppose Congress; ABP 15 May 1950, 3.

<sup>157</sup>ABP, 17 August, 1946.

<sup>158</sup>Cf. Marriott, in India's Villages, op. cit., 102-3; "In Kishan Garhi (Aligarh District), a man's caste rank counts for little more than seven annas in the sum of his prestige; wealth and political affiliation together count for nine annas".

<sup>159</sup>Report of Rai Amar Nath Agarwal, hon. secretary, to the Agra Province Zamindars' Association, in The Leader, 23 March 1939.

<sup>160</sup>Narendra Deva, Presidential Address 1939, op. cit., 7-8. Cf. report from Commissioner of Gorakhpur in Revenue Report 1949/50, 3.

CHAPTER V.ACT I OF 1951, THE VEHICLE OF CHANGE.

(i)

The reasons given for enacting the Zamindari Abolition and Land Reforms Act, as with most post-independence "land reform legislation",<sup>1</sup> ranged from the obvious and severely practical to the grandiloquent and purely theoretical:<sup>2</sup>

"without a radical change in the existing land system no coordinated plan of rural reconstruction can be undertaken to ensure agricultural efficiency and increased food production, to raise the standard of living of the rural masses and to give opportunities for the full development of the peasant's personality."<sup>3</sup>

There was, indeed, often little distinction between hopes and aims and the legislation in fact embodied and/or carried with it a multitude of aspirations which encompassed the economic, agrarian, political and social problems of the newly-independent State.

Tenant farming was uneconomic under Indian conditions<sup>4</sup> so reform, by improving the status of tenant cultivators, would give them the feeling "that they (owned) the land and (could) enjoy the fruits of their labour and would induce them to work harder, raise production and thus earn more"<sup>5</sup> while cooperative farms would "remedy the inefficiency and waste involved in the cultivation of existing uneconomic holdings."<sup>6</sup> India's was a "landlord-ridden economy",<sup>7</sup> the landlords were either redundant or positively harmful;<sup>8</sup> they were "in the truest sense of the term. parasites or drones doing no good in the public hive."<sup>9</sup> They were uninterested in agricultural

development:

"the rarest figure in the modern Indian countryside has been a genuine capitalistic producer ... Indian landowners have found rent and usury, as opposed to capitalistic profit, easier, safer, more congenial and more lucrative".<sup>10</sup>

If they disappeared "the land would still remain and continue to yield the same products as before".<sup>11</sup> Satisfactory "reform", therefore, involved "the extinction, as a class, of those persons who came between the cultivator of the land and the Government".<sup>12</sup> Moreover, with an economy in which "the majority of the population was engaged in agriculture which had a very low yield in relation to both manpower and acreage",<sup>13</sup> India was fertile ground for a "repetition of Russian agrarian history ... the expropriation of landed property ... culminating in collective farming".<sup>14</sup> Reforms, by decentralising political power, would

"foster social responsibility and (a) community spirit among the rural population leading to the establishment of a cooperative and self sufficient democracy in the U.P.'s country-side."<sup>15</sup>

They would then be "a more powerful instrument for fighting Communism than many well-armed, well-trained divisions".<sup>16</sup>

It is difficult - and unnecessary - to decide which amongst these 'aims' was the most important or the most valid.<sup>17</sup> Indeed this study is concerned with none of the foregoing; without prejudice to the earlier view it singles out the social aims of the legislation, the view that

"the landlord-tenant system ... should, with the dawn of



political freedom, give place to a new order which restores to the cultivator the rights and freedom which were his and to the village community the supremacy which it exercised over all the elements of village life."<sup>17</sup>

That is to say, the interest is in Act I of 1951 as an instrument of social change.

The zamindari abolition act was not a piece of legislation existing in 'splendid isolation'. It was part of the chain of legislative events stretching back to 1859 which have been examined in the preceding chapters. In one sense it was a continuation of the series for it completed the task of distributing to the majority of cultivators secure tenant rights. As little as it did in this regard it was, nonetheless, the logical conclusion of the process of sharing the attributes of ownership between State, landlord and tenant. It did in fact arrogate to the State and the cultivator all the attributes of ownership and the landlord as an intermediary, disappeared. And this was a culmination, not a departure: a culmination, that is, of the process of interfering with the legal relations of landlord and tenant, albeit by terminating them.

In contrast to its legislative ancestors, however, the Act was concerned with the extra-legal relations between the agrarian groups. For the first time legislation entered the social sphere in the village by removing land, the overt basis of the of the landlords' social position, from their control. It was not merely that without an estate the former landlord was, materially, a less impressive figure (the great majority of zamindars who held only small estates were not liable to be greatly affected in this way)

but that the landlord without an estate had no tenants: he collected no rent, could eject nobody, had, in fact, no power over anybody, was nobody's lord. This is the true sense in which the Act was revolutionary. After ninety years of repairing the landlord-tenant system from within, ninety years in which the administration refused or was unable to admit that the agrarian system as it developed was unsound in itself, this Act posed a solution to break through the vicious circle of successive degeneration and reform, by breaking the system itself at the point over which it could exercise power. It remains to be seen, of course, whether or not the landlords had in fact acquired a dominance independent of their land. If they had, the social position might very well remain largely unaffected for such a position would very likely be less amenable to legislative change. This problem, however, is left to the next chapter; the immediate task is to examine the methods by which the legislation moved to accomplish the social aims which it set out to achieve.

(ii)

The two elements which have been outlined above were inter-dependent. The completion of the work of tenant security was possible only by the removal of the landlords and their powers. Zamindari abolition was the basic proposition; without it, the land reforms would remain inoperative, as they had done in the past. The format of the Act, as well as its title, emphasised this. The Act was divided into two parts, the first of which removed the obstacle - the landlord-tenant system - while the second erected the new village, agrarian and revenue forms which the Government desired.<sup>18</sup>

From 1 July 1952<sup>19</sup> the "rights, title and interest"<sup>20</sup> of all

intermediaries<sup>21</sup> in their estates in Uttar Pradesh were vested in the State Government.<sup>22</sup> As result the Government acquired all

"land (cultivable or barren), groveland, forests ..., tress other than trees in village abadi, holding or grove, fisheries, wells (other than private wells ...), tanks, ponds, water channels, ferries, pathways, abadi sites, hats, bazars, melas ... and ... sub-soil rights ...".<sup>23</sup>

All "rents, cesses, local rates and sayar" became payable to the State Government<sup>24</sup> but the intermediary remained liable for all arrears due from the estate.<sup>25</sup> All estates were taken "free of encumbrances"<sup>26</sup> so that all grants on the land or the revenue ceased, legal proceedings against the estates were debarred and usufructuary mortgages were reverted to simple mortgages.<sup>27</sup> The intermediary's right to collect arrears owing to him was not questioned although these could no longer be satisfied by ejectment.<sup>28</sup> He could also continue to work mines which he had been operating directly, as a lessee of the government.<sup>29</sup>

All intermediaries became entitled to compensation from the date of vesting.<sup>30</sup> Compensation, whether in cash or bonds<sup>31</sup> carried interest of two and a half per cent. until paid or redeemed<sup>32</sup> and, in addition, if the compensation had not been determined within nine months the intermediary was to receive interim compensation<sup>33</sup> which would be adjusted against the amount finally determined.<sup>34</sup>

The determination of compensation required firstly the calculation of the gross assets of the mahal - the "aggregate gross income of the land or estates comprised in the mahal."<sup>35</sup> From this figure the "net assets" were found by deducting the intermediary's

liabilities for the agricultural year prior to vesting.<sup>36</sup> Compensation was then to be paid at the rate of eight times the net assets.<sup>37</sup> A thekadar received compensation in proportion to his interest in the estate.<sup>38</sup>

In addition to this compensation, all intermediaries, other than thekadars, who had paid less than Rs. 10,000 per annum as land revenue, were eligible to apply for a rehabilitation grant.<sup>39</sup> This was designed to assist the smaller zamindars to readjust their position and it was determined upon a sliding scale of multiples of the net assets which were in inverse proportion to the revenue payable by the intermediary.<sup>40</sup> This scale is set out in Table XIX.

With the elimination of the intermediaries and the vesting of their estates, the State became the sole proprietor of all land. It was therefore in a position to reallocate the lands to produce a new system of tenures. As the Act put it, it could "settle" certain lands with certain persons under the form of tenure which it defined. The vesting did not alter the status of the tenants, of course, and in fact the basic principle of the reforms was that no-one in cultivating possession should be deprived of his land.<sup>41</sup> A recognition of the position of the State and of this principle makes clear the process by which the tenures were reorganised.

The Act defined four agrarian groups, three classes of "tenure-holders"; viz., bhumidhars, sirdars and asamis, who were to be permanent features of the system,<sup>42</sup> and a temporary group, viz., adhivasis, who were to be a tenant group which would eventually disappear.<sup>43</sup> The rights, privileges and liabilities of these groups

TABLE XIX.

SCALE OF REHABILITATION GRANT PAYABLE TO  
INTERMEDIARIES UNDER SECTION 48.

Land revenue assessed on intermediary's estates.(Rs)					Multiples of net assets for rehabilitation grant.
Up to	25				20
Exceeding	25	but not	50		17
"	50	"	"	100	14
"	100	"	"	250	11
"	250	"	"	500	8
"	500	"	"	2000	5
"	2000	"	"	3500	3
"	3500	"	"	5000	2
"	5000	"	"	10000	1

SOURCE: I of 1951, Schedule 1.

varied widely and they represented not entirely new groups but a regrouping of the existing tenure structure.

The bhumidhari tenure was a collection of the most privileged existing groups. In the first place the ex-intermediaries became bhumidhars in respect of their unlet sir, khudkasht and grove land.<sup>44</sup> To these were added the fixed-rate tenants and the rent-free grantees and any occupancy or hereditary tenants, or tenants of sir on Patta Dawami or Istimrari who possessed a right to transfer their holding by sale, all of whom acquired bhumidhari status in "the lands held by them as such".<sup>45</sup> As well, Avadhi special terms tenants, exproprietary, occupancy and hereditary tenants and sub-tenants who had previously purchased bhumidhari rights by paying to the government ten times their annual rent, were confirmed in that status.<sup>46</sup> The bhumidhari tenure was reserved, therefore, in the first instance, for those already in a favoured and secure position and those who were prepared, even before abolition had been enacted, to pay for its privileges.

The sirdars were the remainder of the tenants who had a secure position before abolition. These included tenants on special terms in Avadh, exproprietary, occupancy and hereditary tenants and privileged tenants of sir who, not having a right to transfer their holdings by sale, did not become bhumidhars, in addition to grove-holders, tenants with holdings of more than half an acre in tea estates and sub-tenants holding leases of long standing.<sup>47</sup> Certain groups were defined as hereditary tenants by the Act so that they also acquired sirdari status. Such were tenants of an intermediary paying more than Rs. 250 per annum as land revenue,<sup>48</sup> the recorded occupiers of

land in which no other rights were recognised<sup>49</sup> and thekadars who had personally cultivated lands~~within~~ their thekas<sup>50</sup> and these were made sirdars in the "lands which they held as such". They were minor extensions, however, and the sirdari group remained as the bulk of occupancy- or hereditary-right holders created under the previous legislation.

Those who became sirdars under section 19 at the commencement of the Act had, however, the right to purchase, within a period of limitation, bhumidhari rights in the same way as they had been purchased under the Agricultural Tenants Acquisition of Privileges Act, Act X of 1949. The sirdar thus had to pay to the Government ten times his annual rent, or twelve times the rent if he paid in instalments.<sup>51</sup> A cultivator admitted to land as a sirdar after the commencement of the Act could also purchase the superior status but only by paying, in a lump sum, ten times the rent.<sup>52</sup>

The third permanent group of tenure-holders, the asamis, were those who held land which, because of its nature, was excluded from the growth of fully secure rights, or those who held a lease from an occupant of land. In the first group were those who had been non-occupancy tenants because their holding was land under unstable or shifting cultivation, pasture, water-covered land or an area being re-afforested.<sup>53</sup> The other group was an agrarian miscellany: non-occupancy tenants of the grove land of an intermediary; the subtenants of groveholders; subtenants of persons who had been ejected under XVII of 1939 but reinstated by X of 1947; the mortgagee "in actual possession" of a tenant; tenants of sir of an intermediary who paid less than Rs. 250 per annum as land

revenue and the occupants of the land of disabled persons.<sup>54</sup>

Guzarédars, persons who held land recorded as sir or khudkasht "in lieu of maintenance allowance", were also asamis "for as long as the right of maintenance allowance (subsisted)."<sup>55</sup>

The individual asami's position was not necessarily permanent for the right ended if the disability of the tenure-holder disappeared or if the land ceased to have an unstable character, or if the land was recovered by the bhumidhar or sirdar for his own cultivation.<sup>56</sup> Asamis would always be a feature of the agrarian system, however, because the circumstances which called for asami-cultivation of land would continually arise.<sup>57</sup>

The position of the adhivasis, the fourth and residual agrarian group, was designed to be merely transitional, a temporary ranking for tenants with no stable rights in land.<sup>58</sup> They were, in particular, sir- or sub-tenants who had not been included in any other tenure group and the occupants of land not included previously in any tenant holding.<sup>59</sup> Their position was temporary in the sense that after five years - or sooner on the notification of the Government - they were to deposit fifteen times their annual rent to the credit of the Government and become bhumidhars; if they failed to do so they would lose al~~l~~right to the land and

"become liable to ejectment ... on the suit of the landholder as if ... (they were persons) taking or retaining possession otherwise than in accordance with the provisions of (the) Act and without the consent of the landholder."<sup>60</sup>

The landholder was to receive compensation<sup>61</sup> on the scale set out in Table XX if the adhivasi acquired bhumidhari status.



TABLE XX.

COMPENSATION PAYABLE TO TENURE-HOLDERS OF  
ADHIVASIS ACQUIRING BHUMIDHARI STATUS.

Tenure Holder.	Compensation from:	
	adhivasi's deposit.	other sources.
1.Ex-intermediary bhumidhars.	one-third.	normal compensation and rehabilitation grant.
2.Other bhumidhars.	whole.	nil.
3.Sirdars.	one-third.	nil.

SOURCE: I of 1951, sec. 236.

The tenure arrangements of the abolition measure were, therefore, a rationalisation of the former complex systems. On the one hand there was a large group with proprietary status who, holding from the Government, paid land revenue<sup>62</sup> equal either to revenue or rent paid in their former position as an intermediary or tenant or, in the case of those who purchased bhumidhari rights, equal to one half of the former rent.<sup>63</sup> On the other hand there was a group of tenants who existed either where it was impossible for the landholder to cultivate or where for the time being existing arrangements were retained; these cultivators naturally paid rent.<sup>64</sup>

The new proprietary tenures received few new rights except for the power to make improvements of any kind.<sup>65</sup> Bhumidhars had the right to use the land in any way, agricultural or non-agricultural,<sup>66</sup> and they could, except where a person would gain a holding greater than thirty acres thereby and except in the form of a usufructuary mortgage, transfer their holdings.<sup>67</sup> The bhumidhars were also allowed to bequeath their holdings.<sup>68</sup> The sirdar, however, had none of these privileges: he could use land only for agricultural purposes;<sup>69</sup> his holding was not transferable;<sup>70</sup> and his holding devolved according to the order of succession laid down in the Act.<sup>71</sup> He was, indeed, liable to ejectment for the transgression of the most important of these conditions of his tenure and particularly for illegally using or transferring his land<sup>72</sup> while the bhumidhar was not liable to ejectment in this way.<sup>73</sup> In other respects, however, there was little difference between the two grades. Neither could sublet to any subtenant other than a "recognised educational institution".<sup>74</sup> Both could exchange their lands with the permission

of the Assistant Collector<sup>75</sup> and could sue for partition provided<sup>76</sup> their holding was larger than a defined "fragment" - ie, 3.125 acres for most of the State.<sup>77</sup>

There was no need for a settlement of the revenue following the establishment of the new system of tenures for the revenue was implicit in the tenure itself: the former rent or revenue or half the former rent as the case may be. The revenue was, moreover, to be made more stable than during the period of the British administration since the settlement was to last for forty years,<sup>78</sup> except for changes necessitated by variations in the size of the holding,<sup>79</sup> an increase in productive power due to fluvial action<sup>80</sup> or the effect of an agricultural calamity or prolonged abnormal price movement.<sup>81</sup> All the tenure holders of a village were jointly and severally responsible for the revenue assessed on the village<sup>82</sup> and the Act provided that the Collector could attach a village for arrears and keep it under his own management for "such period as he may consider necessary" up to three years.<sup>83</sup> Arrears of revenue from an individual tenure-holder could be recovered by writ, or by attachment and sale of the defaulter's property and holding.<sup>84</sup>

The asami was in an essentially weaker position than either of the other groups of tenure-holders. The tenure was heritable but as with the sirdar, only in accordance with the order of succession laid down.<sup>85</sup> In several other ways as well he resembled the sirdar. He could make any non-detrimental improvement to the holding but could not use it for a non-agricultural purpose<sup>86</sup> and he could neither transfer ~~it~~<sup>nor</sup> sublet it.<sup>87</sup> Moreover, he was liable to ejectment for illegal use or transfer.<sup>88</sup> His fundamental insecurity, however,

was stressed by the fact that, as compared<sup>d</sup> with the sirdar, he could be ejected on many more grounds. He was liable to ejectment for unsatisfied arrears of rent<sup>89</sup> and the extinction of the tenure from which he held,<sup>90</sup> or the disappearance of the reason for his tenure<sup>91</sup> - the tenure-holder's disability, for example, - served to terminate his own rights. However, in certain cases, if the asami was not ejected even though the reason for the tenancy had gone, he could become a sirdar.<sup>92</sup> In any case, the ejectment of an asami meant that the tenureholder could not let the land to another asami for a period of two years.<sup>93</sup> Like the tenants of the past, an asami who had been wrongfully ejected could sue for repossession and compensation.<sup>94</sup>

The adhvasis were to retain the rights and liabilities which they had at the date of vesting.<sup>95</sup> The tenure was heritable<sup>96</sup> within the overall restriction implied in the Act. Ejectment could be had on the usual grounds of arrears, illegal use or transfer<sup>97</sup> and also if the tenure-holder had less than eight acres<sup>+</sup> and wished to bring the adhvasi's holding under his personal cultivation.<sup>98</sup> These provisions did not apply, however, if the tenure-holder was permanently disabled<sup>99</sup> and in this case the adhvasi became an asami after a lapse of five years.<sup>100</sup>

This reorganised tenure system was the product of the redistribution of the lands which the State Government had acquired from the intermediaries. There were, as well, rights to trees, waste land, house sites and other common utilities which had been taken from the landlords.

The responsibility for these was lodged with the second important branch of the reform which the Act carried out in pursuance

of its social objectives: the creation of local village 'government', the Gaon Sabha. This consisted of all adults ordinarily resident in the area for which the Gaon Sabha was established.<sup>101</sup> Through its executive committee, the Gaon Panchayat,<sup>102</sup> the Gaon Sabha was given control of vacant or waste land in the village, forests inside the village boundaries, isolated trees, fisheries, fair sites on public ground, village irrigation works, ferries, pathways and abadi sites, to etjter with the task of developing these resources.<sup>103</sup> The Gaon Sabha had the right to admit cultivators as sirdars or asamis on the waste lands vested in it or on lands in which tenure rights were extinguished and which thus fell into its care.<sup>104</sup> Landless agricultural labourers, tenureholders with less than an economic holding (ie,  $6\frac{1}{4}$  acres) and cooperative farms, in that order, were given preference to these holdings dispensed by the Gaon Sabha.<sup>105</sup>

The final but by no means the least important reform of the Act was to remove the power of the patwari by simplifying the record system so that his ability to confuse - or confound confusion - to mislead and to deceive, disappeared. The records which had been kept before 1951 consisted of a series of registers: the khewat for the proprietors of the mahal, the khatauni for the tenants, specifying their tenure, holdings and rent, and, in Avadh, other forms of registers for underproprietors and special lessees.<sup>106</sup> As well there was the shajra or village map and its index, the khasra.<sup>107</sup> All changes in the lands and tenures of the village had to be noted in the records and the records had to be ~~noted~~ fully corrected and revised each year.<sup>108</sup> The result of this complexity was fully illustrated when the implementation of the new tenure scheme was

begun. Triloki Singh, the leader of the Praja Socialist Party in U.P., cited a government admission that in one tahsil alone there had been found some 50,000 incorrect entries.<sup>109</sup>

Under the new system simplicity was the keynote:<sup>110</sup> "the record of rights shall consist of a register of all persons cultivating or otherwise occupying land ... for each village ..."<sup>111</sup> This single register was to specify the class of tenure and the rent or revenue of each holder and any additional information which the State might require.<sup>112</sup> In future it was to be

"the simple duty of the patwari ... to ascertain merely the fact of possession on the spot and to report all changes of possession which (came) to his notice to the higher authorities for necessary enquiries."<sup>113</sup>

The patwari would no longer make any changes in the records on his own authority; he merely recorded changes in the remarks column and then notified the kanungo, the Gaon Panchayat and the persons concerned. Changes could be made only on the orders of a Court. As well, the records left the patwari's hands within a month of the end of the agricultural year; previously it had remained for one (dangerous) year in his possession.<sup>124</sup>

In a way these changes in the patwaris' position were symbolic of the new forms which emerged after the zamindars disappeared. They were by no means 'cure-alls' but they appeared to have some opportunity to re-shape rural life and village society.

(iii)

Since its enactment, Act I of 1951 has been amended or supplemented on numerous occasions. Acts and ordinances have been

introduced to remove minor difficulties of interpretation or to reshape specific points of policy. The general pattern of abolition and reform has not altered but there have been several important amendments.

A supplementary act of 1952<sup>115</sup> provided for the position of cultivators of land included in the holdings of bhumidhars or sirdars who had not been recorded. Complaints had been made to the Government that many of these cultivators had been forcibly ejected.<sup>116</sup> They were consequently given rights in the land which they cultivated: if the tenure-holder was disabled as an asami with an annual lease; otherwise as an adhivasi.<sup>117</sup>

The amending act of the next year introduced two changes of policy.<sup>118</sup> It made alterations found to be necessary after experience of the act in actual operation.<sup>119</sup> It also 'promoted' groveholders to the status of bhumidhars.<sup>120</sup> This change, which was retrospective to 1 July 1952, was an important one as the groveholders, who had been sirdars, acquired this higher status without any additional payment. Secondly, it removed the hitherto unlimited power of sirdars and asamis to make improvements and thereby retracted the most important advance which the act had meant for the former tenant groups.<sup>121</sup>

The most far-reaching of the amendments, however, was embodied in Act XX of 1954. This provided for the immediate conversion of the adhivasis into sirdars. A whole new chapter, IX-A, was inserted in I of 1951<sup>122</sup> by which, in a procedure patterned on the earlier abolition and reforms, the lands of tenure-holders held by adhivasis

was vested in the State<sup>123</sup> from 30 October 1954<sup>124</sup> then to be resettled with the former adhivasis as sirdars.<sup>125</sup> Their rents then became revenue<sup>126</sup> and they acquired all the "rights and liabilities of sirdars".<sup>127</sup>

The tenure-holders whose land was thus acquired were eligible for compensation<sup>128</sup> in accordance with a scale (set out in Table XXI) based on pre-1952 tenure status. The compensation was payable in cash in from five to ten annual instalments with interest at  $6\frac{1}{4}$  per cent.<sup>129</sup> In all, more than 44 lakh adhivasi khatahs were removed from their "anomalous position" and given the security of sirdari tenure at no cost to themselves.<sup>130</sup>

The same act, XX of 1954, provided also that a sirdar, whose holding had before been untransferable except if he was disabled, could transfer to a recognised educational institution.<sup>131</sup> A later amendment added a further ~~provision~~ <sup>provision</sup> to transfer rights for all tenure-holders which prohibited the transfer of a fragment, ie, a piece of land less than 3.125 acres in extent in most of the State.<sup>132</sup>

The most recent amendment passed through the upper house, the Vidhan Parishad, without amendment, on 30 September 1958. This provided for a decreased limit of  $12\frac{1}{2}$  acres on all holdings in the State.<sup>133</sup>

By these amendments the original intentions of the abolition and reforms measure have been fulfilled as far as they can be by legislation. The tenure system has been rationalised. All cultivators are under the ultimate ownership of the State, the great bulk of them with a heritable but not transferable tenure, paying revenue directly to the Government. There are some smaller groups:



TABLE XXI.

COMPENSATION PAYABLE TO TENURE-HOLDER OF  
LAND IN WHICH ADHIVASI WAS GRANTED  
SIRDARI RIGHTS BY ACT XX of 1954.

Tenure.	Compensation		
	as multiple of rent at hereditary rates.	as multiple of rent paid by adhivasi.	from other sources.
1.Ex-intermediary bhumidhars.	10	nil.	normal com- pensation and rehab- ilitation grant.
2.Bhumidhars who were fixed rate, occupancy, hered- itary or privil- eged sir tenants.	20	nil.	nil.
3.Other bhumidhars.	10 (but at least 5 times actual rent)	10	nil.
4.Sirdars.	10 (but at least 5 times actual rent)	nil.	nil.

SOURCE: I of 1951; sec. 240-E.

'above' the norm are those in a more privileged position, having rights of transfer and unlimited rights of use and improvement; 'below' the norm stands the sole form of tenancy allowed to remain. The position was "pregnant for the development of a sense of democracy and a community of interest";<sup>134</sup> the village remained the final,<sup>i</sup> the ultimate, testing ground.

NOTES - CHAPTER V.

<sup>1</sup>Cf. Progress of Land Reforms, op.cit., 3.

<sup>2</sup>"All the Acts have one common aim ... but this objective finds expression in different ways in the preambles of these Acts. Some are modest in expression, whereas some are flamboyant and grandiloquent!" Patel, G.D., The Indian Land Problem and Legislation (Bombay: Tripathi, 1954), 407.

<sup>3</sup>Statement of Objects and Reasons, Act I of 1951, in United Provinces Gazette Extraordinary; 10 June 1949; cited in The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, U.P. Act I of 1951, As amended ... ; (Lucknow: Superintendent of Printing and Stationery, U.P., July 1957); 1.

<sup>4</sup>Dantwala, in Land Tenure, op.cit., 138.

<sup>5</sup>Progress of Land Reforms, op.cit., 11.

<sup>6</sup>A.N.Jha, "Agrarian reform in the State of U.P., India" in Land Tenure, op.cit., 146.

<sup>7</sup>Misra, B.R., V for Vinoba (Calcutta: Orient Longmans, 1956), Preface, v.

<sup>8</sup>Cf. the following: Report, I, 339, 345; Report of the Congress Agrarian Reforms Committee, op.cit., 39; Bhowani Sen, Indian Land System and Land Reforms (Delhi: People's Publishing House, 1955); 14; Mahesh Chand, Economic Problems in Indian Agriculture (Bombay: Vora, 1950), 167; Ajit Prasad Jain, "Past and Future of Zamindari" in Abolition of Zamindari (Lucknow: Oudh Publishing House, 1946), 29; Sampurnanand, "The case for nationalisation of land", ibid., 6. At the same time the Zamindari Abolition Committee was prepared to concede one point: "many (landlords) knew the conditions of their tenants and sometimes showed generosity and allowed the rents to fall

into arrears if they felt that its collection would cause great hardship. There was, therefore, but only in very rare cases, what may be called a human touch in their dealings with their tenants;" Report, I, 525.

<sup>9</sup>Charan Singh, Agrarian Revolution in Uttar Pradesh, op.cit., 2.

<sup>10</sup>Thorner, D., "Long term trends in output in India" in Economic Growth, op.cit., 126-7. Cf. Neale, op.cit., 442: "the emphasis upon the difference between the investment behaviour of zamindars and industrialists is one of the strongest factual arguments against the system of land tenures existing up to the present!" See also Srivastava, G., "The voice of reaction", an editorial from the Hindustan reprinted in Abolition of Zamindari, op.cit., 46.

<sup>11</sup>Charan Singh, Abolition of Zamindari, (Allahabad: Kitabistan, 1947), 15.

<sup>12</sup>Judgement of full bench of the Allahabad High Court (Malik, CJ; Mootham, Chandiramani, Agarwala and Bhargava, JJ), 10 April 1951, in Amrita Bazar Patrika, 11 April 1951, 7.

<sup>13</sup>Misra, loc.cit..

<sup>14</sup>Idem.

<sup>15</sup>Amrita Bazar Patrika, Republic Day Supplement, 26 January 1951, viii.

<sup>16</sup>"A great measure", editorial in Amrita Bazar Patrika, 18 January 1951, 4.

<sup>17</sup>Statement of Objects and Reasons, Act I of 1951, loc.cit.

<sup>18</sup>Act I of 1951, op.cit., i - xi.

<sup>19</sup>Notification published in Uttar Pradesh Gazette Extraordinary, 1 July 1952, cited I of 1951, op.cit., 13.

<sup>20</sup>I of 1951, sec. 6(a). Henceforward, all section references are to I of 1951 unless otherwise stated and refer to the official text

of the Act as originally passed; amendments to the Act are dealt with in the next section of this chapter.

<sup>21</sup>Intermediaries were defined in sec. 3(12) as "proprietors, underproprietors, subproprietors, thekādars, permanent lessees in Avadh and permanent tenure-holders in Agra."

<sup>22</sup>Sec. 4.

<sup>23</sup>Sec. 6(a)(i), (ii)

<sup>24</sup>Sec. 6(c).

<sup>25</sup>Sec. 6(d).

<sup>26</sup>Sec. 6(a)(ii).

<sup>27</sup>Sec. 6(b), (f), (g).

<sup>28</sup>Sec. 7.

<sup>29</sup>Sec. 7; sec. 107.

<sup>30</sup>Sec. 27, 28.

<sup>31</sup>Sec. 68.

<sup>32</sup>Sec. 28.

<sup>33</sup>Sec. 29.

<sup>34</sup>Sec. 30.

<sup>35</sup>Sec. 39.

<sup>36</sup>Sec. 44.

<sup>37</sup>Sec. 54.

<sup>38</sup>Sec. 55.

<sup>39</sup>Sec. 73, 79.

<sup>40</sup>Sec. 98. However, an intermediary in the form of an estate endowed for a religious or educational purpose was given an annuity equal to the net assets in place of a normal rehabilitation grant; see sec. 99.

<sup>41</sup>Progress of Land Reforms, op.cit., 12.

<sup>42</sup>Sec. 129.

<sup>43</sup>Sec. 20.

<sup>44</sup>Sec. 18(1)(a)(b).

<sup>45</sup>Sec. 18(1)(c)(d). A tenant of sir on Patta Dawami or Istammari was "broadly speaking a fixed rate tenant of sir land, ie, a person to whom sir land had been let on the basis of a sub-settlement contract which could include rights of transfer"; Moore and Freydis, op.cit., 87-8.

<sup>46</sup>Sec. 18(2). This was done under The United Provinces

Agricultural Tenants (Acquisition of Privileges) Act, 1949, (U.P. Act X of 1949), sec.3. The payment could be in four instalments but the amount was then twelve times the annual rent.

<sup>47</sup>Sec. 19. It will be realised of course that occupancy, hereditary, exproprietary, special terms or privileged sir tenants did not normally have a right to transfer by sale.

<sup>48</sup>Sec. 10. This extended the provisions of XVII of 1939 which had given hereditary rights to the tenants of the sir of a landlord paying more than Rs.25 p.a. in local rates, which was usually equal to Rs. 250 land revenue.

<sup>49</sup>Sec.16.

<sup>50</sup>Sec.12.

<sup>51</sup>Sec. 134.

<sup>52</sup>Sec. 139.

<sup>53</sup>Sec. 21(e)(f)(g).

<sup>54</sup>Sec. 21(a)(b)(c)(d)(h)(i).

<sup>55</sup>Sec.11.

<sup>56</sup>Jha, in Land Tenure, op.cit., 150.

<sup>57</sup>Charan Singh introducing Uttar Pradesh Zamindari Abolition (Amendment) Bill, 1954, in U.P. Vidhan Sabha, Amrita Bazar Patrika, 14 September 1954. See also Moore and Freydis, op.cit., 18.

<sup>58</sup>A.N.Jha, loc.cit.

<sup>59</sup>Sec. 20. See also Moore and Freydis, op.cit., 101.

<sup>60</sup>Sec. 235. See also Moore and Freydis, op.cit., 18.

<sup>61</sup>Sec. 236.

<sup>62</sup>Sec. 242, 246, 247.

<sup>63</sup>Sec. 245.

<sup>64</sup>Sec. 213.

<sup>65</sup>Sec. 142, 146. Cf. Neale, op.cit., 597.

<sup>66</sup>Sec. 142.

<sup>67</sup>Sec. 152, 154, 155.

<sup>68</sup>Sec. 169. If a bhumidhar made no will, his holding devolved according to the order of succession laid down in sec. 171, 172.

<sup>69</sup>Sec. 146.

<sup>70</sup>Sec. 153.

<sup>71</sup>Sec. 170.

<sup>72</sup>Sec. 201.

<sup>73</sup>Sec. 199.

<sup>74</sup>Sec. 156.

<sup>75</sup>Sec. 161.

<sup>76</sup>Sec. 176,

<sup>77</sup>Sec. 178.

<sup>78</sup>Sec. 252.

<sup>79</sup>Sec. 251.

<sup>80</sup>Sec. 267.

<sup>81</sup>Sec. 268, 271.

<sup>82</sup>Sec. 243.

<sup>83</sup>Sec. 289.

<sup>84</sup>Sec. 279, 281.

<sup>85</sup>Sec. 171, 172.

<sup>86</sup>Sec. 146, 147, 148, 206.

<sup>87</sup>Sec. 153, 156.

<sup>88</sup>Sec. 167, 168.

<sup>89</sup>Sec. 220.

<sup>90</sup>Sec. 192.

<sup>91</sup>Sec. 202.

<sup>92</sup>Sec. 204.

<sup>93</sup>Sec. 205.

<sup>94</sup>Sec. 212-B.

<sup>95</sup>Sec. 231(1).

<sup>96</sup>Sec. 231(2).

<sup>97</sup>Sec. 234.

<sup>98</sup>Sec. 237(1)-(4). The adhvasi was then found vacant land of the same value, by the Gaon Sabha, to which he was to be admitted as a sirdar; sec. 237(5).

<sup>99</sup>Sec. 238.

<sup>100</sup>Sec. 239.

<sup>101</sup>Sec. 114. I of 1951 also uses the term Gaon Samaj but makes no attempt to distinguish between this body and the Gaon Sabha. The earlier U.P. Panchayat Raj Act, 1947 (Act XXVI of 1947) made no mention of Gaon Samaj but simply used Gaon Sabha and defined it in the same terms as used in I of 1951 for Gaon Samaj. Any distinction which may have rested on the fact that all tenure-holders as well as all adults of the village were Samaj members ceased when this provision was deleted by sec. 20 of Act XVI of 1953, retrospective

to 1 July 1952.

<sup>102</sup>Sec. 120. The State Government retained control over the panchayats under sections 126-7.

<sup>103</sup>Sec. 117, 118.

<sup>104</sup>Sec. 194, 195, 197.

<sup>105</sup>Sec. 198.

<sup>106</sup>United Provinces<sup>L</sup> and Revenue Act, III of 1901, sec. 32, as in Revenue Companion, 229.

<sup>107</sup>Baden Powell, op.cit., II, 88.

<sup>108</sup>III of 1901, sec. 33-4, as in Revenue Companion, 230-1.

<sup>109</sup>Amrita Bazar Patrika, 14 August 1954, 8.

<sup>110</sup>Charan Singh, "Revised Land Records Manual: Some Features", in The Leader, Republic Day Supplement, 26 January 1953, 2.

<sup>111</sup>I of 1951, Schedule III, List II, serial no. 8, amendment to sec. 32, Act III of 1901.

<sup>112</sup>I of 1951, Schedule III, List II, serial no. 25, amendment to sec. 55, III of 1901.

<sup>113</sup>Charan Singh, "Salient features of revised land records manual", in U.P. Information (Lucknow), Republic Number, 26 January 1953, 48.

<sup>114</sup>Idem.

<sup>115</sup>Uttar Pradesh Land Reforms (Supplementary) Act, 1952, Act XXXI of 1952, published in Uttar Pradesh Gazette Extraordinary, 7 November 1952.

<sup>116</sup>Statement of Objects and Reasons, XXXI of 1952, in U.P. Gazette Extraordinary, 21 August 1952, in I of 1951, op.cit., 195. See also The Leader, 17 November 1952, 2.

<sup>117</sup>XXXI of 1952, sec. 3.



<sup>118</sup>The Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1952, Act XVI of 1953, published 16 June 1953; see I of 1951, op.cit., 209.

<sup>119</sup>XVI of 1953, Statement of Objects and Reasons, in U.P. Gazette Extraordinary, 1 December 1952, in I of 1951, op.cit., 209.  
The Act made all wells private property, all waqfs eligible for annuities rather than normal rehabilitation grants; gave landless labourers second preference (to cooperative farms) for Gaon Sabha holdings, simplified the formation and working of the Land Management Committee of the Gaon Sabha, clarified the position of tenants of sir and allowed for the arrest and detention of adult male revenue defaulters.

<sup>120</sup>XVI of 1953, sec.11.

<sup>121</sup>XVI of 1953, sec. 35.

<sup>122</sup>I of 1951, op.cit., 121, footnote.

<sup>123</sup>I of 1951, 240-A.

<sup>124</sup>I of 1951, op.cit., 121, note.

<sup>125</sup>I of 1951, 240-B. Charan Singh claims that they were made sirdars rather than bhumidhars because of their uneconomic position. Some change was needed, however, because their imminent ejection appeared certain to pose economic and social problems for the Government; Agrarian Revolution in Uttar Pradesh, 56.

<sup>126</sup>I of 1951, sec. 246(1)(aa); inserted by XX of 1954, sec. 56.

<sup>127</sup>I of 1951, sec. 240-B (a). <sup>128</sup>I of 1951, sec. 240-C.

<sup>129</sup>I of 1951, sec. 240-K.

<sup>130</sup>"U.P.'s march towards prosperity", Amrita Bazar Patrika, Independence Day Supplement, 15 August 1955, 17.

<sup>131</sup>I of 1951, sec. 153, substituted by XX of 1954, sec. 24.

<sup>132</sup>I of 1951, sec. 168-A, added by XVIII of 1956, sec. 9.

Fragment is defined in sec. 3 (8) (a), I of 1951, as 3.125 acres in U.P. except for Kumaun and the trans-Jumna and Ganges hilly tracts where it is 6.25 acres.

<sup>133</sup>The Leader, 1 October 1958. The former ceiling was 30 acres for new acquisitions; cf. sec. 154.

<sup>134</sup>Commentaries on the U.P. Zamindari Abolition and Land Reforms Act, 1950 by Syed Mohammed Husain (Lucknow: Eastern Book Co., 1955), Introduction, xxxiv.

CHAPTER VI.THE MEASURE OF CHANGE.

(i)

The charge that the tenure system of Act I of 1951 is inadequate has come from various quarters. A communist writer claimed that the changes were

"nothing more than change of name ... The status quo is retained not only as regards land but also as regards the legal rights of the peasantry."<sup>1</sup>

Thorner remarks that the old and the new are "all too recognisably similar"<sup>2</sup> and Socialist members protested strongly in the debates on the Bill against the creation of a new class system.<sup>3</sup> Even commentators of the Right, or those who were relatively uncommitted, however, discounted it as a major reform. The zamindars, naturally enough, felt that "benefit was doubtful and ruin was certain"<sup>4</sup> but even Moore and Freydis concluded that "to some extent ... simplification of the system of tenures is more apparent than real."<sup>5</sup> And considering the small number of the asamis, Neale's claim that this group gained the most from the changes can be read as damning with very faint praise.<sup>6</sup>

Whatever might be the truth or otherwise of these assertions - and it will be the aim of this chapter to make an evaluation of the changes which will reflect upon them - they cannot gainsay the claim that the new system has been widely implemented.<sup>7</sup>

The initial vesting order brought 6.02 crore acres of land, some 85 per cent. of the total area of the State, under governmental control. This included cultivated and fallow lands, cult-

ivable and uncultivable waste, groves, forests and public lands such as abadi sites and pathways.<sup>8</sup> The subsequent application of the reformulated tenure system took place in 95.5 per cent. of the total holdings area of 4,52,95,233 acres.<sup>9</sup> Thus, 4,32,89,330 acres were grouped under the new tenures while 20,05,903 acres remained under the older titles.<sup>10</sup> The area not brought under the Act initially consisted of areas where special provisions had to be made; the hilly region of South Mirzapur, the swampy grasslands of the Naini Tal tarai, former independent states such as Rampur and Banaras where tenures differed, areas which had been excluded from normal administration, and government estates.<sup>11</sup> Supplementary legislation since 1952 has extended I of 1951 to these areas.<sup>12</sup>

There were, of course, distinct differences in the effect of the application of the new tenures. Based on the tenures of the preceding period, the new system served largely to highlight the regional differences which had asserted themselves in the state.

The bhumidhari - sirdari area was at once the most noticeable and the most important of the new divisions. As Table XXII shows, these two groups held between them almost the entire area under cultivation. In fact the amount not held by one or the other of these groups was less than one per cent of the total holdings area in all but the Jhansi division. Moreover, these tenure-holders remained personally responsible for the cultivation of a proportion of the land as high as 97 per cent. in the Meerut division and nowhere less than the 88 per cent. so controlled in the Banaras Division. (This is not to say that the tenure-holders personally cultivated their holdings in all cases, but

TABLE XXII  
CLASSIFICATION OF HOLDINGS AREA AFTER INITIAL VESTING UNDER ACT I OF 1951, BY REVENUE DIVISIONS  
(acres)

DIRECT HOLDERS OF LAND										SUB-HOLDERS OF LAND†						
DIVISION	BHUMIDHAR	% TOTAL HOLDINGS	SIRDAR	% TOTAL HOLDINGS	ASAMI OF GAON SABHA	% TOTAL HOLDINGS	OCCUPIERS WITHOUT TITLE	% TOTAL HOLDINGS	TOTAL HOLDINGS AREA	ASAMI OF BHUMIDHAR OR SIRDAR	% TOTAL HOLDINGS	ADHIVASI	% TOTAL HOLDINGS	LAND OF BHUMIDHAR OR SIRDAR HELD WITHOUT CONSENT	% TOTAL HOLDINGS	TOTAL SUB- HOLDINGS AREA
MEERUT	24,37,093	59.5	16,48,787	40.2	6,455	0.16	866	0.02	40,83,301	5,154	0.12	65,779	1.6	30,650	0.75	1,01,583
AGRA	14,42,615	33.4	28,60,544	66.3	8,206	0.2	934	0.02	43,12,299	14,383	0.33	1,19,833	2.8	58,359	1.3	1,92,575
ROHILKHAND	10,04,180	17.9	45,53,627	81.5	23,217	0.41	2,308	0.19	55,83,332	15,110	0.27	1,98,379	3.5	54,602	0.97	2,68,091
ALLAHABAD	11,66,976	24.8	35,13,776	74.9	22,333	0.4	435	0.09	47,03,520	12,564	0.27	2,05,410	4.3	18,119	0.38	2,36,093
JHANSI	17,70,586	39.6	26,26,111	58.3	67,104	1.5	609	0.15	44,64,410	8,740	0.17	2,99,967	6.0	86,831	1.8	3,65,538
BANARAS	20,45,613	54.4	17,14,046	45.4	5,816	0.15	8,779	0.2	37,74,254	59,954	1.5	2,99,409	7.8	47,754	1.2	4,07,117
GORAKHPUR	21,72,793	42.5	29,24,669	57.2	10,111	0.2	873	0.02	51,08,446	10,890	0.21	2,63,673	5.1	10,602	0.2	2,85,365
LUCKNOW	9,56,558	17.5	44,89,255	82.2	12,542	0.23	1,964	0.07	54,60,319	39,060	0.71	3,09,467	5.6	90,418	1.9	4,38,945
FAIZABAD	12,55,553	21.0	44,66,910	78.2	8,637	0.15	342	0.05	57,31,442	15,070	0.26	3,52,585	6.1	12,030	0.2	3,79,685
NAINITAL DISTRICT	16,625	28.6	40,112	69.1	434	0.6	836	1.4	58,007	371	0.63	1,269	2.0	1,331	2.3	2,971
UTTAR PRADESH	1,42,68,592	32.9	2,88,37,837	66.6	1,64,855	0.38	18,046	0.04	4,32,89,330	1,81,296	0.42	21,15,971	4.8	4,10,696	0.9	27,07,963

† THESE LANDS FORM PART OF THE HOLDINGS OF THE BHUMIDHAR OR SIRDAR FROM WHOM THE CULTIVATOR HOLDS.

SOURCE: Revenue Report 1952/3, 52A-59A.

simply that they were responsible for the cultivation, at least insofar as they directed the use of hired labour.) From the beginning, then, the asami and adhivasi tenures, which were the sub-holding tenures of the Act, were negligible. This position became even more pronounced with the conversion of the adhivasis to sirdars. This left little more than two per cent. of the land which was not directly cultivated or managed by the tenure-holder. Some exceptions remained no doubt in which this control was more apparent than real, such as in the case of the bhumidhari holdings formed from the sir and khudkasht holdings of the largest of the intermediaries - the average unlet sir and khudkasht of the 456 zamindars paying more than Rs. 10,000 per annum had been 245 acres<sup>13</sup> - but these were minor aberrations and in the main "ownership" and cultivation appeared more closely aligned than at any stage in the preceding 150 years.

There remained as well wide variations in the relative strength of the bhumidhari and sirdari groups. Five divisions: Meerut and Agra in the west, Banaras and Gorakhpur in the east and Jhansi in the south, taken together formed a crescent with a high proportion of bhumidhari and a low proportion of sirdari holdings. Two divisions, Meerut and Agra, actually had larger aggregate bhumidhari than sirdari holdings which was contrary to the normal position in the state. The Divisions of the central Indo-Gangetic plain were the reverse. There, in Rohilkhand, Allahabad, Faizabad and particularly, Lucknow, sirdari holdings were much more extensive in area than those of the bhumidhars.

The explanation of these variations lies in the composition of pre-abolition agrarian society and the nature and attitudes of

the groups which then existed. Thus Meerut's large bhumidhari population was the legacy of the concentration of petty proprietors in that western division. Not only, as Table XXIII shows, did Meerut have the greatest number of zamindars, however; those zamindars also retained a much larger proportion of the lands of the division under their personal control than was the case in the other divisions. This can be seen in Table XXIV.

TABLE XXIV.

NUMBER OF ZAMINDARS, U.P., 1945-46, BY REVENUE DIVISIONS.

Division	Number
Meerut	4,45,836
Agra	2,45,627
Rohilkhand	2,82,999
Allahabad	1,81,968
Jhansi	1,33,690
Banaras	1,48,139
Gorakhpur	3,63,431
Lucknow	1,07,628
Faizabad	1,05,188
Uttar Pradesh	20,14,506

SOURCE: Report, II, 17. Statement No. 10.

TABLE XXIV.SIR & KHUDKASHT HOLDINGS, UTTAR PRADESH, 1951, BY REVENUE DIVISIONS.

Division	Total Sir and Khudkasht	Total Holdings	%
Meerut	13,31,503	41,51,815	32
Agra	6,14,434	43,66,026	14
Rohilkhand	5,85,774	60,19,895	9
Allahabad	5,18,129	48,05,716	10
Jhansi	11,49,327	49,45,731	23
Banaras	7,35,906	42,37,724	17
Gorakhpur	14,79,382	50,56,137	29
Lucknow	4,93,075	55,58,924	8
Faizabad	5,29,171	57,92,791	8
Uttar Pradesh	74,78,148	4,52,59,708	17

SOURCE: Revenue Report 1951/52, 44A-45A, 49A, 60A-61A, 65A.

In Banaras the permanent settlement was responsible for the large bhumidhari area, partly because it placed the zamindars in a strong position and partly because it placed a sizeable portion of the division in the hands of temure groups, other than zamindars, who were, ipso facto, bhumidhars. Thus, as Table XXV shows, almost the entire area in the Agra Province which had been held by subpropriators, permanent temure-holders and fixed-rate tenants was in this one division.



TABLE XXV.

HOLDINGS OF SUB-PROPRIETORS, PERMANENT TENURE-HOLDERS and FIXED-RATE TENANTS, BANARAS DIVISION and AGRA PROVINCE, 1951/52.

(acres)

	Sub-proprietors	Permanent Tenure	Fixed-rate
Banaras Division	1,63,171	2,183	8,20,936
Agra Province	1,68,491	2,191	8,21,748

SOURCE: Revenue Report 1951/52, 61A-62A.

On the other hand, it can be seen from Tables XXIII and XXIV that the former proprietary groups of the central divisions, small numerically as they were in some cases, were yet decidedly uninterested in cultivation if this can be gauged by the extent of their sir and khudkasht holdings. Taken together they account for nearly one-half of the total cultivated area of the state but only one-third of the sir and khudkasht area. The personal lands of the zamindars accounted for no more than ten per cent. of the holdings in any of these four divisions, compared with the state average of seventeen per cent. and the very high proportion held by zamindars in Meerut and Gorakhpur divisions - 32 and 29 per cent. respectively. They paid the price of this lack of interest, of course, when the new tenures were applied.

Viewed from the aspect of the growth of sirdari rights these factors play an antithetical role. Where the zamindari body was extensive and/or concerned with cultivation before abolition, there was a smaller growth of the occupancy-and hereditary-right tenures which formed the basis of the sirdari group. That tenant rights depended on the character of the zamindari body can be seen if these

two groups are taken together (for then the quirks of historical circumstance, such as are apparent in the small occupancy area in Avadh, disappear). Thus Rohilkhand, Allahabad, Lucknow and Faizabad had the heaviest concentration of occupancy and hereditary tenants and, hence, of sirdars. This can be readily seen in the comparison set out in Table XXVI. There is of course no complete correspondence between the pre-abolition and post-abolition groups for some sirdars purchased bhumidhari rights and some occupancy tenants - those with a right of sale - were declared bhumidhars, but the general pattern of development throughout the state is clear.

TABLE XXVI.

COMPARISON OF HOLDING AREA OF OCCUPANCY AND HEREDITARY TENANTS, 1951/52, AND OF SIRDARS, 1952/53, IN UTTAR PRADESH, BY REVENUE DIVISIONS.

(acres)

Division	Total occupancy and Hereditary holdings.	Sirdar holdings.
Meerut	23,64,184	16,48,787
Agra	33,13,142	28,60,544
Rohilkhand	47,36,259	45,53,627
Allahabad	34,19,068	35,13,776
Jhansi	24,40,100	26,26,111
Banaras	15,72,438	17,14,046
Gorakhpur	29,99,095	29,24,669
Lucknow	42,93,737	44,89,255
Faizabad	42,98,086	44,66,910
Uttar Pradesh	2,94,26,149	2,87,97,725

SOURCE: Revenue Report 1951/52, 46A-48A, 62A-64A: 1952/53, 53A, 57A.

Despite these variations, it remains clear that Act I of 1951 secured almost the entire cultivated area in direct relationship with the State. Moreover, the bulk of the twenty lakh acres which was not included in the first "abolition area" was almost as secure since it was held by the strongest of the old tenure groups. This can be seen in Table XXVII. Only in 15 per cent. of the "non-abolition" area - in the holdings of non-occupancy and grain rent tenants and "occupiers without consent" - did the conditions of tenancy at will persist.

TABLE XXVII.

CLASSIFICATION OF AREA TO WHICH ACT I OF 1951 DID NOT APPLY IN 1953.

Tenure.	Area (acres)	%
Sir of zamindars.	45,264	2.2
Khudkasht of zamindars.	89,981	4.54
Thekadars', mortgagees' cultivation.	4,306	0.21
Grantees rent free.	31,920	1.51
Sub-proprietors' sir, khudkasht.	72,615	3.62.
Occupancy right holders*	8,16,343	40.69
Hereditary tenants.	6,34,113	31.61
Tenants at favourable rates, grove-holders and other protected tenants.	16,951	0.84
Non-occupancy tenants.	1,83,985	9.17
Grain rented land.	28,818	1.43
Occupiers without consent.	81,607	4.06
	20,05,903	

\*Permanent tenure holders, Fixed rate, proprietary, occupancy and "12 year" tenants.

SOURCE: Revenue Report 1952/53, 13.

This area has been absorbed into that under the reforms legislation in the years since 1952. Neither its size nor its composition is such as to cause any major change in the structure which has been outlined. Its inclusion could only be part of a "rounding-off" process for the original abolition and reforms procedure had dealt with the major task of reorganisation.

(ii)

The reorganisation traced above, however, was only one effect of the legislation and to view the changes with regard to it alone is to see only matters of agrarian organisation. There are many other viewpoints - economic, agricultural, political, social - which are equally, perhaps more, important. The immediate task here is to determine what effect the changes have had upon social organisation and relationships in rural Uttar Pradesh.

There is an almost complete lack of published documentary material for such a task. Some material is presented in recent studies of villages in Uttar Pradesh<sup>14</sup> and in general studies of Indian agrarian reforms<sup>15</sup> but these are too limited a basis for any worthwhile assessment. It is necessary, therefore, to provide a number of first-hand studies which will cover this lacuna. It is impossible, however, that one person, and particularly a foreigner, could make a completely adequate and comprehensive survey of the state for this purpose. Such a survey has been conducted in Bombay and in Hyderabad but in both these instances the work had the support of the Planning Commission of the central Government and utilised



the resources of experienced research centres.<sup>16</sup> For the individual the physical difficulties are in themselves formidable: one can hardly expect to visit, let alone study, all sections of an area containing 1,11,722 villages in 51 revenue districts.<sup>17</sup> Nor are these all for there remains, after arrival in a village the natural reserve of the villager and the difficulty of imposing oneself on a naturally hospitable but poor people. In view of these limitations, then, it is possible only to construct a sample of village studies on as broad a base as personal contact will allow. The following pages therefore attempt to present nothing more than the observations on fifteen villages of Uttar Pradesh which were visited, during March, July and August 1958.<sup>18</sup> Where conclusions are drawn, no more is claimed than that these can be traced in the sample and might apply in general terms to the villages of the State.

Of the villages in the sample, six were in the West Plain region.<sup>19</sup> The largest of these was Rasalpur-Aurangabad in Meerut District which had a population of 2700 and a land acreage of nearly 3000 acres.<sup>20</sup> Although only seven or eight miles by the shortest route from the district town, Meerut, the village stood back several miles from either of the pukka (sealed) roads which lead to the town and it could in fact be approached only by way of deeply rutted kacca (unmade) roads. The population, as the name suggests, was communally almost equally divided. The Muslims were, however, the more important. Numbering half the total population, they were, as "Muslim-Rajputs", one of the four major "high-caste" groups of the village. Moreover, while there were only two other Muslim groups - Sakkas (water carriers) and Fakirs (religious men) - the Hindu population, below the major groups - Brahmans,

Rajputs and Vaishes (merchant and trading caste) - was divided into no less than nineteen separate scheduled and backward caste groups.<sup>21</sup> This caste position was important in the light of the landholding pattern of the village for as the four major castes held almost all the land, the Muslim-Rajputs owned a more than proportionate share and were clearly predominant. This meant more than simply having the largest amount of land, however, for, apart from wheat and maize which were grown for subsistence, the agricultural economy of Rasalpur-Aurangabad was based on cash crops, cotton and sugar cane, of which the latter was the more important. A large landholder had therefore an opportunity to acquire much greater capital resources than was normal in a village and this could make possible a much greater display of material wealth on which to base social aspirations. This was apparent in the village. In a place where, for instance, pukka (brick) houses were almost common, the largest and many of the newest were Muslim. Moreover, the condition and appearance of the spacious masjid ("mosque"), on the admission of a Brahman farmer of the village, contrasted strikingly with the small, almost uncared-for village temple. The Hindu landholding groups shared this greater prosperity and although numerically smaller their affluence was shown in Pukka chaupals (men's meeting places) and pukka ghairs (buildings on the outskirts of the village for keeping implements and cattle). One Brahman family, in addition to building a new pukka ghair, had roofed portion of their ancestral kacca (mud-walled) home with galvanised iron. Several streets in the village had been paved with bricks by the villagers. Rasalpur-Aurangabad was clearly the wealthiest and economically strongest of the villages in the survey.

Before 1952 the village had been part of the estate of a Gujar zamindar who resided in the town of Saharanpur to the north. His control had, however, been nominal for as he was heavily indebted, his estate was managed by the Court of Wards. Rasalpur-Aurangabad, therefore, along with some three hundred villages of the estate, had been left to the management of a zilladar (district level revenue official) and his peon (servant). These, according to the complaints of the villagers, had defeated the Court's willingness to give greater freedom to the cultivators, by their extortionate behaviour. They claimed in fact that they could not have been more imposed upon if the zamindar had retained control.

The results of the abolition measure in the village were impressive, in large part because of the economic strength of the landholders. The zamindar had been completely eliminated and the majority of his former tenants had purchased bhumidhari rights, for they welcomed the freedom to make improvements which the bhumidhari tenure gave them. The most impressive effort had been in the irrigation of the fields: previously almost totally unirrigated, more than 85 per cent. of the village lands had been brought within the range of privately owned tube-wells in the six years since abolition. Part of the capital needed for these works was borrowed from the State government (Taccavi loans), in some cases jointly by two or three neighbouring landholders. But a sizeable portion came from personal accumulated capital. Nor did improvement stop there. The periodic flooding of the river which ran to the west of the village, the Kali Nadi, had been a handicap to the cane growers for it had meant isolation from the sugar mills in Meerut. A pukka bridge standing



well above the reach of the flood waters, the result of the voluntary labour and contributions of the villagers, had solved this problem. (Cf. Plate 3)

Some forty miles south from Rasalpur-Aurangabad, in the district of Bulandshahr, village Tomari was a very different village. It had a population of only 500, almost all of whom were Brahmans, the descendants of the man who settled the village during the 1820's. Several Harijan families had entered the village at a later date to act as the servants and labourers of the Brahmans. These provided the only other caste groups in the village, some being Chamar, some Bhangi. Neither had any social standing in the village, nor any economic influence for they held no land. In recent years some have acquired skill as bricklayers and the like and it is to these trades and to education that they continue to look for advancement.

Tomari was agriculturally a poor village in comparison to Rasalpur-Aurangabad. It suffered most from a lack of water. Set well away from any river or canal, the village had to depend on underground water for irrigation. One-half of the village was linked to a tube-well which served, in all, three villages but the remainder had to rely on irrigation from persian wheels, a slow process by which water is raised from the well by bullock power. Such irrigation can cover only an acre of land in a day and is regarded by the villagers as inadequate to meet demands for increased production.

Income derived from employment in schools and government service bolstered the economy of Tomari so that it was by no means a backward village. The large number of old pukka houses and the increasing use of bricks in new buildings was evidence

of a substantial economic base. The number of cattle and the use of improved implements such as fodder cutters emphasised this impression.

Still, without the extensive financial resources, the changes since 1952 had been far less spectacular. There had been nothing to compare with the expansion of irrigation in Rasalpur-Aurangabad. Indeed, in spite of the clearly recognised need for another tube-well in the village, no move has been made by the villagers to provide it. They have added to the traditional forms of well irrigation but the more extensive project has been left to the government - with no results and a growing conviction that the government builds such works only near main roads as show pieces. No attempt has been made to improve the village streets or the kacca road which links the village with the main highway five miles away.

Yet abolition was welcomed in the village. Tomari was formerly held by an absentee zamindar and managed by a resident karinda (agent) who was one of the villagers. The karinda, an astute man and a complete master of the details of the village lands, had not been a popular figure for while the zamindar had exerted little influence over his tenants, the karinda used his position to foment quarrels and rivalries. His eclipse following abolition stood as one of the measure's chief benefits to the villagers. The zamindar had not lost all of his contact with the village but the area of saline waste land which he continued to hold made him relatively unimportant. The most important result, however, was the purchase of bhumidhari rights by nearly three-quarters of the tenants. In some cases this was a considerable area;

the leading family of the village for instance held 40 acres in which they had formerly been occupancy tenants, as bhumidhars. All land in the village was at least sirdari as there were no asamis.

Village Bondera was a mile from Tomari which, in many ways it resembled. The crops, for example, were identical. Its high-caste population was, however, except for a single Brahman family, exclusively Jat. The Harijan castes who completed the village lived in a separate hamlet away from the Jats but the two settlements were almost indistinguishable in size or appearance.

Before 1952 Bondera had been held by an absentee zamindar, reputedly the Raja of Saharanpur. A mukhya (headman) and a karinda had managed the village. Both were Jats and while there were fewer complaints against them than in Tomari, there was a feeling that the mukhya held a favoured position. After abolition, their position and that of the zamindar disappeared and the Jats purchased bhumidhari rights in their holdings. This accounted for almost all the land of the village but there were some sublet lands which were held, even in 1958, by "adhivasis".

Abolition had been an acceptable improvement in status to the Jats. Quarrels over land were reported a thing of the past among them. They valued very highly the right to transfer their holdings, which the new tenure gave them. Improvements had been carried out in the village through co-operative efforts. The most important of these, a mile long drain to carry off excess water from an area of swampy land, had been dug by teams of men from Bondera working in conjunction with others from a neighbouring

village which also benefitted from the work.

The other villages on the West Plain which were included in the survey differed from these three in that they had been held before 1952 by groups of resident zamindars.

Nariaval was five miles along the Bareilly-Shahjahanpur road from Bareilly city. With a population of 600 and a cultivated area of about 3000 kacca bighas (about 600 acres) it was slightly larger than Tomari but like the Bulandshahr village in that it was largely Brahman.

A group of nineteen zamindars had held Nariaval but their shares in the village had varied considerably. One alone, the present pradhan (president of the village council), had held one-third of the total area, in addition to a neighbouring village which he had purchased. Most of these zamindars remained in the village after abolition and formed the core of the bhumidhari group. Some other cultivators purchased bhumidhari rights but many former tenants remained sirdars. The village, in fact, had a complete range of tenures - bhumidhars, sirdars and asamis.

Abolition had been unpopular with very dissimilar groups in the village. The ex-zamindars were bitter at their loss of dignity and at their loss of land. They claimed to be so reduced materially that they could no longer obtain outside service to supplement their income and that they were unable to farm "properly". The prospect before their sons was simply further reduction until they were brought to the final indignity; they would have "to cut grass". Their one consolation was a rumour that the Government was to reintroduce zamindari! There was in their claims more than a little hyperbole for the pradhan, as one

instance, still had sufficient resources to employ ploughmen on his fields. By the same token, however, he had been unable to complete a large new pukka house which he had commenced before abolition and the facade remained unrendered and even incomplete. Moreover, no new pukka buildings had been erected since 1952 and there were no more than a dozen of such buildings, according to the villagers, in Nariaval.

The efforts to consolidate holdings in the village had also met with disapproval from the landholders. The reorganisation of the lands by grouping them in three classes and consolidating the holdings of individuals within those grades being considered inadequate.

A group of labourers also complained of the changes. The loss of affluence by the zamindars and the reduction of zamindari holdings led to a fall in the demand for their labour and, as the lands of the village were fully cultivated, there was no way for them to become cultivators, or, under the new system, tenants or sub-tenants. Many travelled to Bareilly in search of employment but it was often difficult to find work there, and travelling either took time in walking or part of the day's wages in fares. Overall, they felt that decreasing opportunities had lowered their standards.

Village Ajitganj in District Mainpuri was linked with the markets and the cattle fair in Mainpuri town by five miles of road which was in reality little more than the predominant track of the bullock carts. It had a population of nearly 1200 in two main settlements, the smaller of which was exclusively Brahman. The Brahmans were the largest group but there was a wide caste

representation, the twenty-two smaller caste groups representing a varied range of specialist activities in addition to farming.<sup>22</sup>

Ajitganj was not the agricultural equal of the other West Plain villages, despite adequate irrigation facilities. A distributary of the Lower Ganges Canal ran between the two sections of the village and watered the best of the fields while the fields on the other side were irrigated from a privately-owned tube-well but the village was hampered firstly by a lack of land and secondly by a restricted agricultural programme. The total cultivated area was only 500 acres and the individual fields were small, the average being only about two kacca bighas (about half an acre). The crops of the village were largely for internal consumption. Little sugar cane was grown and food grains - wheat, rice, gram (pulses) and peas - were the staple crops.

As the proprietary body of Ajitganj had been large, the estates of the individual zamindars had been small. The largest holding had been only 25 acres and as important a personage as the lambardar (cultivator responsible to the Government for the revenue) held less than this. Combined with the fact of the subsistence nature of much of the agriculture, this meant that a large part of the lands, particularly of the smaller zamindars, was held as sir or khudkasht. Following their "abolition" the zamindars had remained as bhumidhars in this sir and khudkasht and as such they were the majority of the bhumidhars as less than a quarter of the tenant-cultivators purchased bhumidhari rights.

Despite their continued predominance, however, the former zamindars resented the abolition measure for they felt their reduced position very strongly. The former lambardar had lost

the greater part of his former holding and had received in return Rs. 200 as compensation. Fortunately heirless, he had built a new temple and dharamshala (rest house) on the remainder of his land. Not all were in a position to pass off the changes in this way, however, and while most had not lost materially as greatly as this - the new pukka facades on the houses of some 'kisans' (as the ex-zamindars now term themselves) indicated other than loss for some - (Cf. Plate 4) - most have felt their loss of prestige. No longer the dispensers of aid to resourceless tenants, no longer masters without question in the village, their influence has declined before them.

They complained moreover of their new relationship with the government. The system was rigid, particularly when repayments of taccavi loans or payments of revenue had to be made and corruption often undid the usefulness of government schemes: taccavi loans, for instance, might be lost in transit from government to cultivator. Much of this complaining seemed to come from a desire to complain. In conversation 'kisans' often tended to be contemptuous of government efforts; in fact they seemed to have benefitted greatly from co-operation with the government - and to be sensible of this. The village had a bank, a hospital, a government seed store and a depot for handicrafts and village products (a khadi bhandar), facilities which many villages might envy.

Much of the criticism which they voiced was in fact a compound of misunderstanding and disillusionment: without fully understanding what the 'new era' was, they knew that it was still beyond them. Fertilisers provided a simple example. A subsidy in one year enabled villagers to use artificial fertilisers

with impressive results. The failure of this single application, however, to maintain increased productivity led to a discounting of artificial fertiliser and an increased wariness of all governmental schemes. Such suspicions could, moreover, be utilised by opposition parties to bolster their own political propaganda.

On another distributary of the Lower Ganges Canal, three miles from Ajitganj, was the village of Sajamai. A former joint zamindari village, Sajamai closely resembled Ajitganj but a visit to the largest zamindar-become-bhumidhar revealed another grievance of the former zamindars. This man, who retained control of more than 60 acres, sufficiently well consolidated to allow the use of a tractor, objected to the power which the new village councils, and especially the pradhan, had over the lands of the village. He was supported by a group of smaller bhumidhars in his belief that petty village politics would enter into land management.

The largest of the three villages on the Central Plain in the survey was village Kiri in the Avadh district of Sultanpur. Kiri had 1000 people distributed between the village proper and two smaller hamlets - Kawat and Arwal - which represented the pre-abolition "colonising" enterprises of the zamindars. There were some 500 acres of cultivated land and a further area of waste, jungle and private garden-land, attached to the village.

Kiri was four miles by path from the road which joined the railway line running to the district town of Sultanpur. To a large degree, however, the village looked not to Sultanpur but to Faizabad, the main town of the neighbouring district where were



the mills which took Kiri's most important crop, sugar cane. Cane was grown throughout the year while there were autumn (kharif) harvests of rice, maize and millet and spring (rabi) harvests of wheat, gram, peas and barley.

The Chamars and the cultivating castes of Kurmis and Kewats were the largest groups but the Thakurs (Kshatriyas, the traditional warrior caste) were the most influential. There were, however, two small Muslim groups: Julahas and Fakirs, and eleven smaller Hindu groups, mainly occupational.<sup>23</sup> This wide range of specialist castes was responsible for an important feature of the economy and the landholding pattern of the village. Before 1952 the whole village had been held by six Thakur families, the descendants of a common grandfather. The shares by gradations within that original family and were preserved until 1952. This monopoly meant that land could be held by other cultivators only through a tenancy from a Thakur. Much of the land therefore was under normal tenancies but part was held by members of specialist castes in what was known in Kiri as the jagir system. This was an organised exchange of services for land (or sometimes produce) between the specialists and the Thakurs. Tenants also participated in the system at times but only to a limited extent. The jagir system of Kiri is in fact identical with the "jajmani system" which has been described from many other Indian villages.<sup>24</sup>

The basic features of the system in Kiri was that services were not rendered for cash payment. The ironsmith (Lohar), barber (Nai), carpenter (Barhi) and washerman (Dhobi) all served the Thakurs in return for a grant of land either rent-free (jagir land) or at a concessional rate of rent. If at any time the service

was terminated, jagir land reverted to the Thakur but the rented land could continue - although without the concession. Other serving castes were paid in grain and in the case of very small zamindars or tenant farmers, all jagir arrangements were made in this way. Thus at harvest time the servant (the kaman or "worker" as Lewis calls him<sup>25</sup>) received from 12 to 16 seers (24 - 32 pounds) of grain for each member of his family from each of his 'clients'. The grain payments of the larger zamindars were more complex. The ploughman, for example, received grain payments as well as jagir land: for each day's work he received one and one-quarter seers of grain, plus five per cent. of the harvest and, during reaping, one bundle of wheat, gram or barley in each 17 bundles. Labourers employed during the harvest by the larger zamindars received 2 seer of grain, one lota (a jug holding about one and one-half seers) of sharbet and some parched grain for each day's work. Smaller cultivators were usually unable to employ this additional labour.

The implementation of abolition brought changes in the jagir system. The Thakurs of Kiri lost hold of 80 per cent. of their lands in 1952, including the land rented to kamans and that portion of the jagir land which had been recorded in the name of the kaman. The zamindars became wary, therefore, of granting more jagir lands and so the system, although the zamindars would prefer to use it, has been greatly circumscribed. Where grain payments continue, they are made on the same basis as before.

Following abolition, the Thakurs reorganised. The number of families increased to ten by partitions within the original six. One of the zamindars who resided in the village before 1952

left to take up practice as a homeopathic doctor but his departure was balanced by the return of one of the zamindars who, while he had retained control of his lands, had been employed outside the village prior to the abolition changes.

The 20 per cent. of the village lands still held by the Thakurs was the only bhumidhari land in the village, the former tenants being content to remain sirdars. The Thakurs therefore retained a distinct advantage for their revenue rates averaged only Rs. 2 per acre while the rates for sirdars, based on their former rentals, were Rs.10 per acre on the average. The Thakurs retained much of their influence in the village as well. Several families had sons in government service while others were studying at universities. One of the two pukka houses in the village belonged to the Soni (goldsmith), the other to 'Thakur Sahib', the wealthiest and most influential of the former zamindars.

The Thakurs, while prepared to admit that abolition had some beneficial results - a "new sense of freedom", an improvement in economic conditions - were more convinced that the sirdars would be ruined without their help and that the patwaris would work more mischief than ever without their control. And in the growing Communist influence among the Chamars they saw increasing tension in the village, to counteract which they remained Congress Party supporters.

While there had been no pukka building activity since 1952, co-operation with government agencies had led to general improvements in the village. Several streets had been paved, a co-operative seed store supplied the village and several cultivators had begun to use the improved 'Japanese' method of

planting rice. A tube-well had failed and the irrigation on which the village depended to increase its production to keep pace with a growing population, was incomplete. Gypsum, used at the suggestion of a visiting expert, had brought saline waste lands into cultivation, an innovation which had been better received in the village than artificial fertilisers.

The lands of Babhanpur, District Allahabad, were shared by two absentee zamindars and the Government before 1952. Situated nearly 20 miles from Allahabad city, the village had an average acre and a quarter of cultivated land for each of its 400 inhabitants. That figure, however, was deceptive for the land was excessively fragmented and cultivated in many very small plots.

The two major food-grains were cultivated: wheat in the spring, rice in the autumn, with a variety of auxiliary crops: barley, gram, mustard, peas, and vegetables. With the exception of the sale of surplus grains or vegetables, however, there was little cultivation of cash crops. To some extent this was due to the lack of irrigation facilities. Wells were the prime source of water, a canal which skirted part of the village being of little use to the fields near it, which were on a higher level.

Brahmans and Thakurs were the major castes and while there were some specialist castes - Kurmi, Ahir, Teli, Kumahar, Nai, Kacchi (vegetable gardener), Chamar, Dhobi and Pasi (pig keepers) - their number was not comparable to that in Kiri, for instance.

The Government had formerly held the largest part of the village lands, some 60 per cent. The two zamindars who had held the remainder had kept no sir in Babhanpur and indeed

they had had no influence at all on the social life of the village. They visited the village infrequently, if ever. As a result, antagonisms were not between zamindars and tenants but between groups of tenants. The relative unimportance of the zamindars also meant that their elimination had not, in itself, brought any noticeable change.

Nor had the new tenure system altered the status quo. Tenants of the former landholders retained the land they had held before 1952, generally as sirdars for only the most well-to-do families had bothered to purchase bhumidhari titles. The social hierarchy continued in fact to be based upon caste and although there had been signs of political awakening among the lower castes, traditional leadership, particularly that of the Brahmins, had not been challenged.

Hajiganj was five miles closer to Allahabad City than Babhanpur and within a mile of the main Northern Railway line running from Allahabad to Delhi. A more sprawling village than many, Hajiganj had several smaller settlements near it, as well as the residence of the former zamindar. This man had owned part of the village, the rest being a Government estate. His house was a large pukka building with trees planted close to it. He continued to live there but as he had not bothered to acquire any sir or khudkasht, preferring in his heyday to requisition whatever produce he desired, his eclipse had been complete. The house was falling into disrepair and he himself attempted to earn a living as a vakil (attorney) in the District Courts at Allahabad. His former tenants, fully aware of his decline, spoke of him with derision as a beggar of food.

The tenants themselves welcomed the abolition move. Many were of low caste rank and these felt that they had an opportunity to improve their position. Most had remained sirdars although often with a small bhumidhari holding. Thus, an Ahir family had a holding of 50 acres but they had purchased bhumidhari rights in only two acres of this. For most of them it was education, not a higher tenure status, which they desired; literacy they felt, was their greatest assurance of justice and respect.

Having been tenants of the Government, they were quite accustomed to this relationship and, as their enthusiasm for the Government's seed store indicated, were content with it. They did complain of the consolidation (chakbandi) operations, not because it was unfairly implemented but rather that the patwari's records contained so many errors that the process caused serious quarrels within joint families.

The most backward and poverty-stricken villages of Uttar Pradesh were, and are, on the East Plain region: "perpetually scarcity-hit, drought-smitten and flood-ravaged."<sup>26</sup> The villages of this area are, moreover, the most orthodox in the State. Castes generally live in separate hamlets, often with distinct names;<sup>27</sup> rules with regard to food and eating utensils are strictly observed, strangers being served often on dispensable<sup>utensils</sup>/in the men's quarters or on the verandah rather than in the home and high-caste women seldom venture outside the house if strangers are present. All six villages of the East Plain included in the survey were of this type.

Bhilampur-Chhapra was eighteen miles from the district town, Azamgarh, on the road linking that town with Faizabad. A

twice-daily 'bus service linked the village with Azamgarh. That town, however, devoid of any industry, had little to offer the over-populated, under-employed village. Men from Bhilampur-Chhapra often travelled to Kanpur or even Bombay and Calcutta in search of work.

The village, divided into the two portions of its name, and several smaller hamlets, had 2000 people but only 850 acres of cultivated land. Most castes were represented but the Thakurs, the largest landholders, dominated the village. The economy was almost purely subsistive, rice and wheat being the major crops although smaller areas of sugar cane, cotton, millet and gram were planted.

Bhilampur-Chhapra had been one of a group of eight neighbouring villages held by a group of sixty zamindars, all of whom had lived in Bhilampur-Chhapra. Eight of this group were zamindars with sizeable estates; the rest were much smaller. The greatest part of the land in the 'home' village had remained in the hands of the zamindars after abolition, and they constituted almost the entire bhumidhari population. Few of their tenants had purchased bhumidhari titles, being content to remain sirdars.

While their power had declined since 1952, the Thakurs, fiercely proud, had not allowed the changes entirely to sweep away their traditional position as the leaders of the village. They disliked the new forms of village government, at least where they were unable to control them, especially where these bodies had power over land. One serious result of this dislike had been the reclamation of large areas of jungle and waste which had formerly

been used to graze milch cattle. Milk production had declined because of this.

Kakarahi was four miles from Bhilampur-Chhapra and reached from the highway only by a foot-path. Smaller than Bhilampur-Chhapra, its lands were even so overcrowded, 500 acres having to support 1000 people. The crops of the two villages were similar. Thakurs were the most influential caste although Kurmis and Chamars were numerically as strong. There were representatives of many other castes, groups of more-or-less equal standing dwelling in separate hamlets.

The village had been the joint holding of a group of 25 Thakur zamindars. Most had dwelt in the village although the leading zamindar had <sup>been</sup> employed in Lucknow in the Income Tax Department. Following the reforms, the Thakurs had remained in the village and continued to control the greater part of the lands. Where land left the control of the Thakurs it went to the members of three castes in the main: Brahmans, Kurmis and Ahirs, with the two latter groups being the largest gainers. Some of these had also become bhumidhars but this tenure remained largely a Thakur monopoly. The ex-zamindars remained, in fact, the dominant force in the village and the lower castes had been able to make few inroads into that position.

Village Parsoli-Narayanpur, District Ghazipur fell within the orbit of Jonathan Duncan's permanent settlement of the Benares territory in 1795. It had unfortunately been none the better for that. With only 600 people and a cultivated area of 800 acres, it was better provided for than, for instance, the Azamgarh villages; and being within three miles of a metre gauge



railway and a main road, it had the opportunity of being well connected with markets if these had existed. There were, for example, no sugar mills in the area - the nearest of which the villagers knew was in Gorakhpur city, one hundred miles to the north - and so no cane was grown. Cultivation was for the food requirements of individual families to a large extent. There were only two pukka houses in the village, one of which belonged to a retired police officer who drew a pension. Moreover, both were simply brick facades.

Three of the four zamindars with shares in the village had resided there. The shares were expressed, as was common, as fractions of a rupee, each anna share being equal to one-sixteenth of the value of the village revenue.<sup>28</sup> Thus, of the resident zamindars, the temple had a two anna share in the lands attached to Narayanpur, a Sanayasi (traditionally a religious mendicant) had an eight anna share in Parsoli and also in Narayanpur, while a Kayasth had a one anna share in Parsoli and a share anna share in Narayanpur. The absentee zamindar, a Muslim from Ghazipur city had owned the remaining seven anna share in Parsoli.

After abolition the greater part of the lands passed to the former tenants who were mainly Bhumihaar Brahman (a caste of agriculturists laying claim to be Brahman), Kori and Lodi (both agricultural castes). The Kayasth was the only zamindar to retain land in the village: the Muslim sold his share before abolition and the Sanayasi returned to the traditional calling of his caste and became an ascetic, throwing up his lands to do so. Probably

because of the precarious economic level of the village, few of the former tenants purchased bhumidhari rights and the bulk of the village remained sirdari.

The non-purchase of bhumidhari rights was not due to any lack of enthusiasm for abolition, however. Although the villagers felt that the zamindars, particularly the leadership and resources which they had provided, would be missed, they did not dismiss lightly the benefit of being without the demands for begar or of having a greater chance of obtaining the remission or suspension of revenue in times of distress. Nor did they forget that while the zamindar often allowed the rent to fall into arrears for three or more years, the final reckoning was always with compound interest.

More than zamindari abolition, however, the sirdars of Parsoli-Narayanpur were concerned with the vagaries of the weather. They had experienced two erratic monsoons in succession by 1958. These they ascribed to the anger of "Nature" who had been annoyed with human attempts to interfere in normal processes by building tube-wells. So perverse had "she" become that she let the newly-sown seed wither for lack of rain and then sent the monsoon when the seed stocks were exhausted.

Lalpur, eleven miles by train from Jaunpur city, was a large riverside village. A group of its 2000 people were Mallahas (fishermen) who lived in a hamlet on the banks of the Sai Nadi, separate from the rest of the village. The Harijans, who lived in yet another hamlet, were the largest caste group but the bulk of the 700 acres of village lands were in the hands of Thakurs,

Ahirs, Brahmans and Khatiks (pig-keepers and vegetable gardeners). The Muslims and the remaining Hindu castes<sup>29</sup> had either small holdings, plied a special trade or were day labourers in the city.

The search for employment outside the village indicated the weakness of the village economy. A lack of irrigation facilities restricted agriculture: no rice was grown and the kharif harvest consisted of maize, millet and a small quantity of sugar cane. The rabi was almost entirely wheat although some barley, peas and gram were also grown. There were few cattle in the village and this was an important weakness. The only pukka buildings in the village were in the Muslim section.

A Kayasth lawyer from Banaras had held Lalpur in its entirety, in addition to shares in various neighbouring villages. The zamindar had managed the village through a resident karinda but he had been a frequent visitor to the village. After abolition he retained only a small garden, the lands being settled with the tenants, many of whom had purchased bhumidhari rights.

At least with the high-caste tenants the zamindar had not been an unpopular figure. They had little of which to complain and so, while they accepted their new status and welcomed the government's readiness to help them, they felt that the village had regressed in the years since abolition. It had only been in that period, for instance, that there had been a shortage of work in the village. Abolition they saw as only one part of the policy necessary for the village: without all-round development abolition would mean very little.

A neighbour to Lalpur was Nawada which had previously been in the possession of a group of 44 zamindars. The composition of this group was extraordinary: forty of the group resided in Nawada but they held only about 90 acres of Nawada's total cultivated land of 725 acres, between them. These forty, however, all had large holdings in other villages while the four absentees held the bulk of the Nawada lands. The main effect of abolition had been, therefore, to eliminate these four men. The resident zamindars had remained in the village and the evidence of pukka building activity suggested that for some at least the decline in material status had not been disastrous.

The tenants had gained from the new tenure status. There had been some purchase of bhumidhari rights but usually only in a portion of the holding. One man, with a holding of 14 pukka bighas, acquired bhumidhari rights in only four bighas. Many of the new sirdars, felt, however, that despite these gains, conditions in the village had deteriorated. They regretted, they said, the breakdown of the zamindar-tenant relationship which had seemed to maintain traditional values and security. These regrets, however, were for themselves, not the village in general. The labourers of the village, they maintained, had now status and freedom far greater than they had had before. It was the "middle classes", those with small landholdings, who were confronted with falling standards. It was, in fact, the values and security of this group which were in jeopardy.

The three sections of village Mowiya, in District Mirzapur, were large enough to be separate villages. Each had, in fact, a

distinctive character: Lakhanpura was predominately Muslim, Mowiya was mainly Brahman and Kurmi, while Jagdishpur, in addition to Brahmans and Kurmis had representatives of most of the other Hindu castes to be found in the village.<sup>30</sup> The total population of the village was 4000.

The village stretched for half a mile along the northern bank of the Ganges, almost directly opposite Mirzapur city although it was some distance from the ferry terminal which linked it with that city. A metre-gauge railway line connected it with Banaras and it was with this district, rather than Mirzapur, that the village had its strongest likeness. That is to say, it was essentially an East Plain village.

From an agricultural point of view, however, it was one of the poorest villages of this group. The river was perhaps its chief asset for fishing was possible and the annual flooding made the sandy flats which fronted the river the best of the 1000 acres which belonged to the village. On these flats the sole valuable crop, wheat, was grown. This was, however, only a minor crop; barley and gram in the spring, arhar (pulse) and millet in the autumn, were the staple crops. Little sugar cane and no rice was grown. Indeed it was claimed that before 1939 little importance had been placed on much of the land because of the lack of irrigation. Then, the weaving of carpets, a traditional Mirzapur craft, had been the major village activity. There had been twenty looms at that time, all of the<sup>m</sup> privately owned with the weavers working on contracts from the city merchants. All the raw materials came from outside: jute for the base from Calcutta, wool for the

pile from Agra or Amritsar (in the Punjab) and cotton for the warp from Kanpur. There had never been any thought of producing these things in the village, nor perhaps any possibility of doing so.

Mowiya had been permanently settled in 1795. By 1952 its lands were shared by a large number of zamindars of whom four were pre-eminent. The most important was Mr. Hakimuddin, who maintained his family home in the village although he occupied himself chiefly in a carpet factory in Mirzapur city. The house was a large, two-storey, pukka building indicative, together with the walled grove and masjid near to it, of the standing of the family in the village and particularly, as they were Muslims, in Lakhanpura. Both the house and the masjid had been built by Hakimuddin's grandfather, the masjid for the use of all the village Muslims. Despite his outside commercial interests, Hakimuddin had maintained a large sir holding. The other three zamindars of consequence were Hindus: Mishri Lal, Jagdish and Basant Lal. All three had dwelt in the village.

The economic structure of the village altered considerably after Independence. The carpet industry had declined in importance and only three looms continued to operate. These employed only six or seven men. Moreover, a new tube-well had increased the agricultural potential and it appeared likely that when the distributaries were completed, the land would have a new importance.

Abolition, too, had affected the village economy. The zamindars retained the majority of the lands and Hakimuddin remained the largest single landholder in the village. Many of

the zamindars, however, had been reduced to cultivating their own land. The lands which the tenants had acquired were small in area. There was, therefore, a general reduction in the demand for agricultural labour. This, allied to the recession in the carpet industry in the village, had forced the labourers to search for employment outside the village, particularly in the city. Abolition, of itself, had brought little favourable economic change, and consequently little social change.

Baragaon, sixteen miles from Jhansi City by motor bus, was fast becoming a small town although three-quarters of its 3000 people were still concerned only with agriculture. The large group of shopkeepers and traders in the population, however, had erected their shops and tea stalls facing onto the road and 'bus terminal and this gave the village a somewhat commercial air.

The most important of the agricultural castes were the Kachhis although Brahmans, Thakurs and Kayasths also owned land. There were several smaller groups: Chamar, Kori, Bhangi, Mali, Dhobi, Lohar, Barhi, Sonar, Julaha and Lodi. The 3000 acres of land adjoining the village were insufficient for the needs of the farmers and additional holdings were rented by many in the neighbouring villages. An irrigation canal supplied the village but the cultivation was for subsistence, various pulses and jowar-bajra (a type of millet) being harvested in the autumn, and wheat, gram and barley in the spring.

Prior to 1952 the village had passed through a variety of zamindari hands. It had originally been held entirely by a Bania or moneylender. It had then been purchased by a group of Canadian

missionaries who in turn sold to a group of four zamindars: two Marwari moneylenders from Jhansi City, one resident Kayasth and a resident Bazzaz (cloth merchant). Later still the Marwari shares were amalgamated when one purchased the interest of the other. Still later the Kayasth's share was purchased by a resident Kachhi. Thus it came about that on the eve of abolition an absentee Marwari held a seven anna share; a resident Bazzaz held a four anna share and a resident Kachhi held the remaining five anna share.

The lands were more widely distributed after abolition. All the zamindars retained some land: the Marwari and the Bazzaz about 35 bighas each but the Kachhi very little. Other Kachhis had purchased land, however, and this group were the leading landholders particularly of the most valuable lands close to the village (the gyonrah lands) which bore the heaviest revenue assessment.<sup>51</sup> Brahmins, Kayasths, Thakurs and Chamars had all been active in buying land. So brisk had the trade been, in fact, that no pastures were left in the village. Moreover, it was estimated that two-thirds of the lands were held on bhumidhari tenures, the majority of them by purchase of these rights. There were few asami holdings and as even the resident ex-zamindars cultivated for themselves, there was little opportunity for labourers in the village.

The group which appeared to have gained most from the changes was the Kachhi. The members of this caste were building pukka houses, a display of affluence previously almost the monopoly of the trading Bahias. Abolition had generally been welcomed by those groups with land: the repressions and the powers of the



zamindars had gone and while there were complaints of the ways of the government they believed that overall the ordinary man had a greater opportunity of participating in development. That there was still a wide gap to be breached, however, was emphasised by a group of villagers watching the schoolchildren celebrating Independence Day (15 August). They commented that independence - from want? - had been achieved by so few.

From the sample it is obvious that neither location nor economic condition were the major determinants of the reaction to abolition. These may often have modified reactions, of course, particularly economic wealth which, as in the case of Rasalpur-Aurangabad, could make post-abolition improvement more dramatic, and thus the changes themselves more meaningful. But the patterns of approval or disapproval did not follow either of these criteria: villages from all four natural divisions, with widely differing economic conditions expressed like reactions to the changes.

The pre-abolition tenure is the most important single factor in tracing the patterns of reaction for this determined both the role of the zamindar in the life of the village and the attitudes and position of the tenant body. And it is clearly the reactions of landlords and tenants which are the important considerations in evaluating the effects of the changes of 1952 for those changes were designed to affect precisely those who had land: the zamindars on the one hand and the tenants on the other. Dealing as it did with the redistribution of existing land rights, Act I of 1951 could hardly affect the problems of the "landless labourer" which were

more properly a subject for programmes such as land reclamation, collective farming in agricultural "colonies" and industrialisation. (That this should be so may, in fact, be a weakness of I of 1951, but that is not the issue here.) To those who were already connected with land, however, the changes were of great importance. The zamindars (or, to be more inclusive, the intermediaries,) by the very nature of the measure were involved in a tremendous change of status and one which they could not be expected to relish. Even had they believed that the sole aim of the measure was to convert them into efficient agriculturists they could not have welcomed the prospect for many were singularly uninterested in agriculture. At the same time the other "landed" group, the tenants, were subjected to an equally important change of status, not so much with regard to the quantum of rights involved in sirdari or bhumidhari tenure as in the relationship of that tenure to the superior title from which it was held. It was the difference between being an occupancy tenant holding from a zamindar as a relatively personal landlord and a sirdar holding from the State as a 'super-landlord'. And as it was important to these two groups, its success or failure depended on them.

Classified on the basis of pre-abolition tenures the sample falls into five main groups:

- (i) those held by a single absentee zamindar, viz. Rasalpur-Aurangabad, Tomari, Bondera and Lalpur;
- (ii) that held by a single resident zamindar, viz. Hajiganj;
- (iii) that held by a group of zamindars who were wholly absentee, viz. Babhanpur;
- (iv) those held by a group of zamindars who were wholly

resident, viz., Ajitganj, Sajamai, Kakarahi, Bhilampur-Chhapra and Nariaval;

(v) those held by a group of zamindars, partly resident and partly absentee, viz., Nawada, Mowiya, Baragaon, Kiri and Parsoli-Narayanpur.

In the first three groups, which will here be called the "uninfluenced group", either the zamindars or zamindar had been uninfluential before 1952 because they lived outside the village or, as in the case of Hajiganj, their former influence had been completely shattered by abolition. As a result abolition had meant a new accession of power for the tenants who had, consequently, welcomed the change. Where finances permitted and the nature of village society on a caste basis seemed to demand it, bhumidhari rights were freely purchased in order to assure social status. Thus there were important areas of bhumidhari tenure gained by purchase in Rasalpur-Aurangabad, Tomari, Bondera and Jalpur. In the first three villages this was largely a result of the economic position of the village while in Jalpur it was much more because of the need for distinction in a diverse caste society. However, in the two Allahabad district villages where neither finances permitted nor caste demanded it bhumidhari purchases were small and restricted in the main to those who were traditional leaders, eg the Brahmans. For the majority of ex-tenants in these villages of the Allahabad district, however, sirdari tenure was sufficient advance, or else the purchase of bhumidhari rights in simply a portion of the holding was enough.

This was also, speaking generally, the area of the most

wholehearted acceptance of the changes for, with the possible exception of Lalpur where the zamindar was familiar because of his frequent visits, the elimination of the zamindar meant the removal of restraint without any marked alteration in the traditional structure of the village. Most of these villages were akin to the village of Karimpur recorded by the Wisers, where a villager's comment on the absentee landlord was:

"he proclaims his desire to be just ... and makes efforts to enforce his justice ... . But he is too busy with his many properties to take time for any one village. We have never seen him. All we know about him are the reports which our headman brings back from the big durbars to which he is invited once a year."<sup>32</sup>

The fact that the disappearance of such a landlord did not affect greatly the traditional village social structure was not invariably beneficial. Much of the lack of development in Tomari, for example, might be traced to the unchallenged strength of the Brahmans. At the same time it is possible that without the distractions of internal conflict the village might be able to concentrate on development, the feeling that all change helped the village and themselves being an added incentive. Such has been the case in Rasalpur-Aurangabad and Bondara.

In the "uninfluenced" villages, therefore, it is generally true to say that those who could be expected to gain most from the changes - the tenants - have done so.

The other two groups classified above might be termed the "influenced" villages. A group of landlords, the majority of them

resident in the village, owned all the land before 1952 and were able to wield almost complete power. Land was gained only from one of the zamindari group and the persons who became tenants in this way were directly under the zamindar's influence. This meant two things; firstly, the zamindars were socially superior; secondly, the tenants were inferior. Abolition affected these villages markedly for it wrought changes in the whole fabric of village society. The result has been a fissuring of that society. The tenants have gained but only at the expense of the zamindars, most of whom have remained in the village. As a result the zamindars feel their loss of prestige, their loss of power, their loss of material wealth and their loss of land very keenly. Their combined dominance in the village has not been broken in most villages; only in Parsoli-Narayanpur where all but one of the original zamindars have disappeared and in Baragaon where the ex-zamindari holdings are small can it be said that the dominant position of the land-holding group of pre-abolition days has gone. What is more to their advantage, the ex-zamindars form almost the entire bhumidhari group in these villages and very often continue to hold a large proportion of the village lands. In the majority of cases, therefore, these zamindar-bhumidhars remain the most influential section of village society. Nonetheless, they are disgruntled by their decline and irreconcilable to agrarian "reforms".

The tenants of these villages are, naturally enough, appreciative of their new status. The continued presence of the zamindars has, however, inhibited their acceptance of the changes in many cases. Often they have now to face an actively hostile

dominant, uncooperative group in their former landlords. In many villages, too, they were confronted by an unusual alignment of ex-zamindari and labouring interests for the labourers have been disconcerted by the falling demand for their services. It is not possible to tell whether this combined opposition has inhibited the tenants in the purchase of bhumidhari rights but it is a fact that in most of the villages of this kind the former tenants have most often remained sirdars. This may be due simply to a lack of funds for it would appear highly probable that the tenants of the influenced were poorer than those of the uninfluenced villages but there is no way of deciding which has been the more important factor.

Another finding on the results of abolition in a former joint-zamindari village in eastern Uttar Pradesh confirms this view that the measure has not altered the power structure in such villages. Thus Cohen found that

"zamindari abolition in 1952 did little to affect the economic and political dominance of the Thakurs either in Madhopur or in the immediate region, for it expropriated the landlords only from that part of their tenanted lands which had not previously been registered as being under their personal cultivation. As long ago as 1906, half the lands of Chandwale Pargana, of which Madhopur is part, had been recorded as being under the landlords' own cultivation. In 1953, after landlord abolition, Thakur landlords still owned and cultivated approximately 70 per cent. of the lands of Madhopur. The few permanent tenants in the village were

enabled to buy out their parts of the Thakurs' landlord holdings by payment to the State government of ten times the annual rent, but the landlords who lost land thereby are to be compensated by the government. Some ex-landlords moreover, continue to receive rent from their now protected tenants at will. Although the old legal bases of tenantry under landlords ceased to exist in 1952, most non-Thakur families continue to gain access to land only as lessees under Thakurs."<sup>53</sup>

Insofar as zamindari abolition in Uttar Pradesh aimed ~~the~~ to alter the bases of village society by reducing the position of the zamindars and bolstering the status of the tenants, it has been relatively ineffective. It has been effective only to the extent that it has benefitted those who could most confidently have been expected to benefit. To put it another way, it has so far worked best where it was least needed, ie. in the villages of the "uninfluenced" type. The real centres of zamindari-tenant conflict, the "influenced" villages, have been least influenced and, indeed, in many ways social tensions have been exacerbated to an even greater degree as traditional values disintegrate without being adequately replaced. In these villages, at least, social reform has not proved to be the natural corollary of the agrarian change implied in zamindari abolition. It may be that the social ferment begun by the changes will eventually carry these villages to a new era of constructive development but this remains mere supposition. On the basis of the survey set out above it is possible only to conclude that no important social change has occurred as a result

PLATES.

Plate 1. A pakka haveli, the home of the pradhan of village Ajitganj, district Mainpuri.



Plate 2. Men of village Kiri, district Sultanpur. "Thakur Sahib", sarpanch of Kiri's nyaya panchayat, is fourth from the right. The difference in clothing and bearing of the two ex-zamindars (in the centre) and their former tenants, now sirdars, is obvious.

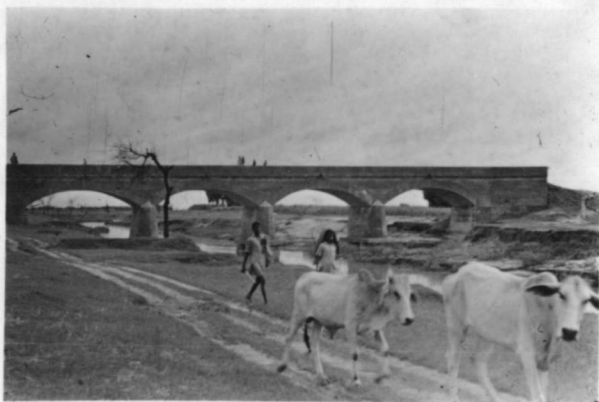


Plate 3. The bridge over Kali Nadi at village Rasalpur-Aurangabad in district Meerut, which was built by the voluntary contributions of the cane growers in the village.



Plate 4. The newly-constructed facade of the home of Ram Swarup, an 'ex-zamindari bhumidhar' of village Ajitganj, district Mainpuri. Note the holder for a street light, a panchayat improvement.



of the "reforms" of 1 July 1952.

(iii)

The government of Uttar Pradesh returned to the traditional form of village government, the Panchayat,<sup>34</sup> the "council of five",<sup>35</sup> in seeking to decentralise the administration of the villages of the State. The panchayat system envisaged by the Panchayat Raj Act, XXVI of 1947 and accepted by the Land Reforms Act of 1951<sup>36</sup> as the basis of village self-government was, however, much more complex than this older "council of elders". The post-independence version had three main organs. The foundation, the gaon sabha or "village assembly", consisted of all the adult members of the village and, originally, any outsiders who held land in the village.<sup>37</sup> The members of the gaon sabha elected an "executive committee", the gaon panchayat<sup>38</sup> and a "chairman", the pradhan,<sup>39</sup> for a period of five years. A deputy for the pradhan, the up-pradhan, was elected annually by the members of the gaon panchayat from amongst their own number.<sup>40</sup> The gaon panchayat was an administrative body; judicial authority rested with the nyaya panchayat, a tribunal selected from the panchayats of a "circle" of villages to hear petty cases.<sup>41</sup> The panches of the nyaya panchayat elected their own chairman, the sarpanch, and his deputy, the sahayak sarpanch.<sup>42</sup> Panches and the officers of the nyaya panchayat held office for five years but the latter remained until actually succeeded in office,<sup>43</sup>

These village-centred councils possessed great potential social significance. By diffusing the responsibility for village administration they could be vehicles for the social amelioration

of those who , as a result of abolition, had acquired a small holding in their own right - a social toehold as it were - in the village and even for those who possessed no other claim to social standing, the low-caste and the landless. Social changes which agrarian reorganisation had failed to bring about could therefore be implemented, particularly in the "influenced" villages.

The panchayats had many other facets, of course. Multifarious tasks in the fields of local self-government, village management and improvement and land management were assigned to them, tasks ranging from constructing and cleaning village streets to registering vital statistics, from regulating local markets to planting trees, from arranging for "a sound credit system" to caring for common lands and extinguishing fires.<sup>44</sup> Their achievements in these fields, moreover, have been in many cases, considerable. They have played "an important role in mobilising man-power and directing the resources towards the general welfare of the villagers"<sup>45</sup> in many districts. Up to 31 March 1955, for example, panchayats had, inter alia, built 20,302 miles of roads, constructed 22,022 pukka wells, installed 2,595 radio sets and provided 67,692 lanterns for street lighting.<sup>46</sup> The total value of their work was Rs. 7,83,12,081 of which Rs. 2,52,23,356 had been actual cash donations by the villagers.<sup>47</sup> As well, the 89,082 gaon sabhas in operation in 1954 managed 93 lakh acres of public lands<sup>48</sup> while in the previous year 282 gaon sabhas of Rs. 8.89 lakh collected Rs. 8.39 lakh/entrusted to them as land revenue collecting agencies.<sup>49</sup> And to 30 September 1957 nyaya panchayats had decided 19,91,908 of the 20,62,616 cases referred to them, including nearly seven lakhs by mutual agreement and compromise.<sup>50</sup>

These achievements, however, were largely independent of social change. Theoretically, of course, there was no reason why this should not be so. A continued monopoly of power, especially by that section of the village which had traditionally led, by reducing friction within the panchayat itself might even make it function more effectively. At the same time, an inadequate cross-representation might deprive the village of potentially capable leaders and this has been officially admitted to be the case. Seats were reserved on the gaon panchayat until 1960<sup>51</sup> but even so the Revenue Minister, Charan Singh, reported in 1958 that "the absence of public spirited workers" in those gaon sabhas entrusted with revenue collection had "hindered their utilization as a collecting agency".<sup>52</sup> The writers of the Second Five Year Plan, noting the same problem, suggested that panchayats might need to co-opt members to secure "a sufficient number of persons with qualities most needed in village reconstruction."<sup>53</sup>

If the panchayats have in fact developed in this way, achieving managerial success without social change, then part of the scheme's original aims, as embodied in the Statement of Objects and Reasons of Act I of 1951<sup>54</sup> will be defeated. The continued dominance of the ex-zamindars would represent simply the replacement of one form of inequality, zamindari, by another, panchayat raj.

And indeed there is little evidence to suggest that the panchayat system has circumscribed the position of the traditional village leaders or, as has been suggested,<sup>55</sup> that it has made land reforms socially more effective. The facts elicited about the operation of the panchayat system in the villages of the random

survey, for example, showed that the trend had been decidedly to the contrary.

Almost without exception pradhan elections had returned, in the first instance, a member of one of the formerly dominant landholding groups. Rasalpur-Aurangabad had elected a Rajput, a candidate presumably acceptable to High-caste Hindus and Muslim-Rajputs alike. The Jats of Bendera and the Thakurs of Kiri, Bhilampur-Chhapra and Kakarahi remained unchallenged. The elder son of the family which had traditionally supplied the mukhya became pradhan in Tomari. The traditional caste leaders retained power in Babhanpur and also in Mowiya where each section of the village elected its own panchayat and pradhan. The wealthiest of the former zamindars was pradhan of Nariaval. In Ajitganj the pradhan was not only a former landlord but also the wealthiest man in the village and a leading district-level Congressman. The pradhan of Lalpur came from amongst the Thakurs, one of the four leading tenant groups before abolition. The utter ruin of the zamindar of Hajiganj had opened the way for an Ahir, scion of one of the leading landholding families, to become pradhan. Likewise in Baragaon the collapse of the Kachhi zamindars, the absence of the Marwari and the lonecaste character of the Bazzaz led to the election of the village Brahman who, as priest of the temple, controlled 300 bighas of land. In Parsoli-Narayanpur, while the sole remaining ex-zamindar had been passed over, the position had gone to a Bhumihaar Brahman, a member of the chief landholding caste of the village and a former zamindar in another village.

As the panches of the nyaya panchayat (more frequently

referred to in the villages as the "adalati panchayat" or "court panchayat") were appointed from amongst the members of the gaon panchayat, the composition of the tribunals reflected that of the village bodies. Only a few of the villages surveyed actually had the sarpanch resident in them, although all were component units of nyaya panchayat circles.<sup>56</sup> The sarpanches who were identified, however, belonged to the same groups as the pradhans. In Kiri and Bhilampur-Chhapra, for example, the sarpanches were both the wealthiest and most influential of the ex-zamindars and, in both cases, Thakurs. Kakarahi also had a Thakur sarpanch. In Baragaon the Banias dominated the nyaya panchayat but a Brahman was sarpanch; by a non-Bania group he was held to be the only honest man on the tribunal. However that may be he did come from a caste which had been one of the chief acquirers of land since abolition.

Some villages had seen the first signs of change. In Rasalpur-Aurangabad, the second election for pradhan brought a Chamar to power, the Chamars being one of the three scheduled castes to hold any land in the land in the village. The almost complete Thakur domination in Kakarahi, (Thakurs were the pradhan, sarpanch, patwari and secretary of the Gaon Panchayat), was broken by the election of a Kurmi up-pradhan to succeed a Thakur up-pradhan. Part of that success may have been due to the pressure exerted in the village since 1946 of a Harijan Kisan Sabha or Peasant Association. These changes were hardly improvements, however, for they invariably produced friction. The electioneering which preceded the actual ballot - done, incidentally, by show of hands<sup>57</sup> - was often violent although it was claimed by villagers that only

personal factors and not broader political issues were involved. High caste men were, moreover, generally quite irreconcilable to low-caste success. The only case of any considerable success in the survey, that of the Chamar in Rasalpur-Aurangabad, showed that what appeared to be an important social change might in reality be a Pyrrhic victory for the election there had only resulted in a boycott of the panchayat by the Brahmans, Rajputs and Muslim-Rajputs and a continual effort on their part to deride the pradhan.

The few published studies of panchayats tend to confirm the evidence of the sample survey. McKim Marriott gives in two articles a detailed picture of the developments which took place in the Aligarh village of Paril (for which he also uses the pseudonym 'Kishangarhi'). The first elections took place before zamindari abolition and resulted in the complete domination of the panchayat by the <sup>U</sup>Jat zamindars. In fact,

"the weekly meetings ... at a zamindar's house (constituted) a new formal convivial occasion, strengthening the supra-local class solidarity of the zamindars".<sup>58</sup>

Post-abolition elections, however, destroyed this overwhelming power.<sup>59</sup> The vacuum thus created, however, was filled not by any onegroup but by a number of caste groups contending between each other and within themselves. The Brahmans, who were one-quarter of the population of the village and who held one-half of the lands of the village after abolition, tried to organise their own dominance and other castes which had gained economically by the changes tried to consolidate a higher position in the caste hierarchy. Most, however, were so divided by internal rivalries

that they could not even "agree to rise together".<sup>60</sup> The result was that though the panchayat included a "fair sampling of members of many castes"<sup>61</sup> it fell into decay through sheer neglect and impotence. In the first place it hardly ever met;

"the group that actually (considered) public issues and (used) the powers granted by the authority of the new Act (was) ... the old informal Brahman council."<sup>62</sup>

The Jats would have nothing to do with this Brahman body, however, and as a result it remained ineffectual while the panchayat faded into a dismal failure, unable to carry through any of the projects which it "haltingly undertook on the suggestion of its government-appointed secretary" and without the standing necessary to enforce its decisions in matters of discipline.<sup>63</sup>

The evidence from Paril thus emphasises the ineffectiveness of much of the change introduced by the reforming legislation. A study by Morris Opler of the factors which influenced the election of the pradhan in a Jaunpur village, Madhopur, emphasises even more the irreconcilability of the upper classes to low-caste gains and the almost impossible task which the low caste groups face when confronted by the united opposition of those with traditional authority.

When Opler made his study the village was organising its second panchayat elections. The first had been held in 1949 and the gaon panchayat then elected had dissolved in a complete fiasco. At that time

"the low castes, stimulated by talk of the abolition of landlordism, abolition of untouchability and the general

atmosphere of reform, created a People's Party. They nominated an impecunious and undistinguished high-caste man who they felt they could control and ran him for executive officer (ie, pradhan). Most of the prominent high-caste villagers refrained from participating in the election as either candidates or voters ... . As a result the candidates of the low castes swept the election. Their high-caste figurehead, (however), proved a great disappointment ... . At the first real crisis he abandoned them in favour of his caste fellows,"<sup>64</sup>

and from then until the second<sup>d</sup> election the village was administered by the hereditary officers who pre-dated the gaon panchayat. As a result of this experience the high-caste villagers stopped at nothing, not even coercion and intimidation, to prevent low-caste candidates from entering the field in the second election; particularly for the office of pradhan. The one man who thought that he might contest the pradhan election was informed that his age had been changed in the village records so that he was ineligible.<sup>65</sup> This type of manoeuvre succeeded and the contest was fought between two high-caste candidates ("A" and "B"), both of whom were well-to-do landowners. While they thus represented typical candidates for such posts, there were distinct differences between them. They belonged to the same kinship group in the village but the branch to which A belonged "fell upon hard days" following an unfavourable partition of the joint family. The eldest son of A's family, however, restored the family fortunes by becoming first the manager of a zamindari estate and then a highly successful purveyor



of mechanical chaff-cutters.

"Earnings from the business made it possible to improve the family landholdings, to acquire additional land in the village and to lend to the villagers at an advantage.

Marriages ... to girls of prominent families of the area further improved the standing and connections of the family!"<sup>66</sup>

B, the elder of the two men,<sup>66</sup> was quite different. He was well-to-do but

"his wealth was in land and in stored grain. He was one of the largest landowners in the village and while he was one of the most progressive farmers in the area ... he was land-centred and village-centred. Neither he nor members of his family looked outward for income. His father had been a prominent leader of the village who was noted for his shrewd farm management and his son had followed the same path."<sup>67</sup>

B won the election but the result was of little importance for either way the dominance of the high castes and the landed interests was assured. As the election forced the candidates to "display an unparalleled friendly concern for the low castes" - so much so that it became a "source of amusement and cynical comment by the low castes"<sup>68</sup> - so they made some gains. But being effectively excluded from any control or influence in the village, such gains were cold comfort.

Figures published by Bhagwant Singh demonstrate another important facet of the relative failure of the panchayat system. He notes that

"during the last general elections of the Gaon Sabha, 37,405 pradhans were elected unopposed, ie, about 52 per cent. of pradhans ... . Similarly out of 11,75,128 members of the Gaon Panchayats and Panches (of the Nyaya Panchayats) 8,60,128 were elected unopposed. This works out to be 73 per cent.."69

This means in effect that, given that the panchayats are dominated by the high-caste and economically secure, in a great many cases the low-caste and the economically weak do not even offer a challenge to the status quo. Or it may be that boycotts by the higher castes, such as was carried out in the first election in Madhopur, are commonplace. This situation is no better than the first for it has been shown that without the support and "authority" of the traditional classes, village government is either meaningless or impossible.

It can be concluded, therefore, that the panchayat system has not achieved any marked measure of social change. Few cases of actual improvement in social status based on participation in panchayat raj can be found because even where election to the village council has provided a step to authority in the village it has not succeeded in securing, as well, the goodwill of the traditional leaders. And social advancement which is either ignored or opposed by those against whom the advance is made is, in a society in which only peaceful means of social advancement are permitted, illusory. Decentralised administration has therefore in no way overcome the social failure of agrarian reorganisation. On the contrary, the panchayats may, if they continue to bolster caste

antagonisms, become as Vinoba Bhave has warned, "powerful instruments of decentralised exploitation."<sup>70</sup>

(iv)

It is possible to draw some general conclusions as to the effects of the post-Independence agrarian measures on the evidence of statistics, villages and panchayats presented in this chapter.

In the first place, it is obvious that administratively the legislation has been fully implemented. By and large the absentee landlords have been eliminated. Some small holdings remain, as in Baragaon, but most of the great estates have disappeared.<sup>71</sup> Certainly the absentee landlords are no longer the major feature of the agrarian system. The estates of many resident zamindars have been reduced, at times considerably although this is in direct relation to the zamindar's former interest in agriculture. At the same time, the new tenure system has become operative so that the land tenures have been rationalised into a large (though subdivided) proprietary interest and a small tenant interest. Moreover, mobility within the two classes of proprietary interest has been provided in the bhumidhari purchase scheme; theoretically, at least, all land should eventually become bhumidhari. Then, too, local self government in the villages has been reorganised and the forms of government: gaon sabha, gaon panchayat and nyaya panchayat have been brought into existence. Act I of 1951, technically, has been successfully carried through.

This technical success, however, is but one aspect and it is equally obvious that the Act has left the social position within

the village unchanged. That there are potentialities for social change in the proprietary possession of land and the power of the franchise cannot be denied but these have not been translated into realities. In the "uninfluenced" villages those who traditionally held sway, the high-caste tenant groups, continue to do so while in the "influenced" group a resident zamindari group has retained power or has yielded it only to the next most important landholding group. And in those cases where inferior groups have challenged the traditional leaders the result has been a stalemate.

As Thorner points out, the position of the pukkahaveliwale, "the men who live in large brick houses", is unchanged:

"despite zamindari abolition ... a handful of six to a dozen families of resident, non-working proprietors (maliks - "owners") continue to enjoy their accustomed control of the kisans and mazdur-log (working people) who make up the typical U.P. village."<sup>72</sup>

That is to state the least of the Act's results. Yet at the most, as Charan Singh himself admits, it has "narrowed down rather than eliminated the traditional difference between classes in the village."<sup>73</sup>

To point out this lack of social change stemming from Act I of 1951 is not to say that it will never occur or that the Act is a complete failure. I of 1951 has been no less, perhaps even more, successful than any of the other agrarian acts which preceded it in U.P.. It did all that it had legal power to do when it abolished the landlord-tenant system. If society has been less changed than was expected by this move it would seem, firstly, that society was not

as completely dominated by the system as had been held, that, in fact, landownership, while it was undoubtedly the basic factor was not the sole determinant of social status in the village. The reduction of landownership, therefore, while it could affect social status could not destroy it completely because caste, non-agrarian wealth, political and legal influence and a traditional leadership role were not necessarily affected by it to the same extent. And to the extent that these factors remained operative the traditional village leaders retained their power. In this lies the immediate explanation of the relatively minor social effectiveness of Act I of 1951.

There remains, of course, the second and broader possibility: that agrarian legislation is fundamentally unsuited to be an instrument of social change. This is the question taken up in the succeeding chapter.

## NOTES - CHAPTER VI.

<sup>1</sup>P.C.Joshi, cited in Patel, Indian Land Problem and Legislation, op.cit., 423.

<sup>2</sup>Agrarian Prospect in India, op.cit., 25.

<sup>3</sup>Amrita Bazar Patrika, 9 June 1950,5; 16 June 1950,3.

<sup>4</sup>Address by P.R.Das, counsel for the zamindars before Allahabad High Court, Amrita Bazar Patrika, 14 March 1951, 2.

<sup>5</sup>Land Temure Legislation in Uttar Pradesh, op.cit., 79.

<sup>6</sup>Land Temure and the Economic Modernisation of Uttar Pradesh, op.cit., 466.

<sup>7</sup>Charan Singh, Agrarian Revolution in Uttar Pradesh, op.cit.,4.  
See also The Leader, 23 August 1952, 4.

<sup>8</sup>The Leader, 1 July 1952, 5. See also Patel,op.cit.,466-7.

<sup>9</sup>Revenue Report 1952/53, 12.

<sup>10</sup>Ibid., 13.

<sup>11</sup>I of 1951, sec.2.

<sup>12</sup>I of 1951, op.cit.,pp.249-387 for supplementary legislation.

<sup>13</sup>Report, II, 5. Statement No. 4.

<sup>14</sup>In particular those in Village India, op.cit.,ed. McK.  
Marriott and India's Villages, op.cit., published by the West Bengal Government. Also Majumdar et.al., "Intercaste Relations in Gohankallan", op.cit..

<sup>15</sup>Especially Thorner's Agrarian Prospect in India. Most others are of the "legislation equals reforms" variety.

<sup>16</sup>Dandekar, V.M. and Khudanpur, G.T., Working of the Bombay Tenancy Act, 1948 (Poona: Gokhale Institute of Politics and Economics, 1957). Khusro, A.M., Economic and Social Effects of Jagirdari Abolition and Land Reforms in Hyderabad (Hyderabad: Osmania University, 1958.)

<sup>17</sup>Census of India 1951, Vol.II, Part IA, op.cit.,116.

<sup>18</sup>For further discussion of the difficulties and methods of the survey see Appendix I, below.

<sup>19</sup>The natural divisions used here are those defined in the Census of India 1951, Vol.II, Part IA, op.cit., 5-8: Himalayan; West,Central and East Plain;and Hills and Plateau.

<sup>20</sup>Unless otherwise specified, all facts concerning villages were collected in the course of the sample survey.

<sup>21</sup>Dhobi (washerman), Lohar (blacksmith), Barhi (carpenter), Sunar (goldsmith), Rangrez (dyers), Teli (oil presser), Julaha (weaver), Garharia (shepherd), Dhinavar(Hindu water carrier), Bhabhiya (grain parcher), Jogi (formerly religious men, now tailors), Gusanee (preacher), Mali (gardener), Dhuna (cotton teaser), Bhat (minstrel), Kumahar (potter), Nai (barber), Chamar (leather worker), Bhangi (cleaner). These descriptions are, of course, in traditional terms; many of these castes are now concerned, at least partly, with agriculture.

<sup>22</sup>Vaish, Nai, Gareriya, Chamar, Mali, Teli, Barhi, Dhobi, Kayasth (clerk), Bhurjee (grain parcher), Dhanuk (cane worker), Bania (moneylender), Tombali (tobacco processor), Isae (Christian), Darjee (tailor), Joshi (religious men), Jats, Muslims, Kachhis, Koris and Kahars are all cultivators.

<sup>23</sup>Brahman, Ahir (cowherd), Barhi, Lohar, Nai, Soni (goldsmith), Dhobi, Bari (torchmakers), Kahar (palanquin bearers), Kumahar, Gusani (Hindu religious men.).

<sup>24</sup>The most complete description is Wiser, W.H., The Hindu Jajmani System (Lucknow: Lucknow Publishing House, 1936). See also

Lewis, O., Village Life in Northern India (Urbana: University of Illinois Press, 1958), Chap. 2: "Caste and the Jajmani System," pp. 56 - 84.

<sup>25</sup>From "kam karne-wala", "man who does work"; Lewis, op.cit., 56.

<sup>26</sup>The Leader, 7 April 1958.

<sup>27</sup>Cf. Census of India 1951, Vol. II, Part IA, op.cit., 117.

<sup>28</sup>Baden-Powell, op.cit., I, 287.

<sup>29</sup>Lohar, Kumahar, Nai, Bari, Garariya, Kori, Darjee.

<sup>30</sup>Brahman, Ahir, Mallaha, Chamar, Pasi, Khatik, Kori, Lohar, Kumahar, Mali, Kahar, Bharbiya, Barhi, Sunar, Nai, Dhobi, Garariya.

<sup>31</sup>Gyonrah paid Rs.10 - 12 per acre; Kavar-parana (land away from the village) paid Rs. 5 - 8 per acre; and Khaki-parana (land near the river) paid Rs. 4 - 5. The village patwari supplied these figures.

<sup>32</sup>Wiser, W.H. and C.V., Behind Mud Walls (New York: Smith, 1930), 168.

<sup>33</sup>Cohen, B.S., "The Changing Status of a Depressed Caste" in Village India, op.cit., 55.

<sup>34</sup>Cf. Moore and Freydis, op.cit., 68.

<sup>35</sup>Baden-Powell, op.cit., III, 618.

<sup>36</sup>Act I of 1951, Part II, Chap. VII.

<sup>37</sup>XXVI of 1947, sec.5. Paikasht tenure-holders were included by I of 1951, sec.114(b) but deleted by XVI of 1953, sec. 20. I of 1951 uses, without distinction, the terms "gaon sabha" and "gaon samaj" which have identical meanings in the literal sense. The former is used throughout in this section.

<sup>38</sup>XXVI of 1947, sec.12. The size of the panchayat depended on



the population of the village but was at least 5; sec. 12-A.

<sup>39</sup>XXVI of 1947, sec.11-B.

<sup>40</sup>XXVI of 1947, sec.11-C. More commonly called "aur-pradhan", lit. "and-pradhan".

<sup>41</sup>XXVI of 1947, sec.43. Sec. 11-D prohibited dual membership.

<sup>42</sup>XXVI of 1947, sec.44. <sup>43</sup>XXVI of 1947, sec.45.

<sup>44</sup>XXVI of 1947, sec. 15, 16.

<sup>45</sup>"Development of Lucknow District: Review of Plan", Amrita Bazar Patrika, 28 February 1955, 10. A great many similar reports were recorded in the district news columns of the daily press.

<sup>46</sup>Figures of "Panchayat Efforts 1949-55" inserted by Panchayat Raj Department, Government of Uttar Pradesh, Amrita Bazar Patrika, 15 August 1955, 2.

<sup>47</sup>Idem. The remainder was the estimated value of voluntary labour, "shramdan"; lit. "labour gift".

<sup>48</sup>Amrita Bazar Patrika, 18 March 1954, 2. Reorganisation in 1955 reduced the number to 72,409. There was then a gaon sabha for each area with a population of 250 or more. Bhagwant Singh, "Organisation of Panchayats in Uttar Pradesh", The Leader Weekly, 25 March 1958.

<sup>49</sup>Revenue Report 1952/53, 16.

<sup>50</sup>Bhagwant Singh, loc.cit.

<sup>51</sup>XXVI of 1947, sec.7. Reservation, ie, for scheduled castes.

<sup>52</sup>The Leader, 24 July 1958.

<sup>53</sup>Planning Commission, Government of India, The Second Five Year Plan (1956), 154.

<sup>54</sup>I of 1951, op.cit., 1-2: "(restore) to the cultivator the

rights and freedom which were his and to the village community the supremacy which it exercised over all elements of village life" ... "a measure which makes the village a small republic and cooperative community ... intended to facilitate economic and social development and encourage the growth of social responsibility and community spirit."

<sup>55</sup> Amrita Bazar Patrika, 2 October 1953,2.

<sup>56</sup> In 1958 there were 8,583 nyaya panchayats in Uttar Pradesh 5 to 10 gaon sabhas forming the average circle. Bhagwant Singh, loc.cit.. Where villages were small, of course, this did not mean that a mere 5 or 10 for villages of such size were often grouped to form gaon sabhas: eg, Parsoli-Narayanpur had 36 and Bhilampur-Chhapra 27 villages in their respective circles.

<sup>57</sup> Bhagwant Singh, loc.cit.

<sup>58</sup> Marriott, "Social Change in an Indian Village" in Economic Development and Cultural Change, op.cit., 151.

<sup>59</sup> Idem.

<sup>60</sup> Marriott, "Social Structure and Change in a U.P. Village", in India's Villages, op.cit., 103.

<sup>61</sup> Ibid., 106.

<sup>62</sup> Idem.

<sup>63</sup> Ibid., 106-7.

<sup>64</sup> Opler, M.E., "Factors of Tradition and Change in a Local Election in Rural India" in Leadership and Political Institutions in India ed. Richard L. Park and Irene Tinker (Princeton, N.J.: Princeton University Press, 1959), 142.

<sup>65</sup> Idem.. A pradhan must be at least 30 years of age; XXVI of 1947, sec.5-B.

<sup>66</sup> Ibid., 139.

<sup>67</sup>Ibid., 140.

<sup>68</sup>Ibid., 143.

<sup>69</sup>Bhagwant Singh, loc.cit.

<sup>70</sup>Cited by Shriman Narayan (former General Secretary of the AICC) in "Decentralisation in Administration", article dated 15 October 1957, reproduced in India's Current Problems, a collection of his articles and speeches, (New Delhi: Indian National Congress, May 1958), 27.

<sup>71</sup>Cf. "Lucknow Newsletter", The Leader, 26 May 1958: "The State has yet some very big land holdings possessed by ex-zamindars."

<sup>72</sup>Agrarian Prospect in India, op.cit., 49.

<sup>73</sup>Agrarian Revolution in Uttar Pradesh, op.cit., 40.

## CHAPTER VII.

### COMPARISONS AND CONCLUSIONS.

#### (i)

The question remains then, Will agrarian legislation always be socially ineffectual? The evidence from Uttar Pradesh suggests so. The mere fact that Act I of 1951 was necessary and was couched in terms of social amelioration proved that the legislation from 1859 to 1947 had failed to bring social harmony. It had changed tenures and shifted the balance of power within the village but neither it, nor the "reforms legislation" of the 'fifties, had affected village society, within which the tenures and powers were operative.

It may be held, however, that U.P. was a special case, that factors operated there which precluded any success. Yet the volume of agrarian legislation was not confined to U.P.. It was, it must be remembered, a Bengal Act which was first applied to the North-Western Provinces. A perusal of Baden-Powell's monumental Land Systems of British India will amply demonstrate that where in the nineteenth century there was a landlord-tenant system agrarian legislation had to be enacted to regulate it. And another standard work, Patel's Indian Land Problem and Legislation, shows the results: that throughout India the agrarian legislation enacted from the mid-nineteenth century to the mid-twentieth century amounted only to a backdrop for post-Independence "reforms" which were almost invariably social in intention. The legislation of the era of the British Raj had values, none will deny that, but they were not social.

If the other states of the Republic have enacted land reforms it can be asked, Has this legislation been more effective socially than that of Uttar Pradesh? A comparison of the answer to this question and the position in Uttar Pradesh could conceivably answer the question posed at the beginning of this chapter. In the studies of reforms in Bombay and Hyderabad mentioned above<sup>1</sup> a means of comparison is, moreover, readily to hand. Not an exact comparison, of course, for neither the tenure systems, nor the legislation they engendered, were the same in these areas as in U.P..

The major part of Bombay had been settled under the raiyatwari system:

"the revenue settlement which is made by the government officers with each actual cultivator of the soil for a given term, usually a twelvemonth, at a stipulated money rent, without the intervention of a third party"<sup>2</sup>

and as there were, therefore, theoretically no landlords and tenants no attention was paid to agrarian relationships until 1939.<sup>3</sup> Through "the purchase of leisure" by subletting, however, there were landlords and tenants and the Bombay Tenancy Act of 1939, passed by a Congress ministry, moved to protect those tenants who had held their land for the six years preceding the Act by giving them fixity of tenure, protection from arbitrary eviction and a system of regulated rents.<sup>4</sup>

The Bombay Tenancy and Agricultural Lands Act of 1948, "a comprehensive measure of unique character,"<sup>5</sup> extended the original act. It made tenants under the 1939 legislation "permanent tenants,"<sup>6</sup>

tenants with a record of substantial personal cultivation in 1948 "protected tenants"<sup>7</sup> and assured all tenants of fixity of tenure for ten years.<sup>8</sup> Protected tenancies were heritable and the tenant had the right to purchase up to fifty acres from the landlord at a price determined by a government tribunal<sup>9</sup> but both protected and ordinary tenancies were subject, at the outset, to the landlord's right to resume land for his personal cultivation.<sup>10</sup> Rents were fixed to a maximum of one-sixth of the crop or its value or, in some areas, three to five times the revenue assessment on the land.<sup>11</sup> Cesses or levies exacted in addition to rent were prohibited<sup>12</sup> and to encourage efficient agriculture, cooperative farms were given preferential treatment and subletting was forbidden.<sup>13</sup>

The investigations of Dandekar and Khudanpur of the Gokhale Institute at Poona are an alarming commentary on the operation of this Act. They demonstrate, point by point, that it remained inoperative, ineffective or simply ignored:

"it seems fairly clear, at any rate there is little evidence to the contrary, that the Tenancy Act has made little impression on the situation and that the conditions have remained more or less unaffected both in respect to the size and distribution of the owned and cultivated holdings and the relative care bestowed on the owner-cultivated and the tenant-cultivated lands. ... Except in a few districts, the Act has for all practical purposes, remained ineffective."<sup>14</sup>

This was particularly so in the case of the rental limitations:

"except in Thana and Kolaba districts, the provisions of the

Act relating to the fixation of the maximum rent have had no effect whatsoever. The Act had specified the maxima in terms of the share rent. These had been enforced with some effect only in Thana and Kolaba districts. In all other districts the share rents have remained largely unchanged and whatever changes have occurred in them are not related to the provisions of the Act. ... The Act fixed the maxima specifically in terms of the share. Therefore, in order to circumvent the provisions of the Act, one would have expected a certain shift from share to cash rents. Nothing of this kind has happened; the share rents have remained the share rents and very much at the old levels. It only means that the people have not found it necessary even to manoeuvre in order to evade the law. The legal fixation of the maximum share rents, the restriction on the transfer of lands and the general protection given to the tenants had also little effect on the cash rents. ... There have been more cases of enhancing than of reducing rents. There have been cases of change of tenants to secure higher rents and in some cases where tenants had changed (normally), the occasion had been utilised to effect a rise in rents."<sup>15</sup>

Such manoeuvres were, moreover, not confined to the landlords (in the strict sense). The Gokhale Institute Report records a case in which a tenant used a reduction in his own rent to increase the rent of his (theoretically illegal) sub-tenant.<sup>16</sup>

Where so little has been achieved technically it would be useless to search for far-reaching social change. The authors

themselves conclude that

"the relations of the landlords and tenants have thus continued to be governed by very much the same considerations as in the earlier days and the overall impression that one gathers is that the provisions of the Act have either not reached the people concerned or they have not found it necessary to take cognisance of them."<sup>17</sup>

Hyderabad, a former "princely state", was a different proposition again. The lands had been divided in tenure between the government of the Nizam (the diwani lands) where the cultivators paid revenue direct to the government and the lands held by a class of intermediaries, the jagirdars (hence, the ~~jagir~~ lands), where the cultivators paid revenue through the jagirdars.<sup>18</sup> The cultivating tenure of the diwani area was nominally raiyatwari but unrestricted transfer rights had led to the growth of a class of non-cultivating owners (pattidars).<sup>19</sup>

Reform in Hyderabad had two aspects, the abolition of the jagirdars being the first. This was not the same as zamindari abolition, however, because the jagirdar, unlike the zamindar or taluqdar,

"had no proprietary rights ... . The jagir wasinalisable and the jagirdars were only entitled to the revenue accruing from the land over which they supervised."<sup>20</sup>

Jagirdari abolition, therefore, did not affect the relations between owners and tenants in the jagirs;

"it tackled only the upper layer of relationship between the owners and the revenue collectors: it substituted one revenue



collecting authority for another - though a more efficient one for a less efficient - the Government in place of the jagirdar."<sup>21</sup>

The jagirdars did hold some land in the villages, seri lands, but these were not affected by abolition and so the change meant nothing to the tenants in this way.<sup>22</sup> The jagirdars were not even an important source of credit;<sup>23</sup> they appear, in fact, to have held themselves aloof as an aristocratic minority determined to stand above the mundane affairs of material prosperity derived other than from landed property. Few had education or professional training<sup>24</sup> and their traditional forms of investment were markedly feudal and, hence, unproductive: "houses, ... jewellery and personal effects like expensive clothing and furniture."<sup>25</sup>

Even after their abolition as a class they retained their tradition<sup>al</sup> attitudes. The measure was a serious blow to their fortunes and their prestige<sup>26</sup> but they made no effort to retrieve these either by careful investment<sup>27</sup> or, because of a rather ridiculous pride, by judicious alignment with "the wealth, enterprise, and dynamism of the new rich".<sup>28</sup> They had been left, therefore, with neither continuing influence nor sympathy for their passing.<sup>29</sup> They have become, consequently, frustrated, critical and bitter.<sup>30</sup>

Quite apart from jagirdari abolition, therefore,

"the fundamental issue of tenant-landlord relationship needed to be tackled. The creation of security for the tenant and reduction of absenteeism had to be the immediate objective. Furthermore the question of regulating the size of agricultural holdings both at the upper and lower ends

was becoming important."<sup>31</sup>

To deal with these problems the Asami-Shikmi Act of 1945

"created some tenants with permanent tenure subject to rent payment, gave fixity to all new tenants and gave power to the Government to fix minimum rents."<sup>32</sup>

The implementation of the Act was "very defective,"<sup>33</sup> however, and a new Tenancy Act, modelled on the protected tenancies of the Bombay Act of 1948, introduced similar rights for six lakhs of tenants cultivating one-quarter of the State, in 1950.<sup>34</sup> An amending act of 1954 provided for a "ceiling" and a "floor" limit to holdings based on the holding considered necessary in different areas for a family of five persons: four and a half times for the ceiling, one-third for the floor. Tenancies were to be for at least five years and rents were limited to a maximum of five times the land revenue, depending on the type of land. Protected tenants were given the right to purchase their land but only after the owners had exercised a prior right to resume for personal cultivation.<sup>35</sup> These provisions were designed

"to bring an end to insecurity of tenure as well as the evils of extreme absenteeism and create a body of small and middle peasant proprietors who (would) have a sense of possession and, hence, perhaps cultivate their lands efficiently. ... In course of time, it is hoped, ... cultivation and ownership will merge together."<sup>36</sup>

The results of this legislation appear from Khusro's report to be more encouraging than in Bombay but there are nonetheless disturbing features. The landlords were antagonistic to the status

of the protected tenants<sup>37</sup> and consequently they exerted strong pressure to retrieve their lands<sup>38</sup> so that by 1955, after four years of operation, only 58 per cent. of the original protected tenancies remained in existence and a majority of those who had gone had been illegally evicted.<sup>39</sup> In view of the fact that rents had generally risen in the face of a fall in revenue rates,<sup>40</sup> therefore, Khushro's finding from sampling that only ten per cent. of tenants felt that the changes had been disadvantageous while 42 per cent. believed that there was more security<sup>41</sup> was, perhaps, surprising. It was, however, confirmed to some extent by the fact that tenant investment (although all investment was very low) had increased more rapidly than that of owner-cultivators.<sup>42</sup>

No direct comparison is intended between these two studies and the survey presented in the preceding chapter but the general impression left by the three is important. "Land reforms" need from the very first to be fully implemented and enforced because any substantial omission or evasion reduces the whole structure to impotence, a condition <sup>in</sup> which social change is impossible. The technical implementation of the reforms in Bombay and Hyderabad would seem to be poorer on the whole than in Uttar Pradesh and as the available evidence there suggests that there has been little or no social change it might reasonably be inferred that little change can have occurred in either of the others. There would seem too, to be no extenuating circumstances to prevent the legislation in Uttar Pradesh achieving its objectives if it is suited to do so; indeed, its relatively better implementation should have made it more capable of doing so. That it has not would appear to leave

only the assumption that agrarian legislation is of limited social value.

(ii)

What in fact seems to be the case is that to expect agrarian legislation, of the type discussed in the previous chapters, to bring social "progress", ie. a movement towards social equality and harmony, is to work from false premises. Agrarian legislation can clear social debris from the scene and provide a framework within which progress might come; but it cannot of itself generate that progress.

Social equality implies an assured position in the economic life of the community. The labourer who cannot demand a fair price for his labour or the farmer who has to be content to produce at a subsistence level can never effectively challenge the traditions which keep him socially inferior. The economically weakest are always the socially inferior groups and, as a corollary, marked economic improvement brings marked social advance.

To achieve its social purpose, therefore, agrarian legislation such as Act I of 1951 would need to be economically influential. Ehrlich, however, has pointed out that

"the State can furnish the basis for economic rights only by distributing economic values that are already in existence in a way different from the distribution that would be effected by the undisturbed operation of economic activity or by taking a value that has already been created or that is about to be created from one economic undertaking and placing it

at the disposal of another."<sup>43</sup>

This zamindari abolition did not do. By accepting the principle that none in cultivating possession should be dispossessed it did not redistribute anything; it simply confirmed what was held under a new legal title. Moreover, in all except the case of purchasers of bhumidhari rights, financial liability remained the same. Even in the exception, however, capital resources or credit had to be depleted to the extent of ten to twelve times the annual rent to effect a reduction of 50 per cent. in revenue. It is possible, moreover, that even if I of 1951 had been more radical in its approach to tenures it would have achieved no greater change for it has been pointed out that

"transfer of ownership to the tenants is likely to stimulate agricultural production where the landlords are merely rent-receivers and the tenants have customarily provided implements, draft power, seeds, etc. and have managed the farming units with little or no supervision from the landlords."<sup>44</sup>

Such are, of course, the tenants of the "uninfluenced villages", the group which has welcomed abolition most heartily and who have made on the whole, the greatest advances since 1952.

It may be concluded, therefore, that in agrarian reform programmes which aim at social progress tenure legislation is at best only a beginning. To say that what is most important in land reform is "water, manures and improved seed"<sup>45</sup> is to point ultimately to much more than agricultural development for this is in reality the only way in which village society will "progress". It is only

an efficient and resilient agriculture that will support an  
egalitarian rural society.

NOTES - CHAPTER VII.

- <sup>1</sup>Above, p. 284. (Note 16 in Chapter VI).
- <sup>2</sup>Wilson, Glossary, op.cit., 694.
- <sup>3</sup>Patel, op.cit., 260.
- <sup>4</sup>Idem.
- <sup>5</sup>Idem.
- <sup>6</sup>Ibid., 261.
- <sup>7</sup>Ibid., 262.
- <sup>8</sup>Ibid., 264.
- <sup>9</sup>Ibid., 262, 264.
- <sup>10</sup>Ibid., 262-4.
- <sup>11</sup>Ibid., 264. See also Progress of Land Reforms, op.cit., 17.
- <sup>12</sup>Patel, op.cit., 260.
- <sup>13</sup>Ibid., 261.
- <sup>14</sup>Dandekar and Khudanpur, Working of the Bombay Tenancy Act, 1948, op.cit., 153.
- <sup>15</sup>Ibid., 128.
- <sup>16</sup>Ibid., 96.
- <sup>17</sup>Ibid., 128.
- <sup>18</sup>Patel, op.cit., 268-9. The jagirs were 40 per cent. of the total area and contained 33 per cent. of the population of the State; Khusro, Economic and Social Effects of Jagirdari Abolition and Land Reforms in Hyderabad, op.cit., 1.
- <sup>19</sup>Patel, loc.cit..
- <sup>20</sup>Khusro, op.cit., 3.
- <sup>21</sup>Ibid., 15-16.
- <sup>22</sup>Ibid., 63.
- <sup>23</sup>Ibid., 130.
- <sup>24</sup>Ibid., 146.
- <sup>25</sup>Ibid., 147.
- <sup>26</sup>Ibid., 144-7.
- <sup>27</sup>Ibid., 148.
- <sup>28</sup>Ibid., 146-7.
- <sup>29</sup>Ibid., 143.
- <sup>30</sup>Ibid., 147.
- <sup>31</sup>Ibid., 20.
- <sup>32</sup>Idem.
- <sup>33</sup>Idem.
- <sup>34</sup>Ibid., 20-1.
- <sup>35</sup>Ibid., 21-3.
- <sup>36</sup>Ibid., 24-5.

<sup>37</sup>Ibid., 45.

<sup>38</sup>Ibid., 46-7.

<sup>39</sup>Ibid., 41.

<sup>40</sup>Ibid., 173.

<sup>41</sup>Ibid., 42.

<sup>42</sup>Ibid., 157, 166.

<sup>43</sup>Ehrlich, Fundamental Principles of the Sociology of Law,  
op.cit., 379.

<sup>44</sup>"Land Reform and Agricultural Production" in Land Tenure,  
op.cit., 375-6.

<sup>45</sup>Census of India 1951, Vol. I, Report, p. 206, cited in  
Misra, "V for Vinoba," op.cit., 51-2.



Appendix I.

The village sample: difficulties and methods.

As has been noted, there are definite physical problems to be overcome in visiting and studying a sufficiently large number of villages. To reach villages reasonably beyond the influence of the cities and district towns involves a resort very often to purely human means of locomotion. Having arrived, however, problems remain. Accommodation for instance for the most ordinary aspects of existence present an obstacle in an environment without restaurant, and without hotel. There is even the problem of remaining, for hospitality is a heavy burden to a materially poor but richly hospitable people, so much so that it must become an embarrassment to a visitor who is made a guest.

Moreover, the natural reserve of the villager, particularly where the subject is land, is a problem which highlights the absolute necessity of personal contact in the village. A lack of such contact may lead to one being dismissed as a government investigator - for taxes, for example - or even as happened on one occasion, as a foreign spy. These problems were very much to the fore in the construction of the sample used in Chapter VI.

The survey was undertaken largely in the months of July and August, 1958, at the beginning of the rains of that year. The information on the Allahabad villages, however, was obtained in March 1958. That for Bahampur came from an interview with Sri Brindaban Chaubey, the son of a Brahman landholder of the village, who had lived in the village until the age of 15. He had attended the University of Allahabad and had had experience in agricultural

extension work with the Agricultural Institute at Allahabad and the India Village Service. The information from Hajiganj was collected during a personal visit.

The other villages were visited in the company of Sri Satya Deo Sharma, M.A. (English and Hindi) (Alld.), who acted as liason and interpreter. The sample was, in fact, based very largely on the personal contacts of Sri Sharma. This was so in the districts of Mainpuri, Meerut, Bulandshahr, Bareilly, Jaunpur, Sultanpur and Azamgarh. Other contacts were acquaintances of the writer. Sri Sharma's contacts were those of family, caste and student acquaintance. While there was an attempt to ensure that the sample was distributed throughout the State, the random nature will be obvious enough.

Information was elicited by means of questioning. The questions (see Appendix II, below) were drawn up beforehand and this pattern was used as a basis but was varied in the circumstances of each village. In nearly all cases both question and answer passed through Sri Sharma. The questions were usually asked of a group of villagers and the answer was, therefore, often a compound one. Notes were taken while the questioning proceeded if this did not arouse any antagonism. Otherwise they were written immediately following the interview or conversation. In cases where an individual was interviewed, the same conditions applied. Little difficulty was experienced in operating this method although caste did at times prevent a completely adequate cross section being interviewed in any one village. To ask a Brahman to assist at an interview with a Harijan in a village in a village in which he has

to associate with his caste-fellows is to ask too much, even now. Throughout the sample, however, a wide diversity of opinion is represented.

A village was visited on the average for two days. A longer stay than this would often have been an imposition. The opportunity was taken, however, whenever it offered itself, to visit a second village nearby which could act as a control for the first as well as a source of additional information. Sajamai, Bondera, Bhilampur-Chhapra and Nawada were visited in this way.

Appendix II.General pattern of questions used in village survey,July-August, 1958.

1. What was the population and land area of the village? What were the crops and castes of the village? What was the relation between castes and landholding?
2. How was land managed and owned in the village before 1952?
3. Does the zamindar still live in the village?
4. How much land was retained by former zamindar or zamindars under bhumidhari title?
5. How many former tenants are bhumidhars? How many former tenants are sirdars?
6. Are there asamis and adhivasis?
7. (i) Who is chairman of the panchayat (ie. who is pradhan)?  
(ii) Who settles disputes in the village?  
(iii) Who organises political functions and groups?
8. Do the villagers go to court often? Are the cases usually over land?
9. How many new houses, particularly pukka houses, have been built in recent years? Who built them?
10. Does the government help farmers? Do government officials come to the village? Often?
11. Are there more wells, tanks and better roads now? Who built them?
12. Do the people think that the government did well to abolish the zamindars?
13. Do the political parties organise themselves in the village

now? Which parties? Did they organise before 1947? Who are the local representatives in the parliaments?

14. Are kisan political bodies active? Were they active before 1947?

GLOSSARY.

The glossary is based on Wilson, A Glossary of Revenue and Judicial Terms; and the glossaries appended to Moreland, The Agrarian System of Moslem India, Baden-Powell, Land-Systems of British India, Vol.III and Moore and Freydis, Land Tenure Legislation in Uttar Pradesh.

- ABADI. The section of the village on which dwellings are erected. The zamindars owned the abadi and formal permission had to be sought to build there. Normally cultivation carried with it a right to a site in the abadi. After abolition the abadi was vested in the Gaon Sabha, q.v..
- ABWAB. Cess, or charge in addition to land revenue.
- ADALAT. Court of Justice.
- ADALATI PANCHAYAT. Panchayat, q.v., to administer justice. See also NYAYA PANCHAYAT.
- ADHIVASI. Tenant class created by Act I of 1951, mainly from sub-tenants. Abolished by Act XX of 1954 when made sirdars, q.v..
- AHIR. Cowherd, shepherd. (Caste name).
- AMIL. During Mughal times, either a government revenue collector or a contractor ("farmer") for the revenue of a specified area.
- ANNA. The sixteenth part of a rupee, q.v., and used to denote that fraction of anything.
- ARHAR. Cystisus cajan, a kind of pulse or legume.
- ASAMI. A cultivator, a tenant. The only permanent tenant

group recognised by Act I of 1951. He may hold from a bhumidhar, q.v., sirdar, q.v., or a gaon sabha, q.v..

ASSAMEE.

See ASAMI.

~~BADMA~~ASH.

A disreputable person, a ruffian, a man hired to beat others.

BANYA.

A Hindu trader, shopkeeper or moneychanger.

BARHAI.

Carpenter. (Caste name).

BARI.

Torch-makers and bearers. (Caste name).

BAZAR.

A daily market; a market place.

BAZZAZ.

Cloth merchant, draper. (Caste name).

BEGAR.

Forced, unpaid labour.

BHAIYACHARA.

Term applied to a village held by a group of zamindars, q.v., whose shares were determined by some customary division of the lands other than ancestral shares. Cf. PATTIDARI.

BHANGI.

Sweeper, cleaner, menial. (Harijan, q.v., caste name).

BHARBHIYA.

Grain-parcher. (Caste name).

BHAT.

Minstrel, genealogist. (Caste name).

BHUMIDHAR.

"Land holder". Tenure holder under I of 1951 with most complete proprietary rights in revised tenure system.

BHUMIHAR BRAHMAN. Hindus of eastern Uttar Pradesh, particularly the districts of Gorakhpur, Azamgarh and Banaras, who claim to have originally been Brahmans, q.v., who were degraded because they became cultivators. (Caste name).

BHURJEE	Grain parcher. (Caste name).
BIGHA.	A variable land measure. A standard bigha, as used in British revenue surveys, equalled $\frac{5}{8}$ of an acre. A kacca, q.v., bigha equalled about $\frac{1}{4}$ of an acre.
BISWA.	A measure of land equal to one-twentieth part of a bigha, q.v..
BISWADAR.	The holder of a share in the lands of a village where these are expressed as fractions of a bigha, q.v., ie. as twentieths or biswas, q.v..
BRAHMAN.	The first Hindu caste, traditionally priests.
CACHA.	See KACCA.
CHAKBANDI.	The consolidation of holdings (chaks) in a village.
CHAMAR.	Leather-worker: tanner, shoemaker. (Harijan caste).
CHAUPAL.	A room in which men conduct business; a raised platform near a house for a similar purpose.
CRORE.	Properly, krór. Ten million units: 1,00,00,000.
DACOTT.	An armed robber or bandit.
DAL.	Phareolus aureus, a legume used to make a pease soup important in the Indian diet.
DARBAR.	A court, audience or levee.
DARZI.	Tailor. (Muslim "caste" name).
DASAHRA.	Ten (das) day festival in November, celebrating the events recorded in the Ramayana, q.v.
DHANUK.	Cane-worker. (Caste name).
DHARAMSALA.	A house of charity: a rest-house for travellers or pilgrims or a hospital for the poor.



DHINAVAR.	Hindu water carrier. (Caste name).
DHOBI.	Washerman. (Caste name).
DHOTI.	Loin cloth worn by Hindu men.
DHUNIA.	Cotton carder and comber. (Caste name).
DIWAN.	The chief, and usually the finance, minister.
DIWANI.	The office of the diwan,q.v. Hence, the civil administration and particularly, in later Mughal times, the revenue and finance administration.
DIWANI ADALAT.	Civil court.
DOAB.	Lit. "two waters" and hence the tongue of land between two confluent rivers; used especially of the tract between the Ganges and Jumna.
DURBAR.	See DARBAR.
FAKIR.	Mohammedan religious mendicant. ("Caste" name).
FASLI.	Agricultural year; 1 October - 30 September.
GAON.	Village.
GAON PANCHAYAT.	Executive committee of the Gaon Sabha,q.v.
GAON SABHA.	Corporate association of all adult members of a village; established by Act I of 1951.
GARERIYA.	See GARHARIYA.
GHAIR.	Lit. "Different, other". A building outside the abadi,q.v.,used by the men of the household, especially during the cultivating season,and as a store for seeds, implements and cattle.
GHEE.	Clarified butter which remains semi-liquid and is used extensively in cooking and as an accompaniment to food.

GODOWN.	Storehouse.
GRAM.	Village; also the name of a type of legume.
GUJAR	Agriculturist. (Caste name).
GUR.	Molasses, treacle; the product of the first inspissation of the juice of the sugar cane.
GUSANEE.	Hindu preacher, religious man. (Caste name).
GUZAREDAR.	Holder of land in lieu of maintenance allowance.
HARI.	A form of forced labour in which the tenant had to devote at least one day in the season to ploughing the fields of the landlord.
HARIJAN.	Lit. "God's people". Gandhiji's term for the outcaste Hindus, the "untouchables" or "Scheduled Castes", ie those castes outside the four great caste divisions - Brahman, Kshatriya, Vaisya and Sudra, q.v. - whose occupations made them "unclean" and who could, therefore, render another Hindu ceremonially unclean by contact - by touching his person, food, water or belongings. Eg. Chamars, Bhangis, Pasis.
HAT.	A market or fair held only on certain days in each week.
ISAEI.	Christian. (Caste name).
JAGIR.	Tenure common under the Mughals by which the revenues of a specified tract of land were made over to a servant of the State, together with the powers necessary to collect and administer. Jagirs were either conditional, ie for the maintenance of

troops, or unconditional, ie as a reward etc.. They were sometimes hereditary. Jagir is used in this sense in speaking of Hyderabad but in village Kiri, district Sultanpur, it was used in its literal sense of "grant" or "dependency" to denote a holding granted under the jajmani system, q.v..

JAGIRDAR. The holder of a jagir, q.v., in the Mughal sense.

JAJMAN. The client or employer in the jajmani system, q.v.

JAJMANI SYSTEM. Originally a system of employing Brahmans, q.v., for religious services but extended to a general exchange of services within the village without cash payments.

JAMA. The declared amount of land revenue payable on a village or any component unit of it.

JAMABANDI. The roll showing both revenue and rent dues in a village.

JAN. People.

JAT. Agriculturist. (Caste name).

-JI. A mark of respect attached to names, eg. Gandhiji.

JOGI. Lit. one who practises yoga (the yog or jog). Hence, a religious mendicant, ascetic and musician noted for this. (Caste name).

JOLAHA. See JULAHA.

JOSHI. Astrologer, fortune-teller; sometimes an inferior order of Brahmans, q.v., doing these things. (Caste name).

JOWAR-BAJRA.	Two species of millet; <u>Andropogon sorghum</u> and <u>Panicum spicatum</u> .
JULAHA.	Weaver; usually Muslim. (Caste name).
KACCA.	In a general sense denotes something unfinished or incomplete. Hence it may mean raw, unripe, immature or crude depending upon the context. So, eg, a k. house is one made of mud or unbaked brick, a k. road is an unsealed road. A k. settlement is one made directly with the raiyats q.v., without the interposition of the landlords.
KACHHI.	Cultivator and gardener. (Caste name).
KAHAR.	Agriculturist and labourer. (Caste name).
KAMAN.	The worker or employee in the jajmani system,q.v., See KAM KARNEWALA.
KAM KARNEWALA.	Lit. "a man who does work (kam)"; the full form of kaman,q.v.
KANUNGO.	The accountant of a pargana,q.v..
KARINDA.	A zamindar's agent in a village.
KAYASTHA.	Clerk, accountant. (Caste name).
KEWAT.	Agriculturist of Eastern U.P. Cf. KURMI. (Caste name).
KHADI.	Hand-spun, hand-woven cloth.
KHADI BHANDAR.	A store selling khadi,q.v., and village handicrafts generally.
KHARAJ.	A tribute imposed by Islamic law on non-Muslims allowed to retain land which had been conquered. In Mughal India this became the term for the land revenue.

KHARIF.	The autumnal harvest. The crops sown in April-
KHASRA.	The register of the fields of the village and, thus, an index to the field map.
KHATA.	A block of land; a holding in a co-sharing village.
KHATAUNI.	The register of all persons cultivating or occupying (ie, holding) land in a village; that is, it is a register of khatas, q.v.. All fields are listed under the proprietor, and the name of the cultivator, the number of the field, the extent of the field, the rate of assessment, the rent and its manner of payment, and any allowable deductions are recorded.
KHATIK.	Agriculturist. (Caste name).
KHATTAI.	Agriculturist. (Caste name).
KHATTRI.	Silk weaver. (Caste name).
KHEWAT.	A list of co-sharers and proprietors in the village with their interests and the shares of revenue payable by them.
KHUDKASHT.	Lit. "sowing or cultivating one's own ground". Landlord's k. was land which he cultivated for himself with hired labour or his own servants or personally. A k. tenant was one who cultivated land in his own village, ie. the village in which he resided.
KISAN.	Peasant, cultivator.
KORI.	Cultivator, gardener. (Caste name).
KSHATRIYA.	The second Hindu caste, traditionally warriors and

	rulers. Thakurs and Rajputs were Kshatriyas.
KUMAHAR.	Potter. (Caste name).
KURMI.	Agriculturist. (Caste name).
KURTA.	A loose-fitting shirt worn outside trousers.
KUTCHERY.	Office.
LAKH.	One hundred thousand units: 1,00,000.
LAMBARDAR.	The term was originally "Numberdar"; derived from the fact that the holder was identified by a number in the settlement records. The holder was the cultivator who represented the village community in revenue matters.
LATHI.	A staff or club.
LEKHPAL.	The village registrar and accountant appointed and paid by the State government. The lekhpals replaced the patwaris after zamindari abolition. See also PATWARI.
LODI.	Agriculturist. (Caste name).
-LOG.	Corruption of Sanskrit "loka", people.
LOHAR.	Blacksmith. (Caste name).
MAHAJAN.	Merchant, banker, money-changer and money-lender.
MAHAL.	A group of lands regarded as one unit for the assessment of land revenue. The mahal was sometimes, but not always, the village.
MAHALWARI.	A land revenue settlement proceeding by mahals,q.v., rather than individual holdings or villages.
MAHARAJA.	A supreme or sovereign prince or king. Applied in courtesy to any raja,q.v.

MALI.	Gardener. (Caste name).
MALIK.	An owner, master or proprietor. Applied to any member of the zamindari community or to any cultivator possessing an hereditary title in his land.
MALLAH.	A sailor, boatman, fisherman. (Caste name).
MARATHA.	A man from Maharashtra, west-central India.
MARWARI.	A man from Melwa, a state in the Rajputana Agency. These persons often settled in other parts of India and acted as moneylenders, bankers and merchants.
MASJID.	"A place where the head may be laid down in prostration for prayer;" Wilson, p.527. An Islamic building for prayer, anglicised as "mosque".
MAZDUR.	Labourer.
MELA.	A fair or market held on particular occasions, usually at religious festivals.
MOFUSSIL.	Correctly, MUFASSAL. A district and particularly the district outside the capital or administrative headquarters.
MUKHYA.	The head cultivator of a village; the manager of an estate.
MUKHTAR.	Attorney.
NADI.	River.
NAI.	Barber. (Caste name).
NAWAB.	The deputy or local Governor of one of the great provinces of the Mughal Empire, eg. Avadh, Bengal, Hyderabad. The title became honorary.

- NAZRANA. Lit. a present, an offering from an inferior to a superior. It came to mean especially an exaction in excess of the rent, particularly when paid to the landlord as a premium for admission to a holding.
- NYAYA PANCHAYAT. A panchayat,q.v., to administer justice, ie. a village court. Under Act I of 1951 the Nyaya Panchayat served a group of, usually, 5-10 villages. Cf. ADALATI PANCHAYAT.
- PAIKASHT. A non-resident cultivator; one who resides near to, but not in, the village in which he cultivates land. The antithesis of khudkasht,q.v.
- PAKKA. See PUKKA.
- PANCH. A member of the nyaya panchayat,q.v.,under I of 1951.
- PANCHAYAT. A village assembly; traditionally of five members (panch = five). Under Act XXVI of 1947 and Act I of 1951 the gaon panchayat,q.v., is the executive committee of the village (see GAON SABHA), and the nyaya panchayat,q.v., is the village court.
- PARGANA. A group of villages; a tract of country containing a number of villages.
- PARISHAD. Senate.
- PASI. Pig-keeper. (Caste name).
- PATHAN. An Afghan; particularly those who settled in Rohilkhand.
- PATTA. A deed specifying the conditions on which land is held including, most importantly, the rent.



PATTIDAR.	A holder off a patti, that is, a share in a co-sharing village.
PATTIDARI.	Term applied to a village held by a group of zamindars,q.v.,where the lands are divided on ancestral shares.
PATWARI.	Village registrar and accountant before zamindari abolition. After the enactment of I of 1951 they were termed lekhpals,q.v.,although the older titles persists in the villages.
PERGUNNAH.	Corrupt form of pargana,q.v..
PEON.	Orderly or messenger.
PIE.	Copper coin, one-twelfth of an anna,q.v..
PRADESH.	State.
PRADHAN.	Village headman; chairman of gaon panchayat,q.v..
PRAJA.	Subject, dependant, people. In the villages often denoted a tenant from first two meanings. In Praja Socialist Party (PSP) denotes "people".
PUKKA.	Implies something completed or correct: ripe fruit, sealed roads, brick houses, a legally binding agreement. The antithesis in every way of kacca,q.v.
PURDAH.	Lit. a curtain. The practice of keeping women veiled or in a private section of the house so that they will not be seen by men from outside the family which is common amongst Muslims and also some high-caste Hindus.
RABI.	The spring harvest. The crops are sown in about

	November and are gathered in the first three or four months of the ensuing year.
RAIYAT.	Lit. "those who have to be protected; the herd". Hence applied to tenants and came to mean a cultivator or a peasant.
RAIYATWARI.	A land revenue settlement made directly with the raiyats, q.v., so that there are no landlords and the cultivators are severally but not jointly responsible for the payment of the revenue.
RAJA.	A king or prince. Sometimes assumed by zamindars as a title.
RAJPUT.	Lit. "son of a king (raja)". Name of races in northern and western India who claim descent from the Sun Kings.
RAMAYANA.	An epic poem telling of the fortunes of the god Rama and his consort Sita.
RANGREZ.	Dyer. (Caste name).
ROTI.	The flat wheat cakes eaten as bread in India.
RUPEE.	More correctly RUPIYA. Silver coin. In 1958 c. Rs.10 = £A1.
RYOT.	Corrupt form of raiyat, q.v..
RYOTWARI.	See RAIYATWARI.
SABHA.	An assembly or organisation.
SADR.	Chief, supreme.
SAHAYAK SARPANCH.	The deputy of the sarpanch, q.v..
SAHIB.	Form of address: "master", "lord".
SAKKA.	Muslim water carrier. ("Caste" name).
SANAD.	A document conveying a grant of the revenue rights in a specified area to a person.

SANAYASI.	Religious ascetic, mendicant. (Caste name).
SANGH.	Society, party. Eg. Jan Sangh, lit. "People's Party", a Hindu communal political party.
SARPANCH.	President of the nyaya panchayat, q.v..
SAYAR.	Landlord's income from sources other than rent, eg. fisheries, tolls, timber. "Feudal dues".
SEER.	Measure of weight; about 2 lbs.
SEPOY.	Soldier.
SERI.	Jagirdar's, q.v. own lands in Hyderabad. Cf. SIR.
SHAJRA.	Detailed field map of village.
SHIKMI.	Sub-tenant.
SRI.	Honorific title. Implies fortune, wealth.
SINGHARA.	Water chestnuts.
SIR.	The personal farm of a landlord, cultivated by hired labour, or by tenants at will. No tenant rights accrued in sir and the lands were assessed at a privileged rate.
SIRDAR.	Tenure-holder with limited proprietary rights under Act I of 1951.
SITARAM <del>%</del>	A form of address made by joining the names of Sita and Rama; see RAMAYANA. High-caste villagers also address each other with "RamRam".
SONI.	See SUNAR.
SUBA.	A province of the Mughal empire; eg. Avadh, Bengal.
SUDRA.	More correctly CUDRA. The fourth great Hindu caste traditionally labourers and artisans.
SUNAR.	Goldsmith. (Caste name).

SWARAJ.	Lit. "self rule". The name given to the goal of national independence by the Indian National Congress.
TACCAVI.	Advances of money from the government to the cultivators for agricultural purposes.
TAHSIL.	Revenue subdivision of a district; several parganas, q.v..
TAHSILDAR.	Officer in charge of a tahsil, q.v.
TALUQA.	Lit. "dependency". An area of land held by the immediate holder in subordination to a superior title, eg. the State or a landlord. In many ways comparable to a jagir, q.v..
TALUQDAR.	Holder of a taluqa, q.v.. The term had varying implications during the British period depending on the superior right. Thus in Bengal and some parts of the Agra Province the term denoted an inferior landlord, ie. one holding from another landlord or zamindar, q.v.. In Avadh, however, the taluqdar held from the State and constituted the strongest tenure grade.
TALUKDAR.	See TALUQDAR.
TELI.	Oil presser. (Caste name).
THAKUR.	A Rajput, q.v. Used as a title for one in authority and deserving respect.
THANA.	Police station.
THEKA.	A lease of the revenue of an estate; ie. a contract by which a person engages to pay a fixed

- amount of revenue on being allowed to collect the revenue payable to the proprietor.
- THEKADAR. The holder of a theka, q.v.. Hence, a lessee of revenue.
- TOMBALI. A Mainpuri tobacco dealer. (Caste name).
- UTTAR. Northern.
- VAISH. More correctly VAISYA. The third Hindu caste, traditionally concerned with agriculture, trade and cattle but now chiefly traders and businessmen.
- VAKIL. Attorney.
- VIDHAN. Governing, ordering. Hence, the legislatures are V. Sabha and V. Parishad. See SABHA, PARISHAD.
- ZAMINDAR. Lit. "land holder". Before the British period denoted a landholder with a title antecedent to the Mughal rule. The British interpreted the term as landlord.
- ZAMINDARI. Pertaining to zamindars, q.v.. Hence a zamindari was the estate of a zamindar and a zamindari settlement was a settlement of the land revenue made with the zamindars as the settlement-holders, ie. those liable for the land revenue.
- ZILLADAR. A district-level revenue officer, although the term was used at times of an area smaller than a district.

BIBLIOGRAPHY.NOTE ON CONTENTS.

The entries in the bibliography are arranged alphabetically by the name of the author or, if the author is unknown, by the title or, in the case of official documents, by the name of the area to which they refer, in the following sections:

A. PRIMARY SOURCES.

1. Acts and Commentaries on Acts.
2. Administrative Reports.
3. Proceedings.
4. Settlement Reports.
5. Miscellaneous Official Reports.
6. Newspapers.
7. Published Documents and Collections of Documents.

B. SECONDARY SOURCES.

1. Published Works.
2. Unpublished Works.
3. Articles in Periodicals and Published Works.

## A. PRIMARY SOURCES.

### 1. ACTS AND COMMENTARIES ON ACTS.

Agarwala, B.P. and V.D. (ed.) The United Provinces Local Acts with Bengal Regulations and important rules and annotations. 2 vols.  
3rd. Allahabad, Ram Narain Lal, 1941.

Agarwala, M.L. A commentary on the Agra Tenancy Act (III of 1926).  
13th. Allahabad, Ram Narain Lal, 1935.

Agarwala, M.L. A commentary on the Oudh Rent Act (XXII of 1886).  
2nd. Allahabad, Ram Narain Lal, 1927.

Bilgrami, A.A. An analytical and exhaustive commentary on the U.P. Tenancy Act (XVII of 1939).  
3rd. Allahabad, Ram Narain Lal, 1950.

Husain, S.M. Commentaries on the U.P. Zamindari Abolition and Land Reforms Act, 1950.  
Lucknow, Eastern Book Co., 1955.

Outline of the changes introduced by the Agra Tenancy Act, III of 1926.  
Allahabad, Superintendent, Government Press, U.P., 1926.

Radha Charan (ed), U.P. Revenue Companion.  
Allahabad, Ram Narain Lal, 1922.

Singh, G.D. An analytical study of the U.P. Zamindari Abolition and Land Reforms Act, 1950.  
2nd. Lucknow, Eastern Book Co., 1955.

United Provinces. Tenancy Act, 1939 (XVII of 1939) with amending Acts: V of 1943; III of 1946; X of 1947; XLI of 1948.  
Allahabad, Superintendent, Printing and Stationery, U.P., (1948).

Uttar Pradesh. Zamindari Abolition and Land Reforms Act, 1950 (I of 1951) as amended by XVI of 1953; XX of 1954; VII of 1955; XVIII of 1956; V of 1957 and Ordinance II of 1957.  
Lucknow, Superintendent of Printing and Stationery, U.P., July 1957.

### 2. ADMINISTRATIVE REPORTS.

United Provinces of Agra and Oudh. Report by the Board of Revenue on the revenue administration for the year ending 30 September 1920, 1921, 1922.  
Allahabad, Superintendent, Government Press, U.P.

United Provinces of Agra and Oudh. Government resolution on the revenue administration for the year ending 30 September 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934.  
Allahabad, Superintendent, Government Press, U.P..

United Provinces of Agra and Oudh. Report on the revenue administration for the revenue year ending 30 September 1935, 1936, 1937, 1938, 1939, 1940.

Allahabad, Superintendent, Government Press, U.P.

United Provinces. Report on the revenue administration for the year ended 30 September 1941, 1942, 1943, 1944, 1945, 1946, 1947.

Allahabad, Superintendent, Printing and Stationery, U.P.

United Provinces. Report on the general administration, 1949.

Lucknow, Superintendent, Printing and Stationery, U.P.; 1951.

Uttar Pradesh. Report on the revenue administration for the year ending 30 September 1948, 1949, 1950, 1952, 1953.

Allahabad, Superintendent, Printing and Stationery, U.P.

Uttar Pradesh. Report on the general administration, 1951.

Lucknow, Superintendent, Printing and Stationery, U.P., 1952.

### 3. PROCEEDINGS.

North-Western Provinces. Proceedings of the Sadr Board of Revenue.

mss. Allahabad, Government Central Records Office, U.P.

United Provinces. Proceedings of the Legislative Council. Official report. vol. III: 25 July 1921 to 9 August 1921.

Allahabad, Superintendent, Government Press, U.P., 1922.

United Provinces. Proceedings of the Legislative Council. Official report. vol. IV: 24 October 1921 to 17 November 1921.

Allahabad, Superintendent, Government Press, U.P., 1922.

United Provinces. Proceedings of the Legislative Council. Official report. vol. XXIX: 24 March 1926 to 8 April 1926.

Allahabad, Superintendent, Government Press, U.P., 1926.

United Provinces. Proceedings of the Legislative Council. Official report. vol. XXX: 25 June 1926 to 31 July 1926.

Allahabad, Superintendent, Government Press, U.P., 1926.

### 4. SETTLEMENT REPORTS.

Ahmad Ali, S. Final settlement report of Aligarh District.

Allahabad, Superintendent, Government Press, U.P., 1942.

Browne, W.F.G. Final settlement report of the Bijnor District.

Allahabad, Superintendent, Printing and Stationery, 1939.

Cooke, C.H. Final settlement report of the Meerut District.

Allahabad, Superintendent, Printing and Stationery, U.P., 1940.

Fordham, J.A. Final settlement report of the District Sultanpur.

Allahabad, Superintendent, Printing and Stationery, U.P., 1940.



- Haig, G.A. Final settlement report of the Shahjahanpur District.  
Allahabad, Superintendent, Printing and Stationery, U.P., 1943.
- Hasan, S.A. Final report of the settlement and record operations  
in District Sitapur.  
Allahabad, Superintendent, Printing and Stationery, 1939,
- Hasan, Z. Final settlement report of District Mainpuri.  
Allahabad, Superintendent, Printing and Stationery, U.P., 1944.
- Lane, H.T. Final settlement report of Jhansi District.  
Allahabad, Superintendent, Printing and Stationery, U.P., 1947.
- Lewys-Lloyd, I.W. Final settlement report on District Bareilly.  
Allahabad, Superintendent, Printing and Stationery, U.P., 1942.
- Maheshwari, H.S.K. Final settlement report of the Unao District,  
United Provinces, 1926-1929.  
Allahabad, Superintendent, Government Press, U.P., 1931.
- Mudie, R.F. Final report on the settlement and record operations  
in District Agra.  
Allahabad, Superintendent, Government Press, U.P., 1930.
- Owen, L. Final settlement report of the Bara Banki District (Oudh)  
1930.  
Allahabad, Superintendent, Government Press, U.P., 1931.
- Prasad, B. Final report of the settlement operations in the  
Bahraich District.  
Allahabad, Superintendent, Printing and Stationery, U.P., 1939.
- Sharma, B. Final report on the settlement of land revenue in the  
District Hardoi (Oudh).  
Allahabad, Superintendent, Government Press, U.P., 1932.
- Sharma, B. Final report on the settlement of land revenue in the  
Lucknow district, Oudh, 1926--28.  
Allahabad, Superintendent, Government Press, U.P., 1930.
- Siddiqui, M.M. Final settlement report of Etah District.  
Allahabad, Superintendent, Printing and Stationery, U.P., 1944.
- Singh, B.B. Final settlement report of the Partabgarh District,  
U.P., 1930.  
Allahabad, Superintendent, Government Press, U.P., 1930.
- Singh, J.K. Final settlement report of Gonda District.  
Allahabad, Superintendent, Printing and Stationery, U.P., 1944.
- Turner, A.C. Final report on the third regular settlement of the  
Rae Bareilly District, Oudh, 1929.  
Allahabad, Superintendent, Government Press, U.P., 1929.

Waugh, A.A. Final settlement report of the Budaun District, U.P., 1929.

Allahabad, Superintendent, Government Press, U.P., 1930.

##### 5. MISCELLANEOUS OFFICIAL REPORTS.

Census of India, 1951. Vol. II, Uttar Pradesh, Part I-A, Report, by Rajeshwari Prasad.

Allahabad, Superintendent, Printing and Stationery, 1953.

India Office. Statement exhibiting the moral and material progress and condition of India during the year 1924-5, prepared by L.F. Rushbrook Williams.

London, H.M.S.O., 1925.

India Office. Statement exhibiting the moral and material progress and condition of India during the year 1929-30.

London, H.M.S.O., 1931.

The United Provinces Government at work. July 1937-January 1938. (Allahabad); Department of Public Information, U.P., (1938).

United Provinces. Legislative Council. Report of the Select Committee on the Agra Tenancy Bill.

Naini Tal, Government Branch Press, 1926.

United Provinces. Zamindari Abolition Committee. Report. 4 vols.

Allahabad, Superintendent, Printing and Stationery, U.P., 1948.

(Vol. I and II only available for public perusal).

##### 6. NEWSPAPERS.

Amrita Bazar Patrika.

Allahabad and Calcutta; daily.

The Leader. (Incorporating The Indian People).

Allahabad; daily.

The Pioneer.

Allahabad until 1933; then Lucknow. Daily.

##### 7. PUBLISHED DOCUMENTS AND COLLECTIONS OF DOCUMENTS.

Chakrabarty, D. and Bhattachayya, C. (eds) Congress in evolution. A collection of Congress resolutions from 1885 to 1940. 2 parts: 1885-1934; 1935-40.

Calcutta, The Book Co. Ltd., (1941).

Deva, Narendra. Presidential Address to the fourth All-India Kisan Conference, Gaya (Bihar), (9-10 April 1939).

(All-India Kisan Sabha, 1939).

Gwyer, M. and Appadorai, A. (eds) Speeches and documents on the Indian constitution 1921-1947. 2 vols.  
Bombay, Oxford, 1957.

Keith, A.B. (ed) Speeches and documents on Indian policy 1750-1921. 2 vols.  
London, Oxford, 1922.

Muir, R. (ed) The making of British India. (Historical series, University of Manchester, no.XXVIII; University of Manchester publication no.CIII).  
London, Longmans Green, 1917.

Nehru, S.S. (comp) Current Problems in the rural area. A vademecum for the rural propagandist: speeches of Sir Malcolm Hailey. Naini Tal, Government Branch Press, 1932.

Saletore, G.N. (ed) Banaras Affairs 1788-1810. Vol.I. (U.P. state record series. Selections from English records no.1) Allahabad, Government Central Records Office, (1955).

Saletore, G.N. (ed) Henry Wellesley's correspondence 1801-1803. (U.P. state records series. Selections from English records no.2) Allahabad, Government Central Records Office, 1955.

United Provinces. Provincial Congress Committee. Correspondence relating to the agrarian crisis in the United Provinces. Allahabad, (1932).

## B. SECONDARY SOURCES.

### 1. PUBLISHED WORKS.

All-India Congress Committee. Report of the Congress agrarian reforms committee.  
New Delhi, A.I.C.C., 1949.

All-India Rural Credit Survey. District monograph: Deoria. Bombay, Reserve Bank of India, 1958.

Anstey, V. The economic development of India. 4th. London, Longmans Green, 1952.

Baden-Powell, B.H. Land-Systems of British India. 3 vols. London, Oxford University Press, 1892.

Basu, B.D. India under the British crown. Calcutta, Chatterjee, 1933.

Basu, P. Oudh and the East India Company 1785-1801. Lucknow, Maxwell Co., 1943.

Brecher, M. Nehru. A political biography. London, Oxford University Press, 1959.

Cobden Club. Systems of land tenure in various countries.  
2nd. London, MacMillan, 1870.

Coupland, R. Indian politics 1936-1942.  
London, Oxford University Press, 1943.

Coupland, R. The Indian problem 1833-1935.  
London, Oxford University Press, 1942.

Crooke, W. The North Western Provinces of India.  
London, Methuen, 1897.

Dandekar, V.M. and Khudanpur, G.J. Working of the Bombay Tenancy Act, 1948. Report of investigation.  
Poona, Gokhale Institute of Politics and Economics, 1957.

Datta, B.N. Dialectics of land economics of India.  
Calcutta, Mohendra Publishing Co., 1952.

Davies, C.C. An historical atlas of the Indian peninsula.  
Madras, Oxford University Press, 1949.

Davies, C.C. Warren Hastings and Oudh.  
London, Oxford University Press, 1939.

Desai, A.R. Social background of Indian nationalism.  
2nd. Bombay, Popular Book Depot, 1954.

Dodwell, H.H., Allen, J. and Haig, T.W. (ed) The Cambridge shorter history of India.  
London, Cambridge University Press, 1934.

Dodwell, H.H. (ed) The Cambridge History of India. vol. V:  
British India 1497-1858.  
London, Cambridge University Press, 1929.

Dodwell, H.H. (ed) The Cambridge history of India. vol. VI:  
The Indian empire 1858-1918.  
London, Cambridge University Press, 1932.

Dutt, R.C. The economic history of India under early British rule.  
7th. London, Routledge and Kegan Paul, 1950.

Dutt, R.C. The economic history of India in the Victorian age.  
7th. London, Routledge and Kegan Paul, 1950.

Ehrlich, E. Fundamental principles of the sociology of law. Trans.  
W.L.Moll. Harvard studies in jurisprudence, vol.5.  
Cambridge, Mass., Harvard University Press, 1936.

Gangulee, N.N. The Indian peasant and his environment.  
London, Oxford University Press, 1935.

Ghoshal, U.N. Contributions to the history of the Hindu revenue

system.

Calcutta, Calcutta University Press, 1929.

Ghoshal, U.N. The agrarian system in ancient India.

Calcutta, Calcutta University Press, 1930.

Griffiths, P. The British impact on India.

London, MacDonald, 1952.

Havell, E.B. The history of Aryan rule in India from the earliest times to the death of Akbar.

London, Harrap, 1918.

Hunter, W.W. The imperial gazetteer of India. 9 vols.

London, Trubner, 1881.

Indian Society of Agricultural Economics. Land Tenures in India.

(The Indian Famine Commissioner's Report, vol.II, part IV).

Bombay, Vora, 1946.

India's villages. a collection of articles originally published in The Economic Weekly, Bombay.

Calcutta, West Bengal Government Press, 1955.

Irwin, H.C. The garden of India or chapters on Oudh history and affairs.

London, Allen, 1880.

Jafri, S.N.A. History and status of landlords and tenants in the United Provinces.

Allahabad, Pioneer Press, 1930.

Jevons, H.S. The economics of tenancy law and estate management.

Allahabad, Economics Department, Allahabad University, 1921.

Keith, A.B. A constitutional history of India 1600-1935.

London, Methuen, 1936.

Khan, N.A. Land, landlord and legislation.

Lucknow, Universal Publishers, 1947.

Knowles, L.C.A. The economic development of the British overseas empire. 2 vols.

London, Routledge, 1924 and 1930.

Khusro, A.M. Economic and social effects of jagirdari abolition and land reforms in Hyderabad.

Hyderabad, Osmania University Press, 1958.

Kuznets, S., Moore, W.E., and Spengler, J.J. Economic growth: Brazil, India, Japan.

Durham, N.C., Duke University Press, 1955.

Lewis, O. Village life in northern India. Studies in a Delhi village.

Urbana, University of Illinois Press, 1958.

- Mahesh Chand. Economic problems in Indian agriculture.  
2nd. Bombay, Vora, 1950.
- Majumdar, D.N., Raychaudhri, H. and Datta, K.K. An advanced history of India.  
London, MacMillan, 1950.
- Malaviya, H.D. Land reforms in India.  
New Delhi, All-India Congress Committee, 1955.
- Marriott, McK. Village India. Studies in the little community.  
Chicago, University of Chicago Press, 1955.
- Martin, M. The history, antiquities and topography and statistics of eastern India. 3 vols.  
London, Allen, 1838.
- Misra, B.R. Land Revenue policy in the United Provinces under British rule.  
Benares, Nand Kishore, 1942.
- Misra, B.R. V for Vinoba. The economics of the Bhoodan movement.  
Calcutta, Orient Longmans, 1956.
- Moore, F.J. and Freydis, C.A. Land tenure legislation in Uttar Pradesh. (Modern India project monograph no.1, South Asia Studies Institute, Institute of East Asiatic Studies, University of California.)  
Berkeley, University of California Press, 1955.
- Moreland, W.H. The agrarian system of Moslem India.  
Cambridge, Heffer, 1929.
- Moreland, W.H. The revenue administration of the United Provinces.  
Allahabad, Pioneer Press, 1911.
- Moreland, W.H. and Chatterjee, A.C. A short history of India.  
London, Longmans Green, 1936.
- Mukherjee, R.K. (ed) Economic problems of modern India. vol. I.  
London, MacMillan, 1939.
- Mukherjee, R.K. (ed) Fields and farmers in Oudh.  
Madras, Longmans Green, 1929.
- Mukherjee, R.K. Land problems of India.  
London, Longmans Green, 1933.
- Narayan, S. India's current problems.  
New Delhi, Indian National Congress, 1958,
- Nehru, J.L. An autobiography with musings on recent events in India.  
London, John Lane, 1936.

- Nehru, J.L. The discovery of India.  
3rd. London, Meridian Books, 1951.
- Park, R.L. and Tinker, I. Leadership and political institutions in India.  
Princeton, N.J., Princeton University Press, 1959.
- Parsons, K.H., Penn, R.J. and Raup, P.M. Land tenure: proceedings of the international conference on land tenure and related problems in world agriculture held at Madison, Wisconsin, 1951.  
Madison, University of Wisconsin Press, 1956.
- Patel, G.D. The Indian land problem and legislation.  
Bombay, Tripathi, 1954.
- Pillai, P.P. Economic conditions in India.  
London, Routledge, 1925.
- Planning Commission, Government of India. Progress of land reforms.  
New Delhi, Publications Division, January 1955.
- Planning Commission, Government of India. The new India: progress through democracy.  
New York, MacMillan, 1958.
- Rhys-Davids, T.W. Buddhist India.  
3rd. Indian ed. Calcutta, Susil Gupta, 1957.
- Sampurnanand, Misra, B.R., Prasad, A.J., Khan, N.A., and Srivastava, G. Abolition of zamindari.  
Lucknow, Oudh Publishing House, 1946.
- Sarkar, J.N. Fall of the Mughal Empire. 4 vols.  
Calcutta, M.C.Sarkar, 1932-1950.
- Sen, B. Indian land system and land reforms.  
Delhi, People's Publishing House, 1955.
- Sen, G.E. Voiceless India.  
Indian ed. Benares, Indian Publishers, 1946.
- Singh, Charan Abolition of Zamindari.  
Allahabad, Kitabistan, 1947.
- Singh, Charan Agrarian revolution in Uttar Pradesh.  
(Lucknow), Publications Bureau, Information Department, U.P., (1957).
- Singh, T. Poverty and social change.  
Calcutta, Longmans Green, 1945.
- Sleeman, W.H. Rambles and recollections of an Indian official.  
Revised and annotated by V.A.Smith.  
London, Oxford University Press, 1915.

Spear, P. India, Pakistan and the West.

3rd. London, Oxford University Press, 1958.

Thompson, E. and Garratt, G.T. Rise and fulfilment of British rule in India.

Indian ed. Allahabad, Central Book Depot, 1958.

Thorner, D. The agrarian prospect in India.

Delhi, University of Delhi Press, 1956.

Thornnton, E. A gazetteer of the territories under the government of the East India Company and the native states on the continent of India. 4 vols.

London, Allen, 1854.

United Provinces . Provincial Congress Committee. Congress agrarian enquiry committee report.

U.P.P.C.C., 1936.

Vakil, M.H. Land taxation and tenures in India. A historical-juridical study.

Bombay, Indian Institute of Sociology, 1937.

Wilson, H.H. A glossary of judicial and revenue terms and of useful words occurring in official documents relating to the administration of British India ed. A.C.Basu and N.D.Gangulee.

Calcutta, Eastern Law House, 1940.

Wiser, W.H. The Hindu Fajmani System.

Lucknow, Lucknow Publishing House, 1936.

Wiser, C.V. and W.H. Behind mud walls.

New York, Smith, 1930.

Woodruff, P. The men who ruled India. 2 vols.

London, Cape, 1953.

## 2. UNPUBLISHED WORKS.

Crane, R.I. The Indian National Congress and the Indian agrarian problem, 1919-1939. An historical study.

Ph.D. dissertation, Yale University, 1951.

Microfilmed typescript, University of Tasmania Library.

Neale, W.C. The relationship of land tenure to the economic modernization of Uttar Pradesh.

Ph.D. thesis, London School of Economics, University of London, 1953.

Microfilmed typescript, University of Tasmania Library.

## 3. ARTICLES IN PERIODICALS AND PUBLISHED WORKS.

Asthana, K.S. "A social and economic survey of village Malhera,



District Hardoi"

Mukherjee (ed) Fields and farmers in Oudh, pp.1-131.  
Madras, Longmans Green, 1929.

Campbell, G. "Temure of land in India".

Cobden Club, Systems of land temure in various countries, 145-227.  
2nd. London, MacMillan, 1870.

Cohen, B.S. "The changing status of a depressed caste".

Marriott (ed) Village India, pp.53-77.  
Chicago, University of Chicago Press, 1955.

Cook, W.W. "Ownership and possession".

Seligman (ed), Encyclopaedia of the Social Sciences, vol.XI, 521-525  
15 vols. New York, MacMillan, 1933.

Dantwala, M.L. "Problems in countries with heavy pressure of population on land: the case of India".

Parsons (ed); Land Temure: proceedings of the international conference ... held at Madison, Wis., 1951; pp.134-145.

Madison, University of Wisconsin Press, 1956.

Dayal, H.H. "Agricultural labourers: an inquiry into their conditions in Unnao District".

Mukherjee (ed), Fields and farmers in Oudh, pp.225-298.  
Madras, Longmans Green, 1929.

Jagdish Raj, "The revenue system of the nawabs of Oudh"

Journal of the Economic and Social History of the Orient, vol.II, part 1, pp.92-104.

Leiden, E.J.Brill, January 1959.

Jha, A.N. "Agrarian reform in the state of U.P., India".

Parsons (ed), Land Tenure: proceedings of the international conference ... held at Madison, Wisconsin, 1951; pp.146-152.

Madison, University of Wisconsin Press, 1956.

"Land reform and agricultural production".

Parsons (ed), Land tenure: proceedings of the international conference ... held at Madison, Wisconsin, 1951; pp.575-582.

Madison, University of Wisconsin Press, 1956.

Majumdar, D.N., Pradhan, M.C., Sen, C., and Misra, S. "Inter caste relations in Gohanakallan, a village near Lucknow".

Eastern Anthropologist, vol. VIII, no. 3-4, pp.191-214.  
March-August 1958.

Marriott, McK. "Little communities in an indigenous civilisation".

Marriott (ed), Village India, pp.171-222.  
Chicago, University of Chicago Press, 1955.

Marriott, McK. "Social change in an Indian village".

Economic Development and Cultural Change, no.2, June 1952, pp.145-158.  
Chicago, Research Centre in Economic Development and Cultural Change, University of Chicago.

Marriott, McK. "Social structure and change in a U.P. village".  
India's Villages, pp.96-109.  
Calcutta, West Bengal Government Press, 1955.

Mukherjee, R.K. "land tenures and legislation".  
Mukherjee (ed) Economic problems of modern India. vol.I, pp218-245.  
London, MacMillan, 1939.

Mukherjee, R.K. "Land tenure - India".  
Seligman (ed), Encyclopaedia of the Social Sciences, vol.IX, pp110-112.  
15 vols. New York, MacMillan, 1948.

"North-Western Provinces"  
Hunter (ed), The imperial gazetteer of India, vol.VII, pp.158-179.  
London, Trubner, 1881.

Opler, M.E. "Factors of tradition and change in a local election  
in rural India".  
Park and Tinker (ed), Leadership and political institutions in  
India, pp.137-150.  
Princeton, Princeton University Press, 1959.

Opler, M.E. and Singh, R.D. "Two villages of eastern Uttar Pradesh  
(U.P.) India: an analysis of similarities and differences".  
American Anthropologist, vol.54, no.2. part 1, pp.179-190.  
1952.

"Oude"  
Thornton, A gazetteer of the territories under the government of the  
East India Company. vol IV, pp. 24-45  
London, Allen, 1854.

"Oudh Province".  
Hunter, The imperial gazetteer of India, vol. VII, pp 210-237.  
London, Trubner, 1881.

Saksena, G.S. "An agricultural survey of Babhshi-ka-Talab, district  
Lucknow".  
Mukherjee (ed), Fields and farmers in Oudh, pp.133-224.  
Madras, Longmans Green, 1929.

Singh, C. "Salient features of revised land records manual".  
U.P. Information, pp.47-48.  
(Lucknow, Publications Bureau, Ministry of Information, U.P.),  
26 January 1953.

Thorner, D. "India's agrarian revolution by census redefinition".  
Indian Economic Review, vol.III, no2.  
Delhi, School of Economics, Delhi University, August 1956.

Thorner, D. "Long term trends in output in India".  
Kuznets (ed), Economic growth: Brazil, India, Japan. pp103-128.  
Durham, N.C., Duke University Press, 1955.